

Possibilities, Processes, and People: IEPs, IFSPs and 504 Plans

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A guided tour

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Resources for more information

Use resources to find details, connections and state specific information.

Parent and student involvement begins with information.

Advocacy begins with information.

Public education is administered by each state

- States implement Federal laws and guidelines.
- Federal laws are the minimum requirement.
- States **must** implement and can go beyond minimums

State Requirements

- States can build or add onto the federal requirements.
- States may use different words than are used in this presentation.
- You will need to find out how these laws are implemented in your state or territory.

State Boards of Education

- Each state, Washington, DC, and each territory has a State Board of Education.
- State boards are involved in education decision making in their state.
- The state board is responsible for policies that promote educational quality throughout the State.

The scope of board responsibility is defined in every state

Common areas of jurisdiction include:

- Establishing high school graduation requirements;
- Setting state-wide curriculum standards;
- Determining qualifications for professional education personnel;
- Establishing state accountability and assessment programs;
- Establishing standards for accreditation of local school districts and preparation programs for teachers and administrators.
- Implementing and administering federal laws and assistance programs;
- Developing rules and regulations for the administration of state programs.

Parent Training and Information Centers

- They provide **free** information about disabilities, laws and policies in your state.
- This includes programs and services, specialized training and resources in your state as well as nationally.
- Every state and territory, as well as Washington, DC, has at least one PTI.
- Each one has its own name and can be found here: <http://www.parentcenterhub.org/>.
- Your PTI can give you the details on how things work in your state.

The Two Major Parts of IDEA

- Part B covers the education of children ages 5 through 21
- Part C covers babies and toddlers through their 3rd birthday

- And in case you are wondering: Part A is General Provisions

The Beginning: Does your son or daughter have a disability?

- The process of setting up special education services and supports begins with evaluation.
- IDEA requires an initial **evaluation** before special education and related services can be provided.
- Early Intervention programs require an evaluation before services start.

The evaluation process for children over age 3

- Parents who would like their child to be evaluated must make this request *in writing*.
- IDEA requires the school system to *notify parents in writing* that they would like to evaluate their child.
- The school must give the parents information about IDEA and special education services in a form they can understand, so they know what this is about.
- Parents must agree *in writing* to this evaluation, before the evaluation is conducted.

Evaluation

- The initial evaluation must be conducted **within 60 days** of receiving parental consent for the evaluation
- Consent to have a child evaluated is not consent for provision of special education services. That is another process.

What is the purpose of the evaluation?

This evaluation will:

- Determine if the child has a disability as defined by IDEA
- Gather information that will help identify the child's educational needs
- Guide decision making about appropriate educational programming for the child
- Parents must be informed of evaluation results and given a copy of the evaluation report.

Disabilities as Defined by IDEA

Autism

Deaf-blindness

Deafness

Developmental delay

Emotional disturbance

Hearing impairment

Intellectual disability

Multiple disabilities

Orthopedic impairment

Other health impairment

Specific learning disability

Speech/language

Traumatic brain injury

Visual impairment,
blindness

How does a child with a low incidence or rare disorder get evaluated?

- The process is the same.
- The information collected and team makeup may vary.
- A child with a health condition may also have physical, sensory or intellectual disabilities.
- A rare disorder could fall under the category of Other Health Impairment.

Other Health Impairment

- Information will need to be collected about the child's condition, the child's difficulties and abilities to learn and function in a school setting, and information on what related services and accommodations could help the child in school.
- Educators and school administrators may not be familiar with your child's diagnosis and will benefit from information written by specialists and presented in plain English.
- Any test results from medical facilities that document the need for special education and related services should be presented to the IEP Team.

How is Other Health Impairment Defined in IDEA?

- “Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that –
- Is due to chronic or acute health problems.....
- Adversely affects a child’s educational performance.”

Other Health Impairment includes low incidence disorders

According to the US Department of Education:

- “Not all health disorders are specifically mentioned in IDEA’s regulations...but rather provides examples of problems that children have that could make them eligible for special education and related services under the category of health impairment.” (71 Fed. Reg. at 46550).
- Specific disorders may, in combination with other factors, qualify a child for services under IDEA.
- Eligibility means the child’s disability will affect his/her ability to learn.

If the Parent disagrees with the evaluation findings

- An Independent Education Evaluation (IEE) can be requested.
- The IEE must be conducted by a qualified examiner who is not employed by the public agency responsible for the education of your child.
- Sometimes the school pays for the IEE, sometimes the parent does. It depends.

If the child is not found eligible for services under IDEA s/he may be eligible through Section 504.

More about that in a few minutes.

Part C - Early Intervention

Services for children under the age of 3.

