

©Alexander Graham Bell  
Association  
Parent Advocacy  
Training

Participant Guide  
2007



**Hear Our Voices**

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For the Deaf & Hard of Hearing

## ©AG Bell Parent Advocacy Training The Know-Act-Do Model

This Parent Advocacy Training program, *PAT*, began as an AG Bell Parent Section Project. It was designed and developed primarily by AG Bell parents. Their wealth of experience in advocating for their children and sharing their successes and failures has often helped other parents achieve better services for their children.

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# ©Parent Advocacy Training

## The

## Know-Act-Do Model

### Objectives

#### **As a result of this program, you will be able to:**

- Use a negotiation skills model to prepare and manage your own child's Individualized Education Program or Individual Family Service Program
  
- Access legal information (laws, regulations, policies, etc.) that will provide you with a solid foundation for obtaining services and support for your child

### Agenda

- I. Welcome and Introductions
  
- II. ©The Know-Act-Do Negotiating Model
  
- III. Video Demonstration and Small Group Work
  
- IV. Review of IDEA and the IEP Process Video
  
- V. Summary and Conclusion



## Test Your Negotiating Knowledge

|   | True/False |
|---|------------|
| <p><b>1. District staff are responsible for bringing goals for your child to the IEP meeting.</b></p>                                 |            |
| <p><b>2. Knowing your bottom line and sticking to it in the meeting will help you obtain appropriate services for your child.</b></p> |            |
| <p><b>3. Networking with district staff can work against you in the IEP meeting.</b></p>  |            |
| <p><b>4. As a parent, it's important to express what you want for your child during the IEP meeting.</b></p>                          |            |

## **Introduction to Negotiating**

What is your past experience with negotiating? What strategies and tactics have helped or hindered you?

**Notes on what has helped:**

**Notes on what has hindered:**

## INTRODUCTION TO NEGOTIATING



## ©The KNOW–ACT–DO Model

|  |  |
|--|--|
| <b>B<br/>E<br/>F<br/>O<br/>R<br/>E</b> | <ul style="list-style-type: none"><li><b>K</b>ey Goal Areas Or Vision</li><li><b>N</b>eeds Of Your Child</li><li><b>O</b>rganize Supporting Documentation</li><li><b>W</b>rite “Needs Statements” And Determine Your BATNA</li></ul> |
| <b>D<br/>U<br/>R<br/>I<br/>N<br/>G</b> | <ul style="list-style-type: none"><li><b>A</b>ctively Listen</li><li><b>C</b>hild Must Be The Focus</li><li><b>T</b>reat Everyone With Respect</li></ul>   |
| <b>A<br/>F<br/>T<br/>E<br/>R</b>       | <ul style="list-style-type: none"><li><b>D</b>etermine Follow-Up</li><li><b>O</b>n-Going Monitoring Of The Plan</li></ul>  |

## What You Need To KNOW Before The IEP Meeting

### Key Goal Areas or Vision

#### Identify your child's strengths and weaknesses

Based on assessment results and parent, teacher and service provider observations outline your child's strengths and weaknesses.

*"Jose is friendly, caring, adjusts quickly to change and does well in math. We're concerned that he is shy and overly sensitive about his hearing loss. He is easily distracted and due to his 18-month speech and language delay his friends frequently don't understand him."*

#### Develop key goal areas or a vision for your child

The goals should be a stretch, but realistic.

*"Our goal for Robby is for him to have ample speech, language, auditory and cognitive skills to successfully communicate with his hearing peers and be mainstreamed in our neighborhood school."*

### Needs of your Child

#### Identify the educational needs of your child

Translate areas of concern or weaknesses into educational needs. A child who is shy may need support developing appropriate social skills with his/her peers.

#### Do your research

Identify topics that you need to research such as Least Restrictive Environment (LRE), related services, assistive technology, caseloads, and class size. Read and copy information from laws, journals, books and "authoritative" sources that support your case (see page 12).



Organize  
Supporting  
Documentation

**Identify the interests, issues and positions of other stakeholders**

Put yourself in the district's shoes . . . what are their concerns related to budget, program considerations, staffing, etc.? Network with other parents to find out their experiences, what services are "typically" offered D/HH students, alternative programs, etc.

**Observe all potential placement options prior to the IEP meeting**

Look at the pros/cons of each site in terms of LRE and how they meet your child's needs. Document the comparison in a format that you will share at the IEP meeting.

