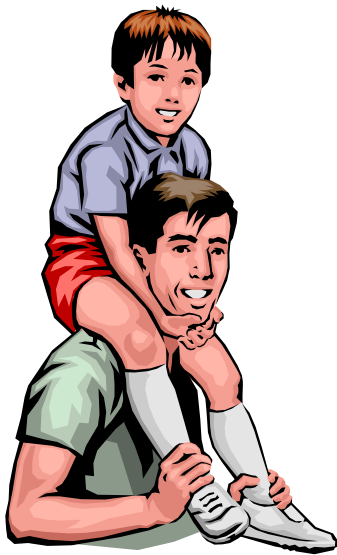


Let's Begin the Journey



An Overview of Special Education and the IEP Process



Parents Reaching Out
Your One Stop Resource for a Stronger Family

Spring 2011

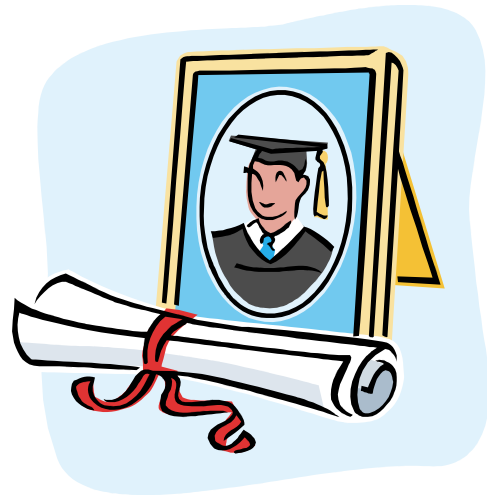
Dare to Dream



Remember...

The goal of special services is to help our children reach their potential.

As we look to the future,
we should think about
higher education,
gainful employment, and
living independently.
Keep the future in mind.
We must always strive
to integrate our children
into the mainstream of society.



Let Your Dreams Take Flight!

Introduction

As a parent, you want what is best for your child. Each child grows in so many ways—physically, socially, intellectually, and spiritually. Our children bring their own set of gifts as members of a family and develop at different rates. When children experience delays in one or more areas they can benefit from therapies, support services, and special education to help them overcome or work around these lags in their development.

This booklet is designed to help parents build a basic understanding of Special Education and the processes involved with the Individualized Education Program (IEP). Perhaps the single most important thing you may learn as you begin this journey is that you are the most knowledgeable person on the face of the planet when it concerns your child.

As you enter into the world of special education you will find a new language—ACRONYMS! Acronyms are usually formed by using the first letters of a series of words to stand for that term, description, or organization. Just like other journeys you may take, it is okay to stop and ask for directions along the way. If you are in a meeting to discuss your child and you hear or see acronyms that you don't understand, ask, "What do these letters mean?" In this book, acronyms will first appear in parenthesis beside the words so that you'll know what they mean. For example: Present Levels of Performance (PLP) describes your child's strengths and needs at this moment. We hope this book provides tools for a successful journey!

Three Keys to Positive Outcomes for Children



One key to a path for success is **highly involved parents** and other family members. Families must be equal participants in the Individual Family Service Plan or Individual Educational Program process for their child.



The second key is a **well thought out plan for the future that is developed early and is followed by all**. The information and tools in this book will help families develop a sound transition plan for their young child.



The third key to positive outcomes is **inclusive settings and communities**. When children with disabilities learn in environments with their non-disabled peers, good things happen. High expectations bring better outcomes.

"Parents have to be recognized as the special educators, the true experts on their children; and professional people - teachers, pediatricians, psychologists, and others - have to learn to be consultants to parents."

Nicholas Hobbs, Vanderbilt University

Table of Contents

Special Education is a School Tool.....	1
Communication and Relationships	2
Least Restrictive Environment	3
Your Child’s Records.....	4
Getting Started with Record Keeping	5
Setting Your Sights on School	6
Special Education is a Service ~ Not a Place.....	8
Mapping the Future – The IEP Process.....	10
Preparing for the IEP Meeting	12
The IEP Meeting	13
After the IEP Meeting	16
Tools for Your Journey	17
Advocacy Tips	19
Communicating Through Letter Writing.....	20
Communication Log	21
Sample Parent Report	22
Planning Tools for the IEP Team	23
Increasing Success in the General Education Classroom.....	25
The Law and Children with Disabilities	27
Steps to Effective Problem Solving.....	30
Glossary	33
Websites.....	34
Resource Directory	35

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Special Education is a School Tool

Sometimes what has happened in the past creates a barrier for the future. For many families, the two little words *special education* may bring fear to their hearts because they have heard stories of failure or know about failure from their own experiences. We invite families to look past these barriers. There are many success stories about children who receive special education services.



Each success seems to have common themes:

- Highly Involved and Informed Parents
- High Expectations
- Parents Who Ask Questions and Get Answers
- Dedicated Teachers
- Accountability
- Informed Decisions
- A Partnership Between Home and School

It is our hope that the information in this booklet will help open doors so that families can create their own success story!

Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability. Special education is not a place. Special education is a service brought to the child through the Individual Education Plan. Special education provides supports, services, modifications and accommodations to help the child benefit from their education in the Least Restrictive Environment.

In many cases, special education is only a tool for a short time. A few children with disabilities may need long term services. The goal for services is always that children be educated in the least restrictive environment. This means that the beginning point for every child is the regular classroom with typically developing peers. The focus should be aimed at services, accommodations, and modifications that can be brought to the child in the regular education classroom. The goal of special education is not a separate education that creates dependency. The goal is inclusive education for each child that provides opportunities for independence, responsibility, and productivity during their school years and beyond.

Communication and Relationships

The time and energy you spend creating good relationships will pay off. Many new doors will open when you know the service providers, educators, and others in your child's life. Taking the time to talk establishes good communication and builds friendly relationships. Children succeed when the adults in their lives work as a team to solve problems and create opportunities.



Relationships are two-way and can benefit families as well as schools and agencies. We, as parents and families, are the true experts on our children. Educators and other professionals are beginning to understand that they can be valuable consultants for parents because they have a great deal of information and expertise to offer families and children. Knowing the people in our children's educational environments and community can make a difference. It helps us become more influential and respected members of the teams that make decisions about our children's education. It helps us become more effective advocates for our children.

Tips for Building Successful Partnerships for Your Child

- Attend all meetings regarding your child's educational program. Remember, you are an equal member of the team. You have important information to share.
- Talk about and validate your child's strengths, interests, and abilities.
- Share your dreams for your child. Share some of the strategies that you are using at home that work well for your child.
- Start meetings and interactions on a positive note. State your concerns in a constructive manner. Contact your child's teachers frequently by phone, in writing, or in person.
- Get to know the people who work at your child's school. Volunteer in your child's school. Join the PTA! Don't be seen only when there is a problem. Encourage staff to contact you regularly to discuss your child's progress. They can be a great source of information.
- Keep in mind your child's needs and try to work out disagreements through discussion and compromise. Be flexible and build partnerships.
- Help your child develop a positive attitude toward school.
- Practice positive communication skills. When you are speaking with someone, remember to give the person your full attention. Listen carefully to what is said. Make your comments clear and positive. Give facts to support your point of view.
- When you don't understand what someone says, ask for an explanation. If you don't agree with something, speak up and say so.
- Understand your rights. Be proactive instead of reactive.



Least Restrictive Environment (LRE)

Even though special education provides many safeguards, supports, services, modifications, and accommodations for our children, these alone are not enough. The *place* where children are educated is very important. In fact, where they are educated may have more to do with who they become as adults, than anything else.

Our state is rich in culture and diversity. How do we learn to maintain our rich heritages? We learn from each other! Children with disabilities are no different. Research has shown that academics alone do not produce better outcomes for children. Providing opportunities for all children to learn from one another provides the foundation for building respect for diversity.

In the 70's, children with special needs were first allowed to participate in school. We all thought that special schools, special places, and special teachers were what our children needed. Research has shown that even though we provided everything special, outcomes for children with disabilities were still poor. However, research has shown that when children are educated with their non-disabled peers in the general education classroom they have better outcomes and a greater chance of becoming a contributing community member. The federal IDEA '97 regulations even refer to children being educated in natural environments.

Following the IEP process step-by-step should lead to an appropriate program for your child in the **Least Restrictive Environment**. The Planning Tools for IEP Teams on page 23-24 of this booklet provide a guide for teams to use as they consider your child's needs and plan appropriate supports. Only after supports and services have been provided in the regular classroom without success, should an alternate placement be considered. Placement refers to a continuum of supports and services to help the child succeed. This decision is made at the IEP meeting by the IEP team. The placement decision is made after the team has shared all available information about your child, his present levels of performance, educational needs, and appropriate goals and objectives. This is one of the last decisions made by the IEP team at the IEP meeting. **The goal of this decision is to provide a learning setting that will meet your child's individual needs.**

A child can succeed in a regular classroom with appropriate support and services!



