



**Navigating the Special Education System
A guide to advocating for your child**

Goals:

- Advocates will understand important special education jargon.
- Advocates will understand the Special Education process and how one may qualify for an IEP or a 504 plan.
- Advocates will understand the different educational placement options and services that one may qualify for through an IEP.
- Advocates will understand the difference between an IEP and a 504 plan
- Advocates will walk away with some concrete examples of accommodations that can be written on an IEP or 504



Goal #1

Advocates will understand important special education jargon.

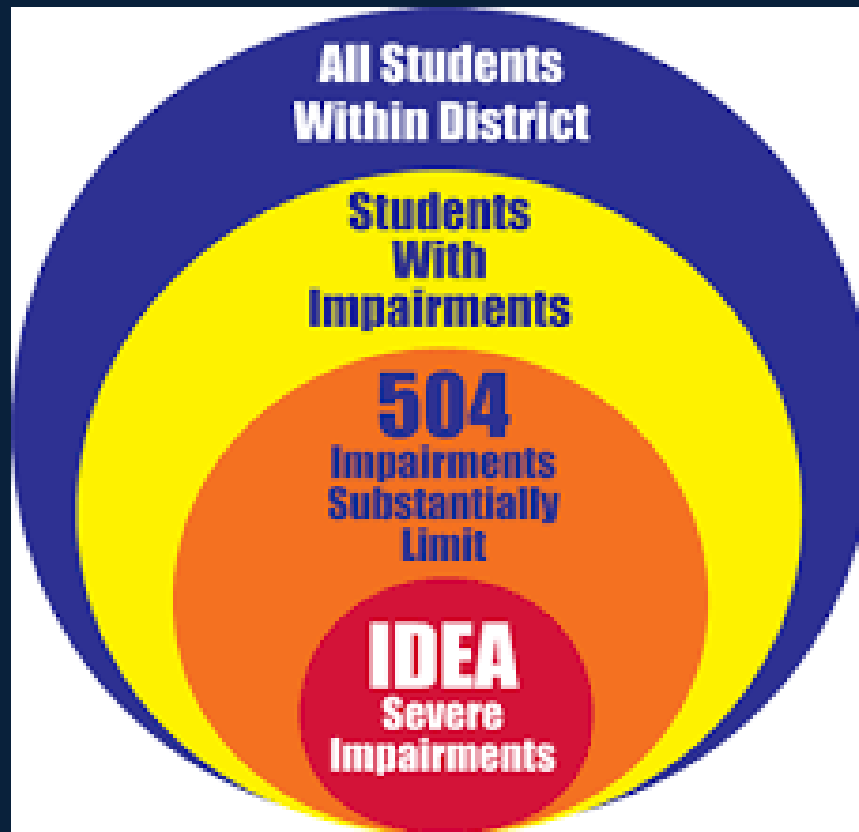
The Jargon continues....

- **FAPE-** Free and Appropriate Public Education
- **LRE-** Least Restrictive Environment
- **RTI-** Response to Intervention
- **Best Practices-** phrase often used to describe the most effective educational practices (driven by research)
- **Accommodations-** provide access to the general education curriculum, without changing the content
- **Modifications-** When the general education curriculum is change in a manner where the content the student is learning has been modified
- **Specially Designed Instruction-** a phrase used to describe special education services

Goal #2

Advocates will understand the Special Education process and how one may qualify for an IEP or a 504 plan.

