

Advocacy Essentials

Hearing Impaired Transcript

SLIDE # 1 – “ADVOCACY ESSENTIALS”



Advocacy Essentials

Hello, and welcome to “Advocacy Essentials.” This video is part of a series of special education videos developed by The Arc of Fort Bend County and is a part of its education advocacy program. If you would like more details about the educational advocacy program at The Arc of Fort Bend County, visit our website at: arcoffortbend.org.

The purpose of this video is to educate parents, guardians, and self-advocates about the rights of children with disabilities provided by the Individuals with Disabilities Education Act (IDEA). We hope to empower people with information and suggestions for navigating the special education process.

You should know that advocacy is an on-going process. There is not one formula that works for everyone, all of the time. What may work for one person, may not work for another. We hope this video will provide some helpful insight as you consider what may be appropriate for your child, given their individual needs, and unique set of circumstances.

There are several multiple choice or true/false questions throughout this presentation. These questions review important concepts and check your understanding along the way. You may watch this presentation as many times as you like. If you have additional questions, or are looking for more information about a particular topic, there are links to some helpful websites and additional resources at the end of this presentation.



MISSION STATEMENT

- ▶ The Arc of Fort Bend County ensures opportunities for people with intellectual and developmental disabilities to maximize their quality of life within our community.



SLIDE # 2 – THE ARC OF FORT BEND COUNTY MISSION STATEMENT

At The Arc of Fort Bend County, we ensure opportunities for people with intellectual and developmental disabilities to maximize their quality of life within our community. Access to a free appropriate public education or FAPE, is an important part of equal opportunity and participation for all.

Organization Logo

Mission Statement:

Name, Address, Phone # of Translating Organization

Ask your child’s school to provide you with written notices and translation services in your native language or mode of communication.

SLIDE # 3 – FOREIGN LANGUAGE TRANSLATED PRODUCTIONS: PARTNERING ORGANIZATION NAME, MISSION STATEMENT.

Translation of this this video production is being provided by _____. Its mission is:_____. Contact them at: _____.

School districts must provide written notices and translation services to parents in their native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, the school district must take steps to ensure that translation is provided in the parent’s mode of communication. Ask your child’s school to provide you with written notices and translation services in your native language or mode of communication.

What is Special Education?

IDEA - Individuals with Disabilities Education Act, Part B (2004)

1 of 13 Disabilities + Educational Need

Specially designed instruction, support, and services provided to students with an identified disability who require individually designed instruction to meet their unique learning needs.



SLIDE # 4 – “WHAT IS SPECIAL EDUCATION?”

We start with the definition of special education, and its purpose. The Individuals with Disabilities Education Act, Part B (2004) defines special education as:

“Specially designed instruction, support, and services provided to students with an identified disability who require

individually designed instruction to meet their unique learning needs.”

To qualify for special education under the IDEA, a child must have at least 1 of 13 different disabilities listed in the statute and demonstrate an educational need for specialized instruction.

QUIZ Question # 1

True or False?

To qualify for special education, a child must have a disability and an educational need.

Answer: TRUE

Special Education & Related Services

Purpose: “Ensure all children with disabilities have a free appropriate public education, designed to *meet their unique needs* and prepare them for *further education, employment and independent living . . .*”
20 U.S.C. 1400(d)



SLIDE # 5 “RELATED SERVICES”

When the law was drafted, Congress understood education to be more than just reading, writing, and arithmetic. This is why the purpose states that a free appropriate public education, or FAPE, includes preparing children for “further education, employment, and independent living.”

Special education includes what are known as “related services” such as speech therapy, occupational therapy, physical therapy, counseling services, training on social skills, parent and teacher training, school health services, nurse services, and more. These related services may not be academic, but Congress recognized the importance of these services to enable children with a disability to benefit from the educational environment, and increase their independence and self-sufficiency.

QUIZ Question: # 2: Which of these is a related service?

- A. Occupational therapy
- B. Social skills training
- C. Counseling services
- D. All of the above

Answer: D

Something isn't right. Where do I begin?