Your Child's Records

Record keeping is one of the most important and empowering ways you can help your child. As you begin to collect records, you will better understand your child's needs and history, how that history might influence future services and programming, and how the system works. *All decisions in special education are based on records—very little will be done without good documentation.*



The Family Education Rights and Privacy Act (FERPA or Buckley Amendment)

The Family Educational Rights and Privacy Act gives parents the right to see and receive copies of all of their child's educational records. The records have grade reports, teacher comments, test scores, and discipline reports. Your child's records must be kept confidential. Only school officials, certain government officials, and a few others can see your child's records without your permission. You must give your permission in writing in order for anyone else to see the records. Contact the U.S. Department of Education (1-800-872-5327/TDD 1-800-437-0833) if you have questions about FERPA.

When your child turns 18 years of age, he or she is allowed to see and receive copies of his or her records. Your child then becomes the person who must give permission for others to see the records.

It is good practice to review and update your child's records once a year to check on progress and to know what has been included in these records. Ask the principal to show the records to you and give you copies of new information that has been added to the file for your own record keeping. The law gives schools 45 days to comply from the date of your request. Most principals will let you see them immediately.

If you think the records are wrong, tell the principal. Ask the principal to change the record or add your report to the file. The principal must tell you within a reasonable time if the record will be changed. If the principal will not change the record, you can ask for a hearing to try to change the principal's decision. The principal or a representative at the District office should tell you how to ask for a hearing.

Family record keeping should provide a complete picture of your child. There are many ways to keep records. We suggest that you keep records in chronological order. Begin with the most current records. To get started, you will need a 3" ring binder, a package of dividers and sheet protectors or a three-hole punch. The total cost is about \$12.00. Label the dividers. Here are some suggestions for the labels.

IEP/IFSP • Progress Reports • Evaluations • Doctor's Reports
Correspondence • Phone Calls • Notices • Work Samples

Getting Started with Record Keeping

IEP/IFSP: Be sure to keep a copy of each IFSP and IEP that is developed for your child. Arrange them in order by date with the most current one on top. This will build a chronological record of services planned for your family (IFSP) and your child's individualized education program (IEP). These documents should include your child's present levels of performance, an indication of progress towards goals, and information about how objectives and benchmarks will be measured and how progress will be reported. Recommendations, timelines, and the names of the responsible parties are also included in these records.



Progress Reports: Schools issue Progress Reports or Report Cards during the school year. Parents should keep copies for their records. Parents of each child who receives special education services must be informed of the progress their child is making toward the goals identified in their child's IEP/IFSP. It is important to keep these reports. This lets you know if the goals are meeting your child's needs and if your child is benefiting from the services provided. The IEP/IFSP should tell you how often you will receive these reports.

Evaluations: Keep copies of all evaluations and recommendations. Evaluations describe your child's needs and should include recommendations for meeting those needs. Evaluations are the first place the team will look to determine educational programming.

Doctor's Reports: These reports add yet another piece to the puzzle. You and the IFSP/IEP team will certainly want to look at any doctor's reports that might have a bearing on your child's success at school. Doctor's reports may provide important information on diagnosis, suggested interventions, processing, and supports. Schools do not have to provide medically related therapy as part of the IFSP/IEP.

Correspondence: Keep copies of all correspondence sent and received.

Phone Calls: Keep a written log of phone calls. It is important to note the date and time of the call, who you spoke with, the subject of the call, and the outcome of the conversation.



Notices: The agency or school district should notify you at different times while your child is in the program or service setting. You will receive notices of meetings, evaluations, proposed changes in services, and other communications. Keep all correspondence.

Child's Work: Keep both good and "not so good" samples of your child's work. Portfolio assessments (collections of student's work and recommendations) are being used more often and are more accurate than a formal assessment.

Shot Records: Keep copies of all shot records. Don't forget to update these records.

Setting Your Sights on School

For several reasons, it is helpful for parents to visit their child's future school before the school year begins. During these visits parents will see the culture, structures, and routines of the school. This knowledge can assist families in planning for meetings. It also helps them discover ways that their family and their child might become active members of the school community.

All parents want to send their children to a school where they will get a good education, be safe, accepted, and valued. The Individuals with Disabilities Education Act states that the place to start is the school the child would attend if they did not have a developmental delay, i.e., the child's neighborhood school. In addition, families who have students with disabilities are free to consider the same options as other families, such as charter schools, magnet schools, or other schools of choice.

Get off to a good start! Tips for School Visits

Teachers and administrators are professionals, just like doctors, lawyers, and electricians. Schools have guidelines for visitors to ensure a safe environment and minimize interruptions to learning activities. Parents and other family members who want to visit schools should keep in mind a few guidelines to get the most out of their visit.



Planning ahead will make your school visit successful. Pre-arrange the visit well in advance so that you can meet with school personnel and visit classrooms when they are in session. On-site visits to schools are most productive when you can see the daily routine in classrooms and observe programs in action. **Don't wait until the last few weeks of school or summertime for your visit.**

When you visit during the school day, keep these suggestions in mind.

- Before the visit, become thoroughly familiar with the questions you want to ask. You may want to write questions in a notebook that you'll bring on your visit.
- Schedule meetings with administrators, teachers, and staff throughout the day at times convenient to them. Be respectful of everyone's time during these meetings.
- Note taking can be a distraction. While in the classroom, it is sometimes easier to observe and then jot down notes after the class has been dismissed.
- Remember that you are a guest. Be a gracious and appreciative observer. If you have questions, ask them during an activity break so they can be answered without distractions.
- Become familiar with the schools policies regarding visitors. Ask for a copy of the school handbook and a school map before your visit.

What Should I Look for When I Visit the School?

The day has arrived for your visit to the school. You've planned ahead and the school staff has planned for your visit. You have some questions ready. Now you need to think about what makes a good school setting for your child.

Picture your child as part of the group when deciding on program options. As you observe classrooms and activities, look for answers to these questions:

- How is communication encouraged?
- Does the program appear to match the way my child learns?
- Does the program appear to complement our family values? Do activities encourage respect for cultural traditions?
- Do program staff appear open to suggestions from families and others?
- How are families involved in program or school activities and decision making?
- Would my child be in this program if he or she did not have a developmental delay or disability? What opportunities will my child have to access the general curriculum?
- What is the ratio of adults to children in this program?
- What is the ratio of children with delays or disabilities to children who are typically developing? Is there evidence that activities are modified to meet individual needs?
- Does the arrangement of the room allow my child to move freely? Is there room for any equipment my child may need?
- For group activities, do the children sit in chairs or on the floor? Can my child join the group easily?
- Does the program include lunchtime or snacks? If yes, is food provided? Can meals and eating area be modified as needed for my child?
- Does the staff need training in how to handle the medical or educational needs of my child? (Examples: seizures, feeding, etc.)
- Are the therapy services that my child might need incorporated into program activities or are they offered in separate settings?
- What are the program hours? Are these reasonable for my child and family? Is the travel time from our family's home to the program reasonable for our child?



Special Education is a Service ~ *Not a Place*

Children receive their education with a community of learners in a place called school!

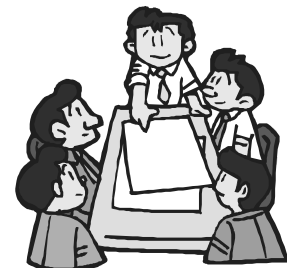
Children with disabilities and their non-disabled peers should have every opportunity to learn from one another in a variety of instructional settings. The Individualized Education Program identifies supports and services to help the child succeed. Following the step-by-step process of the IEP should lead to an appropriate program for the child in the least restrictive environment. Supports and services come to the child in a setting that meets the child's needs in this learning community.



In New Mexico, it seems one of the biggest barriers to inclusive schools is a *misinterpretation* of the funding formula. In New Mexico, each student receives one unit of funding automatically. The dollar amount changes each year based on legislative appropriation and the total number of students in the state. The number of students, plus other factors like the number of students receiving special education services, are determined and divided into the legislative appropriation to arrive at the unit value. On top of the unit generated by each student, additional units may be generated based on the level of special education services a student receives. Additional units are provided so the school supplementary funding meets the needs of students in the least restrictive environment. Unfortunately, in past practice, the A, B, C, D, levels of funding have been translated into placement where we find all “D-level students” in a self-contained, 8:1 pupil/teacher ratio classroom. A, B, C, and D (or the 1, 2, 3, 4 service levels) do not mean a particular place but refer to the levels of funding attached to minimum, moderate, extensive, and maximum levels of service. **Neither the funding nor the level of service is attached to the location where services are provided.**

We must remember that placement refers to a continuum of supports and services to help the child succeed. This decision is made at the IEP meeting by the IEP Team only after the team has shared all available information about the child including present levels of performance, educational needs, and appropriate goals and objectives. At the end of the meeting, the discussion should focus on what the student needs to meet the goals set forth in the IEP and what supports, modifications, or accommodations the student and teacher need for success in the general education classroom. The supports, modifications, or accommodations need to be clearly documented in the IEP. Only then, should the team discuss the location where those services will be provided.

