

FOSTER & KINSHIP CARE EDUCATION PROGRAM

# **SPECIAL EDUCATION 101**

## **SPECIAL EDUCATION - IEP's & 504's**



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## **AGENDA / TOPICS**

- Special Education – IDEA
- Educational Rights Holders - Advocates
- Assessments
- Individualized Education Plan - IEP
- IEP Meetings
- Section 504 – 504 Plans
- Discipline
- Due Process



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## SPECIAL EDUCATION - IDEA

- **Definition** - Special education is the practice of educating students in a way that accommodates their individual differences, disabilities, and special needs. This involves the individually planned and systematically monitored arrangement of teaching procedures, adapted equipment and materials, and accessible settings
- **IDEA** – Individuals with Disabilities Education Act
  - Federal Law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children
- **California Education Code** - EC56000 et seq

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## SPECIAL EDUCATION - IDEA

### Ages & Providers

- Special Education Services to be provided to children 0 – 22
- Children 0 – 3 Receives services through Regional Centers (IFSP – Individual Family Service Plans)
- Children 3 – 22 services provided by the Local Education Agency - LEA
- Students can receive services until receiving their diploma or reach age 22
- A student may be found eligible for special education prior to their 19<sup>th</sup> birthday + EC 56026

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## **IDEA – INDIVIDUALS WITH DISABILITIES EDUCATION ACT**

### **Key words – Main Elements**

- Individual Education Plan (IEP)
- FAPE – Free and Appropriate Public Education
- Least Restrictive Environment (LRE)
- Parent & Teacher Participation
- Procedural Safeguards



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## **EDUCATIONAL RIGHTS HOLDER**

### **“Parents” under the IDEA statute**

- Parents – natural or adoptive
- Guardians
- A person acting as parent with whom the child lives with (grandparent, stepparent...)
- Surrogate parent appointed by the district
- Educational Rights Holder appointed by court judge



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## ASSESSMENTS

### How to request an assessment

- Make a request in writing include date
- Request to assess for both IDEA and Section 504 (504 plan)
- Give reason for assessment and add examples to explain concern
- Be specific about all areas of concern
- Send or give request to administrator and / or special education coordinator as well as to the teacher

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## SAMPLE IEP REQUEST LETTER

Dear (School Principal's Name),

I am writing to request an Individual Education Plan (IEP) assessment for my child (Your Child's Name), who is (Your Child's Age) old, and a student at (The School's Name). (Your Child's Name) is a student in the (Your Child's Grade Level or Class Name). (His or Her) primary instructor is (Primary Instructor or Homeroom Teacher's Name).

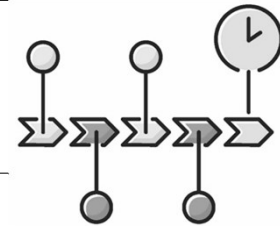
I am very concerned about (Your Child's Name's) ability to successfully achieve an education due to (His or Her) difficulties with (Name The Specific Issues Your Child Is Experiencing At School. Include Academic and Emotional Issues That Are Interfering With His/Her Ability To Maintain Successfully In The Classroom Setting.)

Therefore, (Your Child's Name) requires this evaluation in order to identify possible learning or emotional disabilities that are interfering with (His or Her) ability to achieve up to (His or Her) full potential.

I will contact you next week to schedule an appointment to begin this assessment. I can be reached at: (Give Your Mailing Address and Work, Home, and Mobile Telephone Numbers if Available.) I look forward to speaking with you soon and I appreciate your assistance in this matter.

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## ASSESSMENT TIMELINES



- Pre-referral (SST, meetings...)
- Referral – Written note /request with date
- School has **15 days** to provide an assessment plan to Education Rights Holder
- Education Rights Holder has **15 days** to sign the consent for assessments
- Assessment – school has **60 days** to complete the assessment
- School has **30 days** to hold an Initial IEP meeting once they determine if qualify
- Once signed - Implementation of plan to begin

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## WHAT MAY BE ASSESSED?

- |                        |   |
|------------------------|---|
| ▪ Health & Development | ▪ Academic Performance                      |
| ▪ Vision               | ▪ Communicative Status                      |
| ▪ Hearing              | ▪ Self-Help (orientation & mobility status) |
| ▪ Motor Abilities      | ▪ Career & Vocational abilities & interests |
| ▪ Language Function    | ▪ Social & Emotional status                 |
| ▪ General Intelligence | ▪ Developmental History                     |

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## WHO WILL DO THE ASSESSMENT?

- School Psychologist
- Nurse
- Physical Therapist
- Speech Pathologist
- Medical Doctor
- Psychiatrist
- Any person with expertise.



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## WHAT OTHER WAYS WILL THEY GATHER INFORMATION?