Continuum of School Supports



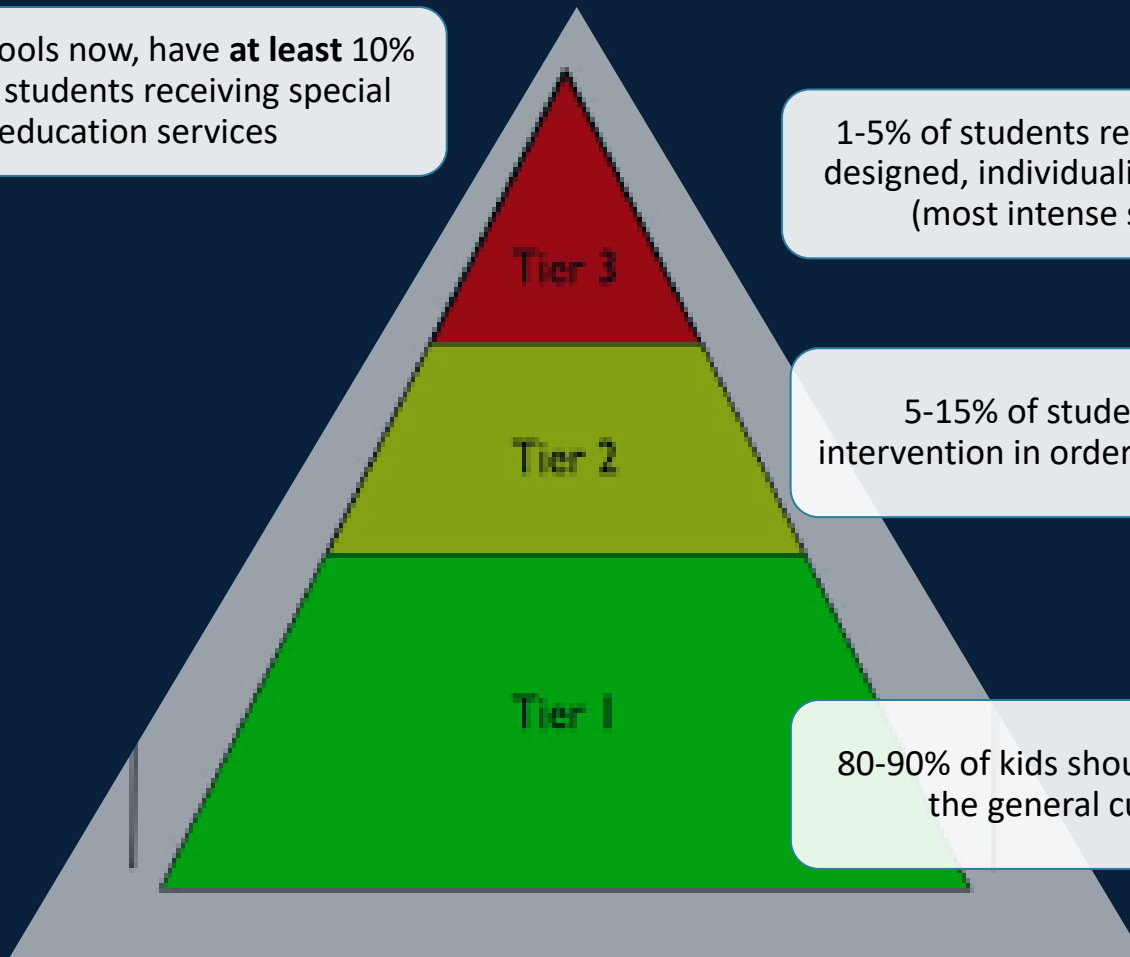
RTI Framework- A model for intervention

Most schools now, have **at least** 10% of their students receiving special education services

1-5% of students require specially designed, individualized instruction (most intense supports)

5-15% of students require intervention in order to be successful

80-90% of kids should do well with the general curriculum



The RTI Process:



- 1. 3-6 weeks of intervention in all areas. Parents *should* be notified that interventions are taking place (**Tier 2**)
- 2. Review the interventions, are they successful? If so, the student remains in these Tier 2 interventions. If not enough success- the team follows up with another 3-6 weeks of more targeted intervention. (Tier 3)
- 3a. If the tier 3 intervention is successful and sustainable...great! The student remains in Tier 3 intervention until it is no longer needed.
- 3b. If the intervention is unsuccessful (or the intervention is unsustainable) and the intervention team (consisting of the teacher, and specialist at minimum...and best case scenario the parent) feels that the student may require more intensive support....then the Special Education Evaluation process begins.

The Special Education Evaluation Process



- Prior written notice for this meeting is required, and must give a reasonable amount of notice (10 days).
- The parent must be present to sign consent for testing.
- A parent has a right to ask for an evaluation planning meeting at any time. The school team has 2 weeks to set up the meeting.
- The team determines which eligibility(ies) are appropriate to test for.
- The team members responsible for each type of testing should be present (or at a minimum, staff knowledgeable of)
- The parent also has the right to bring in outside testing (from a licensed psychologist or doctor). The school must consider this testing but also has the right to decide if they would like to or complete their own testing in addition to the provided report.