IEP teams were never meant to be fiscal agents for funds. That task is left to the Local Education Authority (LEA). School administration working in conjunction with the District should, at a later time, review the IEP and determine the funding level and then submit the appropriate documentation in its quarterly data submission to the NM Public Education Department (PED) for funding.



Services are provided on an individualized basis according to a student's IEP. The examples below illustrate how services could be provided to meet a student's needs.

- **Example:** A student may need full-time assistance to be successful in the general education classroom. The IEP should describe the type of assistance needed for both the student and teacher. The district would receive the *maximum level* of funding because the student will receive assistance *approaching a full day*.
- **Example:** A student goes to the Resource Room for reading instruction for one hour 3 times a week. The district would be funded by the PED for the *minimum level* of funding because the student receives support *less than 10 percent of the week*.
- **Example:** A student goes to the Resource Room for reading instruction for one hour 3 times a week. The student also receives an hour of Occupational Therapy 2 times a week and Speech Therapy for 30 minutes 3 times a week. In addition, the Resource Room teacher consults with the general education teacher for 30 minutes 2 times a week. The district would be funded from the PED for the *moderate level* of funding because the student receives support *less than 50 percent of the week but more than 10 percent*.
- **Example:** A student may need counseling one hour each day, Recreational Therapy for 30 minutes each day, and one hour of specialized reading instruction 3 times a week. The student also needs Speech Therapy for 30 minutes 3 times a week and Occupational Therapy 2 times a week. The general education teacher consults with the Occupational Therapist for 30 minutes each week and with the Special Education teacher for 15 minutes 4 times a week. The district would be funded by the PED for the *extensive level* of funding because the student receives support *greater than 50 percent of the day/week and less than 80 percent*.

The setting for a student who receives the maximum level of funding should be just as individualized as his or her needs. Maximum service does not automatically mean a segregated classroom. The IEP team must first consider *how supports and services can be brought to the child* in the general education setting with modifications and adaptations to meet the child's needs. The maximum service level can reflect the time spent by a general educator, special educator, and/or related service provider in a team or cooperative teaching activity that directly benefits the student. It may include consultations with related service providers or support from educational assistants when students are in settings with non-disabled peers. Students are often placed in a segregated classroom because of how they look. Whether or not a child looks disabled should *never* be used as placement criteria. A segregated setting with opportunities to interact with non-disabled peers is only appropriate when it meets the child's needs!

- **Example:** A student who, even with modifications or adaptations, is over-stimulated by the noise or activity of a general education classroom requires a smaller setting in order to benefit from instruction. An educational assistant stays with the student during general school events in order to provide relaxation techniques, re-direct the student's attention, or take the student to a quiet space. Peer buddies join the student for a daily outside walk, which has proved to be a good calming strategy. Several typical students join the physical therapy sessions because the student is more cooperative when peers model the exercises (All of the students benefit from the therapy.) The district would be funded by the PED for the *maximum level* of funding because the student receives support *approaching a full day*.

Mapping the Future - The IEP Process

Child Find

Public schools are required to have activities to ensure that they will identify all children ages 3-21 who may have disabilities. These can include regular screenings of young children, children's health fairs that include early identification activities or training opportunities for teachers on early signs of disabilities. Contact the Child Find office of your school district office for more information.



Student Assistance Teams

The classroom is the first place to begin interventions to help a child succeed. It's important to have on-going discuss conversations with your child's teacher to discuss progress and plan interventions to improve learning outcomes for your child. Parents or teachers who question whether a student is making satisfactory progress in a general education classroom may request a referral to the Student Assistance Team (SAT) at the school level. This team may also be called a building intervention committee. The team includes several educators and support personnel who work at the school. The parents are generally invited to attend the meetings. The SAT provides the teacher with ideas for interventions in the classroom. Generally, the classroom teacher uses these interventions and documents their effectiveness for a period of time (4 to 6 weeks). A follow-up meeting is scheduled to discuss how the interventions have worked and to decide if there is a need to refer the child for a comprehensive evaluation at the district level.

Evaluation/Assessment

Evaluation is a process of gathering as much information as possible about a child using a variety of sources. These sources include parent and teacher information, classroom observation, and a formal assessment of your child's educational abilities. The objective of an evaluation is to provide a picture of your child to be used in determining needed programs. Families can provide important information about their child.

- Parents must understand and give **informed consent** before the evaluation begins.
- If the parent feels the evaluation was inaccurate or the student is still in need of services, the parent may request an Independent Educational Evaluation (IEE) at public expense. The parent should make a written request for an IEE to the special education director which must be considered by the school district. Districts are required to maintain a list of independent evaluators.
- All areas related to the suspected disability should be evaluated.

Identification

Students (3 through 21) are eligible for special education services when they have been identified in one or more of the following categories and require specialized instruction to benefit from their education.

Autism
Deafness
Deaf-Blindness
Developmental Delay (until age 9)
Emotional Disturbance
Gifted (in New Mexico)

Hearing Impairment
Intellectual Disability
Multiple Disabilities
Neurological Impairment
Orthopedic Impairment
Other Health Impaired

Specific Learning Disability
Speech/Language Impairment
Traumatic Brain Injury
Visual Impairment

The Individualized Education Program

The heart of a free appropriate public education (FAPE) is the Individualized Education Program (IEP). The IEP is developed at a meeting with school personnel, parents and when appropriate, the student. The term **IEP** is used for the written plan and for a meeting designed to set goals, identify services/supports, and measure individual student progress. Writing a strong, effective IEP requires a team effort.

Think of the IEP as a map to the future. How many of us would leave for a vacation without a map to guide our trip? We would plan for tours, visits, sites, gas, and food. Each passing mile marker would mean we were getting closer to our goal. The IEP is much the same. **As equal members of the team, parents have an extremely important role to play in the IEP process.** Parents are the navigators and consistent ones who are always there while other team members may come and go. The IEP is designed to ensure that your child's unique needs are met.



If a service or accommodation is included in the IEP, your child must receive it. An **accommodation** is a change made to the teaching or testing procedures in order to provide a student with access to information and to create an opportunity to demonstrate knowledge and skills. Test accommodations must meet state guidelines and be clearly documented in the IEP. A **modification** is a change in what a student is expected to learn and/or demonstrate while the subject area remains the same as for the rest of the class.

*The following are **best practice** timelines:*

- Initial evaluations must be completed within a reasonable amount of time, usually within 45 calendar days. An IEP meeting should be held in a reasonable amount of time after the evaluation is completed, generally within 15 school days.
- You should receive the invitation to the IEP meeting at least five school days before the scheduled date for the meeting.
- If your child is already receiving special education services, evaluations should be completed within 30 school days. It is best practice for the IEP meeting to be held within ten school days following the completion of these evaluations.
- Although an IEP Review must be held once a year, an IEP meeting can be called anytime there is a need.
- Re-evaluations must be considered every three years.
- Unless other arrangements are documented in the IEP, the plan should be implemented upon approval.

Every child who receives special education services must have an IEP. After all evaluations have been completed, a meeting is held at a mutually agreed upon time and place. The team writes the IEP during this meeting. The IDEA mandates that a continuum of placement choices is available for children with disabilities. **Parents must sign the very first IEP in order for services to begin.** Remember when you sign an IEP, it means that you understand all of the IEP and agree with it.

Preparing for the IEP Meeting

The importance of preparing for the IEP meeting cannot be overstated. Here are a few very important tips. (Some states recommend a pre-IEP meeting to allow for some brainstorming time among team members.)

- Begin your preparation for the IEP meeting one to two weeks prior to the meeting. The sample **parent report** in the Tools section provides a good way to get started.
- Talk to your child about school and be sure to represent his/her concerns and feelings.
- Make a list of strengths and weaknesses you see in your child.
- Visit with the teacher and other team members prior to the meeting to find out about their recommendations. Share any concerns or ideas you might have.
- Obtain copies of evaluation reports and recommendations prior to the meeting.
- If your child is not present at the IEP, you may want to bring his/her picture to keep the meeting focused on your child.
- Make a list of the questions you have about the school program or services.
- Review your records.
- Know your rights.
- Allow plenty of time for the meeting.

