

Special Education Advocacy

Birth – Transition

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Goals for Today



- ❖ Overview of Special Education Services in Nebraska including Early Intervention, Individualized Family Service Plans (IFSPs), and Individualized Education Programs (IEPs) including Transition Services
- ❖ Highlight your parental rights
- ❖ Discuss issues families may encounter and advocacy strategies (on both personal and systems level)

Laws and Regulations

- I.D.E.A. Part C– Federal law that governs early intervention, special education and related services for infants and toddlers with disabilities
- Rule 52 – Nebraska Department of Education Early Intervention regulations

Early Intervention

The Early Development Network (EDN) is Nebraska's special education program for infants and toddlers

- Voluntary program
- Serves children from birth to three years old
- Statewide program
- Children and families who qualify receive an Individualized Family Service Plan (IFSP) which is a written document for providing EDN services
- Provided at no cost to families who qualify



EDN Services



- Family centered, child-focused
- Focus on needs, strengths, concerns, and priorities of eligible child and family
- Team Collaboration
- Flexibility
- Maximize the family's capacity – active family involvement is essential
- Enhance development of the child and increase the child's participation in valued activities through working on outcomes/goals
- Not special education like in an IEP
- Children learn best in their natural environment

Range of Options/Services Available

Family-centered services are based on the special needs of each child and the needs of the family. Services may include, but aren't limited to:

- | | |
|---|----------------------|
| • Services coordination | • Transportation |
| • Early childhood special education | • Audiology |
| • Speech-language therapy | • Vision services |
| • Physical therapy | • Nutrition services |
| • Occupational therapy | • Family training |
| • Psychological services | • Respite |
| • Assistive technology devices and services | |

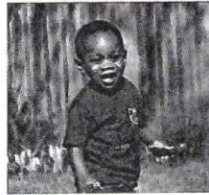
*Other services may be provided based on the needs and eligibility of the child and family



What are My Parental Rights?

Referral Process for Birth - 3

- 7 days for school districts
- 7 days for services coordination
 - Coordinates all services across agencies
 - Assists families
 - Seeks appropriate services
 - Facilitates timely delivery of services
 - Informs families of rights and responsibilities and advocacy
- 45 CALENDAR days from referral to initial IFSP meeting



Evaluations

- Give consent/refuse consent for an initial evaluation/screening
- If provided a screening, parents have the right to request a multidisciplinary team evaluation at any time during the process
- Consent to or refuse, after an initial evaluation, to some or all early intervention services
- Participate in the initial evaluation process

*Skills assessed: cognitive/thinking, communication, social/behavior, self help/adaptive, fine and gross motor, vision, hearing, health status

Evaluations

- Receive a completed initial evaluation within 45 CALENDAR days of your child (infant or toddler) being referred
- Participate in all meetings related to the identification, evaluation, and placement of your child
- If parents disagree with the evaluation, they can file a state complaint



Independent Educational Evaluation (IEE)

- At this time, the IEE option is only available for children on IEPs. For a child on an IFSP, parents would need to go through dispute resolution

Individualized Family Service Plan (IFSP)

- Services coordination
- Participate in the development of the IFSP
- Give consent to or refuse a service or services. Families can decline a service (*except services coordination) without fear of being able to get that service at a later time
- Review IFSP every six months and have it rewritten once a year OR as often as the child and family change so does the plan.
- Can request an IFSP meeting at any time



Placement

- Natural Environment is settings that are natural or typical for same-aged infants or toddlers without a disability
- This may include home, daycare, or other community settings
- So when a plan is being considered, services can be provided in those natural environments that are areas of concerns



Educational Records

- Access, review, and receive copies of your child's educational records

Reevaluation

- Request in writing at any time prior to a scheduled due date (three year requirement)

Prior Written Notice

- Receive a written notice on matters relating to the identification, evaluation, or placement of your child, and if the school district refuses a request

Procedural Safeguards

- Receive a copy once during the school year from the school; Request a copy at any time

More Parental Rights

Year Round Services

- Services should not change over the course of summer due to funding or staffing. Services should look the same in January and in July
- The only exception is at the request of the family (i.e. vacation, if the child has medical issues that need to be addressed such as illness or surgery, etc.)



Transition

- Transition meeting from IFSP to IEP at least 90 days prior to 3rd birthday or 90 days prior to completing the EDN program, or up to 9 months prior to 3rd birthday or completion of EDN program if all agree
- The child may remain on an IFSP to August 31st of the school year they turn 3 years old
- The child may have the IFSP serve as the IEP from three to five years if all agree
- When transitioning from an IFSP to an IEP, IEP rules apply to the child. This includes placement which will change from Natural Environment to Least Restrictive Environment (LRE) and LRE is applicable to preschool. So all rules around IEPs apply to preschool

Aug 31st of year turn
3

Dispute Resolution

- Ask for facilitated IEP meeting
- Ask for mediation
- File a state complaint
- File due process

- And these are your rights associated with EDN and IFSPs -

IFSP or IEP until 5
can happen



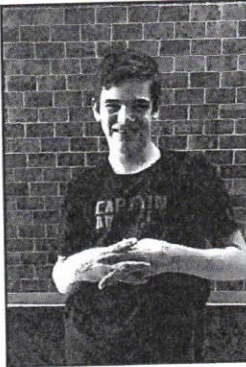
What Questions Do You Have?!

