

**IDEA - Understanding the Special Education
Process
Section 504 of the Rehabilitation Act**

504 Plans and IEPs. What's the difference?

504 Plans

- Anti-Discrimination Statute
- Section 504 of the Rehabilitation Act of 1973
- **Accommodations** (the how of learning) needed to **access** general education.
- Eligibility: Disability that prevents access.
- Less restrictive.

IEPs

- Entitlement statute
- The Individuals with Disabilities Education Act (IDEA)
- **Specially designed instruction and modifications** (the what of learning) to general education curriculum needed to make effective progress.
- Reevaluation and eligibility determined every three years.
- Eligibility: Qualifying disability that prevents the student from making effective progress without specially designed instruction and/or related services.
- More restrictive

IDEA-97 leads educators to improve educational results

With the reauthorization of IDEA-97, the IEP process became unmistakably centered on these three key points:

1. The involvement and progress of each child with a disability in the general curriculum including the addressing of the student's unique needs that are tied to the disability.
2. The involvement of parents, students, special educators and general educators in meeting the individualized educational needs of students with disabilities.
3. The critical need to prepare students with disabilities for independence and employment and other post-school activities.

IDEA-97 states that improving the educational results for children with disabilities is essential to ensuring equal opportunity, full participation, independent living and economic self sufficiency.

IDEA-97 emphasizes a collaborative approach. The IEP requirements under IDEA emphasize the importance of working cooperatively as a team.

The law expects school districts to bring together parents, students, general educators and special educators to make important educational decisions for students with disabilities.

With the combined knowledge and resources of these individuals, students will be assured greater support and subsequent success.

Student participation is important and, at times, required.

Students should also be considered important members of Team meetings. As students get older, they should become more and more active within Team meetings with their interests and preferences determining the direction for the identified goals and services in the IEP. Supporting active student participation in the Team process assists students in developing self-determination skills. Such skills are necessary in adult life.

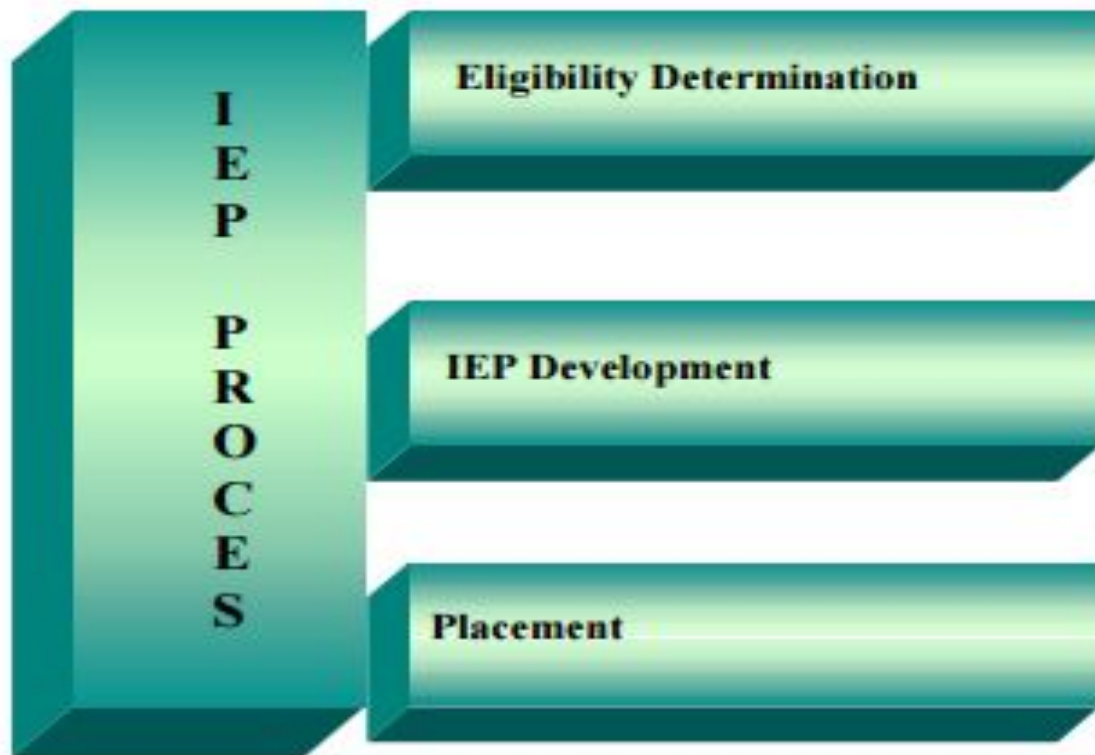
General educators play a central role.