Share your academic, social, or behavioral concerns with your child's teacher.



*RTI process can not delay/deny a special education evaluation request. (See OSEP Memo Jan. 21, 2011)

SLIDE # 6 – “SOMETHING ISN'T RIGHT”

If you suspect your child may have a disability affecting their ability to learn, you may start by talking to your child's teacher. Share the concerns you have and see if the teacher has similar ones. Has your child already been receiving extra help, or “response to intervention” (RTI) services? You should know, that even if the school

has provided extra help or RTI, this should NOT prevent or delay your request for a special education evaluation.

IDEA Manual 2016



www.thearcoftexas.org/idea-manual/

SLIDE # 7 “IDEA MANUAL 2016”

If you suspect your child has a disability and may need special education, you should immediately request an evaluation, in writing. There are several sample letters for requesting an initial evaluation, additional testing, or an independent evaluation, located in the IDEA Manual 2016. A link to The IDEA Manual 2016 can be found at the link

provided here, on The Arc of Fort Bend County’s website, or via internet search.

Evaluations

45 school days to complete an educational evaluation

30 calendar days to hold an Admission Review and Dismissal (ARD) meeting.



SLIDE # 8 “EVALUATIONS”

Initial evaluations can take 45 school days to complete, and another 30 days to hold an Admission, Review and Dismissal, or (ARD) meeting to determine whether the student qualifies for special education services. While the evaluation is being conducted, ask the school what it will do to help your child in the mean-time. Depending on your child’s

needs, perhaps a 504 plan with accommodations such as extra time, class notes or additional tutoring may be helpful.

QUIZ Question # 3: How many school days does a school have to complete a special education evaluation?

- A. 10 days
- B. 20 days
- C. 30 days
- D. 45 days

Answer: D

Meaningful Parent Participation

Parents are an important part of the ARD Committee, entitled to “*meaningful parent participation*”.

IEP = Individualized Education Program

ARD = Admission Review and Dismissal



SLIDE # 9 “MEANINGFUL PARENT PARTICIPATION”

A parent’s input regarding their child’s strengths, weaknesses, abilities and potential is very important. A parent is entitled to what the IDEA describes as “meaningful participation.” A school must make substantial efforts to ensure parents can participate in an IEP, or ARD Committee meeting. IEP stands for

Individualized Education Program. ARD stands for Admission, Review and Dismissal, which refers to the beginning, middle and end of the special education process.

Some things you can do as a parent to meaningfully participate are:

- Request to re-schedule an inconvenient ARD meeting date or time.
- Ask for a copy of any proposed goals, data or other information be sent to you a couple days before the ARD meeting.
- Ask private doctors, therapists, tutors or other people knowledgeable about your child, to write a letter listing specific recommendations or strategies that would help your child in the school environment.
- Ask if a copy of the IEP program can be projected on an overhead during the ARD meeting so you can follow along with any changes or additions made to the IEP document. Make this request when you confirm your attendance at the ARD meeting, so the school has time to schedule a meeting room with a projector.

And finally, speak up! If you disagree with a proposed change, would like more school information or outside data on an area of concern, or more time to gather additional information on items discussed during an ARD meeting, let the ARD committee know. Ask for additional time and information to consider the changes, before the ARD committee makes a decision.

You should never be pressured into agreeing with something you do not fully understand or agree with. When in doubt, disagree, and ask for additional time and information to consider what is being proposed.

QUIZ Question # 4

The IDEA ensures parents are entitled to:

- A. Mediocre participation
- B. Meaningful participation
- C. Marginal participation
- D. Momentous participation

Answer: B

ARD Meetings

Parents may request an ARD meeting at any time to discuss important educational concerns.



