

Preparing Parents for ARDs

A decorative horizontal bar consisting of a series of colored segments in shades of blue, yellow, green, and tan, arranged in a slightly wavy pattern across the width of the slide.

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This is heavy
stuff!!!

Ideally, the outcome
is successful
collaboration and
effective outcomes
for our children



IDEA 2004

- Passed in November 2004
- Signed by President Bush in December 2004
- Take effect July 1, 2005
- Regulations being developed as of June 2005



Helpful Links on IDEA

- www.wrightslaw.com/idea/index.htm
- www.advocacyinc.org
- www.pacer.org
- www.nichcy.org
- www.tea.state.tx.us/special.ed/rules/sbs.html

IDEA, 2004

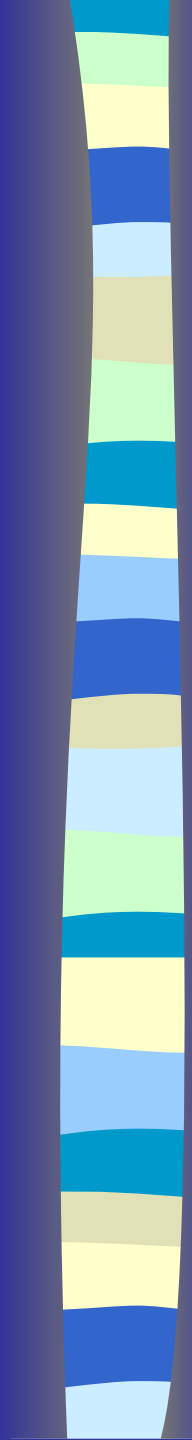
- Part A (general provisions)
 - purposes and definitions
- Part B (Assistance for Education for All)
 - formulas, FAPE, procedural safeguards
- Part C (Infants and Toddlers with Disabilities) (used to be Part H)
 - states serve 3-5, grants to agencies 0-3
- Part D (National Activities)
 - grants, technical assistance, dissemination, personnel training



General Provisions (Part B)

- Zero reject
- Free Appropriate Public Education (FAPE)
- LRE
- Identification and Evaluation
- Confidentiality
- Procedural safeguards
- Technology-related assistance
- Personnel development
- Placement in private schools
- Discipline

Covered Today

- 
- Eligibility
 - Evaluations and Independent Educational Evaluations (IEE)
 - FAPE
 - Highly Qualified Teachers
 - Procedural Safeguards (Parent Rights)
 - Related Services
 - Autism Supplement



Who Is Served by IDEA (Eligibility)?

- Must qualify for one of the following categories
- Each state has definitions
- Must need special education to benefit from education
- Serves children 0 to age 22
- If a student graduates with a regular diploma then special education services are completed
- Student would still qualify for 504

Who is Served by IDEA (Eligibility)?

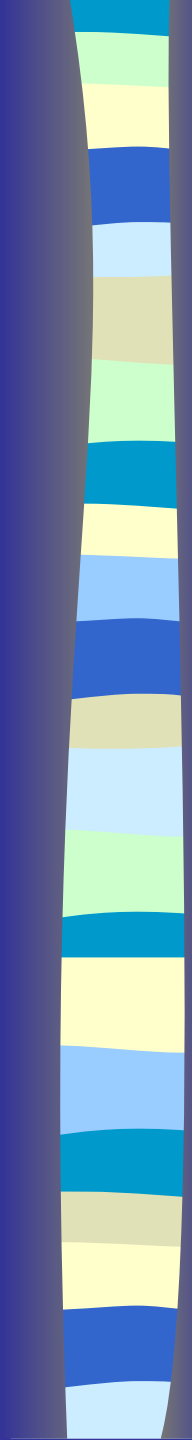
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- Autism
 - Deaf-blindness
 - Deafness
 - Hearing impairment
 - Mental retardation
 - Multiple disabilities
 - Orthopedic impairments
 - Other health impaired (ADD/ADHD here)
 - Emotional disturbance
 - Specific learning disability
 - Speech or language impairment
 - Traumatic brain injury
 - Visual impairment, including blindness
 - Developmental Delay (to age 9)



Evaluation

- Within 60 days of receiving parental consent for the evaluation
 - or, if the State establishes a timeframe within which the evaluation must be conducted
- To determine whether a child is a child with a disability (as defined in section 602)
- To determine child's educational needs

Evaluation

- 
- Must have parent's written consent prior to the evaluation
 - (A) must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent
 - (B) may not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child
 - (C) must use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors



Evaluation

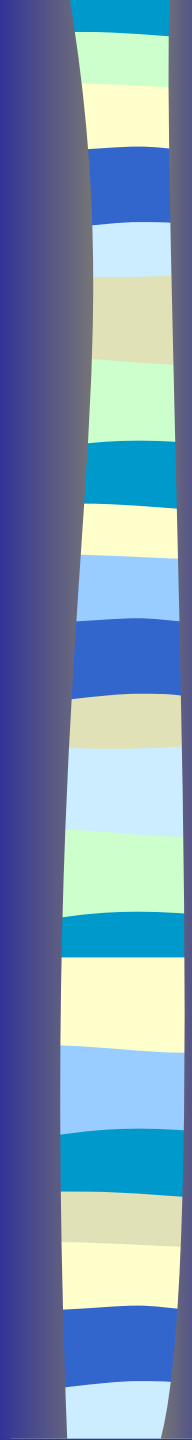
- the determination ...and the educational needs of the child shall be made by a team of qualified professionals and the parent of the child
- a copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent



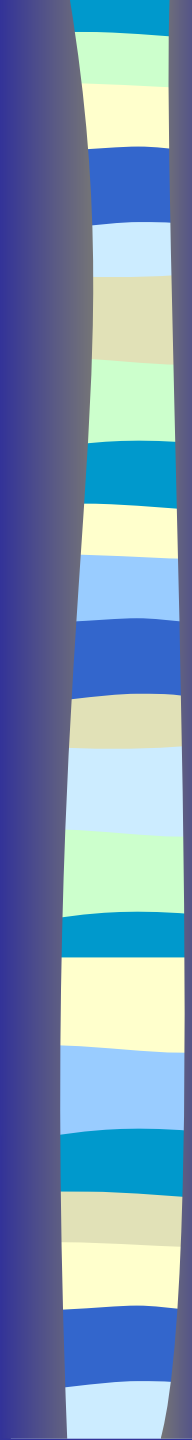
Evaluation

- Review existing evaluation data on the child, including
 - evaluations and information provided by the parents of the child
 - current classroom-based, local, or State assessments, and classroom-based observations
 - observations by teachers and related services providers; and
- On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed

IEE

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- Under the 1999 Regulations
 - IF FAMILIES DISAGREE W/SCHOOL
 - must provide info to families about where one can be obtained (on request)
 - must be paid for by school regardless of the results
 - if school thinks theirs is appropriate then they must request due process
 - if parents bring independent evaluation; school must consider it

FAPE

- 
- A. have been provided at public expense, under public supervision and direction, and without charge;
 - B. meet the standards of the State educational agency;
 - C. include an appropriate preschool, elementary school, or secondary school education in the State involved; and
 - D. are provided in conformity with the individualized education program required under section 614(d)

FAPE

■ Free

- may not deny based on limited funding
- may charge “lab fees” if others are charged

■ In accordance with the IEP

■ Related Services

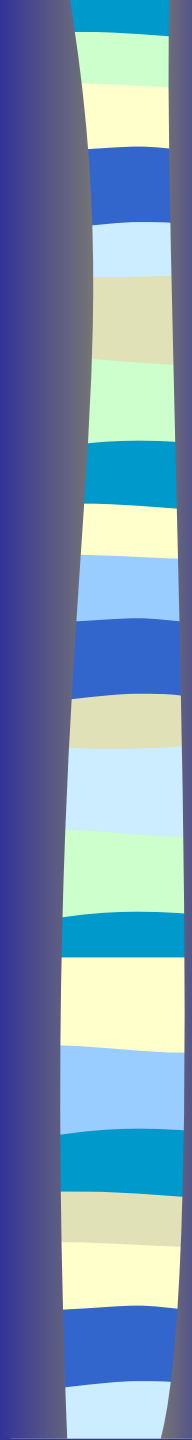
- support services needed to *benefit from education*
- Tatro 3 Part Test
 - eligible for services under IDEA
 - must be necessary to benefit from SPED
 - must be performed by nonphysician

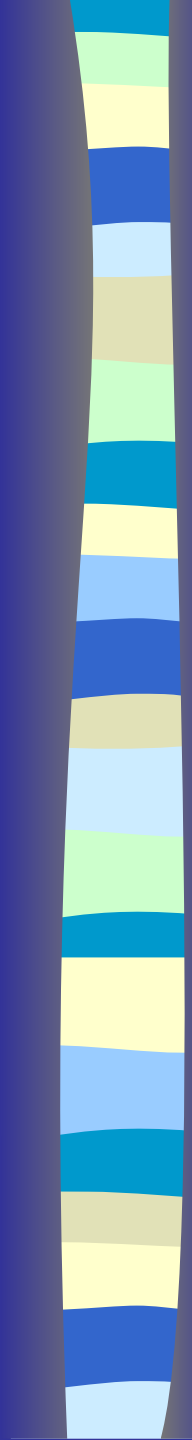
FAPE

■ Methodology

- must prove that instruction is implemented
- must prove that instruction is changed if progress is not made
- hope that someone else is not making better progress

FAPE

- 
- Extended School Year (ESY)
 - Regression
 - Recoupment
 - Critical stage of development
 - Individualized decision
 - Program based on IEP areas that showed regression



Highly Qualified (In Effect at Passing of Law)

- the teacher has obtained full State certification as a special education teacher
 - including certification obtained through alternative routes to certification
 - or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher
 - except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's public charter school law
- the teacher has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and
- the teacher holds at least a bachelor's degree.



