



tnstep
Special Education Support for Tennessee Families

BASIC RIGHTS

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TNSTEP is a federally funded non-profit Parent Training and Information Center (PTI) that has been training families in special education rights since 1989 and collaborating with schools and agencies to improve results for Tennessee.

Family Assistance

Services are FREE
for Tennessee families



Who do we help?

Tennessee families and caregivers with children and youth, birth to 26, with a diagnosed or suspected disability or special healthcare or mental health needs.

TNSTEP believes parents and caregivers are a child's best advocates.

Family Assistance

Services are FREE
for Tennessee families



How do we help?

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

Let's Connect



Toll Free: (800) 280-STEP

Español: (800) 975-2919

Telephone: (423) 639-0125



www.tnstep.org

information@tnstep.org

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For More Information
Visit

www.tnstep.org

Find Event Calendar, Archived Webinars, Virtual Trainings,
TNSTEP's Parent Manual, and more!

Today's Topics

Review the Four Parts of IDEA

Define a Child with a Disability

Six Principles of IDEA



Individuals with Disabilities Education Act (IDEA)



IDEA Has 4 Parts

- A** Addresses general provisions (*the law*)
- B** Covers the assistance for education of all children with disabilities (*special education ages 3 to 21*)
- C** Covers infants and toddlers with disabilities (*early intervention ages birth to 3 – TEIS*)
- D** Addresses national activities to improve the education of children with disabilities (*discretionary grant funding for programs such as TNSTEP*)