LET'S TALK!

Laws and Regulations

- I.D.E.A. Part B— Federal law that governs special education and related services for school-aged children with disabilities
- Rule 51 — Nebraska Department of Education Special Education regulations

Individualized Education Program (IEP)



- A written document that describes a child's educational needs, identifies goals and objectives to work on at school, and lists the educational supports and services to be provided to meet those goals
- Free Appropriate Public Education (FAPE)
- Individualized to meet each child's unique educational needs, both academic and functional
- Includes specialized instruction which is specially designed for the child to help learn different skills and knowledge

Verification Categories

There are 13 eligibility categories in the IEP verification process

- | | |
|---------------------------|--------------------------------|
| • Autism | • Orthopedic Impairment |
| • Deaf-Blindness | • Other Health Impairment |
| • Developmental Delay | • Specific Learning Disability |
| • Emotional Disturbance | • Speech-Language Impairment |
| • Hearing Impairment | • Traumatic Brain Injury |
| • Intellectual Disability | • Visual Impairment |
| • Multiple Impairments | |





What Must Be Included in the IEP?

- Present Levels of Performance (PLOP)
- Measurable annual goals
- Information on child's progress
- Statement of supports and services
- Participation statement
- Assessment information
- Projected dates for services
- Transition services
- Extended School Year (ESY) Services

Contents of the IEP

Present Levels of Performance (PLOP)

- Provides the foundation upon which all other decisions in the IEP will be made
- Includes data and documentation on academic and functional performance. Identifies current deficits and challenges as well as strengths, abilities, and learning styles
- Describes how disability affects the student's participation in general education and other appropriate activities
- Helps establish a baseline of information that services as a starting point for developing appropriate goals and objectives



Contents of the IEP



Measurable Annual Goals

- Based on student's documented needs and current level of performance
- Should be specific, measurable, meaningful, and able to be monitored/observed
- Describes what the IEP team wants the student to accomplish within the 12 month time frame through being provided specially designed instruction and related services (if needed)

Contents of the IEP

Information on Progress

- Should specify how the student's progress toward meeting the annual goals will be measured - the criteria, tool, or procedure being used, when, and by who
- Progress reports are provided to parents at least as often as reports are provided for general education students
- Reports should include the student's baseline or starting point, where they are currently performing at (calculated data on goals), and what the expected outcome is supposed to be



Contents of the IEP

Statement of Supports and Services (to be provided to the student);

- Special education services
- Related services (16 services to consider based on need)
- Supplementary aids
- Accommodations, modifications, and supports

And a statement of program modifications and supports for school personnel that will be provided to enable the student to:

- Advance appropriately towards achieving goals
- Be involved and progress in general education curriculum
- Participate in extra-curricular and nonacademic activities
- Be educated and participate with nondisabled children and other children with disabilities

Contents of the IEP

Participation Statement

- IEP should explain if the student will not be participating with nondisabled peers in general education classes

Assessment Information

- IEP should explain any accommodations the student will receive on state and district-wide assessments, and if the student will take an alternate assessment instead of a regular assessment

Projected Dates for Services and Modifications

- What will be provided, by who, when they begin and end, and frequency, location, and duration



Contents of the IEP

Transition Services

- Starts when the student is 16 years old, or younger if deemed appropriate by the team (14 years old)
- A coordinated set of activities that address academic and functional skills that is developed by the IEP team
- Includes appropriate goals, supports, and instruction to address future goals and dreams relating to:
 - Postsecondary education
 - Employment (integrated and supported)
 - Vocational training
 - Independent living
 - Community Participation



Contents of the IEP

Transition Services

- Based upon the individual student's needs and their strengths, preferences, and interests
- The student must be invited to any IEP meeting when transition services are being discussed
- Representatives of other agencies should be invited to IEP meetings when transition services are being discussed such as: Nebraska VR, DHHS-DD, university/college personnel, etc.
- The team should discuss transition timelines
 - Graduate high school at age 18
 - Continue education and transition in 18-21 program

Contents of the IEP

Extended School Year Services

- Every student on an IEP must be considered for ESY services
- Provided if the IEP team determines this necessary for FAPE
- Key factors looked at are regression and recoupment of critical life skills, and emerging skills or break-through opportunities
- Services are provided beyond the regular school year (summer)
- Focus is on maintaining current skill levels
- No cost to parents
- Transportation can be provided



What Must Be Considered in the IEP?

- Student's strengths and parent concerns
- Recent evaluation results
- Positive Behavioral Interventions & Supports (PBIS) and other strategies to address any behaviors that impede a student's learning or that of others
- Language needs of the student
- Braille instruction for a student who is blind or visually impaired
- Communication needs of the student
- Assistive technology devices and services



Other Possible Services

- Routine checks of hearing aids and external components of surgically implanted medical devices
- Adapted/specially designed physical education services
- Assistive technology devices or services, or both
- Accommodations, modifications, supplementary aids and services (determined appropriate and necessary) to enable a student to have equal opportunity for participation in nonacademic and extracurricular services and activities





What are My Parental Rights?

