



BASIC Rights: Training on IDEA

A Parent's Introduction to Special Education



a brighter future for children with disabilities

www.tnstep.org



STEP: Who We Are & What We Do

Support and Training for Exceptional Parents, Inc. (STEP) is a statewide not-for-profit established in 1989 serving Tennessee families.

We are Tennessee's PTI - Parent Training and Information Center.

WHO do we help?

Families or caregivers in Tennessee with children and youth, birth to 26, with a diagnosed or suspected disability or special healthcare/mental health needs. STEP believes parents and caregivers are a child's best advocate.

HOW do we help?

- ★ Navigating special education laws
- ★ IEP or 504 Plan review and assistance
- ★ Virtual and in-person workshops and training
- ★ Referrals to other agencies
- ★ Life after high school planning
- ★ Training videos and webinars
- ★ Collaboration and communication
- ★ Special education updates

Services are **FREE** for Tennessee families



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STEP: Who We Are & What We Do

STEP believes in collaborating with schools and agencies to improve results for Tennessee students.

WHAT does STEP offer professionals?

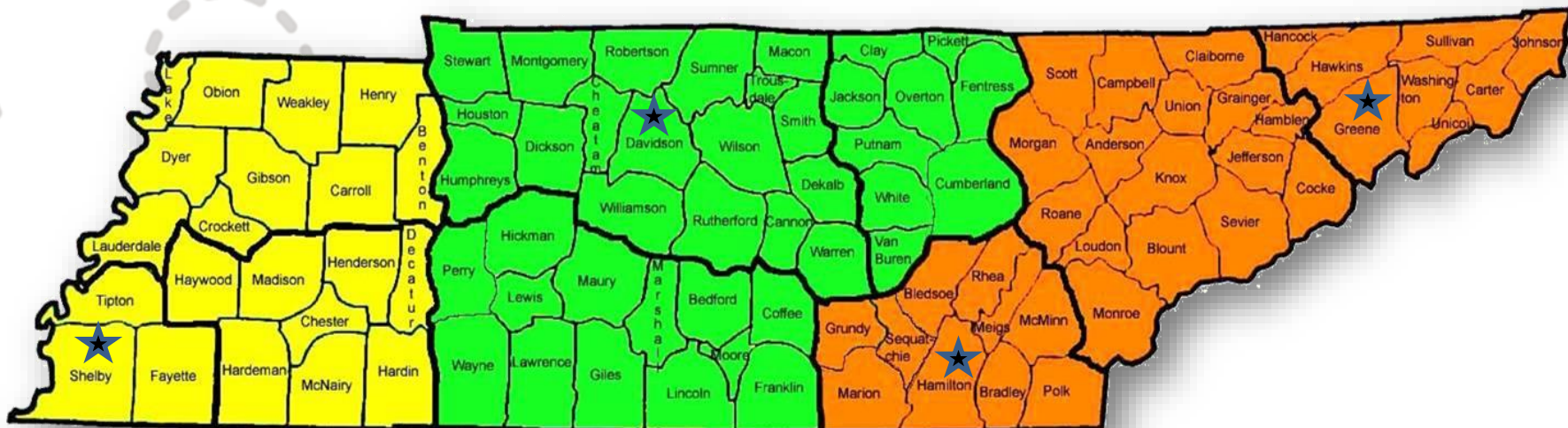
- High quality in-service and professional development
 - IDEA and Section 504
 - Instructionally appropriate IEPs
 - Response to Intervention
 - Family engagement
 - Postsecondary transition
 - Customized needs-based training
- Parent in-person and virtual workshops on special education topics
- Youth activities

HOW much does it cost for Professionals?

- FREE if parents and caregivers are invited
- FREE if funded by grants from the Tennessee Department of Education
- Fee-for-service but very cost effective

★ STEP: Who We Are & What We Do

STEP believes in collaborating with schools and agencies to improve results for Tennessee students.



WEST - Memphis office
Serving West TN counties

MIDDLE - Nashville office
Serving Middle TN counties

EAST - Greeneville office/Headquarters
Serving East TN counties

Bilingual staff available
for families

Chattanooga Satellite Office
Serving Bilingual families across the state

STEP, Inc. is one of over 100 Parent Training and Information Centers (PTIs) nationwide, providing training, tools, and information to parents, caregivers, and professionals in Tennessee.

Our Funding Sources

PTI

Tennessee
Parent
Training &
Information
Center



SPDG

State
Personnel
Development
Grant



TA Region B

Funded by
OSEP –
Consultant
for 12 state
region
technical



Funds raised through events, donations, contributions, foundations, sale of products, and other sources



Our Mission

STEP's Mission is to serve families of children and youth, young adults, and those who are involved in their lives.