Procedural Safeguards

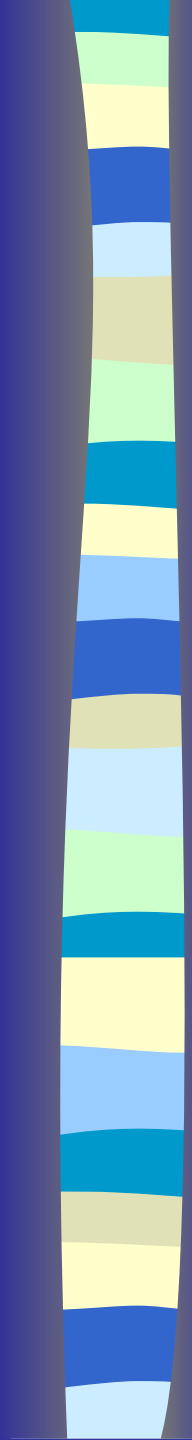
- A copy of the procedural safeguards shall be given to the parents only 1 time a year
 - upon initial referral or parental request for evaluation
 - upon the first occurrence of the filing of a complaint under subsection
 - upon request by a parent
- A local educational agency may place a current copy of the procedural safeguards notice on its Internet website if such website exists



Procedural Safeguards

- A. independent educational evaluation;
- B. prior written notice;
- C. parental consent;
- D. access to educational records;
- E. the opportunity to present and resolve complaints, including--
 - i. the time period in which to make a complaint;
 - ii. the opportunity for the agency to resolve the complaint; and
 - iii. the availability of mediation

Procedural Safeguards

- 
- F. the child's placement during pendency of due process proceedings;
 - G. procedures for students who are subject to placement in an interim alternative educational setting;
 - H. requirements for unilateral placement by parents of children in private schools at public expense;
 - I. due process hearings, including requirements for disclosure of evaluation results and recommendations;
 - J. State-level appeals (if applicable in that State);
 - K. civil actions, including the time period in which to file such actions; and
 - L. attorneys' fees

Related Services

- 
- Audiology
 - ***Counseling***
 - Early Identification and Assessment
 - Medical Services
 - OT and PT
 - Orientation and Mobility
 - ***Parent Counseling and Training***
 - Psychological
 - Recreation
 - Rehabilitation
 - School Health
 - Social Work
 - Speech Pathology
 - Transportation
 - Interpreters
 - ***Assistive Technology***

Strategies for Successful Collaboration



Developing Trust

- ARD environment should be created so that it feels safe
- ARD environment should offer reassurance and a model for interpersonal risk taking
- ARD environment should have lots of reinforcement



At the ARD

- Seating arrangement is important
 - It is NOT us against “THEM”
- Bring a friend (or 2 or 3 or 4)
- Relax
- Always take notes
- Always ask questions
- The IEP should be developed at the meeting WITH you and your input!!!! If you are uncomfortable about something, speak up
- Sign at the meeting?
 - Take it home and read it over
 - Unless you’ve seen drafts in advance



Strategies for Documentation

- Start a notebook (yesterday!)
- Document everything in writing with dates and keep a copy in the notebook
- Have a notebook for each year
- Own a copy of state guidelines and be familiar with them
- Know how to access federal guidelines:
 - <http://www.ideapractices.org/law/index.php>
- Know how to ask for an advocate should you need help



Strategies for Mediation

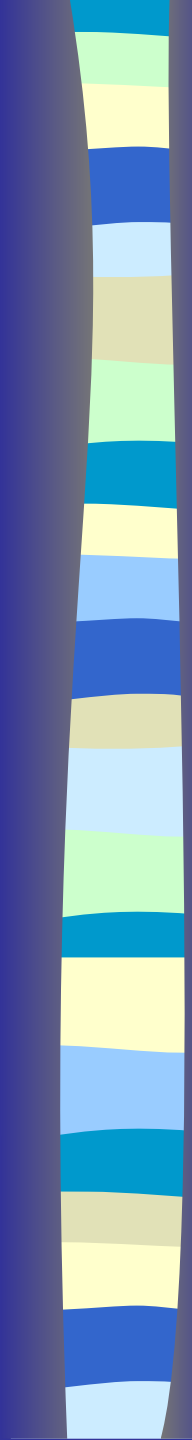
- You want to avoid this if at all possible
- Try to work **COLLABORATIVELY** with your child's school and teacher to solve disagreements
- If you cannot come to an agreement, then you can mediate
- You do not **HAVE** to mediate, you can go straight to due process if you feel your rights or your child's rights have been violated



Strategies for Mediation

- Mediation is VOLUNTARY
- The only time limit is that it must be completed in a reasonable amount of time
- All information covered in mediation is confidential and may not be used in subsequent due process hearings or civil proceedings
- The hearing officer must be impartial

Strategies for Due Process

- 
- You also want to avoid this at all costs
 - It is very time intensive
 - It is very costly
 - You may never repair your relationship with your child's teacher or school
 - You may consider filing a state complaint if you have enough documentation
 - Collaboration is much easier