SLIDE # 10 “ARD MEETINGS”

Your child’s school may schedule an ARD meeting, but Parents may also request an ARD meeting at any time to discuss important education concerns. ARD meetings are not a replacement for parent-teacher conferences. ARD meetings should be called to address substantial concerns such as a pattern of decreasing grades, lack

of goal improvement, concerning behavior changes, new medical, therapeutic or evaluation data, etc. You should know that parents are not limited to only one ARD meeting during a school year. Any issues with quality or quantity of services, lack of goal progress, substantial changes in behavior or other IEP related concerns should be brought to the ARD committee’s attention so possible solutions can be discussed.

QUIZ Question # 5

True or False?

Only the school may request an ARD Committee meeting for a student.

FALSE

Progress Concerns

Educational program not challenging.
Little to no progress.



SLIDE # 11 – “Progress Concerns”

Two common concerns parents have about their child’s special education program are goals that are not challenging, and lack of goal progress. If you have these concerns, ask yourself what data or information you have that supports this observation? Do teacher conferences or progress reports reflect one level of performance, but your

child’s abilities in other areas show a different performance level? If you don’t already have school-based data such as class or homework samples, tests & quizzes, progress reports, or other data, request them from your child’s teacher. Compare the data you gather over time. What does the comparison show you?

Express your concerns in an email to the teacher in charge of the goal or subject matter. What does the teacher say in response? If there is no response from the teacher, consider emailing the Assistant Principal about your concerns. If you are concerned about your child’s performance, remember, you can request an ARD meeting at any time to voice your concerns and discuss possible solutions.

IEP Notebook

A Record of Student’s Academic Progress for
Each Grade / School Year



The IEP Notebook Includes these 5 Tabs:

1. Copy of current IEP/504 Plan used during school year.
2. Copy of most recent Report Cards/ Progress Reports.
3. Last educational evaluation (Independent Evals, Tutor/Therapy notes, etc.)
4. Correspondence between you & school.
5. Sample school work throughout the school year.

SLIDE # 12 – “IEP Notebook”

One of the best ways to organize your child’s educational records and be prepared for ARD meetings throughout the school year is to have an IEP notebook for your child. The IEP notebook has 5 tabs: The current IEP; progress reports and report cards; the latest evaluation and therapy or tutoring notes; correspondence; and school work samples.

Each child should have a new IEP notebook for each school year. At the start of each new school year, transfer the copy of the most recent evaluation of your child, along with therapy or tutoring notes, over to the evaluation tab of the next school year’s IEP notebook. This will ensure you can reference the latest evaluation data available, even though your child may not receive a full re-evaluation every school year.

An IEP notebook is not only a great organizational tool that allows for easier goal progress tracking and ARD meeting preparation, but it also serves as an academic scrapbook to track big-picture progress from school year-to-school year. Parents and students may reflect on what subjects, goals and strategies may be working for their child, or not.

QUIZ Question # 6

Which of the following is an organizational tool for keeping the latest IEP, student sample work, report cards, evaluations and school communication documents in one place for easy access and planning?

- a. Individualized Education Program
- b. Admission Review and Dismissal
- c. IEP Notebook
- d. Annual progress report

Answer: C

ARD Meeting Preparation & Attendance

- 1. Review IEP
- 2. List of concerns
- 3. List of solutions/requests.



SLIDE # 13 “ARD Meeting Preparation”

Before attending an ARD meeting, consider doing the following:

Review your child’s current IEP. Make a list of concerns and what you believe is or is not working for your child. Then prepare a list of proposed solutions or things you would like the school to try.

Arrive a little early to the ARD meeting and bring a support person with you who also knows your child well. Bring a notepad to take notes. Ask if you may audio record the ARD meeting. Bring any private evaluations, therapist or tutor recommendation letters with you to the meeting, and don't forget your IEP notebook!

Once at the ARD meeting, allow the ARD facilitator to conduct the meeting, but don't be afraid to ask questions as they come up. If the school proposes a change or something new, gather as much information about the proposed changes as you can. Ask what data the school has on the issue and whether a new evaluation has been done. Ask to see program examples, talk to other parents whose students are already participating in the proposed program, ask for a tour and talk to the teachers. Also ask about other school district programs, services and resources that may be available to your child.