**Obtain a copy of *draft* goals and talk with service providers before the meeting**

This will provide you an opportunity to review the goals and come prepared to the meeting. Talk with district staff and other service providers and determine what services/accommodations they will support for your child *in the IEP meeting*.

**Acquire professional backing for appropriate services or accommodations**

If needed, obtain letters of support from private doctors, therapists, audiologists, etc. for a mainstream setting, type/amount of therapy, assistive devices, classroom acoustics and audiological or other professional services.

Write "Needs Statements" and determine your BATNA

**Write a "needs statement" and list back-up documentation for each service, accommodation or placement**

Statements should reflect the needs of your child and include the amount of time, frequency, and location for any services. Back-up documentation should address any district concerns. These are your personal notes to be used as a guide during the IEP meeting.

*"Sandy will have individual speech therapy 3 times/week for 30 minutes in a self-contained room at Carver elementary."*

**Develop your BATNA = Best Alternative To a Negotiated Agreement**

List all possible alternatives for each service, accommodation or placement in case you fail to reach an agreement with the district (see page 14).

## Suggestions on How to ACT During the IEP Meeting

|                             |  |
|-----------------------------|--|
| Actively Listen             | <p><b>Paraphrase</b></p> <p><i>“I think what I heard was . . . did I hear you right?”</i></p> <p><b>Show empathy</b></p> <p><i>“I can understand why you feel that way,” or “I know you’re going to be short staffed this summer . . . .”</i></p> <p><b>Clarify and summarize</b></p> <p><i>“I believe we agreed to the following . . . is that your understanding?”</i></p> <p><b>Ask open-ended questions</b></p> <p><i>“How can we make sure Susie is able to hear the teacher?” or “Can you help me understand how that approach will work in practice?”</i></p> |
| Child must be the focus     | <p><b>Explain your child’s needs</b></p> <p>Keep the discussion focused on needs and be careful to stay away from the “I want” trap. A district’s response may be to write “The parents request. . . .” into the IEP notes which is not legally binding.</p> <p><b>Look for options</b></p> <p>Come prepared for what you feel your child needs, but be flexible and look for more than one way to address the problem. A mutual solution may be developed that isn’t one of the alternatives you previously identified.</p>   |
| Treat everyone with respect | <p><b>Watch your body language</b></p> <p>Be aware of eye rolls, crossed arms and other behavior that suggests a “you’ve got to be kidding me” attitude.</p> <p><b>Don’t be rude . . . it will get you nowhere</b></p> <p>Subtle digs, innuendos and staff put-downs always create a “no-win” situation. The long-term repercussions are much greater than the short term “I showed them” feeling at the meeting.</p>  |

## What to DO After the IEP Meeting

|                            |  |
|----------------------------|--|
| <b>Determine follow-up</b> | <p><b>Write a clarification or dissent letter if needed</b></p> <p>Many times IEP notes are ambiguous or not well organized. Summarize your understanding of the meeting and send it to the district. Keep letters professional rather than personal.</p> <p><i>“Thank you for providing a D/HH Itinerant 2 days per week for 30 minutes each session. We’re still not in agreement with the amount of speech therapy Johnny will receive.”</i></p> <p>Remember the IEP is not an all or nothing document . . . you can agree to some parts and not others. A technique that can be used is to sign the IEP and write “partial dissent, letter to follow” next to your name.</p> <p><b>Make sure the IEP includes all required elements</b></p> <ul style="list-style-type: none"><li>• Child’s present level of educational performance</li><li>• Measurable goals (One overall goal and two benchmarks)</li><li>• Special education and related service the child is to receive</li><li>• Timetable for implementation of the services</li><li>• How the child’s progress will be assessed (progress report summary, parent conference, annotated goals page, other)</li></ul> |
| <b>On-going monitoring</b> | <p><b>Establish a communication notebook</b></p> <p>Ask the teacher, aide and service providers to make brief comments in the notebook. It is also an avenue for you to convey information about your child to the staff.</p> <p><b>Observe your child</b></p> <p>Make arrangements to visit the classroom and therapy sessions. If possible, volunteer in the classroom, on field trips, for lunch duty, during art, music, etc.</p> <p><b>Initiate and attend meetings</b></p> <p>Attend parent/teacher conferences that are available to regular education parents. Request progress report meetings on IEP goals with the core group of individuals who provide services to your child.</p>  |

