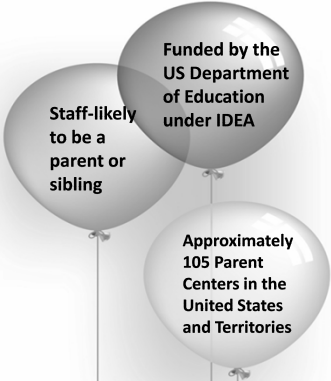


Oklahoma Parents Center...

Building Relationships...
Creating Successful Change...

The Focus of the Oklahoma Parents Center...



What are Parent Centers?

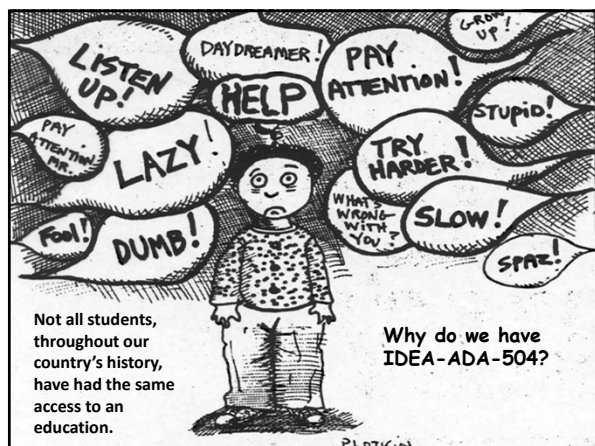


Oklahoma Parents Center
Statewide Parent Training and Information
Advocating for Children with Disabilities to Build a Better Future

- The Oklahoma Parents Center is statewide project funded by the United States Department of Education, Office Special Education Programs (OSEP) and the Oklahoma State Department of Education (OSDE) that focuses on the educational needs of children with disabilities. We work to support families in their efforts to help their children with disabilities learn and reach their goals.



Why Parents Call?



THE HISTORY OF IDEA

Public Law...

| | | |
|---------|------|---------|
| 108-446 | 2004 | IDEA 04 |
| 105-17 | 1997 | IDEA 97 |
| 102-119 | 1992 | IDEA |
| 101-476 | 1990 | IDEA |
| 99-457 | 1986 | EHA |
| 98-199 | 1983 | EHA |
| 94-142 | 1975 | EAHCA |

Child Find?

The Individuals with Disabilities Education Act of 2004

- The IDEA is a federal law which created and governs special education.
- It entitles eligible children with disabilities to the specially designed instruction and individualized services and supports they need to benefit from a free public education.



Six Principles of IDEA

1. **A Free Appropriate Public Education (FAPE)**
2. **Appropriate Evaluation**
3. **An Individualized Education Program (IEP)**
4. **Least Restrictive Environment (LRE)**
5. **Parent and Student Participation in Decision Making**
6. **Procedural Safeguards**



1. A Free Appropriate Public Education (FAPE)

FAPE means:

- at public expense under public supervision
- at no cost to the parents
- meeting the standards of the state department of education
- designed to meet the unique needs of each eligible student
- provided according to a written Individualized Education Program (IEP)
- applies to preschool through high school, ages 3 to 21
- includes students who have been suspended or expelled



Special education programs must:

- be designed for the student to progress in the general education curriculum (there is only one curriculum for ALL students)
- provide more than minimal benefit but no requirement to maximize potential
- include related services and supports and extracurricular activities

SEC. 602 (a)(3)(A)

Child with a Disability

Ages 3 through 21

- | | |
|--|----------------------------------|
| ▪ Intellectual disability | ▪ Orthopedic impairments |
| ▪ Hearing impairments including deaf Speech-language impairments | ▪ Autism |
| ▪ Visual impairments including blindness | ▪ Traumatic brain injury |
| ▪ Serious emotional disturbance | ▪ Other health impairments |
| ▪ Multiple disabilities | ▪ Specific learning disabilities |
| ▪ Deaf - blindness | ▪ Developmentally Delayed |

who, by reason of disability, needs special education and related services

12

2. Appropriate Evaluation

A student must be evaluated prior to the provision of special education services to determine:

- whether the student is an eligible "child with a disability" according to the IDEA definition, and if so,
- to determine the educational needs of the student



Appropriate Evaluation

- Parents must give informed consent for evaluation and for services
- A student must be evaluated in all areas of suspected disability
- The evaluation should include a variety of tools and strategies to gather functional, developmental, and academic information
- Evaluation should never be based on a single measure or assessment



Three little words...