Change in Placement

Placement decisions must be made by the ARD committee and individualized based on your child's unique needs.
20 U.S.C. § 1414(e)



SLIDE # 14 “CHANGE IN PLACEMENT”

When a school proposes to change a student's educational program or the frequency and duration of a related service, this is known as a “change in placement”. Before agreeing to a change in placement, ask what other less restrictive alternatives have been considered, to help keep the child

in the current program. Are there supports and services that would help your child stay with the current program or services? Have they tried providing accommodations such as extra time, tutoring, or an aide in the classroom? What data has the school collected to show the student either needs, or no longer needs, a particular program or service? Is the data collected an objective, norm-referenced assessment, or it is it simply based on one person's opinion? What do YOU think about the proposed change? Do you see similar needs for your child at home, or in the community? Ask questions so you are knowledgeable about all the alternatives that may be available, in order to make an informed decision.

QUIZ Question # 7

When a school proposes to change the educational program of a child it is called:

- A. Change in placement
- B. Accommodation
- C. Evaluation
- D. Facilitation

Answer: A

Behavior Problems

BIP = Behavior Intervention Plan

FBA = Functional Behavioral Assessment

A functional behavior assessment is a strategy to:

- Identify the function of problem behavior(s)
- Develop and implement a behavior plan to modify variables that maintain the problem behavior
- Teach appropriate replacement behaviors using positive interventions



SLIDE # 15 “BEHAVIOR PROBLEMS”

Student behavior problems are a common reason for schools recommending a change in placement. If student behavior is the reason for proposing a more restrictive environment for your child, you may consider the following:

- Are the behaviors a manifestation of your child’s disability? If so, your

child has additional rights that will be discussed in a moment.

- Are there changes in the home, family, or medication that may explain your child’s recent behavior problems? You may want to share these changes with the ARD committee.
- Has the ARD committee met to create or revise a behavior intervention plan (BIP) before proposing to change your child’s placement?
- Has a school behavior specialist recently conducted a Functional Behavioral Assessment (FBA) to figure out why your child is having certain behaviors?

A functional behavior assessment is a comprehensive and individualized strategy to: Identify the purpose or function of a student’s problem behavior(s), develop and implement a plan to modify variables that maintain the problem behavior, and teach appropriate replacement behaviors using positive interventions.

Manifestation Determination Review

A school must hold a [Manifestation Determination Review](#) meeting once a student reaches a cumulative 10 disciplinary days of removal during a school year. 34 C.F.R. 300.530 (e).



10
DAYS

SLIDE # 16 “MANIFESTATION DETERMINATION REVIEW”

You should know that if your child is suspended or disciplined for behavior issues related to their disability, the ARD Committee should meet to discuss how to positively address the behaviors, and get the child back to the educational environment as soon as possible. If your child has been

suspended or removed from the educational environment for disability-related behavior issues during 10 or more school days throughout the school year, the school must hold a meeting known as a “manifestation determination review” (MDR). An MDR is a special ARD committee meeting to determine whether the student’s behavior is a manifestation of the child’s disability, or not.

The MDR analysis must be performed within 10 school days of “any decision to change the placement of a child with a disability because of a violation of a code of student conduct.” Under the IDEA, students shall not be disciplined for disability-related behavior, or, the school’s failure to follow the student’s IEP. However, if the ARD Committee determines the student’s behavior is not related to their disability, or a failure to follow the IEP, then the student is subject to the same discipline as a student without a disability. If the MDR results in a change of student’s placement to another educational setting, then the student must continue to receive appropriate educational services and make progress towards their IEP goals, even though they are in a different setting.

QUIZ Question # 8

True or False

If my child has been suspended or removed from school for up to 10 days total, the school must hold a meeting known as a Manifestation Determination Review. (MDR).

Answer: TRUE

Least Restrictive Environment

[T]o the maximum extent appropriate, children with disabilities, are educated with children who are not disabled . . . removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."

