

# Oklahoma Parents Center

Fall 2009



## Mission Statement

Oklahoma Parents Center is dedicated to the inclusion and **equality of children** and adults with disabilities. Our mission is to train, inform, educate, and **support parents**, families, professionals and consumers in **building partnerships** that **meet the needs** of children and youth with the full range of disabilities ages birth through twenty-six.

## We're Excited to Announce our new "Lending Library"

Oklahoma Parents Center is very excited about the opportunity to offer another method to assist you in becoming better educated about disabilities, basic rights, IEPs, and advocacy. Please keep in mind that OPC is just getting our library together and we welcome any suggestions for new additions to our collection of books, DVDs, and VHSs. You can contact Robin O'Rear, Librarian, at 580-286-5293, 877-553-4332 or email [library@oklahomaparentscenter.org](mailto:library@oklahomaparentscenter.org) with any questions, suggestions or comments.

### The following is a brief version of our policy to borrow from our library:

- **Choose your material:** A total of two (2) library items per person may be on loan at one time.
- **Once you have made your online selection,** please call, email or use the online Library Book Request Form to verify that your selection is available.
- **Choose a deposit option:** ***This service is Free, but a deposit is required.***
  - **Option 1:** When you contact us for availability we will notify you of the deposit required.
  - **Option 2:** You may send a one-time money order for (\$25).
- **Wait for your material to arrive:** As soon as we receive your deposit, we will ship your books/media.
- **Shipping back your books/media:** When ready to return the items, place them into the box/package that you received them in along with the shipping label that was provided.

**Go to our website to see a list of materials available for use:**

**[www.OklahomaParentsCenter.org](http://www.OklahomaParentsCenter.org)**

# Words from OPC Executive Director, Sharon House

As Executive Director of the Oklahoma Parents Center, I experienced firsthand an incredible life lesson. In July of 2008, I suffered a stroke. As the one year anniversary nears I would like to share my humbling story that has forever changed my life. I now have intimate knowledge of one being unable communicate. I was mediflighted out of my hometown in Holdenville, to a hospital in an Oklahoma metropolitan area. During this time, I was conscious and able to hear everything that was said to and about me, although I was unable to speak or respond. Following are some insights gained through this experience which have forever changed my attitude regarding disabilities.



On this beautiful summer day, I had spent my time working in my garden and getting ready for a much needed vacation. I was dressed in my old gardening clothes, barefoot (dirty feet of course), and did not have the opportunity to shower or dress before I had the stroke. In Holdenville, everyone knows me, in the metropolitan hospital, I was unknown. I am certain that I appeared indigent and uneducated. From what I heard the nurses saying about me, that is exactly how I was perceived. I was judged by my appearance, and I overheard numerous negative comments, as well as several nurses' personal relationship issues. How frustrating to know that they were being rude and unprofessional and I was powerless! The moral of the story is, "Never say anything in front of people or assume they do not understand; this certainly would include children with disabilities".

Although I could not speak, I was cognitively aware. When I tried speaking, no one could understand me. I was not given anything to eat or drink until I was seen by a Speech Language Pathologist for a swallowing test. Can you imagine my mouth is dry, almost parched and I am unable to ask for water and cannot write this down as my right hand is paralyzed? Prior to the swallowing test, I was left to slump in my wheel chair as I waited for additional testing. At this point I knew without a doubt why children with disabilities could be in need of a Positive Behavior Intervention Plan. As I was starting to plot my revenge, I realized the one thing I did have was my vision. I studied faces more as a retaliatory issue than anything. I remember laying on the gurney thinking what I was going to do when I released...You can only imagine what was on my mind, as a mother of 2 sons with disabilities and now as a citizen with a disability. I soon found the retaliation I had planned was not nearly as important as the life lesson I had learned.

Fortunately, I did recover after a few days. However, my insight into the world of disabilities will be forever changed. Communication has to be the top reason for behavior issues. I admit "I had a few tantrums and felt there was validity in doing so". Few people know what it was like for those few days...the rest can only imagine. The old saying is true. Don't judge me until you walked a mile in my shoes. I hope to continue to share my story – more for compassion and empathy regarding children...My stroke lasted 48 hours, I cannot imagine not being able to communicate for a lifetime.