## Additional Resources for Your IEP Library

### IDEA Regulations, Advocacy and IEP Support

#### Websites

- [www.ideapractices.org](http://www.ideapractices.org) (Council for Exceptional Children)
- [www.ideainfo.org](http://www.ideainfo.org) (IDEA Partnership)
- [www.wrightslaw.com](http://www.wrightslaw.com) (Wrights Law)
- [www.reedmartin.com](http://www.reedmartin.com) (Special Education & Strategies, Reed Martin, J.D.)
- [www.pai-ca.org](http://www.pai-ca.org) (Protection & Advocacy, Inc.)
- [www.dredf.org](http://www.dredf.org) (Disability Rights Education and Defense Fund)
- [www.fape.org](http://www.fape.org) (Family Advocates Partnership for Education)
- <http://www.ed.gov/about/offices/list/osers/index.html> (U.S. Dept of Education Office of Special Education and Rehabilitative Services)
- [www.TAAlliance.org](http://www.TAAlliance.org) (Complete listing of State Parent Advocacy Centers)
- [www.copaa.net](http://www.copaa.net) (Council of Parents Attorneys & Advocates)

#### List Serves

- <http://groups.yahoo.com/group/COSEP/> (COSEP: Coalition of Special Education Parents Yahoo Groups)

#### Publications

- 18 Tips on Getting/Special Education Services for your Child, available at [www.pai-ca.org](http://www.pai-ca.org)
- *Getting to Yes* by Roger Fisher and William Ury
- *A Parent's Guide to Special Education* by Linda Wilmshurst, Ph.D, ABPP and Alan W. Brue, Ph.D., NCSP
- *IDEA 2004* by Peter W. D. Wright, Esq. And Pamela Darr Wright
- 10 Tips: Using IDEA 2004 to Improve Education of Children with Disabilities available on line [www.wrightslaw.com/idea/art/10.tips.steedman.pdf](http://www.wrightslaw.com/idea/art/10.tips.steedman.pdf)

## Resources Related to Hearing Loss

### Websites

- [www.agbell.org](http://www.agbell.org) (Alexander Graham Bell Association for the Deaf & Hard of Hearing)
- [www.oraldeafed.org](http://www.oraldeafed.org) (Oral Deaf Education)
- [www.nls.org/natmain.htm](http://www.nls.org/natmain.htm) (National Assistive Technology Advocacy Project)
- [www.resna.org/taproject/](http://www.resna.org/taproject/) (Assistive Technology Project-State Contacts)
- [www.lhh.org](http://www.lhh.org) (League for the Hard of Hearing)
- [www.listen-up.org](http://www.listen-up.org) (Listen-up also has a great list serve)
- [www.hearingexchange.com](http://www.hearingexchange.com) (Hearing Exchange)
- [www.infantheating.org](http://www.infantheating.org) (National Center for Hearing Assessment & Management)
- [www.Hearingloss.org](http://www.Hearingloss.org) (Hearing Loss Association of America)

### List Serves

- CI-Circle (send “subscribe cicircle” in the body of an email to [majordomo@bmccane.maxbaud.net](mailto:majordomo@bmccane.maxbaud.net))

### Journals

- *Volta Voices* and *The Volta Review* from AG Bell; [www.agbell.org](http://www.agbell.org)
- *Hearing Loss* from Hearing Loss Association of America; [www.hearingloss.org](http://www.hearingloss.org)

## “Authoritative” Sources

- NASDSE: National Assoc. of State Directors of Special Education ([www.nasdse.org](http://www.nasdse.org))
- Components of a Quality Auditory/Oral Program Checklist (AG Bell)
- Case law from Appellate Districts outside your jurisdiction  
Some states require State Superintendents to develop program guidelines for low incident disabilities
- American Speech-Language Hearing Association ([www.asha.org](http://www.asha.org))
- American Academy of Audiology ([www.AAA.org](http://www.AAA.org))

## Sample Needs Statement and BATNA

### ***Prepared Statement:***

Mary requires the continued use of an FM system in both school and home environments. This FM system needs to be wireless and boot directly to her hearing aid and Implant, be well maintained, and repaired promptly in order to maximize her learning opportunities. Teachers, aides and any professional staff (therapists) must be trained in the use of her FM system and appropriately use and monitor the equipment.