Appropriate Evaluation

The evaluation instruments and methods used must be:

- technically sound
- not culturally discriminatory
- in the language the child uses
- administered by trained and knowledgeable personnel

Appropriate Evaluation

- A new or updated evaluation is to be conducted if there is reason to suspect a need or **if the parents request one**
- An evaluation must be conducted within **45** school days of the **parent giving consent**
- A comprehensive re-evaluation must be conducted every three years unless both the parent and school agree it is not necessary
- Every three years is the minimum requirement, not a limitation

Appropriate Evaluation

Re-evaluations may also occur when:

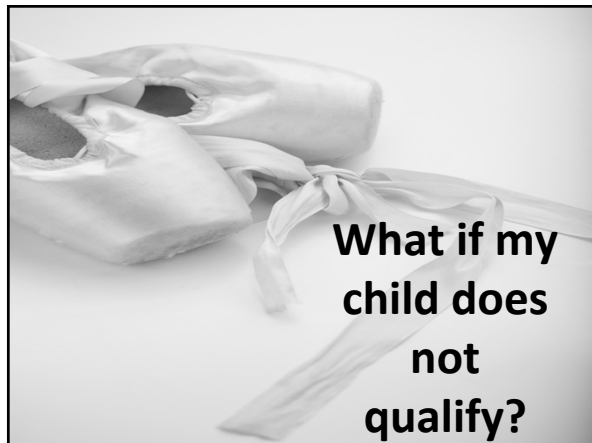
- Conditions warrant
- Parents request
- Parents have a right to request an independent evaluation at public expense if they disagree with the results of the school's evaluation
- Parents may seek an independent evaluation at their own expense at any time

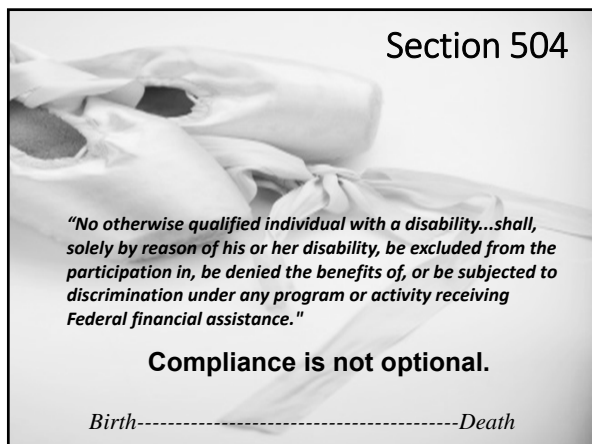


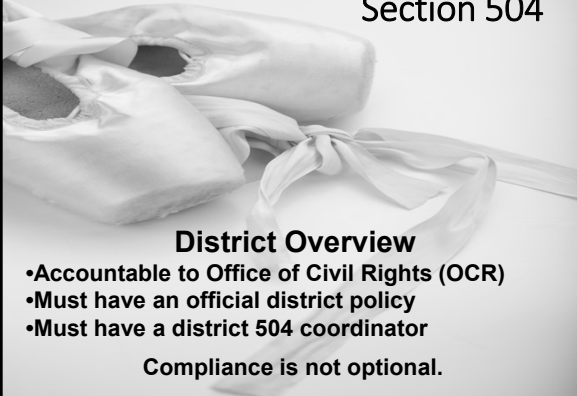
What is an Independent Education Evaluation (IEE)?

- Parents have the right to obtain an independent education evaluation from a qualified professional who is not employed by the school district, unless the school district can prove its evaluation is appropriate.
- If the school believes its evaluation is appropriate, it can deny the evaluation and must initiate a due process hearing rather than pay for the independent evaluation.