We provide accurate, timely, and relevant information and training related to special education rights, equal access to quality education, and connections to community resources.

We believe that parents and caregivers are their children's best advocates, and that youth with disabilities should be self-advocates.

We know that families and youth who are informed, empowered, and engaged can effectively collaborate as part of a team for services and supports that will lead to improved outcomes and success in life.



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Our Vision

STEP's vision is to ensure a brighter future for children and youth in Tennessee, with an emphasis on those with disabilities, special health care needs, and mental health needs.



Objectives

You will leave today with a basic understanding of:

- Special Education terms and laws
- Rights of a parent
- Confidence in your role as an IEP team member
- High expectations for your child
- How to use the STEP Parent Manual

Congress finds education can be made more effective by having **high expectations...** in order to meet developmental goals and, to the maximum extent possible, the **challenging expectations** that have been established for all children... to **lead productive and independent adult lives.** IDEA 2004 Statute 601(c)(5)(A)(i-ii)



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How to Use the STEP Parent Manual

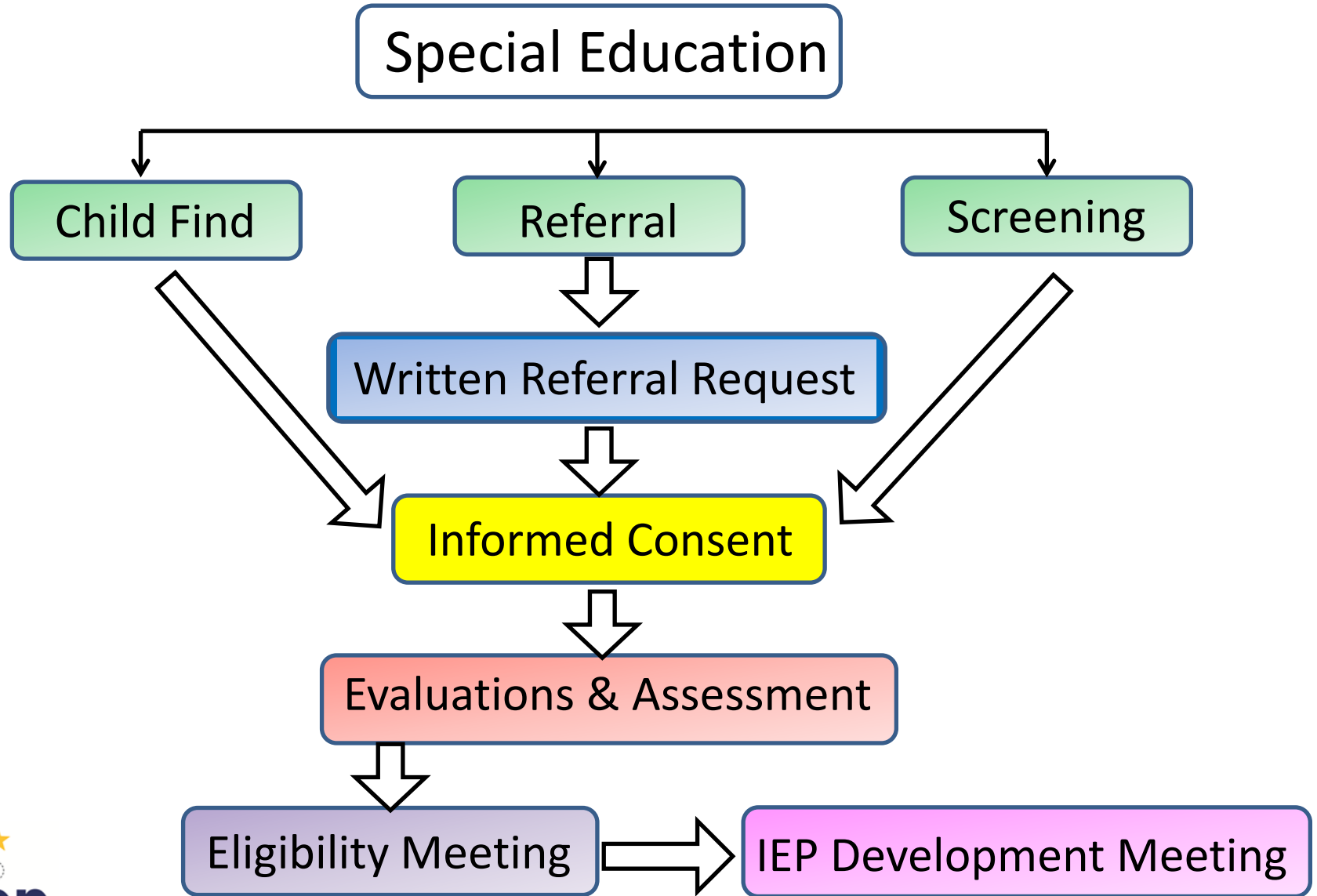
IDEA Federal Laws and Regulations Overview (Blue)	Last page tells you how to look up regulations in IDEA
IDEA 2004 Statute IDEA 2006 Regulations (Red)	Appendix at the back of the section is used like a phone book – think of what you want to know and find it to get the section of law
Section 504, Rehabilitation Act (Green)	
FERPA Regulations (Purple)	
State Laws, Rules and Policies (Blue)	Last 2 pages are Timelines in Tennessee Special Education
Tennessee specific rules in addition to IDEA (Orange)	1st page - Special Education Table of Contents Administrative Complaint Guide Part 303 index and code Special Education Disability Specific Standards
Educational Advocacy for Parents (Blue)	Parental rights Letter writing with examples
Resources (Blue)	Addresses and web sites for various organizations