A spare system (transmitter and/or receiver) will be made available to Mary within one day should her system need repair. The district will provide the school with a supply of spare cords (to the transmitter and receiver), batteries and boots.

### ***Documentation:***

- Information that a direct audio input FM system is more appropriate for a child with a severe-to-profound loss than a sound field system
- Written excerpts from the communication notebook that the FM system he currently uses frequently shuts off his hearing aid (the boots/wires from the FM system pull open the battery door)
- Report from private audiologist stating that Mary performs better with the FM system and would benefit from increased language stimulation during out of school hours
- 34 CFR Sec. 300.8 (a) (3) (b). 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
- Remind the IEP members that without her FM system Mary is deprived of an appropriate auditory environment in the classroom (equipment is frequently gone for 4-6 weeks when needing repair)
- National Association of State Directors of Special Education, 1994 (NASDSE). Deaf and Hard of Hearing Students Educational Service Guidelines, Pg. 28. Contains information regarding the provision and maintenance of FM systems

### ***BATNA:***

- Agree to an FM system being used in school only and purchase system for use in the home (personally or through insurance)
- Agree to spare system being a "totable"
- Back-off on having a spare system available within 24 hours
- Hire an advocate/lawyer
- Go to mediation or file for due process

## **Video Demonstration Case - Parent's Perspective**

### ***About Reed:***

Your child, Reed, has a severe-to-profound hearing loss due to contracting meningitis at age one. He was implanted when he was 3 years old. He has attended a private auditory/oral school in a neighboring county for several years and you now feel he is prepared to enter first grade (he is 6 years old) in the local public school. You know that it will be a difficult transition but, with the appropriate supports and services, you are confident that he can be fully mainstreamed.

As Reed's parents you just want him to be seen as a "regular kid" who happens to have a hearing loss. Although he is delayed approximately one year in his speech and language development, you are not concerned about his ability to meet the district's grade level standards. He is a bright and loving child and will be one of the older children in the classroom. You are worried, however, about his lack of appropriate social skills (he's been in a classroom with 8 other deaf and hard of hearing students who share the same lack of pragmatic skills). Reed tends to be sensitive about his hearing loss, shy around other children and is socially awkward in general.

Since Reed has been going to a private school, he has not been able to meet children from the neighborhood. You are hoping that he can gain the confidence and skills to establish friendships with his hearing peers and you see enrolling him in the local school as a means of improving his social development.

### ***The IEP Meeting:***

You have already had one IEP meeting with school district staff where assessments were reviewed, and the goals for the year developed and agreed upon but there are still 3 outstanding issues. The district has also agreed to provide audiological services and a personal FM system for Reed. This upcoming meeting is to discuss speech therapy services, social skills training and placement.

It is important to you that the speech language pathologist has training and experience working with Deaf and Hard of Hearing children. You feel Reed needs three 30-minute individual therapy sessions (preferably before or after school) to close the gap in his speech/language delay.

In terms of placement you want Reed to be in as "normal" a learning environment as possible. You believe he can function in a regular education classroom at his neighborhood school, Jones Elementary, with the help of a full-time aide in the classroom. At the first IEP meeting you agreed to visit Kennedy Elementary, a school that has a program especially designed for children with more severe hearing losses. Students are enrolled half-day in a regular education classroom and the other half in a resource room with a teacher who has experience and training in this area.

## **Video Demonstration #1 - Notes on the Case**

What did the parents do that was effective?

What could they have done differently?





## **Preparation for the IEP Meeting**

### **Key Goal Areas or Vision**

1. What are Reed's strengths and weaknesses/areas of concern?
2. Create a vision or key goal areas for Reed.

### **Needs of your Child**

3. What are Reed's educational needs? What information will you look for in your legal and professional journal research?
4. What questions will you post on list serves?

### **Organize Supporting Documentation**

5. What do you think are the District's interests and concerns as it relates to Reed's situation (D/HH Program Manager; Principals, SLPs, and Teachers of both schools)?
6. How will you network with other parents who have D/HH children at the school site and/or special needs children in the district?
7. What will you look for in your observations of the two different schools (criteria for comparing placement options)? What questions will you ask district staff?
8. What professionals will you contact and how will you enlist their support for appropriate speech services, social skills training and LRE for Reed?

### **Write a Needs Statement and determine your BATNA**

9. Write a needs state for speech therapy services for Reed (identify amount and frequency of therapy, SLP qualifications, individual or group).
10. Develop a BATNA (options the parents have if they can't reach agreement on speech therapy services).