13 recognized disabilities under IDEA

in order of popularity

- Speech and/or Language Impairment
- Specific Learning Disability- SLD
- Other Health Impairment- OHI (popular OHI classification ADD or ADHD)
- Emotionally Disturbed- ED
- Intellectually Disabled
- Autism- ASD
- Visual Impairment (including blindness)
- Orthopedic Impairment
- Hearing Impairment
- Deafness
- Traumatic Brain Injury- TBI
- Deaf and Blindness
- Multiple Disabilities



Wait!! Where is Dyslexia?!?



Picture from dyslexiaadvantage.org

Dear Colleague



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES**

THE ASSISTANT SECRETARY

October 23, 2015

Dear Colleague:

Ensuring a high-quality education for children with specific learning disabilities is a critical responsibility for all of us. I write today to focus particularly on the unique educational needs of children with dyslexia, dyscalculia, and dysgraphia, which are conditions that could qualify a child as a child with a specific learning disability under the Individuals with Disabilities Education Act (IDEA). The Office of Special Education and Rehabilitation Services (OSERS)

View full letter at: <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-dyslexia-10-2015.pdf>

Learning Disability Eligibility Criteria



RTI Model

- Use intervention data to determine if a student requires specially designed instruction
- Usually a norm-reference achievement test is given, but not a cognitive test
- New model... not many schools use this, still some kinks to figure out
- In this model, Tier 3 supports do not always mean special education



Strengths and Weaknesses

- Use intervention data (based on the RTI model) to determine if special education testing should take place
- Compare achievement to cognitive testing to determine if there is a pattern of strengths and weaknesses that may account for the student's learning difficulties



Discrepancy Model

- Use achievement and cognitive testing to determine if there is a discrepancy between how the student is performing academically and what they are cognitively capable of.
- **NOT best practices**

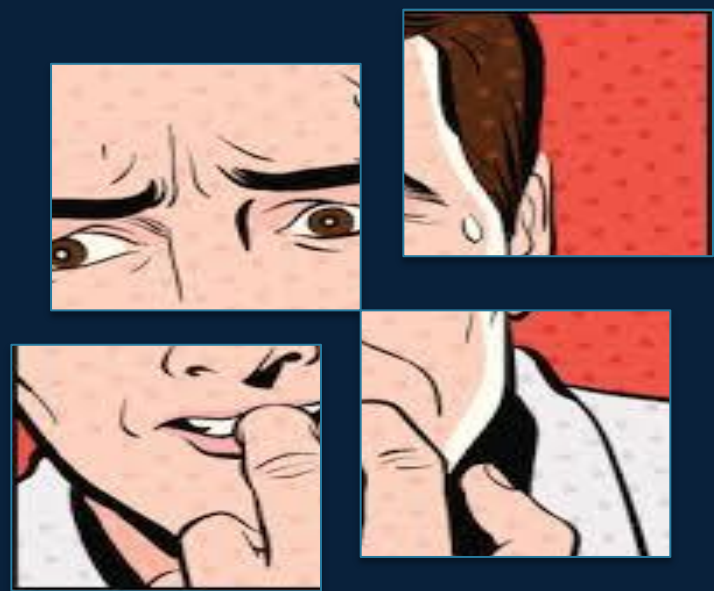
What testing is completed in the school?

- **Speech and/or Language Impairment**- wide range of language and articulation testing, completed by a school SLP (Speech and Language Pathologist)
- **Specific Learning Disability**- SLD- wide range of cognitive and achievement testing conducted for the strengths and weaknesses model, data collection for the RTI model
- **Other Health Impairment**- OHI (popular OHI classification ADD or ADHD)- Medical diagnosis! Must have a medical statement from doctor.
- **Emotionally Disturbed**- ED- variety of tests, many are in survey form given to those that interact with the student
- **Intellectual Disability** – cognitive and academic testing (low scores on SLD testing = intellectually disabled diagnosis)
- **Autism Spectrum Disorder**- ASD- observation, parent interview, and checklists...there is a difference between medical and school diagnosis
- **Visual Impairment** (including blindness)- Medical Statement from Doctor
- **Orthopedic Impairment**- Medical Statement from Doctor
- **Hearing Impairment**- SLP
- **Deafness**- Medical Statement from Doctor
- **Traumatic Brain Injury**- TBI- Medical Statement from a Doctor
- **Deaf and Blindness**- Medical Statement from a Doctor
- **Multiple Disabilities**- variety of sources, depending on the disabilities