Some parents find it valuable to bring their own report to the IEP meeting and ask that it be added to the IEP record of meeting as supporting documentation. In addition to your Parent Report, you may want to make a separate list of questions about of the supports your child needs in order to be successful in school and later in life. We recommend that you start your list of questions one to two weeks prior to the meeting. A few days before the meeting, look at your list and prioritize your questions.

The following must be addressed or identified in the IEP:

- Special education and related services
- Amount of specialized instruction
- Least Restrictive Environment
- Reasons for special education setting
- Accommodations and modifications
- A start date
- A reintegration plan
- Person(s) responsible for implementation of each goal and each objective of the IEP



Remember to ask lots of questions and get lots of answers!

Open-ended questions require more explanation. These questions allow opportunities for exchanging ideas and problem solving for successful outcomes.

Close-ended questions require only a "yes" or "no" answer and should be used carefully. If you are trying to get the IEP team to think about options, a close-ended question may shut the door on possible solutions or ideas.

The IEP Meeting

It is important that families attend all IEP meetings and participate fully in the IEP process. Parents are encouraged not to attend the meeting alone. They will be hearing a lot of new information and a note taker/supporter is invaluable. It is a good idea to bring someone along who knows the student well – a neighbor, relative, friend, an advocate, etc.

Who should attend my child's IEP?

- You, the parents (or guardians/surrogate parents)
- Your child (Students should be a part of the team, when appropriate.)
- A general education teacher
- A special education teacher
- A school district representative who can commit district resources
- Someone who is qualified to explain assessments and evaluation reports
- Other individuals at the request of the parents or the school

If needed, the school is required to provide a qualified spoken language or sign language interpreter for families. IDEA states that a general education teacher is a required member of the team. Think about this. How will the team consider supports and modifications to the general curriculum if a general education teacher does not take part in developing the plan?

Each IEP is developed through consensus. The entire team should be committed to the plan. Although the IEP is based your child's individual needs, every IEP must include certain specific information. The answers to these five questions should be documented in the IEP:

- **Where are we now?** Present levels of educational performance (PLP) statements describe a student's needs, strengths, and unique learning characteristics that the remainder of the IEP must then address.
- **Where are we going?** Annual or long-term goals are target areas that the team expects the student can accomplish in one year.
- **How are we going to get there?** Short-term objectives or benchmarks are intermediate teaching steps to help your child reach the annual goals.
- **What does success look like?** What methods will be used for determining progress? How will the school measure your child's progress toward goals, objectives, and benchmarks?
- **How will progress be reported to the parents?** Progress must be reported to parents at least as often as progress is reported to the parents of general education students. The team must consider the frequency and method for reporting progress to parents.



Present Level of Educational Performance (PLP)

At the beginning of the meeting, the school personnel and family members discuss the student's strengths, interests, leaning styles, and the child's current performance. It is important to keep this first step of the IEP positive. Focus on what the student is doing well. Build on strengths and interest to provide assistance for the areas of need. This will be the starting point to measure future progress.



Needs

Needs are the building blocks for the remainder of the Individualized Education Plan. The purpose of the IEP is to meet the unique and individual needs of the student. The IEP should address what the individual student needs in order to participate successfully and meaningfully in school. It describes both the academic and social skills that the child will need to become a contributing community member.

Special Factors to Consider

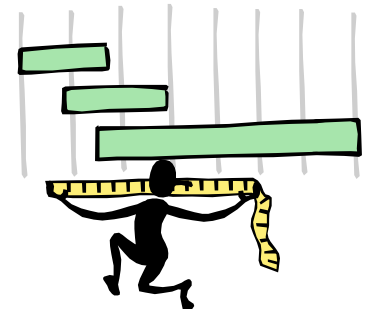
Depending on the needs of the child, the IEP team needs to consider special factors. These include:

- If the child's behavior interferes with his or her leaning or the learning of others, the IEP team will consider strategies and supports to address the child's behavior.
- If the child has limited proficiency in English, the IEP team will consider the child's language needs as these needs relate to his or her IEP.
- If the child is blind or visually impaired, the IEP team must provide for instruction in Braille or the use of Braille, unless it determines after an appropriate evaluation that the child does not need this instruction.
- If the child has communication needs, the IEP team must consider those needs.
- If the child is deaf or hard of hearing, the IEP team will consider his or her language and communication needs. This includes the child's opportunities to communicate directly with classmates and school staff in his or her usual method of communication.
- The IEP team must always consider the child's needs for assistive technology devices or services.

U.S. Department of Education

Annual Measurable Goals

After listing the student's needs, the team prioritizes and clusters these needs to develop the goals. **The annual goals must be observable and measurable.** They must be student-centered and should be able to be reached in one year. These target areas must address the needs of the whole student – not just academics. The team should focus on hopes and dreams for the student as they develop long-term goals.



Short-Term Objectives

Short-term objectives are the smaller steps that need to be taken to reach the measurable goals. Objectives must also be stated in measurable terms. How will you show progress if you cannot observe and measure the results? An example would be, “James will use correct picture symbols to communicate food choices during morning lunch count four times per week, measurable by documenting weekly progress in a teacher journal.”

Special Education and Related Services

Regardless of the identified category of eligibility, a child may require any of the following related services in order to benefit from special education. Related services as listed under IDEA, include, but are not limited to:

- Audiology/interpreter services
- Counseling services
- Medical services (to determine eligibility and/or need for services)
- Orientation and mobility services
- Physical therapy
- Recreation
- School health services
- Speech/language pathology services
- Early identification and assessment of disabilities in children
- Occupational therapy
- Parent counseling and training
- Psychological services
- Rehabilitation counseling services
- Social work services in schools
- Transportation

If a child needs a particular related service in order to benefit from special education, the related service professional should be involved in developing the IEP. He or she may be invited to join the IEP team.

US Department of Education

Informed Decisions

One of the more important highlights under IDEA '97 (section 300.505) is that parents must make *informed decisions* about their child's education.

Making an informed decision means that you:

- Understand ALL of the options *before you make your final decision*, and
- Understand why that particular option was chosen.

The description of each proposal and why proposals were accepted or rejected should be written in the IEP and/or the Prior Written Notice of Proposal document (PWN). Asking questions is a good way to get the information you need or to clarify terms so that you can make the best decisions for you child's education.



Your signature on the IEP indicates that you attended the IEP. It implies that you understand and agree with what is written in the IEP document. Even if you are in disagreement, sign and indicate in writing beside your signature that you disagree with a specific portion. After the meeting, follow up with a written letter of concern to explain your reasons for disagreement.

After the IEP Meeting

After the IEP is written, parents often think that their job is over. They may want to breathe a sigh of relief and put the IEP away for safekeeping. Stop and think!



Just holding the road map does not always guarantee a successful journey. You need to look for road signs along the way and sometimes you need to stop to ask directions. The same thing is true for the IEP journey with your child. A well-written IEP does not automatically translate into an effective school year for the student. Highly involved parents are the key to successful outcomes. **Parents need to stay involved with the IEP process.**

Parents need to stay in contact with the classroom teacher(s) and make sure that teachers and other staff have a current copy of their child's IEP. This will ensure that they are using the approaches that help that student learn successfully. If parents realize the IEP is not working, they need to let the school know immediately and ask that the IEP be used as it was intended. It may be necessary to request another IEP meeting with the entire team present. When issues cannot be resolved, parents may use the complaint process, mediation, or due process.

Throughout the year, parents should:

- Stay involved and be visible at your child's school. Attend school meetings.
- Communicate frequently with your child's teachers and team members. Schedule regular meetings either in person, by telephone, or use a daily notebook.
- Give positive feedback throughout the year to the teachers, administrators, team members and others involved when they do things that work well for your child.
- Choose your battles wisely. There are most certainly times when parents need to speak up and take action. Use your strongest advocacy skills for the issues that are the most important for your child's success!

Welcome to the world of the IEP!

As you can see, there are specific procedures in place to ensure that all students, with and without disabilities, can be educated together. Following these established procedures will provide the student, his or her family, and teachers with a map for their journey through the school system. This map will provide guidance. However, the map does not do any good if it is left behind, lost, forgotten, or does not include accurate directions.

**As you navigate this journey,
Stay on a steady, consistent course!**



Tools for Your Journey

Advocacy Tips

Communicating Through Letter Writing

Sample Letter & Communication Log

Sample Parent Report

The Laws and Children with Disabilities

Steps to Problem Solving

Glossary

Web Sites

Resource Directory



We have gathered several tips and tools you can use on your journey. Our children succeed when families and schools work as partners to plan learning opportunities that are designed to meet their unique needs. We have provided just a sampling of information that many families and others have found helpful in their experiences. We also want to take this opportunity to invite you to attend one of our full day IEP workshops to gather more tools in an interactive setting. One of the best ways we can help our children is to be well informed and involved with their education. The resources in this section will help you begin your journey.