- The school must use a variety of assessment tools and strategies to gather functional and developmental information.
- This may include observation of the student and interviews with the family, care providers and case workers.

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## ELIGIBILITY CRITERIA

- ID – Intellectual Disability
- Hearing Impairment
- Deafness
- SLI – Speech or Language Impairment
- Visual Impairment
- Deaf-Blind
- ED – Emotional Disturbance
- Orthopedic Impairment
- Autism
- TBI – Traumatic Brain Injury
- Other Health Impaired
- SLD – Specific Learning Disability
- Multiple disabilities

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## IEP – TIMELINES

The initial IEP meeting begins your child's special education program. It must take place within 30 days after the school decides your child is eligible. Once the IEP is finalized, your child will receive services and supports.

- **Yearly** IEP review of goals and accommodations & modification – 20 USC 1414(d)(4); EC 56341.1, 56343, 56043
  - These yearly meetings review your child's progress and discuss next year's plan.
  - The goal is to revise and update your child's IEP so that it continues to meet their needs.
  - If you don't agree with the draft, it's OK to decline to sign.
- **Re-Evaluations** - youth to be re-assessed every 3 years for eligibility
- You can request an IEP meeting at anytime – Best to Request in Writing
- **Transfers to another school** – New LEA to provide "comparable" services to the existing IEP for the initial 30 days of enrollment – At that time new LEA is to adopt current IEP or make new offer of FAPE
- By the time your child is 16, the meeting will also include transition planning. At that point (if not sooner), your child will be at the IEP meetings.

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## THE IEP TEAM

*Individual  
Education  
Plan*



### Must Include:

- Education Rights Holder
- General Education Teacher
- Special Education Teacher
- Administrator

### May include:

- Speech Pathologist
- Occupational Therapist
- Advocate(s)
- Student / Youth
- Any other expert working with the youth

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## WHAT TO CONSIDER DURING AN IEP

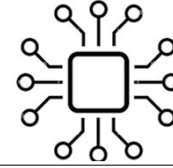
Strength of the child, concerns of the parents for enhancing the education of the child, the results of the assessment, the academic, developmental and functional needs of the child

### Also to be considered;

- **Behavioral Problems** – to include positive behavioral interventions, strategies, and supports to address behavior problems
- **Limited English Proficiency**
- **Visual Impairment**
- **Communication Needs**
- **Devices & Services** – Need for assistive technology devices or services

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## COMPONENTS OF AN IEP



- **PLAAFP.** A statement of your child's Present Level of Academic Achievement and Functional Performance (PLAAFP). This is a snapshot of who the child is and how they are currently performing.
- **Parent Input.** This is your opportunity to share insights about your child both academically and outside the school.
- **Annual Goals – Annual Educational Goals.** These should be realistic, achievable and measurable. Goals can be academic, behavioral, social or transition-based, and should always be written for identified areas of need.
- **Accommodations and Modifications.** These are changes to help your child learn the general education curriculum.
- **FAPE (Free and Appropriate Public Education).** FAPE is the public school district's offer of services and supports in the least restrictive environment (LRE) that your child needs to reach the identified goals and how they'll be delivered. There should not be variable terms, such as "as needed"; instead, the FAPE section should spell out the minimum number and times for provision of services.
- **Transition Plan.** Students who will turn 15 must have a transition goal and plan to prepare them for life after high school.

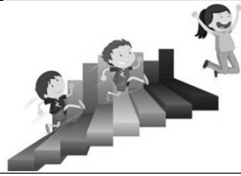
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## SMART GOALS



- **Specific:** Each goal is specific in naming the skill or subject area and the targeted goal.
- **Measurable:** The goal is stated in a way that your child's progress can be measured by standardized tests or screening.
- **Attainable:** The goal represents progress that is realistic for your child.
- **Results-oriented:** The goal clearly lays out what your child will do to accomplish it.
- **Time-bound:** The goal includes a time frame in which your child will achieve it, with the right supports and services. It also states when and how often progress will be measured

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## PROGRESS

### How to monitor progress moving forward

- Keep in mind, you don't have to wait until the yearly IEP meeting to see how your child is progressing toward IEP goals.
- Your school should provide progress reports during the year —once during the annual meeting and at least as often as when report cards are issued. Ask the IEP team when you can expect to receive those updates on your child's progress. This should be indicated in the IEP

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## ACCOMMODATIONS / MODIFICATIONS

### Differences between Accommodations & Modifications

- When a student has an Individualized Education Program (IEP) or a 504 plan, you'll likely hear the word *accommodation*. You may also hear school staff members say *modification*. While the two words sound similar, they mean different things.
- An **accommodation** changes *how* a student learns the material.
- A **modification** changes *what* a student is taught or expected to learn.