Special Education Terms

- FAPE - **F**ree **A**ppropriate **P**ublic **E**ducation
- IDEA - **I**ndividuals with **D**isabilities **E**ducation **A**ct
 - Part A-Addresses General Provisions
 - Part B- Covers the assistance for education of all children with disabilities (3 – 21 inclusive)
 - Part C- Covers Infants and toddlers with disabilities (birth-3)
 - Part D- Addresses national activities to improve the education of children with disabilities
- IEP - **I**ndividualized **E**ducation **P**rogram
- IEP Team - People that develop the IEP and make all educational decisions
- IFSP - **I**ndividualized **F**amily **S**ervice **P**lan
- LEA/SEA
 - **L**ocal **E**ducation **A**gency (your school system)
 - **S**tate **E**ducation **A**gency (TN Department of Special Populations)
- Related Services
 - OT - **O**ccupational **T**herapy
 - PT - **P**hysical **T**herapy
 - SLP - **S**peech & **L**anguage **P**athology
- Special Education – Specially Designed Instruction

There are MANY more acronyms you will hear so If you are not sure...ASK!

Special Education Flow Chart



Request for Evaluation Process

Child Find

Requires all school districts to identify, locate and evaluate all children with disabilities, regardless of the severity of their disabilities, including those in private schools.

Referral

Parent of a child, an SEA, other state agency or LEA may initiate a request for an initial evaluation. IDEA 2004 Statute 614(a)(1)(B)

Possible responses:

- School can agree and proceed with informed consent
- School can disagree with need to evaluate and provides written notice
- School can disagree with particular assessments requested for specific suspected disabilities

Screening

Performed by a teacher or specialist to determine the need for evaluation.



Informed Consent to Evaluate

- Prior to an **initial** evaluation, parents must provide written consent.
- TN uses Initial Assessment form ED-3073 – Rev. 8/08

Other times parental consent is required:

- Before providing services
- Before accessing insurance
- Before releasing or sharing your child's information
- Before an individual evaluation

IDEA 2006 Regulations 300.300



Dear Parent/Guardian/Surrogate:
 On ____/____/____ (date), _____ was referred for a comprehensive assessment for determination of eligibility and need of special educational services. This referral is based upon a review of current classroom performance, past educational records, and/or screening information. We are requesting permission to assess your child in order to provide additional information to help us plan a more effective educational program. Also, as the parent of a child who may be eligible for special education, the *Notice of Procedural Safeguards* brochure is being provided for your information.

The reason(s) to request your permission to assess your child is (are):
 child is working above grade level or below grade level in one or more basic skills
 child's behavior is inconsistent with that expected for children of student's age
 child's rate of progress has increased decreased
 child's speech/language skills are inconsistent with those expected for children of student's age
 child has entered our school system with an out of date and/or incomplete evaluation
 parent preschool referral

The areas/ procedures to be considered for your child's assessment are checked below. The extent of the assessment will depend upon the severity of the problem.