## **Preparation for the IEP Meeting – Notes Page**

## **Video Demonstration #2 - Notes on the Case**

**Using the ©The KNOW–ACT–DO Model:**

What did the parents do that was effective?

What could they have done differently?

**Individuals with Disabilities Education Act: 20 USC § 1400 et seq.**  
***On December 3, 2004, the President signed into law the Individuals with Disabilities Education of 2004, amending the IDEA. Regulations implementing the Act were effective October 13, 2006. This material and presentation presents general information only and is not to be construed to include any detailed information on IDEA law and regulations or on any provisions that relate to the exclusion of a surgically implanted medical device, for our purposes, the cochlear implant.***

- IDEA is Federal Law. All states have laws and regulations to be in compliance with IDEA. State laws cannot take away any rights granted by the Federal law but they can add additional rights
- Provides for a Free Appropriate Public Education (FAPE) (Part B)
- Provides for Appropriate Services (Part C)
- Special Education and Related Services are required to meet the unique needs of the child (Part B)
- Part B (ages 3 to 21) requires an Individualized Education Program (IEP)
  - Part C (ages Birth to 3) requires an Individualized Family Services Program (**IFSP**) for early intervention – more common now due to new born hearing screening at birth, hearing aid amplification and cochlear implants as early as 12 months



### **IEP – Individualized Education Program:**

- Established by the IDEA as the tool for identifying and meeting the child's needs
- Players include the school (Local Education Agency – LEA – including administrators, teachers, professionals) and parents
- Parents play a key role
- IEP vs. IFSP - For IFSP, the lead agency varies by state - Education, Health, Social Services or other department

\*This information is not to be construed as a complete text, information, or requirements of IDEA. See 20 United States Code § 1400 et seq. for complete text of the reauthorized law.

## The process for creating an IEP involves 4 steps

1. Identification of the child
2. Evaluation of the child
3. Developing the program
4. Evaluation of the program



### 1. Identification:

- ✎ Schools must identify each child with a disability residing in the state  
*20 USC § 1412 (a) (3)*
- ✎ School must consider parents' concerns
- ✎ Parents should take the first step
- ✎ Make a request for consideration in writing
- ✎ List every topic that may become an issue
- ✎ Read literature and talk with service providers to determine the delays or problems that could occur

### 2. Evaluation: Parental Consent and Reevaluations

*20 USC § 1414 et seq.*

- ✎ The purpose of the evaluation is to determine:
  - whether the child has a disability
  - the educational needs of the child
- ✎ The **new** law adds a sixty day timeline to complete the initial evaluation from receipt of parental consent until the evaluation is conducted unless the state establishes its own time frame...some exceptions
- ✎ With respect to an *initial* evaluation, the Individuals with Disabilities Education Act, (IDEA), as reauthorized in 2004, allows a school district to pursue a due process hearing to override the lack of consent by the parent (**NEW**)

- ✎ If a parent refuses to consent to the *initial provision of services*, a school district may not pursue a hearing to override the refusal. However, the school district may not later be held in violation for failure to provide a free appropriate public education (“FAPE”) with respect to the services the school district requested consent to deliver. Moreover, the school district need not even convene the IEP team to discuss these services (**NEW**)
- ✎ A school district may also pursue a due process hearing to override a parent’s refusal to give consent for reevaluation of their child (**NEW**)
- ✎ Reevaluations are required if the child teacher or parent makes a request or if the LEA determines that the child educational and service needs, academic achievement or functional performances warrants reevaluation. The law continues to require informed parental consent for reevaluations initiated by the LEA. A reevaluation may not be conducted more than once each year, unless the parents of the child and school district agree otherwise. A school district must conduct a reevaluation of a student with a disability at least once every 3 years
- ✎ It should be noted that mere screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum is NOT considered to be an “evaluation” for which consent is required
- ✎ The school forms the IEP team, which must be composed of a group of qualified professionals and the parent
- ✎ Parents must have the opportunity to have copies of the evaluation report and documentation of determination of eligibility *20 USC § 1414 (b)(4)(B)*

Federal requirements for the evaluation include: Evaluation Procedures  
*20 USC § 1414 (b)(1)(2)(3)*