Includes:

- Free evaluation of the baby or toddler to see what the problems may be
- Identifying needs of the child and family based on the child's disability or developmental delay
- Delivering an individualized family service plan – IFSP – to address the child's unique needs

Evaluation of infants and toddlers

Each State has a referral system to ensure that infants and toddlers suspected of having a developmental delay or disability can easily be referred to the early intervention (EI) system.

Either parents or physicians and hospitals can refer an infant or toddler to a local Child Find office or Part C Coordinator.

Evaluation Process

- Parental consent is needed, in writing, before the child may be evaluated.
- The child is evaluated in five major developmental areas to see: (a) if he or she meets the State's definition of delay or disability, and (b) to determine the child's eligibility for EI services.
- With approval of the family members involved, assessments of family members are also conducted to identify the resources, concerns, and priorities of the family related to the development of the child.
- The evaluation and assessment process must be completed within 45 days of the child being referred.

The five developmental areas

- cognitive development
- physical development, including vision and hearing
- communication development
- social or emotional development
- adaptive development

Individualized Family Service Plan

- The IFSP is a written document that outlines the early intervention services that your child and family will receive.
- It is based on the knowledge that the best way to support children and meet their needs is to support and build upon the individual strengths of their family.
- Information given to families and the IFSP itself must use the parents' native language.
- The IFSP is reviewed every 6 months and updated at least once a year.

What is included in the IFSP?

- Child's current level of functioning and areas of needs
- Family information
- Results or outcomes to be achieved for the child and family
- Specific early intervention services the child will receive
- When and where your child will receive services
- The number of times your child will receive services and how long each service will last
- Who will pay for the services
- The name of the service coordinator overseeing implementation of the IFSP

IFSP

- The IFSP must be fully explained to the family and your suggestions must be considered.
- Services must be provided in the natural environment or include a statement explaining why this can't be done.
- You must give written consent before services can start.
- If you don't give consent in writing your child will not receive services.

Who attends the IFSP meeting?

- Parent(s) of the child
- Other family members, as requested by the parent, if feasible to do so
- An advocate or person outside the family, if the parent requests that
- Service coordinator designated by the system who will be responsible for implementing the IFSP
- A person directly involved in conducting the evaluation and assessments of the child and family
- Persons who will be providing early intervention services

The Parents' Role

- Parents make suggestions for services to be provided.
- Parent must approve the final plan.
- Parents have the right to decline any services without jeopardizing the child's eligibility for other services.
- Parents may revoke their consent for one or more services at any time.
- Parents are part of the annual review and revision process. They and the team will decide how or if the IFSP needs to be changed.
- When your child is about 2 ½ years old parents should find out if the child will need continued support. If s/he does, then begin the transition to preschool now; it's very important to plan ahead so that the transition is smooth.

Get Information

Learn more about:

- Your child's disability
- Resources in your area
- Policies and programs in your state
- Parent groups and disability organizations that may be of help to you

START RIGHT AWAY! THIS IS IMPORTANT.

Part B – Special Education and Related Services

Services for children from age 3 through 21, sometimes older.

Includes:

- Comprehensive and individual evaluation to determine eligibility, unique needs and types of services and supports that are needed
- Specially designed instruction and related services for eligible children delivered in the least restrictive environment
- Free Appropriate Public Education - FAPE

The Individualized Education Program

Participate!

The IEP is probably the most important step to getting appropriate and measurable services for your son or daughter or for yourself. It is a document signed by the IEP team members, including the family, student (depending on age) and school leadership. It is a formal agreement.

Key role of IEP

- To set reasonable learning goals
- To state services that the school district will provide
- To state WHERE the learning will take place

IDEA states learning must be in **inclusive** settings with children who are not disabled whenever possible.

Special classes, services and separate schooling should only occur when the severity of the disability is such that education in general education classes, with use of supplementary aids and services, cannot be achieved satisfactorily.

When is the IEP Written?

An IEP meeting must be held within 30 calendar days after it is determined, through a full and individual evaluation, that a child has one of the disabilities listed in IDEA and needs special education and related services.

Confirm IEP meeting dates and times with your child's school.

Who Develops the IEP?

- This is a team process.
- The team includes key school staff (educators, related services providers, administrators and others as needed) AND the child's parents. The student may also be part of the team.
- This team meets at least once a year, more often if necessary.
- They review assessment information available about the student and design or update an educational program to address the child's educational needs that result from his/her disability.

Students as members of the IEP Team

- The IEP is about the student, his/her life, schooling and plans for adulthood.
- It is important to include what each student has to say about his interests, challenges, preferences and goals: this informs the team and empowers the student.
- IDEA requires that students be involved in transition planning by the time the student reaches age 16.
- Students can become involved earlier.

