

4th Annual Michael Golds Memorial AD/HD Conference

GETTING AN APPROPRIATE IEP FOR YOUR YOUNGSTER THE FIRST TIME

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Statutory Framework: Federal Law

Individuals with Disabilities Education Act (IDEA of 1999); formally entitled Education for All Handicapped Act. (EHA), 20 U.S.C. 1400, et seq., enacted 1875; 34 Code of Federal Regulations, et seq. (CFR), section 300.xxx, et seq.

IDEA has six principles that provide the framework around which special education services are designed and provided to students with disabilities.

1] FAPE

The law guarantees that each eligible child with a disability will have available a free appropriate public education (FAPE).

2] Appropriate evaluation

"The foundation of this principle has been the law's long standing commitment to the use of evaluation procedures that assure all children with disabilities are appropriately assessed for purposes of eligibility determination, educational programming and individual performance monitoring. The legislation has always had a commitment as well to ensuring that testing and evaluation materials were selected and administered so as not to be racially or culturally discriminatory."

3] IEP

"This principle corresponds directly to the central purpose of the law—to ensure that each student with disabilities has available an appropriate education. The law requires this education to be appropriate and individualized. Thus, in practice, this principle is manifested concretely as the Individual Education Program, or IEP, which is a document of great importance in the life of each student with disabilities."

IDEA is very specific about what must be contained in the IEP, who develops it, and what the public agency's obligation to provide the special education and related services that are identified in the IEP.

4] LRE

Least Restrictive Environment is: "...the presumption that children with disabilities are most appropriately educated with their nondisabled peers and that special classes, separate schooling or other removal of children with disabilities from the regular education environment occurs only when the nature of 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 "Section 611 (a) (5) (A)}"

"... the U.S. Department of Education (DOE) offered clarification regarding IDEA'S LRE provisions, which state the legislation's 'strong preference for the education of students with disabilities in regular classes with appropriate aids and supports' (Hermann & Hehir, 1994, p.3)."

5] Parent and student participation in decision making:

"The law from its earliest days has required schools to involve each child's parents in developing the child's IEP. Parents must be notified, parents must give consent, parents' input must be solicited and considered. Student involvement has grown over time across various amendments."

"Students can be members of their IEP Team and, as such they can speak at, and even lead, their own IEP meetings".

6] Procedural safeguards

"... there are three main purposes and components to safe guards

a. to protect rights.

b. to ensure that information is provided.

c. to give a way for disputes to be resolved "Many of the procedural safeguards in the law are designed to protect student and parents rights."

**Rehabilitation Act, Section 504;
enacted 1973.; 29 U.S.C. 794a, et seq.**

Section 504 protects the rights of individuals with handicaps.

School districts must make reasonable accommodations to allow students an opportunity to successfully participate in school and school-related activities.

A person is considered handicapped if s/he meets one or more of the following definitions: has a physical or mental impairment which substantially limits one or more major life activities such as learning in school; caring for one's self; performing manual tasks, etc. Impairments may include: ADHD, Behavioral difficulties, etc., has a record of history of such an impairment, is regarded as having such an impairment.

American with Disabilities Act (ADA); enacted 1990

Is seldom used at public school level as Section 504 covers the same issues.

REFERRAL PROCESS:

Pre-referral interventions including instructional / modification / accommodations are implemented in the general education settings.

Referral is through a formal written document asserting suspicion of the student having a disability. The referral can be initiated by a parent or the district. Parent notification with a consent form dated immediately following the referral.

Staff has 10 days to contact parent and request consent. Parental Consent/Procedural Safeguards by consent forms being sent to parent asking for informed consent with permission for the evaluation process to proceed.

Evaluation by Multidisciplinary Team (MET) which can take up to 30 days. MET meeting with parents invited to attend and the eligibility recommendation is documented by the staff.

HOW TO PREPARE FOR YOUR IEP MEETING

Obtain School Records

Request School Records in writing (keep a copy of everything!!!). (Sample letter enclosed.)

Obtain Private Records

Request Private Records in writing. (Sample letter enclosed.)

Medical, psychological, and private school records are to be included.

Organize your personal records chronologically backwards. Continue to keep your parent log.

Organize the school records, private records, and your personal information chronologically with the most current on top and place them in a 3 hole ring binder.

Note any missing records from school records.

Carefully reread all records and take notes on important facts, incorrect facts, etc.

Request in writing district or private evaluations that you feel are missing.

Request in writing an independent education evaluation if you disagree with the district's evaluation or secure a private evaluation at your expense.

Write a letter to correct errors in the files.

Be sure that the district has all of the information it needs for the MET meeting and determination of eligibility.

Pick up or order all publications from the state and local school district related to your student's suspected disability.