With all students accessing the general education curriculum, general educators are vital participants in the development, review and revision of the IEP. As the experts on the general curriculum, their knowledge of the curriculum and how to modify the curriculum is vital to ensuring that a student participates in the general education environment and that a student makes progress in the general curriculum.

The general educator participates in the Team if the student is or may be participating in the general education environment. Although the general educator may not need to stay for the entire Team meeting or need to attend every Team meeting, IDEA-97 clearly includes general educators in the individualized decision-making process.

The Team process has three important, integrated steps

Under IDEA-97, the IEP process is a focal point for reaching improved outcomes for students with disabilities. The process, critically important to children with disabilities, must be carefully managed to ensure that the unique needs of the student are addressed and to ensure full compliance with statutory and regulatory requirements.



The Team has three important and integrated activities to manage. Each is of equal importance and interdependent on the quality of the other.

- 1. Eligibility determination:** The Team must first determine whether a child is eligible for special education services. This determination starts with the careful and thorough evaluation of the child in all areas of suspected disabilities.
- 2. Development of the IEP:** Next, if the Team has found the student eligible for special education, the elements of an Individualized Education Program (IEP) must be discussed, planned and then captured in a written document. Input from parents, the student, general educators and special educators is necessary to complete this service contract that sets high expectations for a student and then guides that student's special education services for the next year.
- 3. Placement decision.** Once all the elements of the IEP are determined, including services and supports, a placement decision must be made. The first placement option considered for each student with a disability must be the general education classroom with the provision of needed aids and services. The law requires that students do not get placed outside of the general education classroom unless their disability requires another setting. The Team must always consider the unique needs of the student before making the final placement determination.

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Parent, professional or school personnel identifies child as possibly needing special education and related services



Within 5 school days

of receipt of a referral the district must notify the parent and seek consent to evaluate before any assessment begins

Within 30 school days

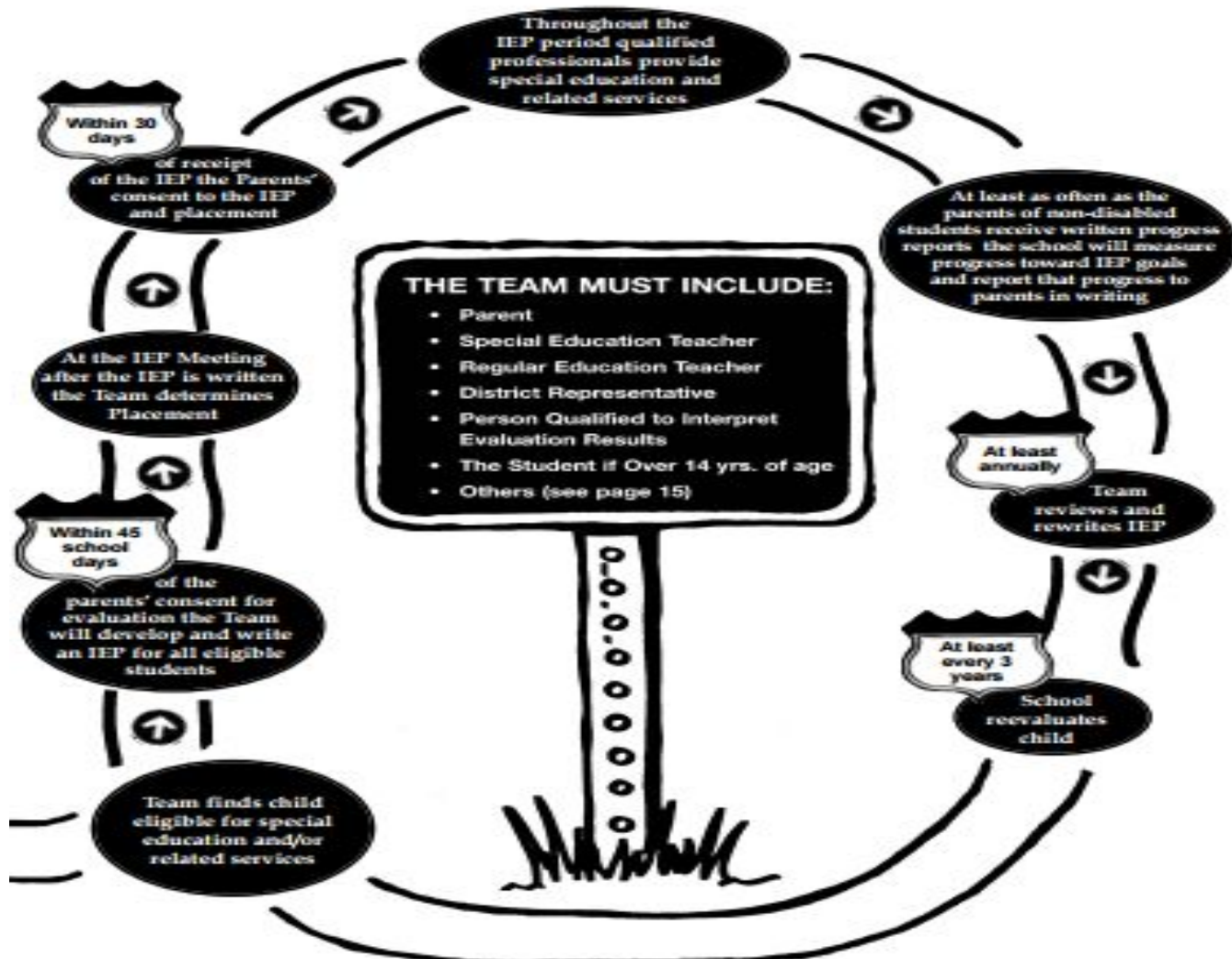
of parental consent credentialed trained specialists evaluate the child



