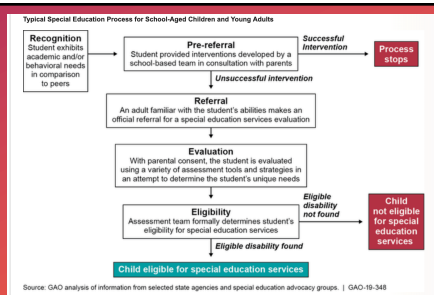


Special Education 101: What You Need To Know To Start The Year Off Right

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Child find obligations

- Child Find is the obligation of every SEA and LEA to identify, locate and evaluate all children between the ages of birth and 21 who may need special education and related services. This includes children with disabilities attending private schools.
- Anyone - a parent, teacher, student, nurse, doctor, social worker - may request that a child be considered for special education.



Eligibility Meeting

- **Eligibility meeting** occurs for both an initial evaluation (to determine whether the student qualifies for special education services) and a re-evaluation (to determine whether the student continues to qualify for special education services)
- School psychologist who conducted the evaluation will be present at the meeting to discuss the results of the written evaluation.

Section 504 of the Vocational Rehabilitation Act

Section 504 of the Vocational Rehabilitation Act is a civil rights law enacted in 1973.

It was created to prevent discrimination against all individuals with disabilities in programs that receive federal funds.

Section 504 of the Vocational Rehabilitation Act

Individuals with disabilities cannot be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance.

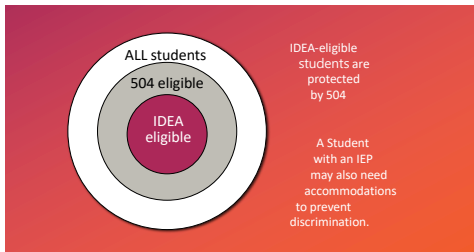


Definition of Disability: Section 504 (and the ADA)

A person is considered to have a disability if that individual:

- has a **physical or mental impairment** that substantially limits one or more of the person's major life activities
- has a **record** of such an impairment
- is **regarded** as having such an impairment

Relationship of Federal Laws



Section 504 of the Vocational Rehabilitation Act

- Prohibits discrimination against students with disabilities in federally funded programs.
- The 504 Plan is a method that SEA/LEAs use to implement the legal protections mandated by 504.
- Section 504 ensures students of equal opportunity to all school activities.

Section 504 of the Rehabilitation Act

- Under 504, an "appropriate" education means an education comparable to that provided to students without disabilities.
- This may be defined as regular or special education services.
- Students can receive related services under Section 504 even if they are not provided any special education.
- 504 Plans should be written, are typically preceded by evaluations or documentation from medical professionals and should be detailed and practical

10

IEP: Individualized Education Program

Legally mandated plan outlining the student's disability, eligibility for special education services, present levels of performance, annual goals, supports and accommodations, services, and placement

11

The IEP Timeline

- After initial determination that a student is eligible for services, an IEP meeting must take place within 30 days
- The IEP must be designed to provide a *free appropriate public education* (FAPE) in the *least restrictive environment* (LRE) to the student

12

An Advocate's Definition of FAPE (IDEA):

- FAPE is everything that we push forward for a meaningful day at school.
- FAPE is the substantive education that students with disabilities are entitled to receive.
- LEA (Local Education Agencies) must provide FAPE. Students and parents do not provide FAPE.

13

FAPE In IDEA- Under the IDEA, FAPE is a statutory term.

It is defined to include special education and related services that

1. are provided at public expense, under public supervision and direction, and without charge;
2. meet the standards of the State educational agency (SEA), including IDEA Part B requirements;
3. include an appropriate preschool, elementary school, or secondary school education in the State involved; and
4. are provided in conformity with an IEP that meets the requirements of 34 CFR §§300.320 through 300.324.

Further, each child with a disability is entitled to receive FAPE in the least restrictive environment (LRE).

14

From the headlines:

Unanimous Supreme Court Expands Scope of Special Education Rights

By Mark Walsh on March 22, 2017 10:50 AM

Photo: iStock

Supreme Court sets higher bar for education of students with disabilities

US high court hands disabled students win on education standards

By JAMES L. KAY on March 22, 2017 12:55 PM

15

Endrew Says Special Education Must Be:

"Reasonably calculated to enable a child to make progress appropriate **in light of the child's circumstances**"

What Does It Mean?

- A "Markedly More Demanding" Standard
- "Appropriately Ambitious" Education
- "Challenging Objectives"

What Progress?

Progress commensurate with the child's "potential for growth"

US ED, Endrew Q&A, 12/7/17



[illegible]

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21

When developing present levels of performance (PLOP)

LEAs can use current baseline data such as:

- curriculum based assessments
- student work samples
- teacher observations
- parent input
- other relevant data to describe **academic and functional** performance

22

Coaching Possibilities:

- Often, if the student already has an IEP, the PLOP is not updated to reflect the current status of where the student is performing academically, functionally, and behaviorally
- We can suggest that families ask the school for **progress monitoring data**
 - Each school administers some type of standardized testing periodically to the students to determine where they are performing
 - Families can ask the school if the student was administered any standardized testing and the results of the testing
 - Based on this information, families can focus on whether the student has progressed or regressed

23

Measurable annual goals:

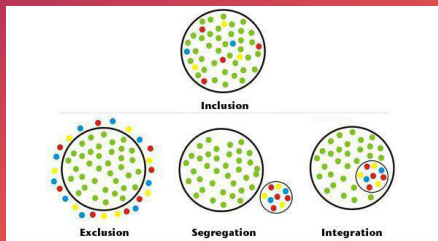
- Goals should focus on the student's area of need
- Should be measurable, usually by data collected periodically by the school to determine whether the student is **progressing** in meeting the goal
- Progress reports should be provided to the parent and in advance of the meeting

24

Placement: Key Concepts of LRE

- Must be individually determined and based on a student's individual needs
- Applies to all children with disabilities (LRE is in both 504/IDEA)
- The general education class is always the first choice for placement
- Consideration and use of supplementary aids and services to make the general education class a first and viable option is required

What is Inclusion?



The IEP

Location of Services and Placement

- Location of services must be in the least restrictive environment (LRE)
- Look at continuum of placements: the school closest to the student's home is the least restrictive, and institutionalization is the most restrictive.

DID YOU KNOW?

“ There have been no studies conducted since the late 1970's that have shown an academic advantage for students with intellectual and other developmental disabilities/educated in separate settings. (Falvey, 2004) ”

www.theinclusionclass.com

Parental Involvement or Educational Surrogate

- Parents or Educational Surrogate **must be notified** every step of the way during the special education process: evaluation, eligibility, to development of the IEP
- Parent or Educational Surrogate must agree (consent) to the implementation of the IEP

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