Advocacy Tips



There may be times in your journey that you have a concern about your child's services or progress toward goals. Ideally, we want to solve problems without destroying relationships. Informal ways of resolving conflict work best. Always begin at the lowest level in the chain of command. Begin at the school level then move to the district's Special Education Director before contacting the Public Education Department.

Communicate. Talk to the teacher and school principal. Let them know what you are thinking and why. These conversations can be very valuable. Many problems can be solved by this step alone. Your situation will certainly be viewed in a more favorable light if you've tried informal communications first. Letter writing is also a good tool to use to make sure that everyone involved gets the same information.

Build your support network. Use friends, relatives, and experts to support you and help you think about resolving your conflict. Bring someone with you to meetings. This person can take notes, listen to what others say, ask questions, and provide moral support.

Stay Informed. Find out which laws, regulations, policies, or rules apply to your situation. School district policies or rules cannot supersede state regulations or standards and the state regulations cannot supersede federal law. Attend workshops or support groups. Visit libraries or agencies. Check out web sites.

Be a Problem Solver!

- **Identify your goal.** Know exactly what you want and why you want it. Be able to describe the problem and how it can be resolved favorably. If the problem is complex, list the intermediate steps that will move you toward a final solution.
- **Define the problem.** Before you can solve a problem, you need to identify it. Some problems are clear. Sometimes there are several interrelated problems that have no easy solution. Separate each problem. Decide which needs to be solved first. A list may help.
- **Look for the cause.** Decide if you have been denied services because of the interpretation of rules and regulations, lack of money, unavailability of the service in your area, or some other specific reason. Don't be afraid to ask for an outside opinion.
- **Think about solutions.** Most problems have solutions. Ask those involved for possible solutions. Big problems may have simple solutions. Look at the possibilities. Be creative.
- **Find the power source.** Ask questions. Find out who has the power and authority to make the decision you want. Ask what they need to make a favorable decision. If they are unwilling or unable to help you, find someone who can help them change their minds.

Communicating Through Letter Writing

One of the ways you can let others know about your ideas or concerns for your child's education is through letter writing.

Letters provide a record of ideas, concerns, and suggestions. They are useful ways to document specific questions you may have about your child's education or to request information. They can give positive feedback to a staff member who has gone the extra mile to support your child. Letters can also be used as a follow-up to a meeting or a phone conversation to make sure that everyone understands concerns, responsibilities, or next steps. Letter writing is a skill. Each letter will differ according to the situation, who you are writing to, and the issues you are discussing. Keep a copy of every letter you send and those you receive.



Letter Writing Tips

- Be sure to date your letters. Give your child's full name and current class placement.
- Provide your full name, address, and a phone number where you can be reached.
- State your question, concern, or suggestion in specific terms.
- Let the person know what type of response you want (meeting, phone call, letter) and give a timeline for a response.
- If your concern has not been resolved through previous letters or meetings, send a copy of the letter to the district, the Public Education Department, and contact Parents Reaching Out. *Use these tips for your e-mail correspondence too!*
- For more information about letter-writing, contact Parents Reaching Out to request a copy of our Parent Handbook or to sign up for an IEP Process workshop.

Your Name, Full Address, and Daytime Phone Number

Today's Date (month, day, and year)

Full Name of the person to whom you're writing (and their title)

Complete address of the person who will receive this letter.

Dear _____ ,

In this paragraph explain who you are, your child's name, and current placement. Briefly explain why you are writing the letter. *(My daughter's current IEP does not include the assistive technology and other modifications she needs for success in her regular classroom.)*

In this paragraph explain what you would like to have happen or what you want changed. *(I would like to call an IEP to address my concerns with the team and to develop more appropriate goals towards my daughter's future.)*

Please call me by (date) at (phone number) to set up a meeting so we can discuss this in detail. I would like _____ to attend the meeting, if possible. Thank you for your time.

Sincerely,

cc: (Send copies to others that should have this information.)

Sample Parent Report

Keep your parent
report positive.

Child's Name: Monica Lujan Age: 2 ½

1. Share your hopes, dreams, and goals for your child as an adult!

- We see Monica walking independently, eating independently, and communicating fluently.
- Our hope is that Monica will successfully complete college.
- Our dream is that Monica will be gainfully employed in a job that she loves.

2. List your child's strengths or positive points:

- Monica is very outgoing. Her smile lights up the room.
- Monica is very determined. She wants to do things on her own. She says "me do" to let us know when she wants to do something on her own.
- Monica's vocabulary has increased from 20 words to 72 words during the past six months with the help of picture cards.
- Monica likes to play and pretend.

3. Share any concerns you have about your child, such as:

- Monica is not potty-trained yet and progress is slow.
- Monica is very possessive of the people in her life. She has a hard time sharing her "space" and sometimes is hurtful to others who want to play with her toys.
- Monica's muscle tightness often limits her activities. She cannot sit independently.
- Monica does not do well when routines are changed.

4. Share your suggestions or ideas to address your concerns, such as:

- We would like the staff to work with us to help get Monica on a trip schedule so she can be potty trained by the end of this year.
- Monica needs physical therapy, occupational therapy, and speech therapy services. She needs no less than 1 ½ hours per week per therapy. (Therapist reports are provided to team members.)
- The communication pictures have really helped Monica. She needs new pictures and activities for school and home to increase her communication abilities.
- We request that Monica ride the bus to and from school with proper safety accommodations including a "groin strap" to be purchased by the district to make it safe to transport Monica on the bus in her Panda Stroller. The purchase should be made before school starts so that Monica will be able to ride safely on the bus.

5. Share some of your child's likes and dislikes. Share what works at home!

- Monica likes to help with kitchen chores. She uses her walker to help set the table.
- She loves music and likes to draw with bright colors.
- She doesn't like to use the potty chair.
- We try to be consistent when we discipline Monica. If she is angry or upset during an activity, we remove her from the activity for a short amount of time.
- We use calm voices even when we say "No". We explain what is not acceptable.

Planning Tools for the IEP Team

The IEP Program-at-a-Glance provides a tool to summarize the student's primary objectives and identify any critical management needs in every setting. When a student with disabilities receives services in a general education setting, team members must be able to communicate on a routine basis. They must also be able to keep focused on the goals and plans they have developed in the IEP. The IEP Program-at-a glance provides a quick reference for the team. The General Education Matrix on the next page extends this information by infusing IEP goals with daily activities and schedules in the general education environment.

IEP Program-at-a-Glance	
Student: Danika	Date: September 4, 1994
<u>Positive Student Profile</u>	<u>IEP Objectives at a Glance</u>
<ul style="list-style-type: none">• A kinesthetic learner• Confident• Active• Learns well with hands-on activities• Happy• Musical• Vocal• Assertive about her needs	<ul style="list-style-type: none">• Share materials• Take turns in group activities• Transition independently from one environment or activity to another using a picture schedule• Put away materials• Recognize upper & lower case letters• Write her name• Recognize functional daily living words• Recognize numbers 1 through 20• Use sign language or picture communication system to:<ul style="list-style-type: none">○ Initiate interactions with peers○ Answer yes/no questions○ Answer "what" questions○ Indicate the need to use the bathroom• Dress and undress self
<u>Management Needs</u>	
<ul style="list-style-type: none">• Positive and non-aversive behavior management strategies to decrease tantrums when upset or angry• Assistance to use toilet independently when needed throughout the day	

Giangreco, M., C. Cloninger, and V. Inverson. (1993). *Choosing Options and Accommodations for Children (COACH): A Guide to Planning Inclusive Education*. Baltimore: Paul H. Brookes. Thousand, J., and R. Villa. (1993). "Strategies for Educating Learners with Severe Handicaps Within Their Local Home Schools and Communities." In *Challenges Facing Special Education*. Denver: Love Publishing.