Referral Process for Age 3 - 21

- Student Assistance Team (SAT)
- Response to Intervention (RTI)
- 45 SCHOOL days from the time a parent signs consent for Multidisciplinary Team (MDT) evaluation to be completed



Evaluations

- Give consent or refuse consent for an initial evaluation
- Consent to or refuse, after an initial evaluation, all special education services
- Participate in the initial evaluation process
- Receive a completed initial evaluation within 45 SCHOOL days of your child being referred
- Participate in all meetings related to the identification, evaluation, and placement of your child
- After eligibility is determined (MDT meeting), the IEP team must meet to develop the IEP within 30 days of the determination

Individualized Education Program (IEP)

- Be a member of the IEP team and participate in the IEP meetings
- Bring any person to the IEP meeting with knowledge of your child
- Share outside private evaluation information with the IEP team. Outside evaluation information shared by the parent must be "considered" in the IEP process as long as it meets the school district's approved criteria
- Agree in writing to excuse an IEP team member from attending a meeting



IEP Team Members

Required:

- One or both parents or guardians
- Regular Education Teacher (at least one)
- Special Education Teacher (at least one)
- Representative from Local Education Agency (school district) who can commit district resources
- Person who can interpret the evaluation results

May include:

- Other individuals at the discretion of parents
- The child with a disability (when appropriate)
- Related service professionals (as needed)

Individualized Education Program (IEP)

- List all of your parental concerns for your child's education
- Review IEP annually
- Request an IEP meeting at any time
- Agree or disagree to making changes to the IEP without a team meeting
- Request and receive a revised copy of the IEP when updates and changes have been made
- Every teacher and service provider must be informed of their specific responsibilities related to the student's IEP. The IEP must be accessible to every school personnel who is responsible for its implementation

Can ask for an IEE at public expense if you disagree with the school district's evaluation results

Completed by a qualified professional not employed by the school district

This "second opinion" must be "considered" by the IEP team

You are entitled to one IEE of your child each time the school district conducts an evaluation you do not agree with

Independent Education Evaluation (IEE)

More Parental Rights

Educational Records

- Access, review, and receive copies of your child's educational records

Reevaluation

- Request in writing at any time prior to a scheduled due date (three year requirement)
- Agree or disagree in writing to a reevaluation

Prior Written Notice

- Receive a written notice on matters relating to the identification, evaluation, or placement of your child, and if the school district refuses a request

Procedural Safeguards

- Receive a copy once during the school year from the school district
- Request a copy at any time

Dispute Resolution

- Ask for facilitated IEP meeting
- Ask for mediation
- File a state complaint
- File due process

- And these are your rights associated with IEPs -



What Questions Do You Have?!

LET'S TALK!

Important Tips for Parents

- The student's IEP must be accessible to every school personnel who is responsible for its implementation
- Every teacher and service provider must be informed of their specific responsibilities related to the student's IEP.
- All decisions about the supports, accommodations, and modifications that are provided to the student must be written down and documented in the IEP

Important Tips for Parents



The IEP must be implemented as it's written

The IEP must be reviewed at least annually to consider:

- any lack of expected progress toward annual goals;
- progress in the general education curriculum, if appropriate;
- the results of any reevaluation;
- information regarding the student provided to or by the parents;
- and the student's anticipated needs

A parent or guardian can request an IEP meeting at any time and you can have more than one IEP meeting a year

Important Tips for Parents

- You are considered an expert on your child and you are an equal partner in your child's education
- Decisions should be based on data. Ask for the data and documentation that is being used in the discussion and decision-making process
- You have the right to disagree with any part of the IEP. Work with the team to problem-solve and compromise. If you and the school are not able to come to an agreement, you have dispute resolution options available to you to help resolve disputes

Important Tips for Parents

- Ask open-ended questions to help get the IEP team communicating and collaborating with each other more and so you understand the IEP better
- Three important questions:
 - What interventions/strategies are we currently using to address my child's _____ need?
 - How effective are they? (Ask for data)
 - What other interventions/strategies can the team implement to address my child's _____ need?

Resources

- Early Development Network website – <http://edn.ne.gov>
- IFSPweb – <http://ifspweb.org>
- PTI Nebraska – www.pti-nebraska.org
- Answers4Families – www.answers4families.org
- Nebraska Department of Education Rule 51 and Rule 52 – www.education.ne.gov

Thank You!

- Thank you for attending this training. Your time is appreciated.
- Please complete the [evaluation form](#). We really appreciate your feedback!
- If you have any additional questions, please contact PTI-Nebraska. Our main line is 402-346-0525 and our toll-free # is 1-800-284-8520. You can also email us at reception@pti-nebraska.org.
- My contact information is: 402-403-3913 and jmiller@pti-nebraska.org

Have a great evening and keep advocating on!