Within 45 school days

of parents' consent the Team determines eligibility





Special Education Laws and Principles

- Special education is specially designed instruction and related services that meet the unique needs of an eligible student with a disability or a specific service need that is necessary to allow the student with a disability to access the general curriculum.
- The purpose of special education is to allow the student to successfully develop his or her individual educational potential. Along with providing services to the child, if necessary, services are provided to parents and to teachers for the student to benefit from special education. Special education is provided by the school district at no cost to parents.

In Massachusetts, the special education system is based on the federal special education law, the Individuals with Disabilities Education Act (IDEA), in combination with the state's special education law (MGL c. 71B). These laws protect students with disabilities who are eligible for special education and guarantee them an Individualized Education Program (IEP) designed to meet their unique needs.

Special Education Law is organized around the following six principles:



1. Parent and Student Participation



2. Appropriate Evaluation



3. Individualized Education Program (IEP)



4. Free and Appropriate Public Education (FAPE)



Parent and Student Participation

- Parents and students are partners with the school district throughout the entire special education process.
- Students are the focus of the special education process. The Team should be aware of the interests and concerns of the student, no matter what their age. Moreover, as the student grows older active participation of the student is important. In fact, once the student is 14 years of age (or earlier, if appropriate), the law instructs the Team to include the student at the meetings as an active participant. As members of the Team, the student and parent have a voice in all discussions.

Appropriate Evaluation

- The law provides a number of protections to ensure that each student receives regular, appropriate, and comprehensive evaluations. Before a determination can be made as to whether or not a student is eligible for special education, an evaluation of the student's educational strengths and needs must occur.

Referral For Evaluation

- Referral for a special education evaluation is the first step in the process of determining if a student should receive special education services. The evaluation should examine all areas of suspected disability and provide a detailed description of your child's educational needs.

The evaluation should answer these questions:

- 1. Does the child have a disability? What type?
- 2. Does the disability cause the child to be unable to progress effectively in regular education?
- 3. Does the child require specially designed instruction to make progress or does the child require a related service or services in order to access the general curriculum?

Child Find

- Child Find requires all school districts to identify, locate and evaluate all children with disabilities, regardless of the severity of their disabilities. This obligation to identify all children who may need special education services exists even if the school is not providing special education services to the child.