Individual Educational Program (IEP)/ General Education Matrix

Student: Danika

Grade: 3 **Date:** September 4, 1994

IEP Goals	General Education Class Schedule									
	Arrival - Schedule	Language Arts	Soc. St./ Science	Art	Music	Phys. Ed	Lunch	Recess	Journal Writing	Math
Share materials		X	X	X	X	X		X		X
Take turns in group activities		X	X	X	X	X		X		X
Transition between activities/ environments	X	X	X	X	X	X	X	X	X	X
Put away materials	X	X	X	X	X	X	X		X	X
Recognize upper & lower case letters	X	X	X	X	X				X	X
Write her name		X	X	X					X	X
Recognize/use functional daily living words	X	X	X						X	X
Initiate interactions with peers*	X	X	X	X	X	X	X	X	X	X
Request a partner for play or work*		X	X	X		X	X	X	X	X
Answer yes/no questions*	X	X	X	X	X	X	X	X	X	X
Answer "what" questions*	X	X	X	X	X	X	X	X	X	X
Indicate the need to use the bathroom*	X					X	X	X		
Dress and undress self						X		X		
Recognize numbers 1 through 20	X		X		X	X				X
Management Needs										
Managing anger and reducing tantrums	X	X	X	X	X	X	X	X	X	X
Assistance with toileting	X					X	X	X		
<i>*Using sign language or picture communication system.</i>										

Giangreco, M., C. Cloninger, and V. Inverson. (1993). *Choosing Options and Accommodations for Children (COACH): A Guide to Planning Inclusive Education*. Baltimore: Paul H. Brookes. Thousand, J., and R. Villa. (1993). "Strategies for Educating Learners with Severe Handicaps Within Their Local Home Schools and Communities." In *Challenges Facing Special Education*. Denver: Love Publishing.

Increasing Success in General Education Classrooms

Students can and do have success in general education classrooms when modifications are made based on the student's strengths and individual needs. The techniques described in this section are good strategies for any classroom. Quality instruction takes place when a teacher considers the needs of students and the strengths they bring to the classroom. Some students may require assistance in reading a textbook or organizing the content, while others may need test adaptations in order to demonstrate mastery of the material.

There are four basic areas where adaptive modifications can be made in classrooms. These are time, learning style, learning environment, and content. Here are some ideas for working with students with disabilities in a general education classroom.

Time

Some students have not learned to work at the pace set in most general education classrooms. They may need some initial adjustments while they are learning to adapt. Others cannot work at this pace due to their disabilities. The teacher can adjust work time by following a few guidelines.



- Allow the student to work at a reading or writing assignment for short periods of time, followed by another type of activity. Many students cannot give full concentration to a task for more than 10-15 minutes. Work periods can be increased as the student demonstrates progress.
- Develop a specific schedule for students so that they know what to expect. Provide advance notice to students when routines are changed or varied. Some students require this type of structure, while others do not. Teacher observations of behavior can help identify those who need more structure.
- Post schedules that include color-coded activities so students have visual cues to help them pace their work. Some students may require verbal reviews of the schedule until they have adjusted to the routine.
- Plan instruction to alternate quiet tasks with active time. Provide short periods of each type of activity. Plan to include purposeful movements as a part of the class routine.
- Allow additional time for the student to complete his or her assignments.

Learning Style

The way we learn best is our *learning style*. It isn't just a grown-up thing. *Learning styles* develop at very young ages and continue throughout our life. Effective teachers know that learning styles vary among the learners in their classroom and use this information to plan instructional activities. Using a child's strength provides an opportunity to make learning experiences successful. There are four major categories of learning styles: auditory, visual, kinesthetic, and tactile. Our *Book of Ideas* includes more information about learning styles and multiple intelligences. Please contact our office to request your copy.

Learning Environment

The learning environment plays a key role in determining the outcomes of instruction. While some students can learn in almost any setting, others who are easily distracted or require opportunities to move about may demonstrate poor performance when the environment does not meet their needs. Teacher observation can assist in designing appropriate environments.



- Give a student the option to complete his/her work in a quiet area of the classroom. However, do not isolate the child against his/her will.
- Place the student in close proximity to the teacher to provide opportunities for immediate help when it is needed.
- Make certain the student's desk is free from all materials except those needed for the activity. This reduces distractions and builds organizational skills.
- Collect assignments as soon they are completed and provide immediate feedback to help keep learners on track. Some students require frequent, one-to-one conferences to review or assess progress.

Content

The sheer volume of material to be learned may overwhelm some students. This may be due to a slow reading rate or low reading comprehension. Teachers can adjust the type, difficulty, amount, or sequence of material required for students.



- Reduce the amount of work required to demonstrate mastery. Break assignments down into short tasks.
- Reduce the number of math problems or study questions on a page.
- Reduce the number of questions on classroom tests.
- Design assignments that include only the material which is absolutely necessary for the student to learn.
- Check or underline the textbook passages that contain the important facts.
- Use markers or other cues to show where to start or stop an assignment.
- Give specific questions to guide reading assignments.
- Establish basic goals and work with the student on ways to reach them.
- Change activities before the student's attention is lost.
- Provide alternate and supplementary materials for optional projects.
- Offer alternative ways for students to obtain or report information (tapes, interviews, reading experiences, projects, etc.).

The Laws and Children with Disabilities



As a parent of a child with a disability or suspected disability, it is not only best practice but required by law that you be given the opportunity to participate in all meetings concerning your child. Meetings should be held at a mutually agreed upon time and place. Several laws support your child's right to a Free Appropriate Public Education and support your role as an advocate for your child. The spirit throughout all the laws is truly that parents should be equal partners and team members with professionals. In this section of the book, we will provide information about laws and regulations concerning the rights of parents and children with disabilities.

The Individuals with Disabilities Education Act (IDEA 2004)

Public law 94-142 was passed by Congress in 1975 and was originally called the Education for All Handicapped Children Act. On its 15th anniversary in 1990, the Act was reauthorized by Congress with a new name under P.L. 101-476: Individuals with Disabilities Education Act or the IDEA. In 1997, Congress reauthorized IDEA as P.L. 105-17 IDEA '97. The reauthorized Individuals with Disabilities Education Act (IDEA) was signed into law December 3, 2004. The final regulations were published on August 14, 2006. The Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education prepared a series of documents to support implementation of the new requirements. You can download these topical papers by visiting their website:

Building the Legacy IDEA 2004 <http://idea.ed.gov/explore/home>

IDEA requires that a Free Appropriate Public Education (FAPE) be made available to all children with disabilities regardless of the type or severity of the disability. No child may be excluded from the public schools on the grounds that the child is too severely disabled to benefit from an education. Every child is able to learn, and the law requires that educational opportunities be provided for all. IDEA assures specific rights and safeguards to children with disabilities and their parents. In New Mexico, these rights are also assured to students who are gifted.

IDEA contains six principles that provide the framework around which special education services are designed and provided to students with disabilities. These six principles are:

- **Free Appropriate Public Education (FAPE)**
- **Appropriate Evaluation**
- **Individualized Education Program (IEP)**
- **Least Restrictive Environment (LRE)**
- **Parent and Student Participation in Decision Making**
- **Procedural Safeguards.**

Parents Reaching Out offers workshops on the IEP Process and a Handbook on Parents Rights and Special Education Procedures. Family Liaisons provide phone support to families working with schools to get the services their child needs for success. We also provide information and assistance to families considering formal steps to resolve issues.

Six Principles of IDEA

Free Appropriate Public Education (FAPE): IDEA requires that agencies provide special education and related services at no cost to the parent. It requires that an Individualized Education Program (IEP) be developed for each child with a disability. The IEP is based on the child's needs. It describes the child's present levels of performance, program goals, objectives or benchmarks, and specific services to be delivered to the child.



Appropriate Evaluation: Evaluation is a process, which involves obtaining and compiling as much information as possible from a variety of sources. Sources include: parent and teacher information, classroom observation, and a formal assessment of your child's educational abilities. The evaluation should provide a picture of your child that will be used to determine supports, services, modifications, and accommodations. **Always remember: All decisions are team decisions. No single person, no single test makes the decision for your child.**

Individualized Education Program (IEP): The IEP is both a *meeting* at which parents and school personnel jointly make decisions about an educational program and a *document* that serves as a written record of the issues discussed and the decisions reached at these meetings. The IEP meeting serves as a communication vehicle between parents and school personnel. As equal participants, parents and school staff decide jointly what the student needs and determine what services will be provided to meet those needs in order to achieve successful outcomes. An IEP is a work in progress, a product in need of constant revision. It is created, implemented, monitored, assessed and modified until students have reached all of their goals.

Least Restrictive Environment (LRE): LRE is the presumption that children with disabilities are most appropriately educated with their non-disabled peers. It means that special classes, separate schooling, or removing children with disabilities from the general education environment occurs only when the nature or severity of the disability of a child is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Parent and Student Participation in Decision Making: IDEA, from its earliest days has required schools to involve each child's parents in developing the child's IEP. Parents must be notified and give consent. Parent input must be solicited and considered. They must be given the opportunity to participate in all meetings concerning their child and allowed to make informed decisions. This means that they understand all decisions and options as well as why proposals that were made were accepted or rejected. Families have a right to receive the information in a language they understand and to request a qualified interpreter when needed.