Respectfully,

Sharon House

# Important Changes in IDEA Federal Regulations Adopted by U.S. Department of Education

Reprinted with permission from Matt Cohen , December, 2008

On December 1, the U.S. Department of Education issued final regulations amending several important rules relating to special education and the Individuals with Disabilities Education Act. Two changes are of particular importance for all parents and for educators.

First, for the first time in the history of special education, parents now have the right to revoke consent at any time to their child's participation in special education. The revocation must be provided to the school district in writing. The parent must be provided with a notice from the school district indicating that the revocation constitutes a change of placement/status and explaining the parents' rights. The parents or the school may at a subsequent date request that the child be reconsidered for special education again. However, if the parents revoke the consent for special education, the school is not responsible for the failure to provide a free appropriate education. The new regulation addressing this issue is 34 Code of Federal Regulations 300.300(b). If the parent revokes consent, the school district may not pursue a due process hearing or other legal measures to overturn the parents' decision.

The second major change involves representation at due process hearings. Previously, prevailing interpretation of the IDEA provided that the parents could be assisted at due process hearings by non-lawyers, regardless of the state's rules regarding unauthorized practice of law by non-attorneys. Under the new IDEA regulations, the rules as to whether a non-lawyer may represent either the parent or the school at a due process hearing will now be governed by state law. It will now be necessary for parents to investigate the rules in their state regarding unauthorized practice of law. 34 CFR 300.512 (a)(1). In Illinois, state law already permits non-lawyer advocates to assist parents in IEP meetings and due process hearings.

The new Federal regulations can be found at the following website, which also includes lengthy comments and department commentary: <http://edocket.access.gpo.gov/2008/E8-28175.htm> These regulations take effect on December 31, 2008.

## Note from the Editor

**The Federal Regulation regarding parent's rights to revoke their permission for their child to be in special education can be a double-edged sword. While many see this as a victory for parents, we need to be very careful when exercising this privilege. Parents will want to consider the following factors very carefully:**

- **Take your time in making the decision to remove your child from an IEP. It is not in the best interest of the child or the school to switch the student in and out of special education.**
- **Consider all aspects of your decision: You will be removing the protections of IDEA when your child is removed from an IEP. This means that they can be suspended or expelled from school without a manifestation hearing. This could be critical if your student has issues with behavior.**
- **Your student will not necessarily have accommodations and modifications when they are removed from the IEP. He or she may not receive what you perceive as a free and appropriate public education, and the school is not held responsible.**
- **If your child is due a three year evaluation, the school will not be providing an evaluation at their expense if you remove your child from special education.**
- **We would suggest that you speak with the Oklahoma State Department of Education, the Special Education Director from your district, or an advocate from the Oklahoma Parents Center before making this important decision.**

Oklahoma Parents Center, Inc. is funded in part by the U.S. Department of Education, Office of Special Education Programs (OSEP) and the Oklahoma State Department of Education (OSDE) .

However, the contents do not necessarily represent the policies of the funding agencies and endorsement should not be assumed.

# The 10 Basic Steps

Children can have all sorts of difficulties growing up. Sometimes problems are obvious right from the start; and sometimes they don't appear until a child is in school. Some children have trouble learning to read and write. Others have a hard time remembering new information. Still others may have trouble with their behavior. For some children, growing up can be very hard to do! When a child is having trouble in school, it's important to find out why. The child may have a disability. By law, schools must provide special help to eligible children with disabilities. Below are the 10 Basic Steps to Special Education:

## Step 1: Child is identified as possible needing special education and related services.

**1** **Child Find:** Each school district is required by IDEA to identify, locate, and evaluate all children with disabilities in the district who need special education and related services. To do so, schools conduct what are known as "Child Find" activities.

**Referral or request for evaluation:** A school professional or a parent may ask that a child be evaluated to see if he or she has a disability. This request may be verbal, but it's best to put it in writing!

**Parental Consent** is needed before a child may be evaluated. Under federal IDEA regulations, evaluation needs to be completed within 60 days after the parent gives consent. However, the state guideline in Oklahoma is 45 school days after parent signs for consent.