Familiarize yourself with the district's responsibilities to your student.

Make yourself a full and equal participant in the IEP development by being prepared.

Review all evaluations and be sure you understand the numbers involved in testing and measurements.

(Review and know the protocols of standardized tests completed by your child). Review 'recommendations' by staff and by private evaluators and write them out.

If you disagree with district recommendations, request an IEE in writing.

Review the procedural safeguards form before the meeting. Familiarize yourself with educational terms and know about FBATs, BIPs, IEEs, etc. (glossary included)

Read and reread the regulations and read the Q and A in the Appendix.

Secure a blank copy of the IEP form from your district. (You can download the State form off of the Internet.)

Read the IEP form carefully and make written notes for each item.

Student certification and services are determined by the student's NEEDS. Make a thorough and complete list of your student's needs Include academic, behavioral, social and emotional needs. Refer to the records you have (teacher comments, recommendations in evaluations, discipline reports, report cards, etc.). This is your evidence. Quote comments written by staff or clinicians and include name and date. Include a list of supplementary aids and services (Assistive Technology, Social Work, direct instruction, OT, etc.)

Make a thorough list of your parent concerns *and then wait to prioritize them a day later.*

Make a list of what you feel that the district needs to do for your youngster to be successful in the school environment.

(This will help you with writing out your concerns and your youngster's needs).
Again prioritize and wait a day to review them.

Have your youngster tell you his/her concerns and interests.

Make a written list of your youngster's strengths. List student's Post-Secondary Interests and goals (optional).

If your youngster is 14 or older, familiarize yourself with Transition Services.

To the best of your ability (and using school records) write out your youngster's Present Level of (Educational) Performance (PLOP) - including behaviorally and emotionally.

Print out and copy your finalized lists of parent concerns, student's concerns, student's needs, students strengths and weaknesses for dissemination at the IEP (if you wish).

Write out a one page (or less) parent letter explaining your student from the home and family and school perspective --you have known the youngster longer than anyone. You can read this at the IEP and you can give copies out if you wish.

Learn the difference between an objective and a benchmark.

Be sure that you know what is a "measurable" goal.

THE ACTUAL IEP MEETING:

The members of the IEP team: Parents, one regular education teacher, one special education teacher, a representative of the LEA who is qualified to provide district resources, an individual who can interpret instructional implications of evaluation results (may be one of the above), other individuals with knowledge of special expertise regarding the child, the student and for transition components of the IEP, representatives for agencies to be involved in the transition must be invited.

Contents of the IEP must include:

A statement of the child's present level of performance including how the disability affects the child's involvement and progress in the general curriculum.

A statement of measurable annual goals, including benchmarks.

A statement of the special education and related services and supplementary aids and services to be provided.

An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class.

A statement of any individual modifications in the administration of State or district wide assessment of student achievement that are needed in order for the child to participate in such assessment.

The projected date for the beginning of the services and modifications; and the frequency, location and duration.

A statement of how the child's progress toward the annual goals will be measured and how the parents will be regularly informed Beginning at age 14 and updated annually, a statement of the transition services needed.

In developing the IEP the team shall consider and document:

The strengths of the child and the concerns of the parents.

The results of the initial and most recent evaluation of the child.

Communication needs and language needs Whether assistive technology services and devices are needed Discuss if behavior is impeding learning or the learning of others and consider strategies and positive behavioral interventions.

Legally Correct IEPs

All of the child's Unique needs arriving from the disability must be addressed.

The availability of services may not be considered.

The IEP is a firm, legally binding commitment of resources. IEPs must be Individualized. All of the components of the IEP must have measurable goals and objectives and a statement of the specific special education and related services that are to be delivered.

Parent Role:

Be factually prepared and bring all of your files and your lists of concerns, needs, etc. as stated above. Be factual, not historical or emotional!!!!

Additional comments:

In order to describe how the disability adversely effects education performance, parents must look to all areas of the child's performance in school, including academic achievement, emotional difficulties, impaired social skills, behavioral difficulties, disorganization, tardiness, absences, etc. Education performance will be different in each child and determined on an individual basis, "including non-academic and academic skills."

Existence of the disability alone is not enough. You have to prove the adverse effect on your child's school work or social behavior. The youngster does not have to be failing to qualify. While failing grades may be one indicator of a disability, the 1999 Regulations state that progressing from grade to grade will not automatically disqualify the student. 34 C.F.R. §300.26.

Special Education services do not require that the child be placed into a "Special Education Class" but does require "specially designed instruction, at no cost to the parents, to meet the unique needs of the child." 34 C.F.R § 300.26.

Services in the entire continuum must be considered: regular classroom, resource room, home tutoring, Special Education, Special Education classrooms, special schools, day treatment (including mental health component), residential treatment, etc.