- Tests are not racially or culturally discriminatory
- Are provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally (**NEW**)
- Assessments are valid and reliable
- Are administered by trained and knowledgeable personnel
- For children who are deaf and hard of hearing, tests must reflect the needs based on the disability, and all other educational needs.
- Tests must not rely on a single evaluation factor, such as grades (Because a child is doing well in school does not exclude him/her from special education)

- Review of existing evaluation data can include classroom based observations  
See *20 USC § 1414 (c)(1)(A)(B)* (**NEW**)

- ✎ Parents may request additional information and testing at the expense of the school district, by an independent tester
- ✎ The IEP team must consider the request and give parents a report of any testing that is done
- ✎ Parents may also arrange for their own independent education evaluation (IEE). Upon submission of the IEE to the school (with a request for payment), the school must pay or go to a due process hearing

### 3. Developing the IEP: Individualized Education Programs

*20 USC § 1414 (d)(B)*

- ✎ The IEP is a legally binding document.
- ✎ The IEP team must be composed of individuals who: *20 USC § 1414 (1)(d)(B)*
  - know the child
  - know the educational methods and resources of the school district
  - parents are listed first as required members
  - other required members are the child's regular education teacher (if the child is, or may be, participating in the regular education environment); not less than one - the child's special education teacher or provider; someone qualified to provide or supervise the special education of the child, who is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources; and some one who can interpret the instructional implications of evaluation results.
  - other individuals who have knowledge or experience are allowed to participate at the discretion of either side *20 USC § 1414 (d)(B)(vi)*
- ✎ The Team must work together, but the process and relative position of members is not specified. In the absence of consensus, the school district administrator at the meeting can make the decisions or recommendations
- ✎ **New** provisions now govern IEP Team attendance but remember parents must consent in writing to hold IEP team meetings absent members where attendance is not necessary or excused *20 USC § 1414 (d)(1)(C)(i)(ii)(iii)*



- ✎ The school district and the parent of a child with a disability may consent, in writing, to the absence of an IEP team member if they determine the team member's area of curriculum or service is not going to be modified or discussed at the meeting.
- ✎ IEP team member may be excused from the team meeting even if his/her area of service or curriculum is going to be discussed or modified, as long as the school district and the parent consent, in writing and the excused team member submits, to the parent and the IEP team, written input for development of the IEP prior to the meeting.
- ✎ If a child is transitioning from Part C (early intervention, ages 0-3) to Part B (school age, ages 3-21), the Part C service coordinator (or other representatives of the Part C system) must be invited (in writing) to attend the initial IEP meeting, if the parent requests. This is to ensure smooth transition of services from Part C to Part B. **(NEW)**
- ✎ Changes to the IEP may be made by amendment, incorporated in the IEP  
*20 USC § 1414 (d) (3) (F) (NEW)*
- ✎ The team must consider: *20 USC § 1414 (d)(3)(A)*
  - Strengths of the child
  - Concerns of parents for enhancing child's education
  - Evaluation results
  - Child's academic, developmental, and functional needs of the child **(NEW)**

### Developing the IEP, continued:

- ✎ Additional special factors to be considered for children who are deaf and hard of hearing includes: *20 USC § 1414 (d)(3)(B)*
  - The child's language and communication needs
  - Opportunities for direct communications in child's language and communication mode
  - Full range of needs, including opportunities for direct instruction in the child's language and communication mode
  - Academic level
  - Whether the child needs assistive technology including acoustic modifications
  - Other considerations could include Related Services such as  
*20 USC § 1401 (26)(A)*
    - Audiology
    - Speech language pathology
    - Transportation
    - Recreation
    - OT & PT
    - Psychological services
    - **Interpreting services (NEW)**
    - Counseling services
    - Rehabilitation counseling
    - Parent counseling & training
    - Orientation & mobility services
    - Social work services in schools
    - Medical & school health services



- **Exception: The term related services definition, does not include a medical device that is surgically implanted, or the replacement of such device 20 USC § 1401 (26)(B)**
  - Section 300.34 CFR: Related Services (b) Exception; services that apply to children with surgically implanted devices, including cochlear implants.
    - 1. Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g. mapping), maintenance of that device, or the replacement of that device.
    - (2) Nothing in paragraph (b)(1) of this section limits the right of a child with a...(e.g. cochlear implant) to receive related services that are determined by the IEP Team to be necessary for the child to receive FAPE.
      - (iii) Prevents the routine checking of an external component of a surgically-implanted device to make sure it is functioning properly, as required in 300.133 (b)

**In addition:**

- Section 300.133 Routine checking of hearing aids and external components of surgically implanted medical devices.
  - (a) Each public agency must ensure that hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly.
  - (b) External components of a surgically implanted medical devices.
    - (1) Subject to paragraph (b)(2) of this section, each public agency must ensure that the external components of surgically implanted medical devices are functioning properly.
    - (2) For a child with a surgically implanted medical device who is receiving special education and related services under this part, the public agency is not responsible for the post-surgical maintenance, programming, or replacement of the medical device that has been surgically implanted (or the external component of the device).
  