## Step 2: Child is evaluated.

Evaluation is an essential early step in the special education process for a child. It's intended to answer these questions:

1. Does the child have a disability that requires the provision of special education and related services?
2. What are the child's specific educational needs?
3. What special education services and related services, then, are appropriate for addressing those needs?

By law, the initial evaluation of the child must be "full and individual" - which is to say, focused on that child and that child alone. The evaluation must assess the child in all areas related to the child's suspected disability. The evaluation results will be used to decide the child's eligibility for special education and related services and to make decisions about an appropriate educational program for the child. If the parents disagree with the evaluation, they have the right to take their child for an Independent Educational Evaluation (IEE). They can ask that the school system pay for this IEE.

## Step 3: Eligibility is decided.

**3** A group of qualified professionals and the parents look at the child's evaluation results. Together, they decide if the child is a "child with a disability," as defined by IDEA. If the parents do not agree with the eligibility decision, they may ask for a hearing to challenge the decision.

## Step 4: Child is found eligible for services.

If the child is found to be a child with a disability, as defined by IDEA, he or she is eligible for special education and related services. Within 30 calendar days after a child is determined eligible, the IEP team must meet to write an IEP for the child.

## Step 5: IEP meeting is scheduled.

**5** The school system schedules and conducts the IEP meeting. School staff must:

- contact the participants, including the parents;
- notify parents early enough to make sure they have an opportunity to attend;

# in Special Education

- schedule the meeting at a time and place agreeable to parents and the school;
- tell the parents the purpose, time, and location of the meeting;
- tell the parents who will be attending; and
- tell the parents that they may invite people to the meeting who have knowledge or special expertise about the child.

## **Step 6: IEP meeting is held and the IEP is written.**

**6** The IEP team gathers to talk about the child's needs and write the student's IEP. Parents and the student (when appropriate) are full participating members of the team. If the child's placement is decided by a different group, the parents must be part of that group as well. Before the school system may provide special education and related services to the child for the first time, the parents must give written consent. The child begins to receive services as soon as possible after the IEP is written and this consent is given. If the parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. At any time in this process, the parent may call the Oklahoma Parents Center to ask for assistance. If they still disagree, parents can ask for mediation, or the school may offer mediation. Parents may file a complaint with the state education agency and may request a due process hearing, at which time mediation must be available.

## **Step 7: After the IEP is written, services are provided.**

The school makes sure that the child's IEP is carried out as it was written. Parents are given a copy of the IEP. Each of the child's teachers and service providers has access to the IEP and knows his or her specific responsibilities for carrying out the IEP. This includes the accommodations, modifications, and supports that must be provided to the child, in keeping with the IEP.

## **Step 8: Progress is measured and reported to parents.**

**8** The child's progress toward the annual goals is measured, as stated in the IEP. His or her parents are regularly informed of their child's progress and whether that progress is enough for the child to achieve the goals by the end of the year. These progress reports must be given to parents at least as often as parents are informed of their nondisabled children's progress.

## **Step 9: IEP is reviewed.**

The child's IEP is reviewed by the IEP team at least once a year, or more often if the parents or school ask for a review. If necessary, the IEP is revised. Parents, as team members, must be invited to participate in these meetings. Parents can make suggestions for changes, can agree or disagree with the IEP, and agree or disagree with the placement. If parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. There are several options, including additional testing, an independent evaluation, or asking for mediation, or a due process hearing. They may also file a complaint with the state education agency.