§504 or IDEA???

§504 has looser eligibility requirement and requires special education services OR related services (taking meds, and certain accommodations)

- a. many districts have little dedicated §504 delivery systems and it is not funded.
- b. Procedural safeguards of IDEA are not available.
- c. §504 is more flexible and less stigmatizing.

IDEA has stronger procedural safety and suspended students are still entitled to FAPE and parents have due process rights in these instances, and the student has the right to "stay put".

LEAST RESTRICTIVE ENVIRONMENT (LRE) and INCLUSION:

Once the IEP is developed and the needs and services are developed for the student, the placement decision comes. The law requires that services be delivered in the LEAST RESTRICTIVE ENVIRONMENT. Under IDEA, schools are required to ensure that students with disabilities: "...educated with children who are not disabled and special classes, separate schooling or other removal of children with disabilities from the regular education environment occurs only when the nature of severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. IDEA, 20 U.S.C. 1412(a)(5) (1997)

The term used to describe special education services that are delivered in regular education settings is INCLUSION.

Inclusion is an educational placement philosophy that has replaced separating students with disabilities from their typical peers. Inclusion is an interdisciplinary team planning approach. Teachers use a differentiated instructional model.

BEHAVIOR PLANS:

Positive Behavior Support for ALL Michigan Students. IDEA specifies that the IEP must consider whether the student's behavior significantly impedes the learning of the student or that of others. If behavior is a significant concern, the team must develop strategies that include positive behavior interventions and support, as appropriate. FABs or FBATs (Functional Behavior Assessment) and BIPs (Behavior Improvement Plans) do not need to be included in an IEP, a strong well-written BIP is vital to IEP development.

**Thank you for attending the
4th Annual Michael Golds Memorial
Conference.**

Brought to you by:
Oakland Community College
The Michael Golds Memorial Fund
CHADD of Michigan

We hope you'll join us again next year!!!

Information on the 2004 Michael Golds Memorial Conference
Should be available by mid-Summer 2004 at www.chaddmi.com.

Keep up on what's new in the Michigan Area World of AD/HD:
Join the mail@chaddmi.com e-mail group.

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Glossary of Terms

ADD	Attention Deficit Disorder.
AD/HD	Attention Deficit Hyperactivity Disorder.
AI	Autistic Impaired as defined under Michigan Special Education.
Due Process	The availability of a party to seek a decision or an appeal through a fair and orderly process.
Educational Adversity	A condition that exists where a student is unable to profit from his or her educational environment when all reasonable accommodations have been exhausted. This adversity does not apply to a C grade or above student or to a student who lacks motivation to succeed.
EHA	Education of the Handicapped Act is the legislation that preceded Individuals with Disabilities Education Act (IDEA).
EI	Emotionally Impaired as defined under Michigan Special Education.
EMI	Educable Mentally Impaired as defined under Michigan Special Education.
Handicapped	A condition or combination of conditions that impairs learning as defined by Section 504 of the Rehabilitation Act or IDEA.
HI	Hearing Impaired as defined under Michigan Special Education.
IDEA	Individuals with Disabilities Education Act enacted as a federal law requiring all states to provide special education services.
LD	Learning Disabilities as defined under Michigan Special Education.
POHI	Physically or Otherwise Health Impaired as defined under Michigan Special Education.
Least Restrictive Environment	A set of procedures that ensures that students with handicapping conditions are taught with their regular education peers to the maximum extent possible.
PPI	Preprimary Impaired as defined under Michigan Special Education.

Reasonable Accommodations	Educational accommodations made for students who have defined handicaps under Section 504 or IDEA requiring educational considerations such that they can be provided with opportunities to be successful in the - least restrictive environment utilizing appropriate and available resources of the public school system.
Referral	To make a request for considerations of educational accommodations because a student cannot benefit from his/her current educational situation and because the student is suspected of having a handicapping condition as defined by either Section 504 or IDEA.
Section 504	This refers to the definition of handicapping condition found under the Vocational Rehabilitation Act of 1973. This act requires otherwise handicapped persons with equal access to educational opportunities. All students defined as handicapped under IDEA (special education) are also defined as handicapped under Section 604.
S/L	Speech and/or Language Impaired as defined under Michigan Special Education.
SMI	Severely Mentally Impaired as defined under Michigan Special Education.
SXI	Severely Multiply Impaired as defined under Michigan Special Education.
Special Education	The set of rules and regulations that identify and set forth procedures for providing programs and services for students identified as having educational handicaps as defined under Michigan Special Education as provided for by the federal law IDEA.
TBI	Traumatic Acquired Brain Injury is a new definition of handicap defined under Michigan Special Education.
TMI	Trainable Mentally Impaired as defined under Michigan Special Education.

