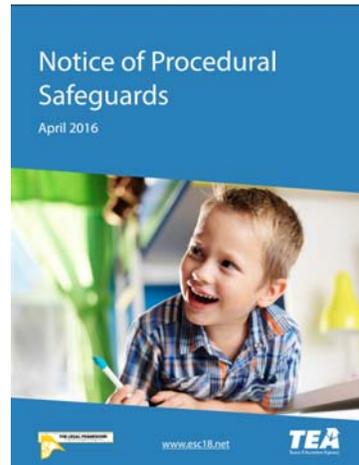
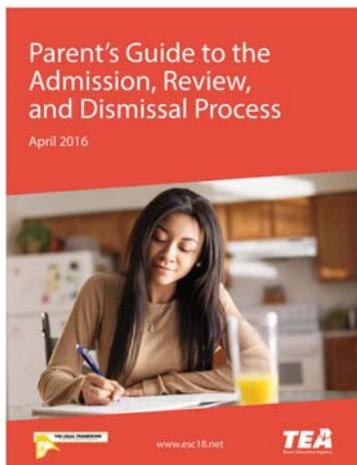


# What Parents Should Know About Special Education Services

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## Where Do I Go?



## The Basics (Minimum)

- Annual ARD meeting
- Present Levels of Achievement and Functional Performance
- Progress monitoring of goal(s) as indicated in the IEP
- Reconsider evaluation every three years
- Prior Written Notice

## Annual ARD Meeting

- Minimum Annual Meeting
- May have more if needed because of many reasons including lack of progress, behavior concerns, changes to accommodations, etc.
- If allowed by the district, an amendment to an ARD may be made without a formal meeting except in the case of eligibility determinations, changes of placement, and manifestation determination reviews.

## Present Levels of Achievement and Functional Performance (PLAAFP)

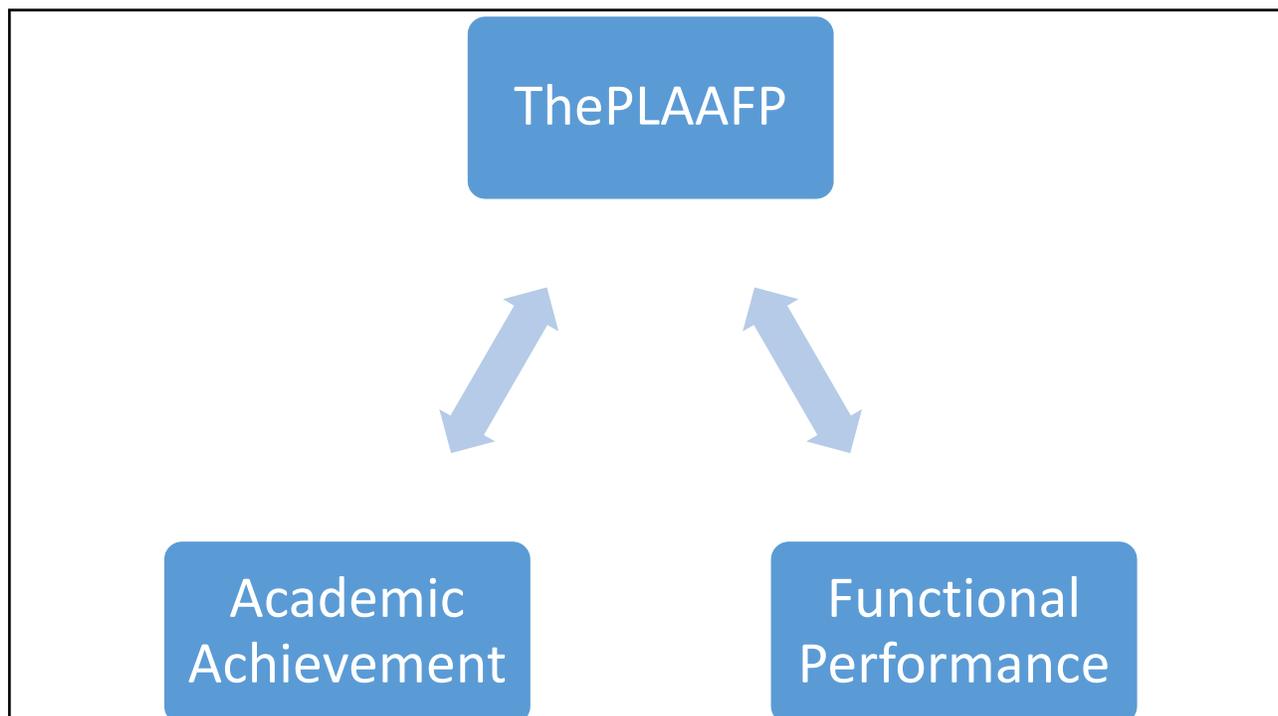
- The ARD committee must provide a statement of the child's **PRESENT** levels of academic achievement and functional performance.
  - How does the child's disability affect his or her involvement and progress in the general education curriculum
  - Or how the disability affects the preschool child's participation in appropriate activities