Eligibility

- The answer to each of the above questions should be “yes” in order to determine that a child is eligible for special education services.
- The law states that lack of instruction in English or mathematics cannot be the only reason that a student is found eligible for special education, nor can the fact that a student has limited skills in speaking or understanding English if he or she speaks and understands another language. Students also cannot be determined eligible for special education just because they cannot follow the school’s discipline code or because they are “socially maladjusted.” For students not found to be eligible for special education the Team should explore other programs and supports available within the school.

How long will the evaluation process take?

- Evaluations must be completed within 30 school days of the parent's written permission for evaluation.
- Within 45 school working days of the school's receipt of parent permission in writing, a Team meeting must be held to talk about the evaluations to determine eligibility and to complete the IEP for an eligible student.



**DISABILITY
TYPES in the
Massachusetts
State Special Education
Regulations are:**

- Autism
- Developmental Delay
- Intellectual Impairment
- Sensory Impairment
Hearing/Vision/Deaf-Blind
- Neurological Impairment
- Emotional Impairment
- Communication Impairment
- Physical Impairment
- Health Impairment
- Specific Learning Disability

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Team Members



Each Team must include:

You, the parent(s) or guardian(s);

At least one of your child's special education teachers and/or providers;

At least one of your child's regular education teachers if the child is or may be participating in the regular education environment;

Other individuals or agencies, invited by the parent or the school district;

Someone to interpret the evaluation results and explain what services may be needed; and

Your child if they are between the ages of 14-22 (More Information on Transition to Adult Living or What is transition planning for older children? see pg 26.);

In addition, other people or agencies that have special expertise or knowledge of your child.

from IDEA

Team Members continued

- Each Team must have one member who knows what services and resources are available to the school district. The law requires that this individual have the authority to commit the resources of the school district so that decisions about services can be made at the Team meeting.
- At the Team meeting, the members of the Team must consider all information and evaluation results to decide if the student is eligible for special education services.

Three-Year Evaluation

- Every three years the school will request consent to conduct a three-year reevaluation. The school can also recommend that the evaluation information they have is sufficient to know that your child continues to be eligible and is also current enough to write an appropriate IEP. In that case, the school may recommend that no assessments are necessary.
- This helps to prevent “over-testing”, but it should not prevent evaluation that you or the school believes is needed

IEP - Individualized Education Program

- An Individualized Education Program (IEP) is developed at the Team meeting and represents a formal agreement about the services that the school will provide.
- Input from parents and students is key IEP information.

Participation in the General Curriculum:

- The federal law, IDEA, states that students with disabilities should participate in the general curriculum. The term “General Curriculum” means the same curriculum that their nondisabled peers are learning. The IEP, therefore, does NOT design a curriculum, rather, the IEP designs the services that the student needs to enable them to make progress in the general curriculum, and to help them be successful in the life of the school.

Other Educational Needs

- Students with disabilities who are found eligible for special education often have areas of need beyond the general curriculum. These areas of “Other Educational Need” must also be addressed in the IEP.

Determining services

- When considering both the general curriculum and other educational needs, the Team will consider specific accommodations, modifications, and services to assist the student to reach their best educational performance.
- The Team considers whether it is necessary to adapt the content (change the complexity of information being taught). The Team also considers whether it is necessary to adapt the methodology or delivery of instruction (change in the way the information is taught) or the performance criteria of the classroom (change the way the student expresses what they have learned)

Annual Goals

- Once the Team has explored the student's current educational performance and the types of assistance the student will need to improve his or her progress, the Team will turn its attention to what the student can be expected to be doing during the year in order to demonstrate effective progress.



A good goal has five essential parts and may be determined by answering these simple questions.

- Who? - your child
- What will be achieved? - skill or behavior
- How? - in what manner or to what level?
- Where? - in what setting or under what conditions?
- When?- at what point in the IEP period ?

Benchmarks

- Measurable Annual Goals are broken down into smaller pieces called objectives or benchmarks. They begin with what the student can do (present level of performance) and are observable accomplishments.
- Objectives are the smaller steps or milestones your child needs to make in order to reach the annual goals written on their IEP

Accommodations

Accommodations are practices and procedures that enable students with disabilities to access instruction and demonstrate their abilities rather than their disabilities.

Accommodations must be used consistently for both classroom instruction and assessments.