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## ACCOMMODATIONS

- Accommodations don't change *what* students learn in school. Nor do they change *what* job responsibilities people have. They change *how* people learn and *how* people get their work done.
- Accommodations also don't change the expectations for performance. They simply offer support to account for challenges.
- For example, students might get extra time to read through a word problem. But they don't get fewer problems or easier ones. And they still must take the same exams and finish the same assignments as other students.



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## RESPONSE ACCOMMODATIONS

(changes ways to complete assignments or tests)

- Give responses in a form (spoken or written) that's easier for them
- Dictate answers to a scribe who writes or types
- Capture responses on an audio recorder
- Use a spelling dictionary or digital spellchecker
- Use a word processor to type notes or give answers in class
- Use a calculator or table of "math facts"

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## SETTING ACCOMMODATIONS

- Work or take a test in a different setting, such as a quiet room with few distractions
- Sit where they learn best (for example, near the teacher)
- Use special lighting or acoustics
- Take a test in a small group setting
- Use sensory tools such as an exercise band that can be looped around a chair's legs (so fidgety kids can kick it and quietly get their energy out)



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## TIMING ACCOMMODATIONS

- Take more time to complete a task or a test
- Have extra time to process spoken information and directions
- Take frequent breaks, such as after completing a worksheet



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## SCHEDULING ACCOMMODATIONS

- Take more time to complete a project
- Take a test in several timed sessions or over several days
- Take sections of a test in a different order
- Take a test at a specific time of day



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## ORGANIZATION SKILLS ACCOMMODATIONS

- Use an alarm to help with time management
- Mark texts with a highlighter
- Use a planner or organizer to help coordinate assignments
- Receive study skills instruction



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## MODIFICATIONS

- School can be a challenge for kids with IEPs and 504 plans. And when they struggle, one possible response is to give them less schoolwork or simpler assignments. This is called an academic modification. A modification is a change to *what* a student is taught or expected to do in school.
- Modifications are changes in what students are expected to learn, based on their individual abilities

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## ASSIGNMENT MODIFICATIONS

- Complete different homework problems than peers
- Answer different test questions
- Create alternate projects or assignments



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## CURRICULUM MODIFICATIONS

- Learn different material (such as continuing to work on multiplication while classmates move on to fractions)
- Get graded or assessed using a different standard than other students
- Be excused from particular projects



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## PLACEMENT - LEAST RESTRICTIVE ENVIRONMENT

LEAST RESTRICTIVE ENVIRONMENT (LRE) MEANS KIDS WHO GET SPECIAL EDUCATION SHOULD BE IN THE SAME CLASSROOMS AS OTHER KIDS AS MUCH AS POSSIBLE

- LRE isn't a place — it's a principle that guides a child's education program.
- The LRE for each child may look different because kids are unique.
- **General education classroom with support.** A child spends the entire day in a general education class and gets supports and services like a tutor or aide, assistive technology, related services, or accommodations.
- **Partial mainstream/inclusion classroom.** A child spends part of the day in a general education class. The child gets some individual or small-group instruction in a special education class, or is pulled out of class for some services.
- **Special education class.** This is a program with specialized instruction for kids with higher level of needs.
- **Specialized program outside of the school district.** This includes private schools, residential programs, and hospital programs.
- In an inclusive classroom, general education teachers and special education teachers work together to meet the needs of students.
- This gives special education students the support they need while they stay in a general education classroom.
- All students can benefit from inclusive classrooms.

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## LEAST RESTRICTIVE PLACEMENTS

- Regular Classroom
- Regular Classroom with support services and/or modification
- Regular Classroom with the consultation of special education staff
- Regular Classroom with resource supports
- A combination of regular and special education classes
- Special Education Class (full day) – Special Day Class
- Special (district) school
- Nonpublic School
- Residential placement
- Hospital

*Least Restrictive*



*Most Restrictive*

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## EXTENDED SCHOOL YEAR - ESY

### **ESY – Extended School Year – Summer School supports**

A youth with exceptional needs is eligible for ESY if:

- The youth has a disability that is long-term or likely to continue indefinitely
- The interruption of educational services will cause the child to lose progress and the child has limited ability to regain the lost progress and
- These factors make it unlikely that the child will reach the level of self-sufficiency and independence expected in view of their disability

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## ADVOCATES



### Who can be an Advocate?

- Parents
- Care Providers
- Youth/Student
- CASA
- Attorney
- Social Worker
- Tribal Social Worker
- Relative
- Friend

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## ADVOCATING FOR YOUR YOUTH

### 8 Steps to being a good Advocate

1. Understand what it means to be an Advocate
  - Advocating just means speaking up about your concerns
2. Know it is okay to Speak up
  - It is not disrespectful to share your concerns
3. Write down your thoughts
4. Start by speaking with someone you trust
  - Share your concerns with a teacher, counselor, friend...