<input type="checkbox"/> 1. Vision/Hearing Screening	<input type="checkbox"/> 10. Audiological Evaluation
<input type="checkbox"/> 2. Classroom Observation	<input type="checkbox"/> 11. Functional Vision Assessment
<input type="checkbox"/> 3. Academic Achievement	<input type="checkbox"/> 12. Personality Assessment
<input type="checkbox"/> 4. Intellectual Functioning	<input type="checkbox"/> 13. Vocational Assessment
<input type="checkbox"/> 5. Speech/Language Skills	<input type="checkbox"/> 14. Assistive Technology Assessment
<input type="checkbox"/> 6. Gross/Fine Motor Skills	<input type="checkbox"/> 15. Self-Help/Adaptive Behavior
<input type="checkbox"/> 7. Visual/Auditory Skills	<input type="checkbox"/> 16. Functional Behavior Assessment
<input type="checkbox"/> 8. School and/or Home Behaviors	<input type="checkbox"/> 17. Other _____
<input type="checkbox"/> 9. Early Childhood Development	<input type="checkbox"/> 18. Other _____

Please sign this form and return it to the school. Your signature shall not be construed as consent for placement in any special education program. When the assessment has been completed, you will be invited to an IEP team meeting in order to discuss the findings, determine your child's eligibility for special education services and, if need, plan an appropriate educational program for your child. If you have any information you would like to share pertaining to your child's assessment, please forward it to the person named below or bring it to the meeting.

I HAVE REVIEWED THE BROCHURE CONCERNING *THE NOTICE OF PROCEDURAL SAFEGUARDS*
 Yes No

Please check one of the following:
 I give permission for an individual assessment.
 I do not give permission for an individual assessment.

Date ____/____/____ Signature of Parent or Guardian _____
 Phone _____ Address _____

If you have any questions, you may contact one of the following:

Name	Department/Position	Telephone Number
_____	_____	_____
_____	_____	_____

School _____ Teacher _____
 Date Received From Parent ____/____/____ Grade _____

ED - 3073 - Rev. 8/08 DEPT. ED Consent For Initial Assessment

Evaluation

- Cannot be racially or culturally biased and must be in your child's native language and mode of communication
- Must get a complete "picture" of your child's educational needs, including your child's functioning (RTI data used for Specific Learning Disability)
- Must be information from more than just one test
- Instruments must be selected and given taking your child's special needs into consideration
- Evaluations are done by a team of professionals... *Including a specialist in the area of the child's disability*

Child is assessed in all areas of *suspected* disability

- ♦ Health
 - ♦ Social & emotional status
 - ♦ Communicative status
 - ♦ Vision
 - ♦ General intelligence
 - ♦ Motor abilities
 - ♦ Hearing
 - ♦ Academic performance
- IDEA 2006 Regulations 300.304(c)(4)

Eligibility – 2 Prong Test

Is there a disability?

Yes

Does the child need special education and related services?

Yes

IEP team meeting scheduled

No

Not eligible under IDEA; may be eligible under Section 504

Autism
Deaf-Blindness
Deafness
Developmental Delay**+
Emotional Disturbance
Functional Delay**
Hearing Impairment
Intellectual Disability
Intellectually Gifted**
Multiple Disabilities
Orthopedic Impairment
Other Health Impairment
Specific Learning Disabilities
Speech or Language Impairment
Traumatic Brain Disorder
Visual Impairment

** Tennessee specific category

**+ LEA specific category

If you disagree with an evaluation and/or the team cannot agree:

1. Share your concerns
2. Ask for reassessment
3. Request further evaluation
4. Independent Educational Evaluation (IEE)
5. Mediation
6. Due Process hearing
7. Resolution Session

Eligibility Meeting

Who attends this meeting?

“A group of qualified professionals and the parent of the child”

IDEA 2006 Regulations 300.306(a)(1)

What information should parents receive?

“The public agency provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent”

IDEA 2006 Regulations 300.306(a)(2)

What does “Exceptional” mean?

Exceptional “Yes” is a deficit area

Attach Documentation for each disability to Eligibility Report OR include in Written Report.

Eligibility Report- Eligible

Name: Abbie Marie Test DOB: 08/01/2000 Grade: 10th Grade School: Sample School
 School System: Tennessee Reference System
 Eligibility Determination Date: 12/17/2014 Projected Reevaluation Eligibility Date: 12/17/2017

- Based on information from a variety of sources that have been documented and carefully considered, the IEP team has determined:
 Yes No - This student meets the criteria for a disability consistent with Tennessee State Regulations.
 Yes No - The disability adversely impacts educational performance in his/her learning environment.
 Both **MUST** be YES in order for the student to be eligible for special education and related services.
- The following factors have been ruled out as a primary cause of the student's educational difficulties:
 Yes No Lack of instruction in reading or mathematics Yes No Limited English proficiency
- Educationally relevant medical findings, if any: none
- Vision Screening Results: wnl Date: 07/15/2014 Hearing Screening Results: wnl Date: 07/15/2014
- Evaluation results are documented and the student's disability determination documentation is attached.