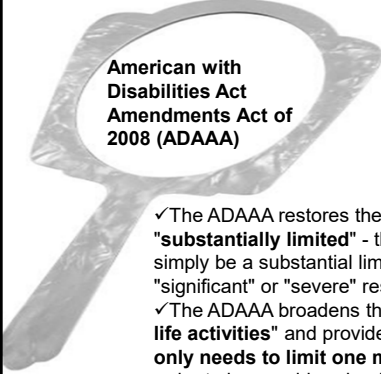


Section 504

District Overview

- Accountable to Office of Civil Rights (OCR)
- Must have an official district policy
- Must have a district 504 coordinator

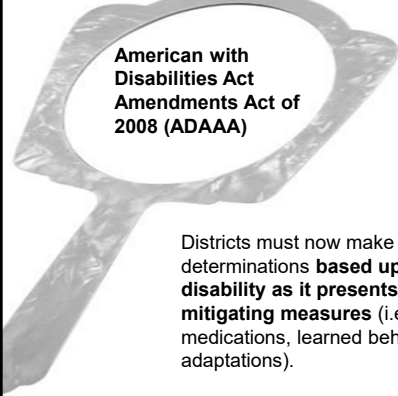
Compliance is not optional.



American with Disabilities Act Amendments Act of 2008 (ADAAA)

✓The ADAAA restores the original definition of **"substantially limited"** - that the impairment simply be a substantial limitation rather than a "significant" or "severe" restriction.

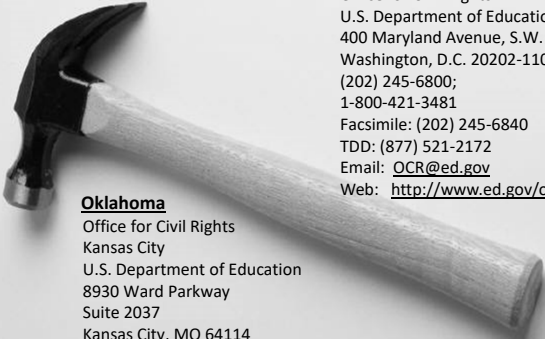
✓The ADAAA broadens the definition of **"major life activities"** and provides that the impairment **only needs to limit one major life activity** in order to be considered a disability under the ADA.



American with Disabilities Act Amendments Act of 2008 (ADAAA)

Districts must now make their Section 504 determinations **based upon the child's disability as it presents itself *without* mitigating measures** (i.e., hearing aids, medications, learned behavioral adaptations).

Contacting the OCR



Oklahoma

Office for Civil Rights
Kansas City
U.S. Department of Education
8930 Ward Parkway
Suite 2037
Kansas City, MO 64114
Tel.: (816) 268-0550
Fax: (816) 823-1404

Headquarters

Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-1100
(202) 245-6800;
1-800-421-3481
Facsimile: (202) 245-6840
TDD: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>



Individualized Education Program (IEP)

3. Individualized Education Program (IEP)

- An IEP is a written statement for each child with a disability that is developed, reviewed, and revised at least annually by a team including educators, parents, the student whenever appropriate, and others who have knowledge or expertise needed for the development of the child's special education program.



Individualized Education Program

- Parents and the student must be provided meaningfully participation in the development and revisions of the program
- Parents are involved in both program and placement decisions
- The IEP must:
 - Contain objectively measurable goals
 - Be designed to offer meaningful progress in academic achievement in the general education curriculum and in functional performance

Individualized Education Program

The key word is INDIVIDUALIZED

The instructional program is to be designed without regard to WHERE it will be implemented:

- PROGRAM FIRST
- PLACEMENT SECOND



Related Services

- speech-language pathology and audiology services
- interpreting services
- psychological services
- physical and occupational therapy
- recreation, including therapeutic recreation
- early identification and assessment of disabilities in children
- counseling services, including rehabilitation counseling
- orientation and mobility services
- medical services for diagnostic or evaluation purposes
- school health services and school nurse services
- social work services in schools
- parent counseling and training



IEP Team Members

Required

- Parent/Guardian;
- At least one general education teacher (if the child is, or may be participating in the regular education environment)
- At least one special education teacher
- A representative of the school system, who knows about special education, the general curriculum, and the availability of services.
- At least one member who can interpret evaluation results.
- When appropriate, the student with a disability.

Optional

- School Psychologist
- Social Worker
- Occupational Therapist
- Speech/Language Therapist
- Physical Therapist
- Student with a disability
- Santa Clause

For people without disabilities,
technology
makes things easier.
For people with disabilities,
technology makes things
possible.