A Child with a Disability

Autism

Deaf/Blindness

Deafness

Developmental Delay **

Emotional Disturbance

Functional Delay **

Hearing Impairment

Intellectual Disability

Intellectually Gifted **

Multiple Disabilities

Orthopedic Impairment

Other Health Impairments

Specific Learning Disabilities

Speech and Language Impairments

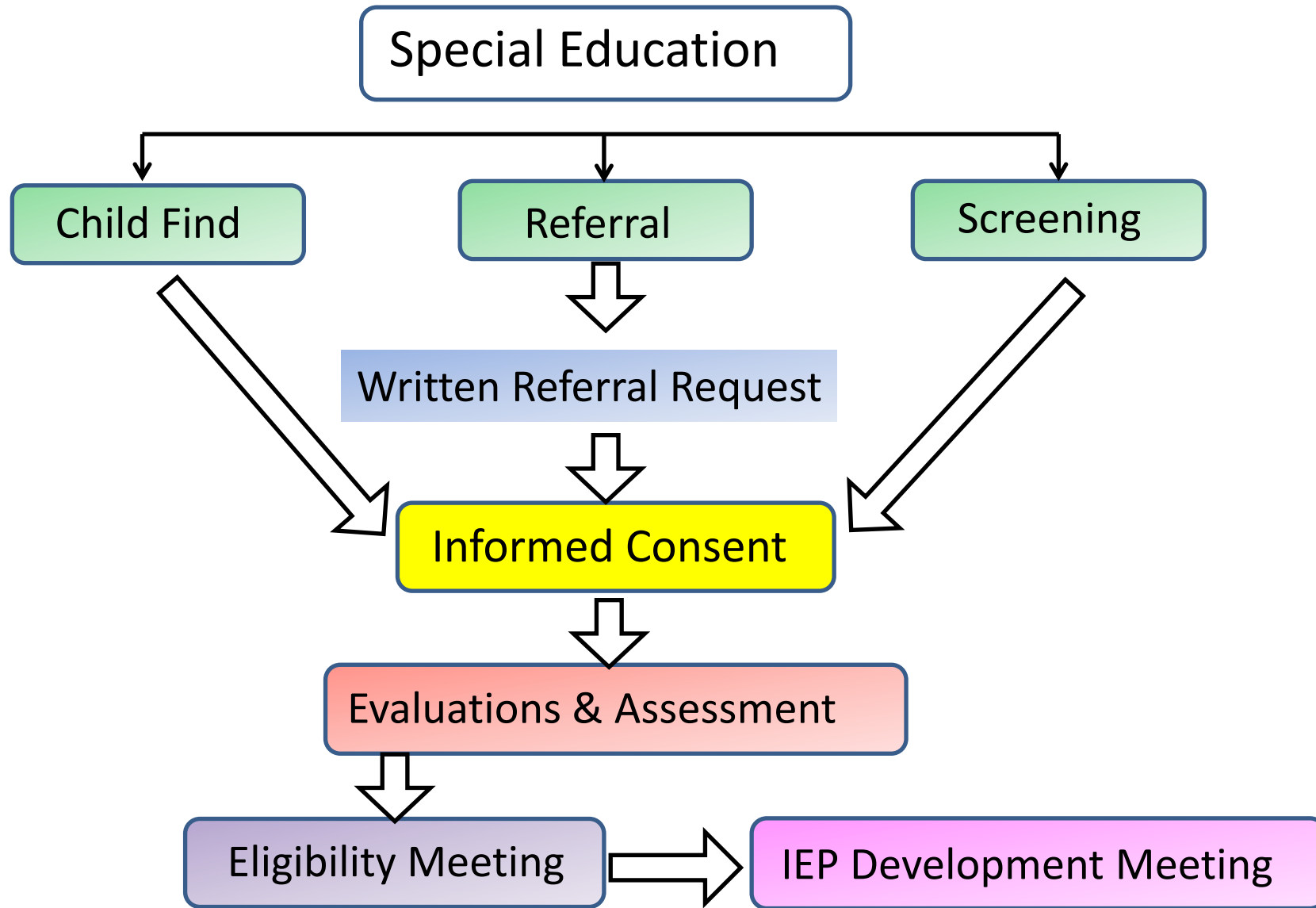
Traumatic Brain Injury

Visual Impairments

*** TN Specific Categories*

#1 Free Appropriate Public Education FAPE





#2 Appropriate 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
- ★ 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)

Informed Consent

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 you 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:

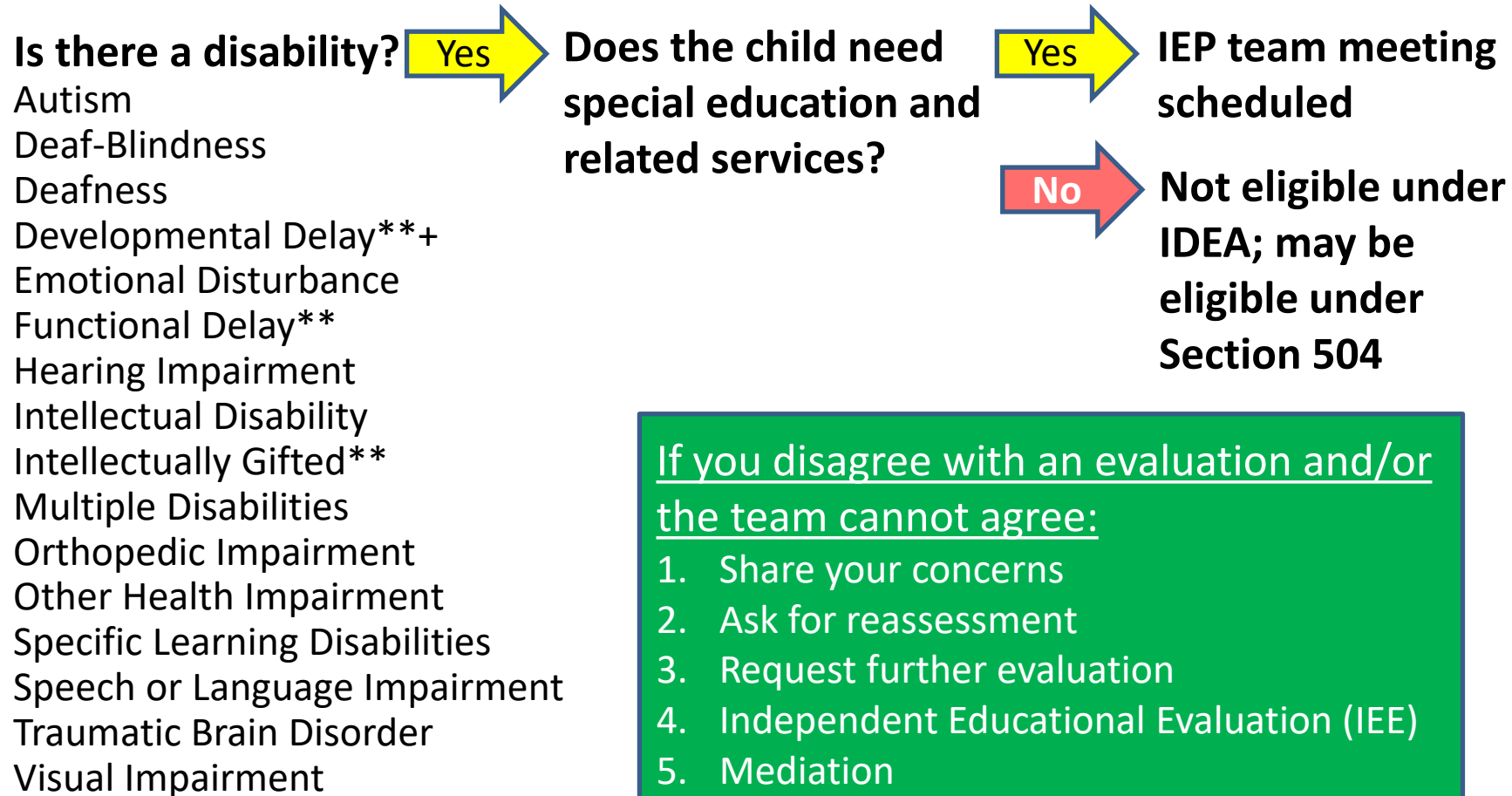
Name	Department/Position	Telephone Number
_____	_____	_____
_____	_____	_____

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

ED - 3073 - Rev. 8/08
DEPT ED

Consent For Initial Assessment

Eligibility = 2 Prong Test



** 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 Tew 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

1. 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.