ASSESSMENT TEAM

Your signature indicates that you were involved in the assessment by providing evaluation, observations, or input. Dissenting statements should be attached.

Position	Signature	Date	Agree	Disagree
Parent	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
General Education Teacher	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
Interpreter of Test Results	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
Assessment Specialist	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
Special Education Teacher (Optional)	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

ELIGIBILITY DETERMINATION

This student **IS ELIGIBLE FOR SPECIAL EDUCATION** because s/he meets the State of Tennessee's eligibility standards for Specific Learning Disability (Primary) / (Secondary)

This student **Is Eligible for Special Education** because s/he meets the State of Tennessee's eligibility standards for Specific Learning Disability (Primary) / (Secondary); however, the student's parent/guardian is declining services. This student will not receive special education or related services.

This student **Is Not Eligible for Special Education** because s/he does not meet standards for a disability.

Position	Signature	Date	Agree	Disagree
Parent	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
Parent	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
LEA Representative	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
Special Education Teacher	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
General Education Teacher	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
Interpreter of Test Results	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

I received a copy of my child's evaluation report(s) utilized in determining eligibility and/or education program.
 I did not receive a copy of my child's evaluation report(s). Explanation: _____

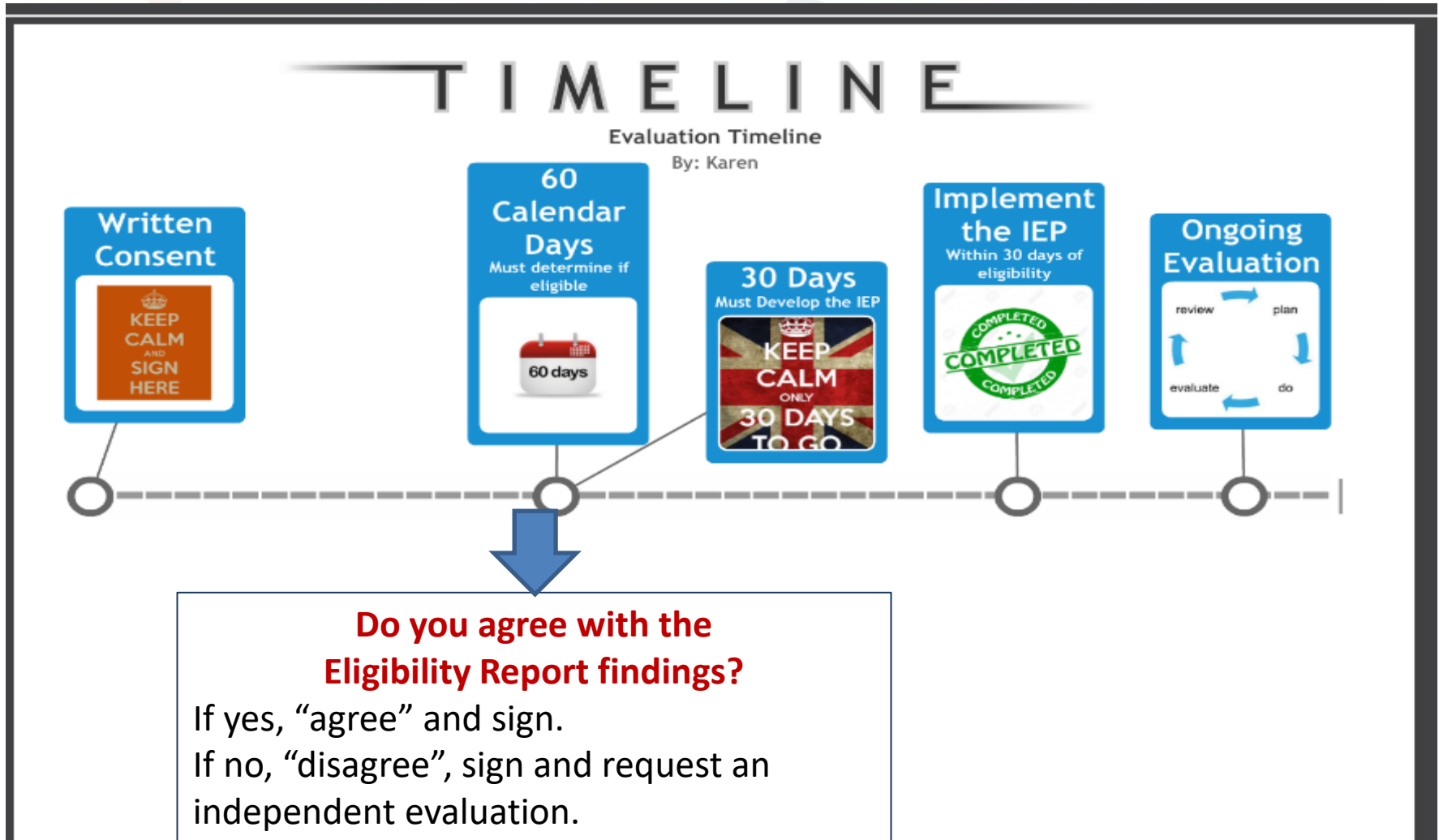
Parent/Guardian Signature _____ Date: _____