Accommodations typically fall under the following categories:

- Presentation Accommodations
- Response Accommodations
- Setting Accommodations
- Timing/Scheduling Accommodations
- Assistive Technology



Modifications

Modifications allow students with impairments that significantly affect performance an opportunity to participate in the learning experience.

Modifications include strategies that change the level of learning expectation or fundamentally alter education requirements. They also invalidate assessment results.



Note: Modifications and accommodations are not the same.

Replacement Programs,
LLD Programs

What is transition planning for older students?

- Effective transition planning is based upon the student's goals or vision. IDEA requires that, beginning at age 14, planning for the transition to adult living must be part of the IEP. The student should be invited to attend Team meetings. For students who may be receiving services from adult service agencies, representatives of these agencies should also be invited to the Team meeting when transition is being discussed.
- Transition planning and services should be reflected in the Other Educational Needs section of the IEP and can include preparation for post-secondary education, vocational training, employment, and independent living.

Free and Appropriate Public Education (FAPE)

- A child who is eligible for special education services is entitled by federal law to receive a Free Appropriate Public Education (FAPE). FAPE ensures that all students with disabilities receive an appropriate public education at no expense to the family. FAPE differs for each student because each student has unique needs. FAPE specifies that needed services must be provided without cost to the family.

Least Restrictive Environment

- The federal law, IDEA, mandates that students with disabilities must be educated with their non-disabled peers to the maximum extent appropriate based on the student's needs. This is known as the Least Restrictive Environment (LRE). The Team (including the parent) determines the placement that the student needs to provide the services on the student's IEP and the Team must choose the least restrictive environment able to provide those services. This means that the student should attend the school he or she would attend if nondisabled, unless the Team determines that the nature of the student's disability will not allow that student to have a successful educational experience in that environment.

Procedural Safeguards

- Specific procedures that protect the rights of students and parents with disabilities are meant to help make the complicated special education process more predictable and dependable. They are designed to ensure that appropriate procedures are followed and that special education and related services are individualized for each student.

Age of Majority

- In Massachusetts, 18 years of age is the “age of majority.” Unless there has been court action giving guardianship to another adult, at 18 years of age students are considered adults and competent to make their own decisions, regardless of the severity of their disability, including decisions in all special education matters. The Massachusetts IEP form offers students age 18 and older the opportunity to delegate responsibility, if they wish. Parents and students must be notified about this transfer of rights to the student and the impact on the student and the parents at least one year before the student turns 18. When the student turns 18, he or she has full authority to consent to, or refuse, services.