2. 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

3. Educationally relevant medical findings, if any: none

4. Vision Screening Results: wnl Date: 07/15/2014 Hearing Screening Results: wnl Date: 07/15/2014

5. 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	Parent participated	_____	<input checked="" 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	Parent agree/disagree	_____	<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

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)



#3 Individualized Education Program IEP

Invitation to the 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 - Not later than 10 school days from written request TN Rules 0520-01-09-.14

School (LEA) - 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, **even if the parent requested 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


What is an IEP?

A written statement of the educational program designed to meet a child's individual needs.

Every child who receives special education services must have an IEP that is developed by a team of individuals that includes key school staff and the child's parents.

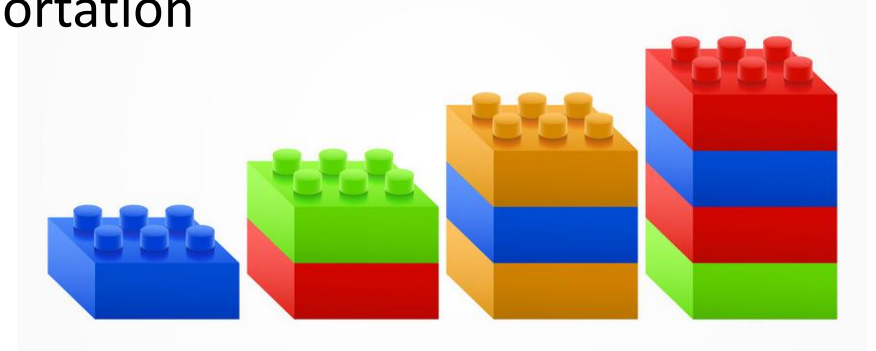
What is an IEP Draft?

Initial recommendation for review and discussion by the IEP team.

		TENNESSEE REFERENCE SYSTEM 710 James Robertson Parkway Nashville, TN 37243	
Individual Education Program (IEP)			
From: 06/15/2016 To: 06/15/2017 <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Addendum			
Student Information			
Student: Student (first) Test (last)	Birthdate: 05/01/2006	Grade: 5th Grade	
Student ID: TEST001	Gender: F	Hispanic Ethnicity: No Race: American Indian or Alaska Native	
School: Sample School			
District: Tennessee Reference System			
Primary Disability:	Other - Health Impairments	Re-evaluation of Eligibility Date:	06/15/2019
Secondary Disability:	None		
Medical Information: Medical summary			
Relationship to Student: Both Parents/Guardian			
Name: Test Parents			Home Phone:
Address: Test Rd, Test, TN, 37000			
ED-2998/REV 9/2003		Tennessee Reference System Individual Education Program	Page 1 Version 1.9 - Date of Current Version 7/16/2008

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 activities (LRE)
- Transportation



For detailed information, attend or watch TNSTEP's IEP workshop

Keys to Developing an Appropriate IEP

High Expectations	Effective Education	Measurable Progress
<ul style="list-style-type: none">• Close the achievement gap• What are same age non-disabled students doing?	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• Well defined goals aligned to areas of need• Data based decision making• Demonstrated ability across settings

Related Services

Transportation

Speech-Language Pathology

Audiology Services

Interpreting Services

Psychological Services

Physical Therapy

Occupational Therapy

Recreation and Therapeutic
Recreation

School Nurse Services

Social Work Services



Counseling Services and
Rehabilitative Counseling

Orientation and Mobility

Medical Services (Diagnosis and
Evaluation)

School Health Services

Early Identification and
Assessment

Parent Counseling and Training

This is not an exhaustive list

#4 Least Restrictive Environment LRE

Special Education is specially designed instruction provided at no cost to parents to meet the unique needs of a child with a disability.

Special classes, separate schooling or other removal of the child from the regular education environment occurs only if the nature and the severity of the disability is such that education in regular classes with the use of supplemental aids and services cannot be achieved.