What is assistive technology?



Two Important Definitions from IDEA

- **Assistive Technology Device**
- **Assistive Technology Services**

DEFINITION OF ASSISTIVE TECHNOLOGY DEVICE

- §300.5 Assistive Technology Device
- Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of children with disabilities. (Authority: 20 U.S.C. Chapter 33, Section 1401 (25))

DEFINITION OF ASSISTIVE TECHNOLOGY SERVICE

- §300.6 Assistive Technology service
- Any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such terms include:
 - (A) the evaluation of needs including a functional evaluation, in the
 - child's customary environment;
 - (B) purchasing, leasing or otherwise providing for the acquisition of assistive technology devices;
 - (C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;

DEFINITION (CONT.)

- (D) coordinating with other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- (E) training or technical assistance for an individual with disabilities, or where appropriate that child's family; and
- (F) training or technical assistance for professionals (including individuals providing education and rehabilitation services),
- employers
- or others(s) who provide services to employ, or are otherwise, substantially involved
- in the major life functions of children with disabilities. [Authority 20 U.S.C., Chapter 33, Section 1401(26)]

WHEN MUST ASSISTIVE
TECHNOLOGY
BE PROVIDED?

- §300.105 Assistive Technology
- Each public agency shall ensure that assistive technology devices or assistive technology services or both, as those terms are defined in 300.5 - 300.6 are made available to a child with a disability if required as a part of the child's
- (a) Special education under 300.36;
- (b) Related services under 300.34; or
- (c) Supplementary aids and services under 300.114(a)(2)(ii).

SO...IN PLAIN ENGLISH...

Your child has a right to assistive technology if it is required as part of his or her:

- Special education,
- Related services, OR
- Supplementary Aids and Services

WHO MAKES THIS DETERMINATION?



IDEA specifically states that as part of the IEP team's consideration of special factors:


- IDEA specifically states that as part of the IEP team's consideration of special factors:
- The IEP Team must consider whether the child needs assistive technology devices and services.
- Section 300.324(a)(2)

| CONSIDERATION OF SPECIAL FACTORS FOR IEP DEVELOPMENT | |
|---|----|
| Yes | No |
| The following special factors have been considered by the IEP team with relevance to this child. | |
| 1. Does the student have limited English proficiency? | |
| 2. Is the student blind or visually impaired? | |
| 3. Does the student have communication needs? | |
| 4. Is the student deaf or hard of hearing? | |
| 5. Is Assistive Technology necessary in order to implement the student's IEP? | |
| 5a. If Assistive Technology is required to implement the IEP, describe the Assistive Technology that is needed? | |
| 6. Does the student's behavior impede his/her learning or that of others? | |
| 7. For any primary question above marked yes , are services required in the IEP? | |
| 7a. If yes, define services that will be provided through this IEP. | |

THE BOTTOM LINE IS THAT YOUR CHILD'S IEP TEAM MUST DISCUSS WHETHER YOUR CHILD NEEDS ASSISTIVE TECHNOLOGY

So you might be asking yourself:

- What does all of this mean for my child?



Good News!

It means that you have an absolute right to require your child's IEP team to consider whether he or she needs assistive technology

Questions to be asked:

- Does the student need an assistive technology device?
- Does the student need assistive technology services?
- What aid/device is being requested by the student/parent?

NO "IPAD" PROVISION IN IDEA

- There is nothing in federal or state law that speaks specifically to whether or not a child is entitled to an Ipad or specific type of device in school
- This issue falls under the larger umbrella of whether the student needs "Assistive Technology."

under IDEA, Assistive Technology Device means:

Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of children with disabilities.

How so you ask for an evaluation?



What is likely to happen once you make the request?

- School team will suggest that an assistive technology evaluation be completed
- School team will disagree with the suggestion or try to ignore it
- School team will refuse to either evaluate or to provide the requested device or services

What if team agrees to your request for evaluation?

- Make sure that the decision regarding the evaluation is included either in the IEP or in the prior written notice
- Follow up to make sure that the evaluation has been scheduled
- Ask for a copy of the evaluation report before meeting again
- Ask for another IEP meeting to discuss evaluation
- If you disagree with evaluation, you can ask for an Independent Educational Evaluation (IEE) at public expense

Remember ...Independent Educational Evaluation (IEE)

If team disagrees or refuses request:

If team disagrees with you, or refuses to conduct an evaluation, ask for prior written notice explaining the reasons for such refusal.