don't get yourself in

Hot Water

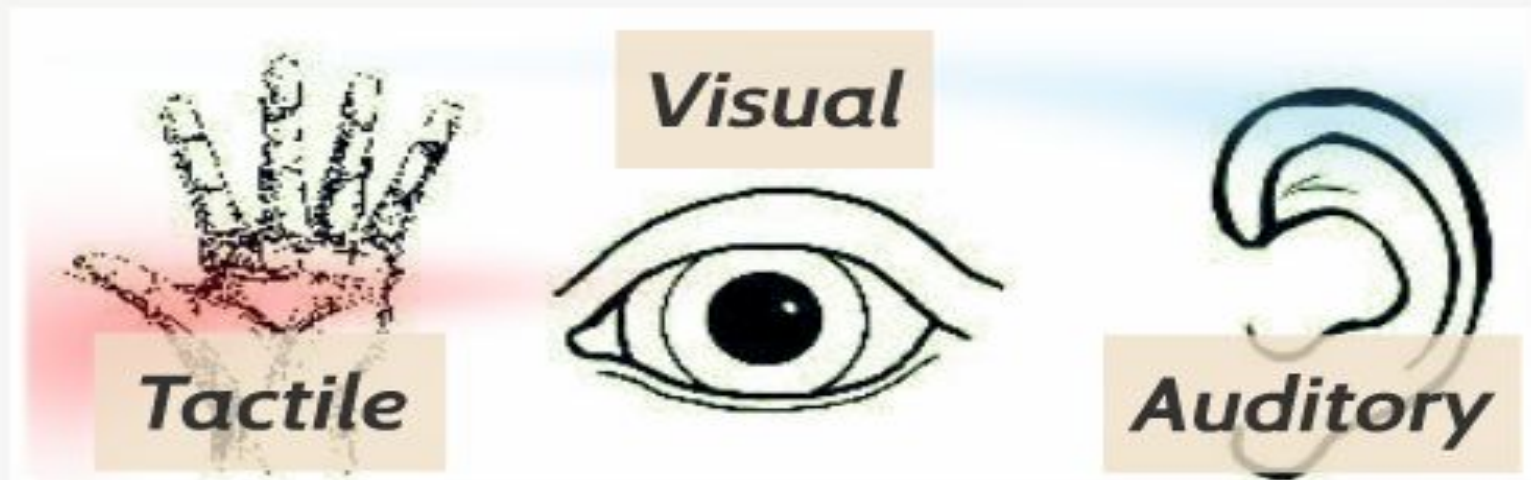
504's and IEP's are LEGAL Documents



- read them
- know your responsibilities
- ask for help & clarification
- information is **CONFIDENTIAL**

Learning Styles

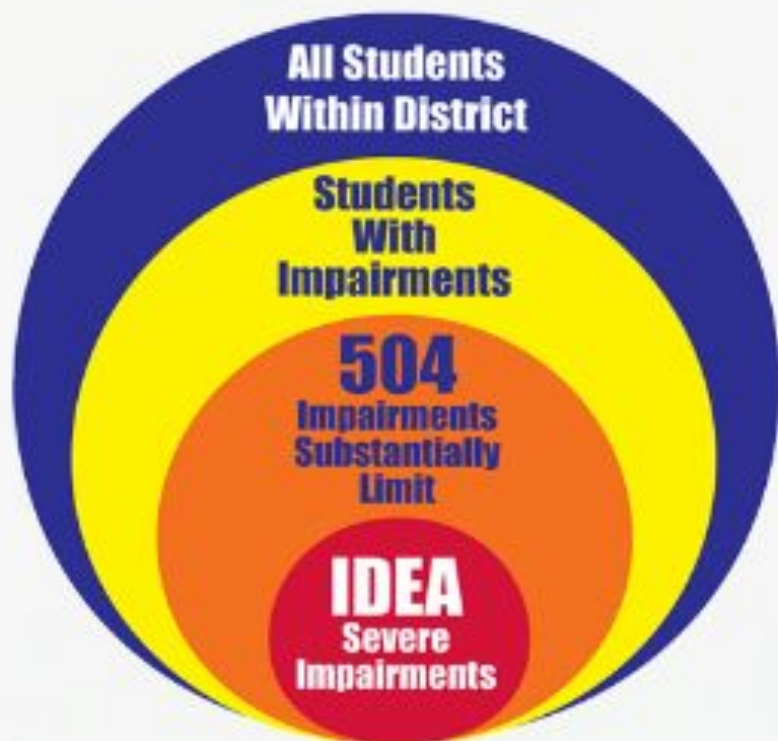
Students process information differently. Therefore, each student typically has a preferred learning style.



Teachers should use a variety of teaching methods to engage students with different learning styles.

Section 504

If a student does not meet the criteria for a disability category under IDEA, he or she may still be eligible for services under Section 504 of the Rehabilitation Act.



Section 504 is a civil rights law that protects people from disabilities from discrimination and ensures equal access to an education.

(Adapted from www.wrightslaw.com)

Section 504

Section 504 requires that schools provide the **accommodations**, and in some cases, services, designed to meet the individual education needs of students with disabilities as adequately as the needs of nondisabled students are met.

504 Eligibility

A student who has a disability or impairment that substantially limits one or more major life activities:

Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working

A student does not have to be limited in his/her ability to learn to be eligible for accommodations or services.

504 Referrals

1. The parent/guardian requests an evaluation and there is reason to suspect that the child has a disability. **OR**
2. The student is found to have a disability but to be ineligible under the IDEA. **OR**
3. Teacher observations, student behavior, or other information (e.g., notice of a diagnosis from a parent) leads the district to suspect that the student has a mental or physical impairment which substantially limits a major life activity.

504 Team

A group of persons knowledgeable about the child, the meaning of evaluation data, and the placement options.

Must include:

- Teacher(s)
- Other staff involved with the delivery of services to the student or with unique expertise
- Parents