***Special
Education is
not a place***

Placement

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

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



#5 Parent Participation in the Decision-making Process

BEFORE the meeting

- Organize and prioritize your thoughts on paper – bring your top 3 or 4 items
- Familiarize yourself with special education processes and laws that apply to your situation
- Find out about services your school system offers
- Review your child's records and evaluations
- Request copies of all documents that will be reviewed at the meeting

DURING the meeting

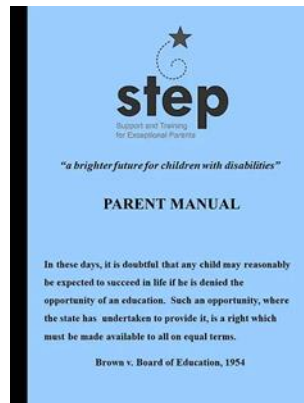
- Introductions/role at the meeting for all participants
- Bring your notes and share your information and knowledge
- Ask questions, if you don't understand, ask for an explanation (who, what, where, when, why, how)
- Take notes or bring a note taker
- Be sure to make all of your points (use your list!)
- Ask for copies of items discussed or signed

AFTER the meeting

- 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. 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.
- Make sure you get copies of everything!
- You have 14 days to review and sign the Final IEP. Ask to receive a copy of the Final IEP to sign verifying items agree to by the team are on 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



TNSTEP Parent Manual

- Federal and state regulations
- Contacts
- Example letters

Updated searchable pdf on [TNSTEP.org](https://www.tnstep.org)

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 an email

#6 Procedural Safeguards

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

Parental Rights

Independent educational evaluation (IEE)

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

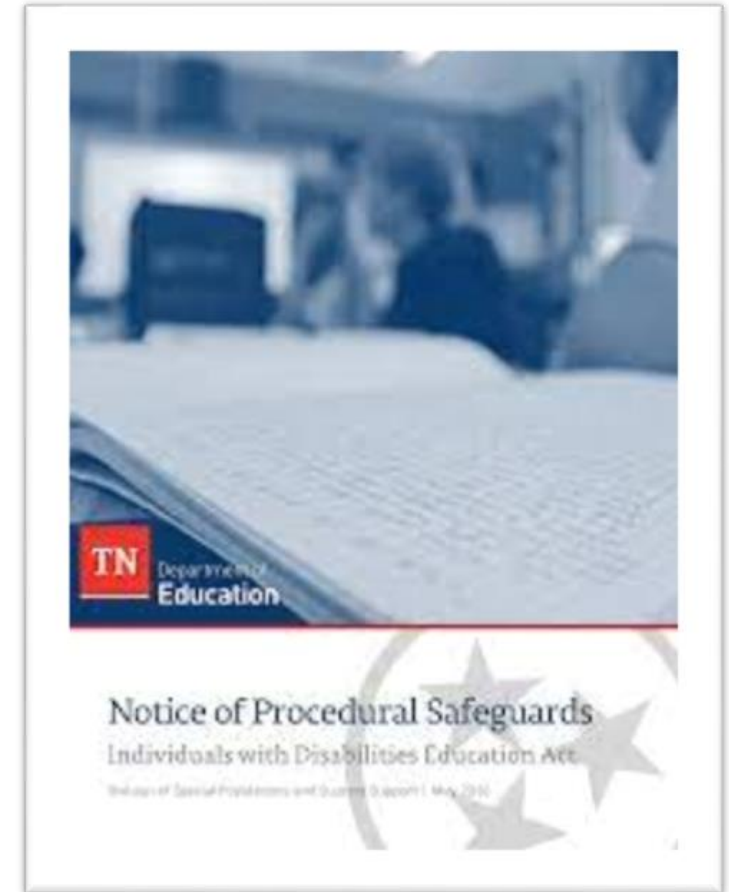
Requirements for a unilateral placement by parents in a private school

Due process hearings

State-level appeals

Civil actions

Attorneys' fees



Prior Written Notice (PWN)

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

Parents and Caregivers,
You are your child's **BEST ADVOCATE**



Evaluation of today's training



How did we do?

TNSTEP staff is available to provide support, information, and training to Tennessee families and students



Contact Information

- **West Tennessee**

westrtc@tnstep.org
901-726-4334

- **Post-Secondary Transition**

joey.ellis@tnstep.org
615-682-3120

- **Business Office:**

Physical: 113 Austin Street
Mailing: 1113 Tusculum Blvd., #393
Greeneville, TN 37745

- **Middle Tennessee**

midlertc@tnstep.org
615-463-2310

- **Español**

dorca.rose@tnstep.org
423-639-6124
423-290-3391 (text)

General Directory: 423-639-0125

General Inquiries: infomation@tnstep.org

- **East Tennessee**

eastrtc@tnstep.org
423-638-5819



The contents of this presentation were developed under a grant from the US Department of Education, #H328M140024. However, contents do not necessarily represent the policy of the US Department of Education. You should not assume endorsement by the Federal Government. Project Officer, Julia Martin Eile.