What information is in an IEP?

- Present levels of academic achievement and functional performance
- Annual goals
- Special education and related services to be provided
- How much of the school day the child will be educated separately from nondisabled students or not participate in extracurricular or other nonacademic activities
- How and if the student will participate in state and district-wide assessments
- When services and modifications will begin, how often they will be provided, where they will be provided and for how long
- **How school personnel will measure the child's progress toward the annual goals.**

When are the goals of the IEP reviewed?

- The IEP must be reviewed at least once a year, after the initial meeting
- Annual meetings are used to review accomplishments
- Annual meetings are used to discuss any difficulties and problems
- Annual meetings are used to update and revise goals when indicated

What if there are problems, or major successes, before the annual review?

Parents, students and school staff can submit a written request for an IEP meeting at any time during the year, when needed.

This could be needed if:

- A student has met all the goals
- A student is experiencing difficulty and changes in the IEP are needed
- Additional time, additional services, different services or special technology is needed
- The student's health or condition changes

What happens if a student moves to a different school?

- The current IEP is used until a new one can be developed
- School records, test results, and previous IEPs should be transferred to the new school
- Additional testing may be needed to meet eligibility requirements in a different state
- A new IEP meeting needs to be held

About Section 504 and 504 Plans

- If your child doesn't qualify for Special Education Services under IDEA but still requires some accommodations and modifications to fully participate in the classroom, a 504 plan may be called for.
- 504 refers to Section 504 of the Rehabilitation Act of 1973.

The Rehabilitation Act of 1973

- The Rehabilitation Act of 1973 prohibits discrimination on the basis of disability and applies to any program that receives federal financial support. It provides a wide range of services for people with both physical and intellectual disabilities.

(This act may be reauthorized very soon and will then probably be called the Workforce Innovation and Opportunity Act)

Purposes of the Rehab Act

- **(1)** to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society, and
- **(2)** to ensure that the Federal Government plays a leadership role in promoting the employment of individuals with disabilities, especially individuals with significant disabilities, and in assisting States and providers of services in fulfilling the aspirations of such individuals with disabilities for meaningful and gainful employment and independent living.

Knowing about the Rehab Act is Important

It says, in part:

- No otherwise qualified individual with a disability in the United States...shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”
- Section 504 of the Act requires that educational programs and facilities are accessible to all students. Schools that receive any federal funds may not discriminate against students with disabilities – this includes programs for children, state colleges and universities, and vocational training schools.

The 504 Plan

- 504 Plans are a part of U.S. civil-rights law.
- Schools that receive any federal funds are obligated to provide a 504 Plan when appropriate and abide by it.
- A 504 Plan itemizes the modifications and accommodations that will be needed for eligible students to have an opportunity to perform at the same level as their peers.
- For example, the 504 Plan may include such things as wheelchair ramps, blood sugar monitoring, an extra set of textbooks, a peanut-free lunch environment, home instruction, or a recorder or keyboard for taking notes.

Some key differences between Section 504 and IDEA

- Section 504 does not require the school to provide an individualized educational program (IEP)
- Section 504 has fewer procedural safeguards
- Section 504 does not require or even mention that parents are to be a part of the decision-making committee
- Section 504 eligibility determinations do not require formalized testing

More Differences

- Section 504 eligibility is based on grades over the past several years, teacher's reports, information from parents or other agencies, state assessment scores or other school administered tests, observations, discipline reports, attendance records, health records and adaptive behavior information.
- Under Section 504, schools are not required to pay for an outside independent evaluation.

Public schools do not receive any financial assistance to provide Section 504 plans.

The State Education Agency has no direct jurisdiction over Section 504 implementation. Complaints may be addressed to your local District 504 Coordinator or to the Office for Civil Rights.

What impact does the Americans with Disabilities Act have on both IDEA and Section 504?

- Each of these laws protects people with disabilities from discrimination.
- The ADA Amendments Act of 2008 broadens the definition of disability and this may increase the number of children eligible for special services under IDEA and Section 504.

Transition Services in the IEP

- Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include:
 - Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
 - The transition services (including courses of study) needed to assist the child in reaching these goals.

Some things to remember: tips from Alex Ripley

- Everyone can't do something
- Don't fall down
- Clean your glasses
- Take pictures

Some tips from Joe Ripley

- Eat shrimp
- Red is the best color
- Art is good
- so is music

Tips from Suzanne Ripley

- Stay informed, read everything you can, talk to everyone
- If you ask enough people someone will have the answer you need
- Be nice
- Don't take yourself too seriously

Questions?

- Remember many answers can be found in items listed on the resource sheet.