Procedural Safeguards: Procedural safeguards are the guidelines that schools are required to follow. Schools are required to give parents a statement of parental rights and safeguards at various times and any time parents request a copy. Safeguards are in place to ensure:

- That the rights of children with disabilities and their parents are protected,
- That students with disabilities and their parents are provided with the information they need to make decisions about the provision of FAPE, and
- That procedures and mechanisms are in place to resolve disagreements between parties.

Section 504 of the Rehabilitation Act



Children with disabilities who are not eligible for special education may qualify for extra help and accommodations under Section 504 of the Rehabilitation Act. If your child qualifies for Section 504 services, he or she may receive specialized instruction, related services, classroom accommodations, or adaptations to the education environment.

Section 504 of the Rehabilitation Act of 1973 is a federal law that:

- Guarantees education services for students who qualify as having a disability;
- prohibits physical barriers to individuals with disabilities in public buildings;
- does not allow post-secondary and vocational programs receiving federal dollars to discriminate against individuals because of a disability;
- prohibits employers from excluding qualified individuals from employment solely because of a disability;
- provides related services and accommodations to qualified students with disabilities whether or not they are eligible for special education.

Section 504 describes disability as a “physical or mental impairment” including, but not limited to: severe allergies, chronic asthma or health impairment; cosmetic disfigurement or amputation; injuries or broken bones; communicable diseases, such as HIV; diabetes; and eating disorders. To qualify for services under 504, a child or adult must have a disability that substantially limits one or more major life activity; or must have a record of having a disability (a history of a disability); or must be regarded as having a disability (person has been treated as though he or she has a disability). Major life activities include self-care, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Every school district must have written 504 policies and procedures that describe how they will carry out the requirements of the law. Every district must have a person who oversees its 504 program. Contact your school principal or district office to locate the 504 coordinator in your school district. This person will be able to explain the Section 504 referral process.

Section 504 requirements include:

- The school must identify and evaluate children in the district, ages three through 21, who may have a disability;
- The school must establish that the child has a disability that substantially limits one or more major life activity;
- The school must develop a written plan to show how they will provide the child with a free appropriate public education including accommodations that enable the child to have equal access to academic and non-academic education programs.

Steps to Effective Problem Solving

When you have a dispute with the educational system, you will find a legalistic, bureaucratic process designed to meet the minimum requirements of the IDEA. As parents, educators, and advocates, this may be the most frustrating part of the law. We all need to remember that the intent of Congress when they wrote these complex rules was to keep kids in school and ensure that they received a free appropriate public education (FAPE).

We suggest that if you follow the suggestions below in the beginning phases of a child's education, then there is a good chance of maintaining a good relationship with the school and the student receiving FAPE. What we must all learn to do is to take a deep breath and look at a dispute as an *opportunity* for change; not, as if we are at the mercy of the system. Yes, opportunities mean choices. When you are in a dispute, you basically have three choices:

- Go back to the beginning and make the process work right,
- File a letter of complaint, or
- Go to due process.

At Parents Reaching Out, we prefer to make the process work like it was intended. If you have made a good faith effort and still feel the need to file a complaint or request a due process hearing, your documentation should be in place. Documentation is everything when you move to formal processes for resolving disputes. Parents who begin their journey by being organized and keeping good records will be more successful in resolving disputes informally at the local level or through formal steps if they are needed. (Review Record Keeping on page 5).

Making the Process Work Like It Was Intended. . .

Remember when reviewing records to know what you want and why you want it. Ask yourself "what records or documents do I have or need to support my position?" If after reviewing the records, you find that you need additional evaluations or recommendations to support your position you may request that information or evaluation from the IEP team. Always remember these three little words "Where's the Data?" If somebody is making a recommendation that may be disagreeable to a team member then simply ask, "*Where's the data to support your recommendations?*"

If you find you are in a dispute:

- Make all requests in writing. (Review the information on page 20.)
- Expect the answers to be in writing with reasons given as to why each of your requests was accepted or rejected. Give time lines.
- Prepare your Parent Report highlighting your child's strengths and needs. Offer suggestions to address your concerns. The time you spend developing this report helps you focus clearly on your child and prioritize the issues that are of most concern. A parent report can be added to the child's file just like a teacher's or service provider's report would be added. (Review the sample on page 22.)

The best way to ensure that the process works is through an IEP meeting. We recommend that you request an IEP meeting in writing and attach your Parent Report. Review the section *The IEP Meeting* on pages 13-15 of this book to prioritize your concerns



We've found that good things happen for kids once we begin to put the appropriate evaluations and recommendations in place. You may request an IEP meeting at any time. Once all of the evaluations and recommendations are in place, the IEP team should develop an appropriate IEP with recommendations based on the data. If you're not satisfied with the IEP at this point, your documentation will be in place. Then, you have the options of taking your concern to the district, filing a state complaint, or requesting a due process hearing.

Resolving Differences at the Local Level

If you have not been able to resolve your problem through personal contact, you can write a letter to the appropriate district representative, which is usually the Special Education Director. Send copies of your letter to the Public Education Department's Director of Special Education, Parents Reaching Out and others who might be of assistance. This letter will provide documentation of your dissatisfaction. The school district and the Public Education Department (PED) will see it as a signal that something is not working correctly. The PED will usually offer technical assistance to both the family and the school district to help resolve the issue. This process is informal and can eliminate the need for a formal letter of complaint. It also helps preserve relationships with your school district.

Independent Educational Evaluation (IEE)

The IDEA regulations have provided us with a very useful tool, the Independent Educational Evaluation (IEE), to resolve disagreements about a child's diagnosis or the level of services recommended by an evaluation. An IEE may be obtained by the parents at public expense (no cost to the parent) providing that the parents have followed the process as outlined in the regulations. The district maintains a list of independent evaluators in your area. If there is a specific evaluator that you want who meets the district criteria, you may select that person. *However, make sure all requests for an IEE are documented in the IEP and the school district makes the arrangements for the IEE to avoid any confusion over payment.* The IEP team must consider the IEE (whether it is obtained at public or private expense) like all other information used to make informed decisions about the child. However, the IEP team is not required to take every recommendation. If the team refuses information provided by the independent evaluator, they must provide a Prior Written Notice of Proposal to the parent explaining why the request was rejected. If the district feels that their evaluation is correct or they do not want to pay for the IEE, they are required to file for a due process hearing. Most districts will not file for a due process hearing that costs several thousand dollars and consumes staff time and energy in order to avoid an evaluation that will cost much less in the long run.

Facilitation/Mediation

The law only requires that formal mediation be offered after you have requested a due process hearing. Mediation is voluntary and you are not required to accept this offer. However, disagreements between parents and schools often can be resolved in a cooperative, way through mediation. The New Mexico Public Education Department (PED) Special Education Bureau encourages families and districts to consider a facilitation/mediation approach to problem solving before issues escalate. The PED and some districts are training personnel in the process of facilitating a mediated IEP. A trained mediator or facilitator is a neutral person who is experienced in effective communication and problem solving. If you and the school district agree to facilitation/mediation, this neutral person will listen to both parties and encourage each party to share information in a respectful way. The mediator's job is to help you and the school work toward an agreement, not to make decisions for you. If an agreement is reached the facilitator/mediator will facilitate a follow-up IEP meeting to ensure the best chances for success. *For more information, contact Parents Reaching Out.*



Formal Steps to Resolving Problems

Parents and schools don't always agree about a child's special education eligibility, evaluation, program or placement. Parents and schools have options when their efforts to solve problems informally have failed. These options include formal complaints, mediation and due process.

Formal Letter of Complaint: If you have not been able to resolve your concerns informally, at the local level, you may wish to send a formal letter of complaint. We suggest that you contact Parents Reaching Out to request a copy of *The Handbook – Parental Rights and Special Education Procedures*. You may also want to attend one of our IEP workshops. It is important that your written complaint include the specific concerns and documented evidence to support your complaint.

The Public Education Department will call you after it receives your letter of complaint to clarify the issues and, if possible, resolve complaints efficiently. If your complaint is found to have merit, the PED provides technical assistance to the school district to help them address your concerns at the local level. If they find that your complaint has no merit, they will send you a report explaining their reasoning. If you disagree with their findings you may request an independent review by contacting the State Superintendent of Public Instruction. The Public Education Department is required to complete their investigation of your complaint and mail you a copy of their report within 60 days (beginning on the day the PED receives your letter).