Prior Written Notice to Parents

- The school district must give the parent written notice within a reasonable time before it initiates or changes or when it refuses to initiate or change the identification, evaluation or educational placement of student or the provision of FAPE.
- Notice is given when parent consent is requested and before the school district carries out an IEP Team decision regarding the student, even when consent is not needed.

DEVICE AS SUPPLEMENTARY AID/SERVICE

- Some children may require an assistive technology device as a supplementary aid or service to enable the student to be educated satisfactorily in the general education environment.
- In cases where a device or service is needed in order to maintain a less restrictive educational placement, and to avoid removing the student into a more restrictive placement, the device or service is considered a supplementary aid.
- Ex: if a student with Autism can make independent, educational progress on his or her communication goals in the regular classroom with the use of an Ipad, and cannot make such progress without the Ipad, then the Ipad would be considered a necessary supplementary aid.

USE OF SCHOOL-PROVIDED DEVICES IN THE HOME

- IDEA states that:
- On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE.
- 300.105(b)

Money doesn't talk...
it SCREAMS!

--Bob Dylan

Funding

Although schools may access alternative funding sources to defray costs, they may not:

- Use cost or unavailability as a reason not to provide a needed device or service
- Compel parents to file an insurance claim
- Condition provision of equipment or services on filing or approval of claim



4. Least Restrictive Environment (LRE)

▪ The IDEA requires that "... To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled."

▪ Special education is NOT a place...It's a SERVICE!

Least Restrictive Environment



- Any placement outside the general education classroom must be justified by the child's disability related need
- Students must have meaningful access to same age peers without disabilities
- Schools must provide supplementary aids and services in the regular education classroom or other integrated settings

5. Parent and Student Participation in Decision Making

Parents and students (whenever appropriate for the student) are meaningfully involved in:

- The development, review, and revision of the IEP
- Educational placement decisions
- Reviewing evaluation data
- Determining what data needs to be collected during evaluation
- Transition planning and services starting by age 16




6. Procedural Safeguards

Notices:

- Parental rights notice (general information)
- Written notice of meetings
- Written notice of proposal or refusal to change educational programming or placement (specific to your child)





Procedural Safeguards


Access to student records:


- Review
- Obtain copies
- Place statement of correction in record

Procedural Safeguards

When Parents & Educators Disagree

- Informal problem solving
- IEP Team discussion
- Resolution
- Special Education Complaint
- Due Process Hearing





Procedural Safeguards

Complaint

- Any individual or organization may file a signed, written complaint that includes a statement that an agency has violated special education rules. The Oklahoma Department of Education will review and investigate a complaint, then issue a written decision.

Procedural Safeguards

■ Due Process Hearing

- This is a formal administrative hearing before an administrative law judge to decide disputes between parents and educators that relate to the provision of special education. A parent, school district or LEA can file a request for a due process hearing. After conducting the hearing, the judge will issue a decision that can be appealed in a civil court.



"I Gonna Do The Best I Can"
J. Jordan House

Parent Surveys

Your opinions matter! One of the best ways to do this is to take the Parent Survey for Special Education each year. The updated Parent Survey for Special Education consists of less than 15 questions and should take you about 8 minutes to complete. Your responses are entirely anonymous, unless you choose to share your contact information.

This survey asks for your opinions about the quality of support schools and IEP team members have provided you throughout the IEP process. Without your opinions, we cannot identify districts' areas of weakness and strength.

Take the Survey Online!

Visit our Website and follow the Survey Link at

www.OklahomaParentsCenter.org

Have the Survey Mailed to you!

Call toll-free at 877-553-4332 and request a copy be mailed to you.

Answer the Survey over the phone!

Call toll-free at 877-553-4332 to answer the survey with the OPC staff.




Oklahoma Parents Center
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Holdenville, Oklahoma 74848


877-553-4332
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<https://www.facebook.com/OklahomaParentsCenter>




Oklahoma Parents Center
Statewide Parent Training and Information
Advocating for Children with Disabilities to Build a Better Future






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For Attending !

Please fill out your evaluations.