All evaluations include: Developmental History, Observations of student

Eligibility

Before 60 school days, the team must meet to determine eligibility



Not
Eligible

- Student does not receive special education services
- Student should continue with general education level interventions, team considers 504

Eligible

- Parents must agree (consent for initial placement)
- Special Education Services Begin

IEP Goals

Needs drive GOALS and GOALS drive services.

If there is no goal, then you can bet the IEP team is not working on that skill

Some common goal areas for kids with dyslexia would be:

- Phonemic Awareness
- 33 Spelling Rules
- 6 Syllable Types
- Fluency
- Decoding (reading)
- Encoding (spelling phonetic words)
- Sight words (spelling and/or reading)

Make sure the Goals are SMART (Specific, Measurable, Action words, Realistic and Relevant, Time-limited)

Great article: <http://www.specialeducationadvisor.com/dyslexia-its-all-about-goals-goals-goals/>

Goal #3

Advocates will understand the different educational placement options and services that one may qualify for through an IEP.

Continuum of Services- LRE

Primary Services:

Speech and/or Language Therapy-

Academic Supports

Behavioral Supports

Supplemental Services:

Occupational Therapy

Physical Therapy

Autism Consult



Educational Placement Examples



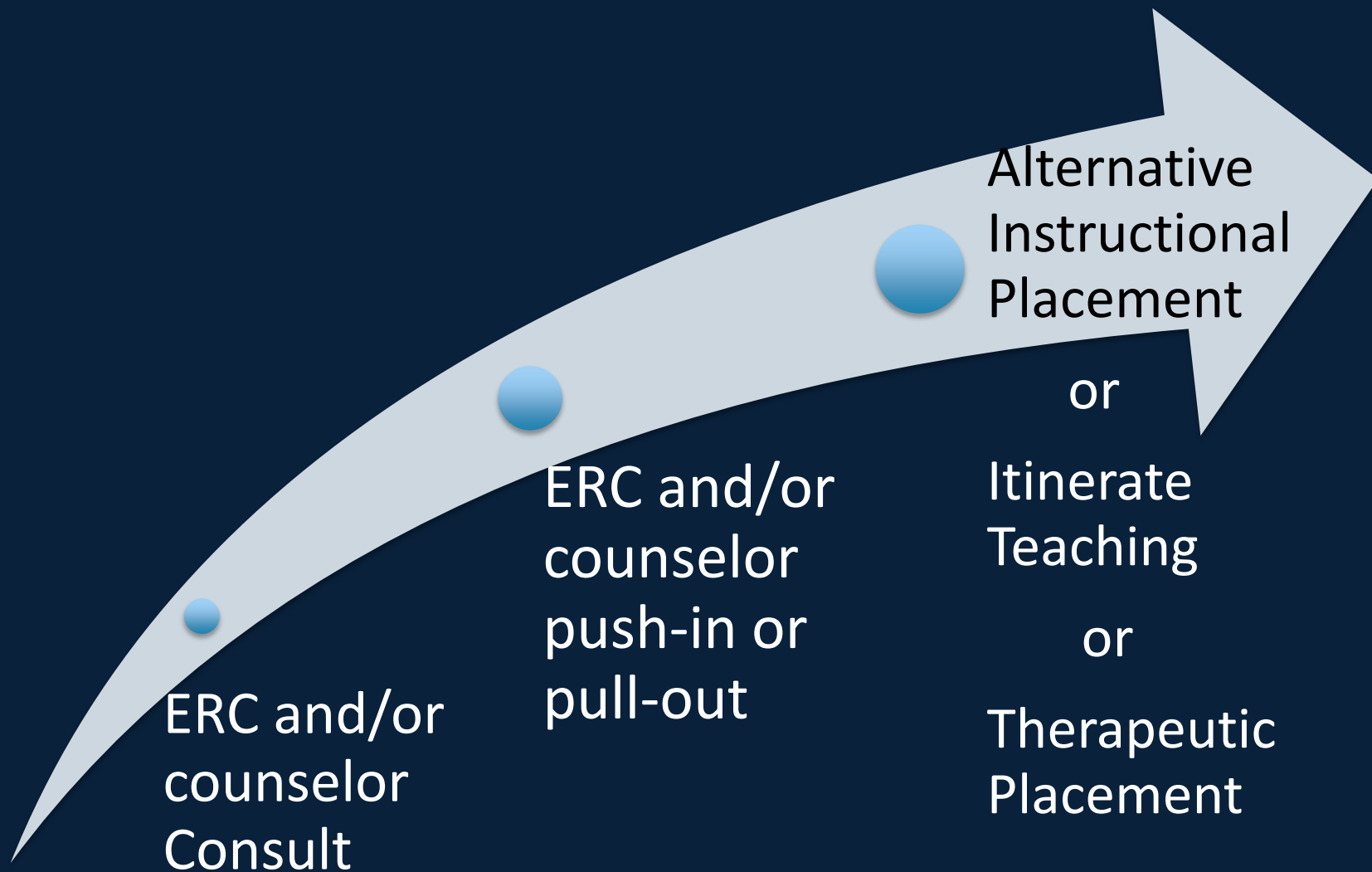
Placement must always be the LEAST RESTRICTIVE ENVIRONMENT