Due Process Hearing: *If informal advocacy, negotiation, and mediation fail to resolve your disagreement, parents or the schools have the right to request a due process hearing. Make no mistake about it — this is an adversarial process with a win/lose resolution.* According to New Mexico law, if you believe the school has denied your rights, you must request a due process hearing within two years of the date on which the problem occurred. If you were not informed of your rights, however, you have two years from the date the school should have informed you to request a due process hearing. This two year time period is called a statute of limitations. Due process is a very formal legal proceeding and legal representation is recommended. *If you are considering this option, call Parents Reaching Out for more information about procedures.*

Glossary

Comprehensive Educational Evaluation means the tests and observations done by public school staff to find out if the child has a disability and requires special education and related services. The school district's multi-disciplinary team is required to do this evaluation and hold a meeting with the parent to discuss the results. A parent may choose to share any evaluation and assessment information they have from another agency or qualified person.



Developmentally Delayed means having a diagnosed physical or mental condition that has a high probability of resulting in developmental delay, even though the delay may not exist at the time of diagnosis; or experiencing developmental delays as measured by appropriate diagnostic instruments in one or more of the following areas: cognitive development, physical development including vision and hearing, communication development, social or emotional development, or adaptive development.

Due Process Due Process refers to a process for resolving a dispute between the family and the public school related to the identification, evaluation, or placement of a child with disabilities.

Extended School Year (ESY) refers to the delivery of special education and related services during the summer vacation when the child needs those services in order to prevent significant loss of previously learned skills. The IEP team must consider the need for Extended School Year at each meeting and must describe those services specifically with goals and objectives.

Individuals with Disabilities Education Act (IDEA) is the federal law that provides the legal authority for early intervention and special educational services for children birth to age 21. Part B outlines services for children ages 3-21. Part C outlines services for children birth to age 3.

Individualized Education Program (IEP) means the written document which defines the special education and related services that make up a free appropriate public education for a child with disabilities. The program is designed to meet the individual needs of an eligible child.

Individual Family Service Plan (IFSP) means the written document which defines the early intervention services provided to the child and family. It is based on family-identified priorities.

Least Restrictive Environment (LRE) means the placement that is as close as possible to the regular education environment with access to the general curriculum.

Local Education Agency (LEA) means the public schools operating as independent districts in accordance with statutes, regulations, and policies of the Public Education Department.

Transition is the movement from one service, location, or program to another. Young children with disabilities transition at age three from early intervention to preschool special education services or to other community settings and services. During their lifetime, children make transitions to new teachers, grades and schools, and beyond. Transition planning should drive the IEP.

Transportation is a related service. If it is determined that the child needs this service, the school district must provide the transportation, contract with another agency, or contract with the parents to bring their child to school.

Websites

New Mexico Public Education Department, <http://www.ped.state.nm.us>

New Mexico Department of Health, <http://www.health.state.nm.us/>

Office for Civil Rights, <http://www.ed.gov/offices/OCR>

Social Security Administration, <http://www.ssa.gov/reach.htm>

US Department of Education, www.ed.gov/offices/OSERS/IDEA/

**Government
Websites**



Beach Center on Families and Disability, <http://www.beachcenter.org>

Center for Effective Collaboration and Practice, www.cecp.air.org

Center on Positive Behavioral Interventions and Support, www.pbis.org

Council for Exceptional Children, www.cec.sped.org

Family and Advocates Partnership for Education (FAPE), www.fape.org

Family Village; <http://familyvillage.wisc.edu/>

Family Voices, <http://www.familyvoices.org/>

Kids Source, <http://www.kidssource.com/>

Learning Disabilities Association, www.ldonline.org

MUMS National Parent to Parent Network; <http://www.netnet.net/mums/>

National Information Center for Children & Youth with Disabilities, www.nichcy.org

Pacer Center, Inc., www.pacer.org

Parents Reaching Out, www.parentsreachingout.org

Raising Resilient Kids, www.raisingresilientkids.com

Special Needs Special Gifts, <http://www.specialneedsadvocate.com/>

Technical Assistance Alliance for Parent Centers (Alliance), www.taalliance.org

Wrights Law, www.wrightslaw.com



New Mexico Resource Directory

ARC of New Mexico

3655 Carlisle NE
Albuquerque, NM 87110-1644
505-883-4630 or 1-800-358-6493

Brain Injury Association of NM, Inc.

121 Cardenas NE
Albuquerque, NM 87108
1-888-292-7414

Carrie Tingley Hospital

1127 University NE
Albuquerque, NM 87102
505-272-5200 or 1-800-472-3235

Center for Development and Disability

UNM Health Sciences Program
2300 Manual Blvd. NE
Albuquerque, NM 87107
505-272-3000 or 1-800-827-6380

Cerebral Palsy Parent Association

1127 University Blvd. NE
Albuquerque, NM 87102-1715
505-272-5296 or 1-800-472-3235

Department of Health-Children's Medical Services

1190 S. St. Francis Drive
Santa Fe, NM 87502
505-827-2613

**Department of Health – Developmental Disabilities
Supports Division**

810 San Mateo
P.O. Box 26110
Santa Fe, NM 87502
1-877-696-1472

Disability Rights New Mexico

1720 Louisiana Blvd. NE Suite 204
Albuquerque, NM 87110
505-256-3100 or 1-800-432-4682

**Education for Parents of Indian Children with
Special Needs (EPICS)**

1600 San Pedro Dr. NE
Albuquerque, NM 87110
1-888-499-2070 or 505-767-6630

Muscular Dystrophy Association

6733 Academy NE Suite D1
Albuquerque, NM 87109
505-828-1331

Native American Disability Law Center

3535 E. 30th Street Suite 201
Farmington, NM 87402
505-566-5880 or 1-800-862-7271
<http://www.nativelegalnet.org/>

New Mexico Autism Society

P.O. Box 30955
Albuquerque, NM 87190
505-332-0306

NM Public Education Department

300 Don Gaspar
Santa Fe, NM 87501-2786
505-827-5800

**NM Developmental Disabilities
Planning Council**

810 West San Mateo, Suite C
Santa Fe, NM 87505
505-476-7321 or 1-888-779-6183

New Mexico Family Network

1101 Cardenas NE, Suite 202
Albuquerque, NM 87110
505-265-0430

New Mexico School for the Deaf

Albuquerque Preschool/Kindergarten
3802 Hermosa Dr. NE
Albuquerque, NM 87110
Phone: 505-800-0345 (TTY/Voice)

**NM School for the Visually Handicapped
Early Childhood Programs**

801 Stephen Moody SE
Albuquerque, NM 87123
1-800-437-3505 x4401

Parents Reaching Out

1920 B Columbia Drive SE
Albuquerque, NM 87106
505-247-0192 or 1-800-524-5176
www.parentsreaching.org

Parents Reaching Out

Your One Stop Resource for a Stronger Family

As a statewide non-profit organization, we connect with parents, caregivers, educators, and other professionals to promote healthy, positive, and caring experiences for New Mexico families and children. We have served New Mexico families for over twenty-five years. Our staff and Family Leadership Action Network volunteers reflect the unique diversity of the communities throughout our state.

Children do not come with instructions on how to deal with the difficult circumstances that many families experience. Parents Reaching Out believes that families' needs go beyond the bounds of formal services. *What we can offer to each other is uniquely ours. We have all been there.*

Our Mission

The mission of Parents Reaching Out is to enhance positive outcomes for families and children in New Mexico through informed decision making, advocacy, education, and resources. Parents Reaching Out provides the networking opportunities for families to connect with and support each other. This mission supports *all families* including those who have children with disabilities, and others who are disenfranchised. Parents Reaching Out achieves this by:

- ♦ Developing family leadership
- ♦ Connecting families to each other
- ♦ Building collaborative partnerships
- ♦ Providing families knowledge and tools to enhance their power

Our Beliefs

- ♦ Families need support wherever they are in their journey.
- ♦ All families care deeply about their children.
- ♦ Families may need tools and support to accomplish their dreams.
- ♦ All families are capable of making informed decisions that are right for their family.
- ♦ Families in the state benefit from our organization having the staff and materials that meet their diversity.
- ♦ Systems that listen carefully to the family perspective improve outcomes for our children.

We invite all families and those serving families and children in New Mexico to make *Parents Reaching Out your one stop resource for a stronger family*. Our publications, workshops, and Resource Center offer tools for informed decision-making and building partnerships in communities. Our trained staff and network of volunteers are here to serve you.

Parents Reaching Out is the home of:

NM Parent Information and Resource Center (NMPIRC)

NM Parent Training and Information Center (NMPTIC)

NM Family to Family Health Information Center (NMF2FHIC)

Parents Reaching Out

1920 B Columbia Drive, SE
Albuquerque, NM 87106
1-505-247-0192 ♦ 1-800-524-5176
www.parentsreachingout.org

From I-25—take the Gibson Blvd Exit 222 and go East on Gibson. Turn left at the third stop light (Girard). Turn left on Vail. Go one block to Columbia. Turn left on Columbia. Parents Reaching Out is on the east side of the street. Welcome!