Date Eligibility Report was given to parent(s): 12/01/2014
 If the parent(s) did not attend, the person responsible for forwarding and explaining the Eligibility Report to the parents along with their rights is: _____

ED-3057 - Rev 02/11 Department of Education Eligibility Report

Infographic

Timeline for Initial Evaluation and Development of an IEP



Reevaluation

Reevaluations are used to determine whether the child:

- Continues to have a disability and their educational needs
- Continues to need special education and related services
- Requires any additions or modifications to the IEP to meet their goals and participate in general curriculum

IDEA 2006 Regulations 300.305

“ (1) May not occur more than once a year, unless the parent and the public agency agree otherwise; and

(2) Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.”

IDEA 2006 Regulations 300.303(b)



Procedural Safeguard Notice

LEA provides one copy to parents each year, plus

- at initial referral or parental request for an evaluation
- upon the first occurrence of filing a complaint
- upon request by a parent



Topics Covered

- Independent educational evaluation
- Prior written notice
- Parent consent
- Access to educational records
- The opportunity to present and resolve complaints...
- The child's placement during pendency of a due process hearing
- Procedures for students who are subject to placement in an interim alternative educational setting
- Requirements for a unilateral placement by parents in a private school
- Due process hearings
- State-level appeals
- Civil actions
- Attorneys' fees

Invitation to IEP Meeting

“Each public agency must take steps to ensure that one or both of the parents...are present at each IEP team meeting or are afforded the opportunity to participate, including--notifying parents of the meeting early enough...and scheduling the meeting at a mutually agreed on time and place.” IDEA 2006 Regulations 300.322(a)

Who can request an IEP team meeting?

Parent	School (LEA) personnel
Not later than 10 school days from written request TN Rules 0520-01-09-.14	10 day notice required before a meeting TN Rules 0520-1-09-.15



The school (LEA) MUST send the parent an invitation to the meeting which includes the purpose of the meeting and who will be in attendance (by name or title).

IEP Team

Core Members

- Parents of the child
- Regular education teacher of the child
 - Not less than one if the child is, or may be, participating in the regular education environment
- Special education teacher of the child
- School (LEA) representative
 - Qualified to provide, or supervise the provision of specially designed instruction
 - Knowledgeable about the general curriculum
 - Knowledgeable about the availability of resources of the LEA

Situational Members

- Evaluation/instructional interpreter
 - A person who can interpret the instructional implications of the evaluation results
- Other individuals
 - Who have knowledge or special expertise concerning the child including related service personnel
- The child
 - Whenever appropriate, and the student must be invited for transition planning
- Transition services participants

IDEA 2006 Regulations 300.321

Instructionally Appropriate IEP Components

- Student information
- Student's strengths
- Concerns of the parent
- Present Levels Of Performance (PLEP)
- Special factors
- Transition service needs
- Measurable Annual Goals (MAGS)
- Program participation (Accommodations)
- Participation in standardized testing
- Special education and related services including supplementary aides and services
- Participation with students without disabilities, including extracurricular and non-academic activities
- Transportation



Parent Concerns



Keys to Developing an Appropriate IEP

High Expectations

- Close the achievement gap
- What are same age non-disabled students doing?