ERC Consult in General Education (GE)

ERC Push-in or Pull-out in GE

Structured Learning Center
or
Intensive Learning Center

Behavioral Support Placement Examples



Accommodations are also a key part to an IEP



Goal #4

Advocates will understand the difference between an IEP and a 504 plan

IEP

- 1+ of 13 specific disabilities
- must hurt ability to progress with GenEd curriculum
- yearly goals, reviewed yearly, evaluated every 3 years
- expires at high school graduation OR age 22, whichever is first
- **changes the regular curriculum**



IEP vs. 504

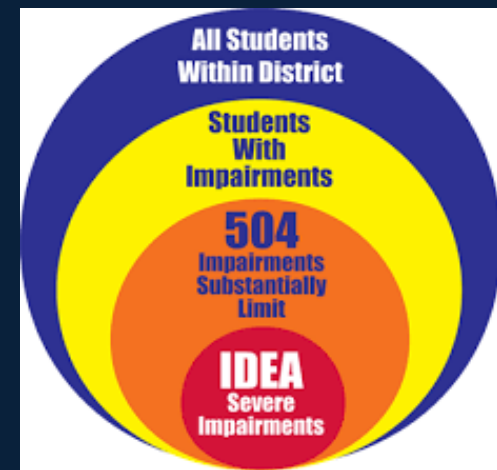
504 Plan

- documented disability, no categories
- must hurt ability to fully participate, learn in GenEd classroom
- yearly review, no yearly goals
- continues past high school graduation
- **keeps regular curriculum**
- **changes parts of the environment/delivery**



Source:

<https://milkidsed.com/2016/03/11/iep-vs-504-plan-whats-the-difference/>



- If a school district finds a student ineligible for services under the IDEA, the school district is not relieved of its obligations under Section 504 or Title II; it is still required to consider if the student has a disability under Section 504 or Title II.151

Qualifying for a 504 plan

Disability. Under Section 504, an individual with a disability (also referred to as a *student with a disability* in the elementary and secondary education context) is defined as a person who: (1) has a physical or mental impairment that substantially limits a major life activity; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.⁷

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity (and therefore has a disability) must be made on a case by case basis.⁸ In addition, when determining if someone meets the definition of a disability, the definition must be understood to provide broad coverage of individuals.⁹

Definition of “Major Life Activity”

To summarize, major life activities include certain acts a person does (such as hearing, speaking, lifting) and a person’s bodily functions (such as lung disease that affects a person’s respiratory system, or a traumatic brain injury that affects the function of the brain).