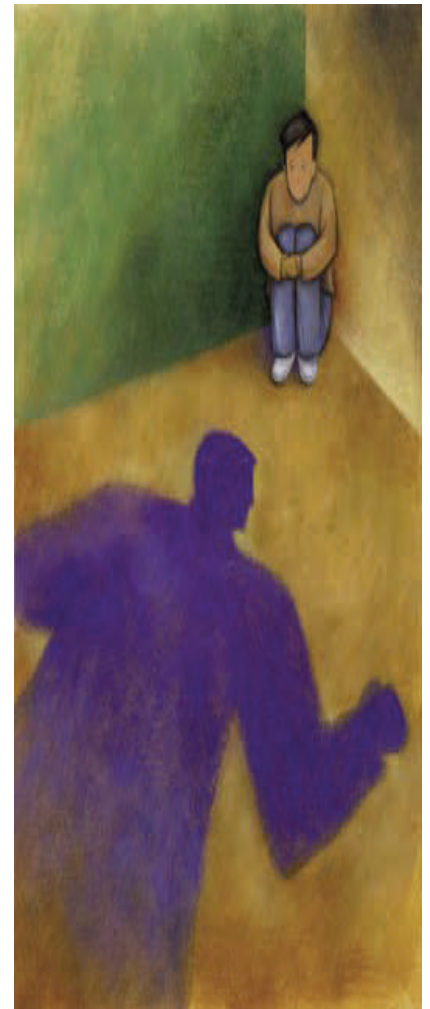
## **Step 10: Child is reevaluated.**

**10** At least every three years the child must be reevaluated. Its purpose is to find out if the child continues to be a child with a disability, as defined by IDEA, and what the child's educational needs are. However, the child must be reevaluated more often if conditions warrant or if the child's parent or teacher asks for a new evaluation.

# What to Do if Your Child Is Restrained or You Suspect Was Restrained

Adapted from: Families Against Restraint, May 2009

1. Take pictures of any visible injuries and document those injuries.
2. Take your child to his/her Pediatrician or the Emergency room for a complete physical examination.
3. Call the child abuse hotline and report it. The number is 1-800-522-3511.
4. File a police report.
5. Send a "No Restraint" letter to the school principal, the district superintendent and/or members of the school board. You may want to either hand-deliver this or send it certified mail. A sample letter can be found here: <http://www.bridges4kids.org/IEP/NoRestraintLetter.html>. You can change the "No Restraint Letter" to fit your needs. Make sure you add that that school staff are not to call the police also. Make it clear that you want them to contact the family members you have listed and that restraint, seclusion and the police are not necessary. **Note: This form may not stop the schools from restraining children but they will not be able to come back later on and say that you were aware that your child was being restrained and never objected.**
6. File a complaint with your state Department of Education.  
Oklahoma State Department of Education  
2500 North Lincoln Boulevard  
Oklahoma City, OK 73105-4599  
Phone: (405) 521-3301  
Fax: (405) 521-6205  
Website: <http://sde.state.ok.us/>
7. File a complaint with your state Disability Law Center.  
Oklahoma Disability Law Center, Inc.  
2915 Classen Blvd. - Suite 300  
Oklahoma City, OK 73106  
Phone: 405-525-7755 \ 800-880-7755 (in state)  
Fax: 405-525-7759  
E-Mail: [odlcokc@flash.net](mailto:odlcokc@flash.net)  
Website: <http://www.oklahomadisabilitylaw.org>
8. Contact us.  
Oklahoma Parents Center, Inc.  
P.O. Box 512  
Holdenville, OK 74848  
Phone: 405-379-6015\877-553-4332 (toll free)  
Fax: 405-379-0022  
Email: [info@oklahomaparentscenter.org](mailto:info@oklahomaparentscenter.org)  
Website: [www.OklahomaParentsCenter.org](http://www.OklahomaParentsCenter.org)
9. Contact Families Against Restraint and Seclusion.  
[familiesagainstrestraintandseclusion.blogspot.com](http://familiesagainstrestraintandseclusion.blogspot.com)



# Did you know that, effective January 2009, eligibility for protection under **Section 504** of the Rehabilitation Act became broader?

Some students who did not qualify for Section 504 in the past, or who were not eligible for services and supports under the Individuals With Disabilities Education Act (IDEA), may now qualify for Section 504 plans. Students with such plans may now qualify for additional supports, services, auxiliary aids and/or accommodations in public schools. These positive changes are the result of recent amendments to the Americans With Disabilities Act (ADA), a broad civil rights law that also impacts Section 504.

## You will be especially interested if:

- Your child was previously evaluated for Section 504 but was found ineligible.
- Your child was previously evaluated under IDEA but was found ineligible.
- Your child is currently receiving informal accommodations in school.
- Your child has a Section 504 plan in place. (If your child has an IEP, he automatically has a 504 plan.)
- Your child needs accommodations on the SAT or ACT.
- Your teenager is getting ready to go college.