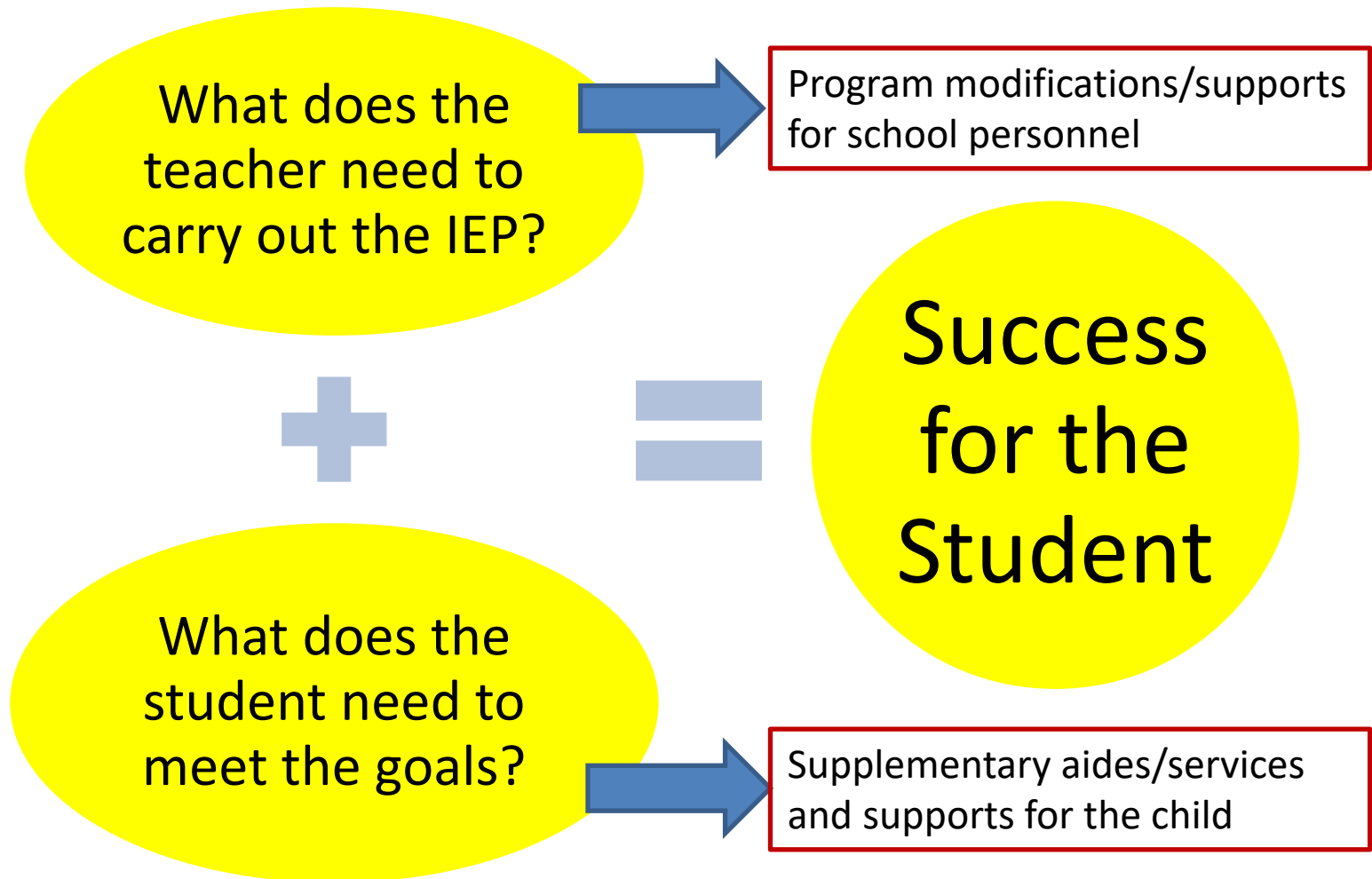
Effective Education

- Services based on researched and peer-reviewed practices
- Schools must use strategies that are effective in realizing a child's goals.
TN Rules 0520-01-09-.12

Measurable Progress

- Well defined goals aligned to areas of need
- Data based decision making
- Demonstrated ability across settings

Focus on the Needs of the Student



Placement

All placement decisions are to be made **AFTER** the child's program (goals and services) have been determined by the IEP team.

LEAST RESTRICTIVE ENVIRONMENT (LRE)

“To the maximum extent appropriate, children with disabilities...are educated with children who are not disabled; and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature and severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.”