The list of major life activities under Section 504 includes, but is not limited to, the activities listed below.¹²

- caring for oneself
- performing manual tasks
- seeing
- hearing
- eating
- sleeping
- walking
- standing
- lifting
- bending
- speaking
- breathing
- learning
- reading
- concentrating
- thinking
- communicating
- working

This resource guide is also available on the Office for Civil Rights’ website at <http://www2.ed.gov/about/offices/list/ocr/index.html>.

Case Example

- “Consider a student who has Attention-Deficit/Hyperactivity Disorder (ADHD) but is not receiving special education or related services, and is achieving good grades in academically rigorous classes. School districts should not assume that this student's academic success necessarily means that the student is not substantially limited in a major life activity and therefore is not a person with a disability. In passing the Amendments Act, the managers of the Senate bill rejected the assumption that an individual with a specific learning disability who performs well academically cannot be substantially limited in activities such as learning, reading, writing, thinking, or speaking. Thus, grades alone are an insufficient basis upon which to determine whether a student has a disability. Moreover, they may not be the determinative factor in deciding whether a student with a disability needs special education or related aids or services. Grades are just one consideration and do not provide information on how much effort or how many outside resources are required for the student to achieve those grades. Additionally, the Committee on Education and Labor in the House of Representatives cautioned that "an individual with an impairment that substantially limits a major life activity should not be penalized when seeking protection under the ADA simply because he or she managed their own adaptive strategies or received informal or undocumented accommodations that have the effect of lessening the deleterious impacts of their disability." See H.R. Rep. No. 110-730, pt. 1, at 15 (2008).”

Keep in mind....

“A student may have a disability even if his or her impairment does not substantially limit learning, as long as the impairment substantially limits another major life activity....For instance, in the ADHD example above, the school district must consider other major life activities that may be substantially limited by the student's ADHD. The Amendments Act provides illustrative lists of major life activities, such as concentrating, thinking, communicating, and neurological or brain functioning.”

-Questions and Answers on the ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools

Goal #5

Advocates will walk away with some concrete examples of accommodations that can be written on an IEP or 504

Accommodations

7

Accommodations
for Students with
Dyslexia

DyslexiaTrainingInstitute.org

1. Allow time to process information.

2. Do not require oral reading (without warning or practice).

3. Do not mark off for spelling.

4. Allow them to shine in the subjects in which they excel.

5. Give less homework.

6. Do not punish (i.e. keep in for recess) for work not completed during class.

7. Toss the red pen into the trashcan.

More Accommodations

- Books on Audio – Learning Ally
- Text to speech software
- Speech to Text
- Note taking assistance or notes supplied
- Assistive Technology
- Allowing student to type, rather than write
- Dictating homework to parents/guardians
- Dictating answers to teacher

Good to know:

Basic Protections under an IEP:

Annual review

3 year re-evaluation

Parents can request a meeting at any time

Parents can drop services at any time (all or nothing)

You must be notified in writing of any changes to the IEP

An IEP does not follow a child past high school

Basic Protections under a 504:

Doesn't have to be written down, but often is

The school does not have to invite the parent to a 504 meeting when the plan is developed.

The school must notify the parent that a 504 plan was developed.

A 504 Plan will follow a student after high school

Food for thought

- Special Education Teachers are HARD WORKING people with a very difficult job
- YOU are your child's best advocate
- Just because a child is receiving special education services, doesn't mean that you can assume that s/he is making adequate growth
- Advocates cannot pick and choose services on an IEP...however, you do have input on the **goals** that are written on the IEP.
- Advocates can ask to meet with the team, at any time. You might do this if a student is not making adequate progress in order to ask for services to be modified.
- If a child is receiving private tutoring, special education services that use a competing literacy program may be detrimental!

Learn More!

Resources for Parents:

- Wrightslaw.com- great resource for parental rights for IEPs and 504 plans
- Oregon Parent Training and Information Center – www.oregonrisecenter.org
- <http://factoregon.org/online-learning-opportunities/online-iep-training/>
- <http://www.decodingdyslexiaiowa.org/ieps-and-504-plans/>

Contact me

*Morgan Bulson- MS, National Board Certified Teacher,
Barton Tutor, Barton Certified Dyslexia Screener*

Website: ReadingDifferently.com

Email: Morgan@ReadingDifferently.com