## What's the connection between Section 504 and the ADA?

What does the [ADA Amendments Act of 2008 \(ADAAA\)](#) have to do with Section 504? Both are civil rights laws that protect individuals with disabilities from discrimination. Section 504 was enacted in 1973 and applies to all programs and activities that receive federal financial assistance. This includes public schools, colleges and universities as well as certain employers, state and local government programs and places of public accommodation (such as public libraries). So the common denominator between Section 504 and the ADAAA related to school-age students is protecting students with disabilities from being discriminated against in public schools. The ADAAA includes a conforming amendment to Section 504 of the Rehabilitation Act; meaning that the newly expanded coverage under the ADAAA also applies to Section 504. Matt Cohen, an attorney who works on behalf of children with disabilities in disputes with public schools, explains, "Because ADA and 504 are interpreted in parallel, the ADAAA will be applied to the public schools in their interpretation of both the ADAAA and Section 504."

## How things have changed with the ADAAA

The ADA Amendments Act of 2008 includes several significant changes, which also apply to Section 504:

- The definition of "major life activities" was expanded to include learning, reading, concentrating and thinking. Also, the definition of "major bodily functions" has been expanded to include neurological and brain functions. This change makes it much easier for individuals with LD and/or AD/HD to qualify for protections under the ADAAA.
- The ADAAA requires that the limitation on a major life activity be broadly, rather than narrowly, interpreted.
- Conditions that are episodic or in remission are covered when they are active. For example, a student with AD/HD may be affected by his symptoms differently and at different times and under different conditions. The ADAAA does not disqualify him from protection on that basis alone.
- Under the ADAAA a person cannot be denied protection simply because he uses a mitigating measure, such as taking medication for AD/HD or being allowed extra time when taking tests to accommodate for an LD. (The only exception to this is corrective lenses that fully correct a vision problem.)
- Limitation in one major life activity need not impact other major life activities in order to trigger ADAAA protection. Some students with disabilities struggle in just one academic area, such as reading or writing, but excel in other skills or subjects and shine in extracurricular activities. Such students might now qualify for ADAAA protection, whereas before 2009 they would have been found ineligible because they struggled in only one major life activity.

# Job Corps Center

## Job Corps Center



Let me introduce you to the best kept secret in the metro area, Guthrie Job Corps Center. GJCC is located on a beautiful 53 acre residential campus in historic Guthrie, Oklahoma, just 30 miles north of Oklahoma City. It serves an enrollment capacity of 650 young people.

The Job Corps program is federally funded with the mission to help young men and women between the ages of 16 thru 24 successfully obtain academic credentials and complete career technical training. The Job Guthrie Job Corps Center trainees are given the opportunity to live, work, learn, and earn money while preparing for a worthwhile career. Students who are eligible and suitable to participate in the program have one expense during their enrollment... "COMMITMENT" !

Job Corps has developed a nationwide initiative known as Career Development Service System. This program is designed to assist young men and women in developing and realizing their personal career goals through a five phase system: Outreach and Admission, Career Preparation Phase, Career Development Phase, Career Transitional Phase, and Career. The fundamental goal of this process is to help individuals achieve their career goals. For more information, please contact Mr. Rick Cadena, at 405-879-2044.

**Parents and teachers--  
Encourage your child and students to enter the  
Bullying Prevention contest  
at [www.OklahomaParentsCenter.org](http://www.OklahomaParentsCenter.org)**