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## ADVOCATING FOR YOUR YOUTH

5. Ask as many questions as you need to
  - Ask about what kids this age are learning — and if your child is learning it as easily as other kids
  - If you're worried about specific things, ask about them
6. Don't be afraid to show emotion – but be respectful
  - Speaking up about your child is emotional
  - Try not to make things personal or lash out
7. Ask for extra help for your child
  - Do not be afraid to ask about what help is available
8. Keep Speaking up

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## WHAT IF YOU DISAGREE WITH THE ASSESSMENT?

If you disagree with the assessment, you may request an independent assessment at public expense.



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## WHAT IF YOUR YOUTH IS DENIED ELIGIBILITY

- Discuss the situation with school personnel
- Request a mediation conference
- File a complaint
- Request an IDEA due Process or 504 hearing



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## DISCIPLINE OF SPECIAL EDUCATION STUDENTS

**The grounds are the same, the process is different.**

- Limitations on how long a student with a disability may be removed from his/her educational program
- In some cases, a determination of whether the behavior is related to the disability must be made

**Schools must notify foster youth's attorney anytime they are suspended for discipline**

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### **3 IMPORTANT THINGS TO REMEMBER ABOUT DISCIPLINE OF STUDENTS WITH SPECIAL EDUCATION**

- Students cannot be punished for behavior that is the result of their disability
- Students with disabilities have the right to receive education, special education and related services when they are expelled or suspended from school for more than 10 days (does not need to be consecutive)
- The school administrator who is in charge of disciplining students may not know anything about their special needs OR the important steps that must be taken before imposing discipline. You may need to tell the administrator what you know

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### **2 TYPES OF DISCIPLINARY REMOVAL FROM SCHOOL FOR A STUDENT WITH A DISABILITY**

Removal for no more than 10 consecutive days

- Suspend or place in alternative setting for up to 10 days in a row
- May not create a "pattern" of removals (non consecutive days)

Removal for 45 days for weapons, drugs or dangerousness

- For weapons or drugs violation – a district may remove a student
- For dangerousness – a hearing officer must make a decision to remove the student

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## MANIFESTATION DETERMINATION

If a child is removed for more than 10 days or a change in placement is being initiated –

- Manifestation Determination Meeting
- Functional Behavior Assessment
  - Behavioral Intervention Plan



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## MANIFESTATION DETERMINATION MEETING

- Analysis of the situation by the school to determine whether the student's disability had something to do with the behavior
- It must be done within 10 days of the decision to make changes
- Members of the IEP team, including the district and parents (Ed Rights Holder) make the decision

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## THE TEAM LOOKS AT THE SITUATION AND ASKS THE 2 FOLLOWING QUESTIONS

1. Was the behavior in question caused the student's disability or did the disability have a direct and substantial relationship to the conduct?

**OR**

2. Was the behavior in question the direct result of the district's failure to implement the IEP?

- 
- If the answer is **yes** to either of these questions, the behavior is considered a manifestation of the student's disability and cannot be disciplined
  - If the answer is **no** the behavior is considered not to be related to their disability. The student may be disciplined just like a non-disabled student with one exception: The student must continue to receive educational services

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## FUNCTIONAL BEHAVIOR ASSESSMENT

**Functional Behavior Assessment is a way of understanding why  
and how a student disabilities is having difficulties in school.**

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- If a Functional Behavior Assessment has not been conducted prior to this situation one must be completed and a behavior intervention plan must be implemented
- If a FBA and plan exists; the IEP team should review it and modify it as necessary to address the behavior

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## BEHAVIOR INTERVENTION PLAN

- **Behavior Plan** uses the information from the FBA to create steps to address the student's behavior.
- **Behavior Intervention** plans should not be focused on "bad" behavior. Plans should be focused on rewards for the good behavior and the student's success in school.
- **Effective plan** will incorporate more than one approach to the behavior problem – the plan can do the following:
  - Manage the student's behavior
  - Guide teachers in dealing with behaviors
  - Teach student skills to help themselves



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## REMOVAL FROM SCHOOL?

**How long can a student with disabilities be removed from school?**

- 11<sup>th</sup> day of removal the student must start educational services
- Services in the IEP must be provided in the educational setting



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## RESOURCES

- Humboldt Del Norte SELPA – (707) 441-2051
- Humboldt County Office of Education – HCOE.org
- California Department of Education – CDE.CA.GOV

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## WE JUST WANT TO SAY... **THANK YOU!**

**Website:** [www.redwoods.edu/services/foster](http://www.redwoods.edu/services/foster)

**Facebook:** Foster/Kinship Care Education Program-College of the Redwoods

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