- **Assistive Technology device definition does not include a medical device that is surgically implanted, or the replacement of such device. 20 USC §1401 (1)(B)**


 The IEP must include all of the following: *20 USC § 1414 (d)(1)(A)*

- Statement of the child's present levels of academic achievement and functional performance
- List of annual measurable goals, including academic and functional goals **(NEW)**
- Statement of the special education and related services for the child based on peer reviewed research to the extent practicable **(New)**
- Statement of degree to which the child will not be with non-disabled children
- Statement of timing for implementation of special services
- Statement of means for assessing child's progress **(New)**
- 
- Transition services must be provided no later than the first IEP to be in effect after the child is 16 years old. This includes appropriate, measurable post-secondary goals based on age-appropriate assessments relating to training, education, employment, and where appropriate independent living skills.
- The IEP must contain a statement of any accommodations or modifications that the child may need in order to participate in state and district wide assessments.
- When necessary, extended school year can be considered.




**\*\*\*Short-term objectives are no longer required except for children who meet the criteria of alternative assessments aligned to alternative achievement standards.**

### **Review and Revision of the IEP:**

 An annual meeting to review and revise the IEP is required *20 USC § 1414 (d)(4)(A)(B)*

- Address failure of the child to make progress
- Address results of reevaluation
- Address parental information
- Anticipated needs

 Parents may call for a meeting when they believe the IEP is not appropriate

 Placement - the team must determine where the services will be provided *20 USC § 1414 (c)*

- IDEA requires that each child with a disability be educated in the least restrictive environment (LRE)

- The classroom where he or she would normally be placed absent the disability
- Schools may place children outside a “mainstream” classroom only when regular classroom education, with supplementary aids and services, can’t be achieved satisfactorily
- The placement decision must be made by a team including the parents  
*20 USC § 1414 (c)*
- Placement must be as close to home as possible
- Each school district must ensure that a continuum of alternative placements (e.g. regular classroom, resource room, special classes, special schools, etc.) is available to meet the needs of children with disabilities

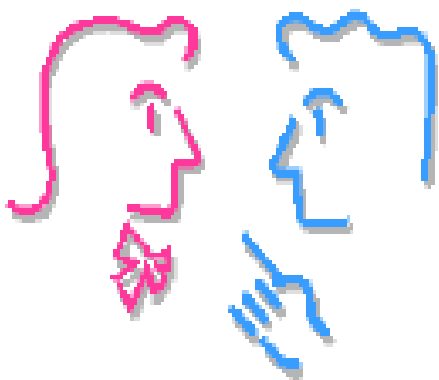
#### **4. Implementing and Evaluating the Plan**

- ✎ Parents must receive regular reports of the child’s progress toward his/her goals as set forth in the IEP
- ✎ The new Section now states that the IEP must describe how progress toward the annual goals will be measured and when progress reports will be provided  
*20 USC § 1414 (d)(1)(A)(iii)*
- ✎ For a child who will take alternative assessments aligned to alternative achievement standards, the IEP must also contain a description of benchmarks or short-term objectives to measure how the child is progressing.
- ✎ The IEP must contain a statement of any accommodations or modifications the child might need in order to participate in state and district-wide assessments.