## Contact Us

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Aug. 6<sup>th</sup> Many Faces of Autism Support Group\*Miami\*5:30 p.m.  
 Aug. 7<sup>th</sup> OPC 360 Training\*Yukon\*9:00 a.m.  
 Aug. 8<sup>th</sup> IEP Training\*Davenport\*10:00 a.m.  
 Aug. 10<sup>th</sup> OPC 360 Training\*Chickasha\*5:30 p.m.  
 Aug. 13<sup>th</sup> Basic Rights Training\*Tahlequah\*6:00 p.m.  
 Aug. 18<sup>th</sup> Basic Rights Training\*Moore\*7:00 p.m.  
 Aug. 20<sup>th</sup> Section 504 Training\*Okmulgee\*6:00 p.m.  
 Aug. 20<sup>th</sup> Autism/Special Needs Support Network\*Vinita\*6:30 p.m.  
 Aug. 22<sup>nd</sup> Basic Rights Training\*Crescent\*6:00 p.m.  
 Aug. 24<sup>th</sup> OPC 360 Training\*Yeager\*6:00 p.m.  
 Aug. 25<sup>th</sup> Basic Rights Training\*Bartlesville\*10:00 a.m.  
 Aug. 25<sup>th</sup> Communication Training\*Bartlesville\*1:00 p.m.  
 Aug. 27<sup>th</sup> OPC 360 Training\*Yardeka\*6:00 p.m.  
 Aug. 31<sup>st</sup> OPC 360 Training\*Okemah\*6:00 p.m.  
 Sept. 1<sup>st</sup> OPC 360 Training\*Eufaula\*6:00 p.m.  
 Sept. 3<sup>rd</sup> OPC 360 Training\*Okmulgee\*6:00 p.m.  
 Sept. 3<sup>rd</sup> Bullying Prevention Training\*Miami\*5:30 p.m.  
 Sept. 8<sup>th</sup> OPC 360 Training\*Tulsa\*6:00 p.m.  
 Sept. 9<sup>th</sup>-10<sup>th</sup> Oklahoma Transition Institute\*OKC\*9:00 a.m.  
 Sept. 10<sup>th</sup> OPC 360 Training\*Checotah\*6:00 p.m.  
 Sept. 10<sup>th</sup> Bullying Prevention Training\*Tahlequah\*6:00 p.m.

Sept. 10<sup>th</sup> Basic Rights Training\*Duncan\*6:00 p.m.  
 Sept. 14<sup>th</sup> Count Me In Puppets\*OKC\*10:00 a.m.  
 Sept. 17<sup>th</sup> Bullying Prevention Training\*Okmulgee\*6:00 p.m.  
 Sept. 17<sup>th</sup> Bullying Prevention Training\*Vinita\*6:30 p.m.  
 Sept. 22<sup>nd</sup> STARS\*Tulsa\*1:00 p.m.  
 Sept. 24<sup>th</sup> Deaf Awareness Day at the State Fair  
 Oct. 1<sup>st</sup> Many Faces of Autism Support Group\*Miami\*5:30 p.m.  
 Oct. 2<sup>nd</sup> STARS\*Tulsa\*1:00 p.m.  
**Oct. 4<sup>th</sup>-Oct. 10<sup>th</sup> Bullying Prevention Awareness Week**  
 Oct. 8<sup>th</sup> Training\*Tahlequah\*6:00 p.m.  
 Oct. 15<sup>th</sup> Transition to Adulthood Training\*Okmulgee\*6:00 p.m.  
 Oct. 15<sup>th</sup> Autism/Special Needs Support Network\*Vinita\*6:30 p.m.  
 Oct. 20<sup>th</sup> Bullying Prevention Training/Puppets\*Moore\*7:00 p.m.  
 Oct. 20<sup>th</sup>-21<sup>st</sup> Grandfamilies Conference\*OKC\*9:00 a.m.  
 Nov. 5<sup>th</sup> Many Faces of Autism Support Group\*Miami\*5:30 p.m.  
 Nov. 12<sup>th</sup> Communication Training\*Tahlequah\*6:00 p.m.  
 Nov. 19<sup>th</sup> Autism/Special Needs Support Network\*Vinita\*6:30 p.m.  
 Nov. 23<sup>rd</sup> Communication Training\*Tulsa\*  
 Dec. 3<sup>rd</sup> Many Faces of Autism Support Group\*Miami\*5:30 p.m.  
 Dec. 10<sup>th</sup> Section 504 Training\*Tahlequah\*6:00 p.m.  
 Dec. 17<sup>th</sup> Autism/Special Needs Support Network\*Vinita\*6:30 p.m.

CALENDAR OF EVENTS