Acronyms and Abbreviations

ADA	Americans with Disabilities Act
ADD	Attention Deficit Disorder
AD/HD	Attention Deficit Hyperactive Disorder
AG	Annual Goal
ARP	Academic Resource Programs
AI	Autistically Impaired
BHASE	Bloomfield Hills Association for Special Education
BIP	Behavior Intervention Plan
BIT	Building Instructional Team
CA	Chronological Age
CEC	Council for Exceptional Children Cognitive Impairment Services
CMH	Community Mental Health
CP	Cerebral Palsy
DD	Developmental Delay
DHH	Deaf and Hard of Hearing
DX	Diagnosis
ECDD	Early Childhood Developmental Delay
EI	Emotional Impairment
FAPE	Free Appropriate Public Education
FBA	Functional Behavior Assessment
FIA	Family Independence Agency
HI	Hearing Impairment
H/H	Homebound/Hospitalized
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Program
IEPT	Individualized Educational Planning Team
IFSP	Individual Family Service Plan
ISD	Intermediate School District
IQ	Intelligence Quotient
K-12	Kindergarten through 12' Grade
LD	Learning Disability
LEA	Local Educational Agency (Local School District)
LRC	Learning Resource Center
LRE	Least Restrictive Environment
MA	Mental Age
MACLD	Michigan Association for Children with Learning Disabilities
MET	Multi-disciplinary Evaluation Team
OCR	Office of Civil Rights
OHI	Other Health Impairment
OM	Orientation/Mobility Services
OSE	Office of Special Education - Federal
OT	Occupational Therapist
PA	Public Act
PAC	Parent Advisory Committee

PI	Physical Impairment
PLEP	Present Level of Educational Performance
PSY	Psychologist or Psychological Services
PT	Physical Therapist
RR	Resource Room
SEA	State Education Agency
SEED	Special Education for Early Development (ECDD Program)
SEI	Severe Emotional Impairment
SIL	Speech/Language Services
SLI	Speech and Language Impairment
SXI	Severe Multiple Impairment
TBI	Traumatic Brain Injury
TC	Teacher Consultant
VI	Visual Impairment

Joyce Ginsberg SAMPLE LETTER 2003
SCHOOL RECORDS REQUEST

your address

date

name of principal
name of school
address of school

Dear,.(Name of Principal),

We (I) are the parents of (name of student) who is a (grade level or special education, etc.) student. We are"Preparing for.(student's name) IEPT meeting on:(date - if you know it); and would like to have copies of (student's. name) complete school records, to include but not exclusive of progress reports, grades or report cards, discipline reports, parents' contact notes, informal assessments:, reports from outside agencies, teachers interschool comments, special education reports, etc.

Please let us know as soon as possible when we can pick up these files. We can be reached at (day, work, or evening telephone numbers or fax),

We look forward to hearing from you soon.

Sincerely,

Your name

Joyce Ginsberg SAMPLE LETTER 2003

your address

date

Name and title of Evaluator (clinician) address

Dear (Name of Clinician),

We (1) are the parents of (name of student) who is a (grade level or special education etc.) student. We are preparing for (student's name) IEPT meeting on (date - @ you know it). We need a copy of any evaluations that you have done for (name of student) over the years.

Please mail these records to us. We can be reached at (day, work, or evening telephone numbers or fax)

We look forward to hearing from you soon.

Sincerely,

Your name

Invitation to Attend an Individualized Education Program Team (IEPT) Meeting

Date: _____

Dear Parent(s):

An IEPT meeting has been scheduled for _____ for the purpose of:

- Determining eligibility for special education programs or services and, if appropriate, to develop an individualized education program (IEP).
- Reviewing/developing/revising the student's individualized education program (IEP).
- Redetermining eligibility and developing an individualized education program (IEP).
- Reviewing/developing/revising a statement of transition services.
- Other: _____

The following staff members will be represented at the IEPT meeting:

- Student's special education program/service provider _____
 - Student's general education teacher _____
 - School district representative _____
 - Multidisciplinary evaluation team member, or other person who can interpret instructional implications of evaluation results _____
 - Other(s): _____

- You may invite individuals of your choice to the meeting. Upon request of the parent, a representative of the district of residence shall be invited if the district of residence has authorized the operating district to conduct the 3-year comprehensive evaluation review.

The IEPT meeting will be held:

Date: _____ Time: _____
Location: _____ Phone: _____
Address: _____

If for some reason this time/or place is not acceptable to you, or you are unable to attend the meeting, please contact me and we can make other arrangements.

Sincerely,

NAME/TITLE

TELEPHONE NUMBER