#### **Disagreements**

- ✎ Due Process - Before requesting a due process hearing, the parent of a child with a disability must provide a written due process complaint notice to the school district containing *20 USC § 1415 (b)(7)(A)*
  - Name of the child and address of residence
  - Name and address of the school
  - Description of the problem and related facts
  - Proposed resolution known to the extent known and available
- ✎ Within ten (10) days of receiving the complaint, the school district must send a response to the parent that includes the following (if the district did not previously send written notice to the parent regarding the subject matter contained in the parent’s complaint): *20 USC § 1415 (c)(2)(B)*

- An explanation of why the Agency proposed or refused to take the action raised in the complaint
  - A description of other options that the IEP team considered and the reasons why those options were rejected
  - A description of each evaluation procedure, assessment, record, or report and factors the agency used as the basis for the proposed or refused action
- ✍ Within 15 days of the school district's receipt of the complaint notice, the school district and parent must participate in a resolution session (unless both the district and parent otherwise agree)
- ✍ If the school district has not resolved the complaint within 30 days, the parent may proceed to a due process hearing
- ✍ If a written agreement is reached as a result of the resolution session, it is binding on both the school district and the parent
- ✍ However, either the school district or the parent may void the agreement within 3 business days after executing the agreement
- ✍ Due Process and Attorney Fees – if there is a hearing and the parents prevail, the school district pays the fees under Part B of the IDEA (ages 3 to 21). Under Part C of the IDEA (ages 0 to 3) the parents pay the fees *20 USC § 1415 (i)(3)*
- ✍ However, a court, can now grant attorney's fees to a state educational agency or LEA against a parent who files a complaint that is frivolous, unreasonable or without foundation or who continues to litigate after the litigation clearly became frivolous, unreasonable or without foundation *20 USC § 1415 (i)(3)(B)*



- ✍ Unilateral Placement & Tuition Reimbursement  
Parents can make a unilateral placement, with written notice, go to a hearing and be reimbursed (if their placement is deemed appropriate and the district's placement inappropriate) *20 USC § 1412 (a)(i)(10)(C)*

**CAUTION: However, this statute, recently, has been interpreted in several circumstances, that a child must have previously received special education and related services from the public agency**

- ✎ Compensatory Education Costs – if the parent can show that the district denied a child a FAPE for a period of time, the district can be required to make up for the lost time by providing extra services

## **IFSP/IEP Deal Breakers**

- ✎ Emotional outbursts
- ✎ Assuming mainstreaming is required
- ✎ Over-reliance on due process
- ✎ Immediately focusing on specific remedies rather than the child's needs
- ✎ Failure to understand the district's point of view
- ✎ Wanting the school to “fix” your child

## **IFSP/IEP Do's and Don'ts**

### **Do's**

- Do respect other opinions
- Do bring someone else (who is not emotionally involved) to take notes
- Do state your child's needs firmly and have back-up documentation
- Do be prepared for the school's questions
- Do try to reach consensus
- Do use the term “appropriate” (or “clearly” appropriate)
- Do know your rights:
  - Free appropriate public education (FAPE)
  - Least restrictive environment (LRE)
  - Individualized education program (IEP)
- Do work to build and improve the relationship
- Do understand the continuum of services

### **Don'ts**

- Don't interrupt
- Don't accuse
- Don't make personal attacks
- Don't question another person's motives
- Don't be intimidated
- Don't use words like “best”, “optimum”, “maximum”, “full potential”

## **Questions/Answers on IDEA and the IFSP/IEP Process**

Notes:

## **Workshop Summary**

List at least three key things you learned in today's workshop that you want to take home and apply to your own situation:

1.

2.

3.



**A G Bell PAT Workshop Evaluation**

Your comments are very important to us. We would appreciate your reactions and recommendations so that we may continue to improve the quality of this program. Please take a moment to complete this evaluation form.

*Overall Ratings: 5) Excellent 4) Very Good 3) Good 2) Fair 1) Poor*

- 1. How well has this Workshop met your objectives? \_\_\_\_\_
- 2. How well did this workshop update your knowledge of IDEA/IEP process? \_\_\_\_\_
- 3. How well were you able to take away actionable skills and ideas? \_\_\_\_\_

- 4. Please rate each of the Workshop features:
  - ©The Know-Act-Do Model \_\_\_\_\_
  - Video Demonstration \_\_\_\_\_
  - Small Group Work \_\_\_\_\_
  - Review of IDEA and IEP Process \_\_\_\_\_

5. What was the most valuable aspect of this Workshop for you?

6. What additional topics would you like to see added or emphasized in the future?

7. Feedback for the facilitator(s) (e.g. subject knowledge, ability to facilitate, receptivity to questions, quality of presentations, etc.)

8. What could be done differently that would improve the Workshop (e.g. length of session, balance between presentation and small group work, etc.)?

Name (optional) \_\_\_\_\_ email \_\_\_\_\_