20 U.S.C. 1412(a)(5)



SLIDE # 17 “LEAST RESTRICTIVE ENVIRONMENT”

Schools are to provide the least restrictive environment possible. They must also consider whether additional supports and services may help a child stay in their current placement. Schools are to educate a child with a disability with their typically developing peers, in the general

education setting, to the maximum extent possible. Before agreeing to a change in placement, ask questions and consider all the supports, services and alternatives available to your child.

QUIZ Question # 9

True or False

An ARD committee must consider additional supports and services available to help a child stay in the least restrictive environment.

Answer: TRUE

10 Day Reconvene

- IF the school and parents disagree with an IEP change in placement or program, the parents may request to reconvene the meeting within 10 school days.
- The 10 days allows both school and parents to gather additional information and data, observe and visit proposed placement, consider supports, services and other alternatives.

**10
DAYS**

SLIDE # 18 “10 DAY RECONVENE”

If parents disagree with any proposed changes to their child’s IEP or program placement, they may request to take a meeting break and reconvene the ARD meeting within 10 days. The 10 days allows both school and parents to gather additional information and student data, review the proposed program, visit the program location and interview teachers or

other parents, and consider whether additional supports, services, or alternatives are available.

“Stay Put”

If parents wish to exercise “Stay Put” they must:

1. Sign in disagreement with the IEP
2. Refuse to waive the 5 day waiting period for changes
3. File a due process hearing request with the Texas Education Agency (TEA).

Due process is an administrative legal proceeding.

Parents should consider seeking legal advice from an attorney who practices special education law.

SLIDE # 19 “STAY PUT”

If the school and parents still disagree about the child’s IEP or appropriate program placement, parents should ensure the areas of disagreement are well documented in the IEP deliberations page. Parents should also be aware of a check-box that would start the disagreed upon program immediately, instead of allowing

the 5 day waiting period before the IEP changes take place. Schools use various software programs that may have different wording, but the check box may say something like:

“Parent has been provided Prior Written Notice and agrees to waive the 5 school day waiting period.”

If parents wish to exercise their right to refuse the school’s proposed changes and implement “stay put”, where the last IEP in effect before the proposed changes shall remain, then they must NOT check the box waiving the 5 day waiting period. They must also file a due process hearing request with the Texas Education Agency (TEA) explaining their disagreement, within that 5 day period. “Stay Put” describes the status of the child’s current IEP, that was in effect BEFORE the proposed changes, which will remain the same while the legal dispute is pending. Invoking “stay put” allows time for a neutral third party, an Impartial Hearing Officer assigned by the Texas Education Agency, to hear from both the parents and the school, to determine what program or service is appropriate for the child. A due process hearing is an administrative legal proceeding where a Hearing Officer will determine whether the child is receiving a Free Appropriate Public Education (FAPE). Parents should consider seeking legal advice from an attorney who practices special education law before pursuing a due process hearing.

The 5 day waiting period allows parents time to file a due process hearing request with the TEA. But, if the parents do not file a request for due process hearing by the 5th school day, the school’s proposed IEP program will go into effect.

QUIZ Question # 10

True or False

A parent may request a 10 day recess from an ARD meeting to gather additional data and information, review a proposed program, visit a new location, and /or consider alternatives to the proposed IEP change.

Answer: TRUE



Questions?

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- ▶ www.arcoftexas.org - The Arc Texas
- ▶ www.drxtx.org - Disability Rights Texas
- ▶ www.tea.state.tx.us - Texas Education Agency
- ▶ www.TexasProjectFirst.org - Texas Project First
- ▶ www.prntexas.org - Partners Resource Network
- ▶ www.NavigateLifeTexas.org - Transition Website
- ▶ www.wrightslaw.com - Wrightslaw



SLIDE # 20 “RESOURCES SLIDE”

There are several excellent resources on special education available. You can visit these websites for additional information. Google Translate may help you translate these websites.

Visit:

<https://translate.google.com/>

Thank you for watching “Advocacy Essentials”.