## Annual Goals

- Every student needs at least one annual goal
  - Designed to meet the child's needs that result from the child's disability to enable the child to be involved in and to make progress in the general education curriculum, and
  - Meet each of the child's other educational needs that result from the child's disability
- If the student takes an alternate assessment, the ARD committee must include in the IEP a description of benchmarks or short-term objectives

## Annual Goals

- The IEP must have a statement on how progress toward meeting the annual goals will be measured
- The IEP must provide a description of when periodic reports on the progress the child is making toward meeting the annual goals (such as concurrent with report cards) will be provided



## 4 Elements in IEP Goal Development



## Examples of Academic and Functional Goals

Timeframe	Condition(s)	Behavior	Criterion
By the end of this school year	Given a 4th grade story prompt and 30 minutes to write	Linda, a 4th grade student, will write a three paragraph essay using transition words in sentences and between paragraphs	With 5 or fewer errors
In 36 instructional weeks	When provided a visual schedule of the daily routine and asked, "what comes next?"	Christina, a 4-year-old student, will verbally state the correct activity	In 4 of 5 anecdotal notes recorded

## The IEP Process



## Progress Monitoring

- Goals should be monitored for progress at the frequency indicated at the ARD
- Parents should get a written (or if allowed by the district, electronic) report at the frequency indicated at ARD
- If student is not making progress, the ARD committee should reconvene to address concerns (best practice)
  - Guidance indicates after no progress in 2 consecutive reporting periods ([www.texaspgc.net](http://www.texaspgc.net))

## The Review of Existing Evaluation Data (REED)

- Required as part of an initial evaluation, if appropriate, and as part of any reevaluation
- Conducted by ARD committee members
- May conduct a REED without a meeting
- The LEA is not required to conduct such an assessment unless requested to do so by the child's parents.

## REED: Additional Data Needed

- Assessment and other evaluation measures as may be needed to produce the data are administered according to the evaluation procedures

## REED: No Additional Data Needed

- Parents must be notified of the determination and the reasons for the determination
- Parents must be notified of their right to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs.

## Reasons to Re-evaluate

- Whether the child is a child with a disability or continues to have such a disability and the educational needs of the child
- Whether the child needs or continues to need special education and related services
- The present levels of academic achievement and related developmental needs of the child
- Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate, in the general education curriculum

## Prior Written Notice (PWN)

- One of the most important protections
- Required BEFORE the school proposes to initiate or change the identification, evaluation, or educational placement of your child or the free appropriate public education provided to your child
- Required before the school refuses to initiate or change any of the above

## PWN Contents

- A description of the actions the school proposes or refuses to take
- An explanation of why
- A description of the information used in deciding the proposal or refusal
- A statement of the protections under the procedural safeguards
- An explanation of how to get a copy of the *Notice of Procedural Safeguards*
- Contact information
- A description of other choices that your ARD committee considered and the reasons why those choices were rejected
- A description of other reasons why the school proposes or refuses the action

## Prior Written Notice

- Must be given 5 school days in advance
- Must be in parent's native language or other mode of communication, unless it is clearly not feasible to do so
- Must be provided before discontinuing services

## Consent

- Initial evaluation
- Initial services
- Reevaluation

## Independent Educational Evaluation (IEE)

- If you disagree with an evaluation provided by the school, you have the right to request that your child be evaluated, at public expense, by someone who does not work for the school.
- Entitled to only one IEE per evaluation
- If you ask for an IEE, the school must either pay for it or request a due process hearing without unnecessary delay to show that its evaluation is appropriate

## Discipline

- If your child violates the school's code of conduct, the school may remove your child from the current placement for 10 school days or less in a school year.
- The school is not required to provide educational services during these short-term removals unless services are provided to children without disabilities.
- If the school chooses to suspend your child, under state law, the suspension may not exceed three school days.

## Discipline

- If removed from placement for 10 school days in a school year, your child has additional rights during any subsequent days of removal.
- If the subsequent removal is for not more than 10 consecutive school days and is not a change of placement, school personnel must determine the extent to which services are needed so as to enable your child to continue to participate in the general education curriculum.