IDEA 2006 Regulations 300.114(a)(2)(i)(ii)

Placement is:

- Determined annually
- Based on student's IEP
- As close as possible to student's home
- Made in conformity with the LRE provisions of IDEA

LRE means:

- Your child's education should be carried out in the most typical setting possible
- Your child should have opportunities to interact with his/her peers
- Not every child with a disability will be educated in a typical class



Prior Written Notice

Must be provided before the LEA may:

- Propose to initiate or change
- Refuse to initiate or change the identification, evaluation, educational placement of a child, or provision of FAPE to the child

IDEA 2006 Regulations 300.503

Prior Written Notice includes:

- Description of the action
- Explanation of “why”
- Other options considered
- The evaluations that were used as a basis
- Any other factors used
- Statement of the parent’s protections
- Sources to obtain assistance understanding the notice



Transition

#1 Focus - Student's Desired Life and Goals

- Transition planning begins at age 14 – time for self-advocacy
- Addresses 4 main categories: Employment, Independent Living, Post-Secondary Education and Community Involvement
- Transition goals are designed to prepare student for life after high school
- Responsibility for implementing the goals on the transition plan can involve teachers, students, parents and community
- 4 year course of study (can change annually based on need)
- Transition should have at least one current present level of performance (PLOP) followed up with goals and/or objectives in the IEP (this is separate from the Transition page in the IEP)
- Students have the right to make their own educational decisions at the age of 18 unless a conservatorship is obtained



IDEA 2006 Regulations 300.43

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Comparison of Diplomas

Diploma	Who Is Eligible?	Terminal (Yes or No)	Included in Graduation Rate?
Regular Diploma	Everyone	Yes—terminates eligibility for IDEA services	Yes
Alternate Academic Diploma	Students assessed on the alternate assessment	No—student is still eligible for IDEA services through 21	Yes*
Occupational Diploma	Students with an individual education program (IEP) who will not be able to earn the regular diploma	No—student is still eligible for IDEA services through 21	No
Special Education Diploma	Students with an IEP who will not be able to earn the regular diploma	No—student is still eligible for IDEA services through 21	No

*Included in graduation rate if completed within the four years plus one summer time limit.

You & the IEP Meeting

BEFORE

- Familiarize yourself with special education processes and laws
- Know your rights!
- Find out about services your school system offers
- Review your child's records
- Review most recent evaluations
- Request copies of all documents that will be used at the meeting and those that you will be asked to sign
- Find out who will be at the meeting
 - invitation to the meeting
- Organize and prioritize your thoughts on paper – bring your top 3 or 4 items

DURING

- Introductions at the meeting start
- Be confident and positive
- Bring your records and share your information and knowledge
- Ask questions, if you don't understand, ask for an explanation
- Ask for copies of anything being discussed during the meeting
- Take notes
- Encourage everyone to participate in the discussion
- Behave as if nothing is “cast in stone” (except your rights!)
- Be sure to make all of your points (use your list!)

Now What?

Read the IEP meeting notes to make sure they accurately reflect the “Yes, we will do...” and “No, we will not do...” conversations prior to signing agreement.

Make sure you get copies of everything!



It is okay to take time to read and understand what you are signing.

Ask questions, and if you are unsure, request time to take it home and review the document further prior to signing.

You have 14 days to review and sign the IEP.
Contact the LEA representative if you have questions prior to signing.

Process of Advocacy

- Recognize that a problem exists
- Define the problem
- Commit to do something about the problem
- Gather information
- Identify a desirable solution
- Developing a strategy for attaining solution
- Take action! Use the Chain of Command

Chain of Command

Who do you contact?

- Ask at the IEP meeting who to contact if you have questions or concerns
- Always start at the local school and then the school district
- If unresolved, follow conflict resolution processes:
 - Compliance (Administrative Complaint)
 - Tennessee Department of Education (state)
 - Office of Special Education Programs (federal)
 - Discrimination (Civil Rights Complaint)
 - Office for Civil Rights (federal)

Keep a log of conversations

Maintain a running list of your concerns

Follow-up verbal conversations with a written note

Send thank you notes

More Information



Website

www.tnstep.org



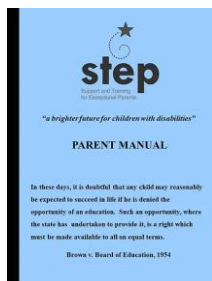
Events Calendar

<https://tnstep.org/events>



Archived Webinars & Virtual Trainings

<https://tnstep.org/webinars>



STEP's Parent Manual

View on home page at
www.tnstep.org,
or order disc or hardcopy



facebook.com/steptn



youtube.com/user/TNStep



twitter.com/tnstep

Training Workshops DVD's

English & Spanish



Empowering Families to Ensure a Brighter Future for Children with Disabilities

This is a journey, and the STEP staff is available to provide support, information, and training to families and students!

Call 800-280-7837 or your local office

West Tennessee

westrtc@tnstep.org

(901) 726-4334

Middle Tennessee

middlertc@tnstep.org

(615) 463-2310

East Tennessee

eastrtc@tnstep.org

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Share Your Thoughts

Please take a moment to take our parent survey.

<https://www.surveymonkey.com/r/STEPBR>