## Change of Placement

- If the removal is for more than 10 consecutive school days or if a series of shorter removals totaling more than 10 school days forms a pattern.
- **Pattern:** the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals
- A pattern of removal is determined on a case-by-case basis by the school and subject to review through due process and judicial proceedings if challenged.
- *Notice of Procedural Safeguards* given on the date in which the decision is made to change your child's placement because of a violation of the code of conduct along with notice.

## Manifestation Determination Review (MDR)

- Within 10 school days of any decision to change the placement of your child because of a violation of the code of conduct, the school, you, and relevant members of the ARD committee, must conduct MDR.
- Must review all relevant information to determine if your child's conduct was the direct result of the school's failure to implement your child's IEP or if your child's conduct was caused by or had a direct and substantial relationship to your child's disability.
- If the above is true, then your child's conduct must be considered a manifestation of our your child's disability.

## When Behavior is a Manifestation

- A Functional Behavior Assessment (FBA) must be conducted, unless it conducted one before the behavior that resulted in the change of placement occurred
- A Behavior Intervention Plan (BIP) must be implemented
- If BIP has already been developed, the ARD committee must review the BIP and modify it as necessary to address the behavior
- If conduct was the direct result of the school's failure to implement the IEP, the school must take immediate steps to remedy those deficiencies.
- Except in special circumstances, the ARD committee must return your child to the placement from which he/she was removed, unless you and the school agree to a change of placement as part of the modification of the BIP.

## Special Circumstances

- Interim Alternative Educational Setting (IAES) for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of your child's disability if your child:
  - Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function
  - Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function
  - Or has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function

## When Your Child's Behavior is Not a Manifestation

- Your child can be disciplined in the same manner and for the same duration as non-disabled children except that your child must continue to receive FAPE

## Transfer of Rights When Your Child Turns 18

- Age 18 in Texas
- Rights transfer to child at 18 years of age
- Parent still provided with notices of ARD meetings and PWN
- Parent may not attend meetings unless specifically invited by the adult student or the school

## On or Before the Child's 17<sup>th</sup> Birthday

- IEP must include a statement that you and your child were informed that the procedural rights under the IDEA will transfer to your child on his or her 18<sup>th</sup> birthday.
- Transfer occurs without specific ARD committee action

## Exceptions and Special Situations

- Court-appointed guardian for an adult student
- Incarcerated adult student
- Adult students before age of 18

## Special Education Information

- Special Education Information Center
  - 1-855-SPEDEX (1-855-773-3839)

## State IEP Facilitation

- Independent IEP facilitators to facilitate an ARD committee meeting with parties who are in dispute about decisions relating to the provision of FAPE to a student with a disability
  - Required request form must be completed and signed by both you and the school
  - The dispute must relate to an ARD committee meeting in which mutual agreement about one or more of the required elements of the IEP was not reached and the ARD committee agreed to recess and reconvene the meeting
  - You and the school must have filed the required request form within five calendar days of the ARD committee meeting that ended in disagreement, and a facilitator must be available on the date set for reconvening the meeting

## State IEP Facilitation Continued

- The dispute must not relate to a manifestation determination or determination of an IAES
- You and the school must not be concurrently involved in special education mediation
- The issues in dispute must not be the subject of a special education complaint or a special education due process hearing
- You and the school must not have participated in IEP facilitation concerning the same child within the same school year of the filing of the current request for IEP facilitation

## Mediation Services

- One of the available options used for resolving disagreements about a child's identification, evaluation, educational placement, and FAPE.
- If both you and the school agree to participate in mediation, the TEA makes the arrangements and pays for the mediation.
- Mediation may not be used to delay or deny you a due process hearing or any other rights under the IDEA
- Automatically offered each time a due process hearing is requested
  - You may ask for mediation services any time you and the school have a disagreement about your child's special education program

## Special Education Complaint Resolution Process

- Another option for resolving special education disputes
- If you believe a public agency has violated a special education requirement, you may send a written complaint to TEA and to the entity against whom the complaint is filed
- Within 60 calendar days after receiving your written complaint, unless extended due to special circumstances or party agreement, the TEA will conduct an investigation, including an on-site investigation, if necessary.
- You will be given a written decision addressing each of the allegations including findings of fact, conclusions, and reasons for TEA's decision.

## Due Process Hearing Program

- 4<sup>th</sup> option for resolving special education disputes
- An impartial hearing officer hears evidence from the parties and makes a legally binding decision
- You have the right to request a due processing hearing on any matter relating to the identification, evaluation or educational placement of your child, or the provision of FAPE to your child.
- Before you sue the school in court, you must request a due process hearing
- Resolution meeting happens within 15 calendar days of receiving your request for a due process hearing
- If issues raised have not been resolved to your satisfaction within 30 calendar days of the receipt of the request, the hearing may proceed

## Questions?

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