# IDEA & ADVOCACY:

#### Protecting the Parent/School Relationship



Learning Enough To Make a Difference In the family/professional relationship

# WHO AM I?



- Naperville, Illinois Resident
- Mother to Samantha (16), Julia (14) and Andrew (11)
- Wife to Ajay
- Trainer ~ ISD Outreach & IL Early Intervention Training Program
- President ~ IL Hands & Voices
- ASTra Trainer for H&V HQ
- IDEA/Advocacy liaison ~ IL Guide By Your Side
- Served on Naperville Advisory Commission on Disabilities

# GOOD READS

EDUCATIONAL

ADVOCACY

For Students Who Are

Deaf or Hard of Hearing

ADVOCAC

SUPPORT &

TRAINING

The Hands & Voices Guidebook

Janet Besteorges

Longson & Server

Cherryl DeConde Johnson

#### WRIGHTSLA

#### From Emotions to Advocacy Second Edition

OVER 100,000 COPIES IN PRINT



Revised and Updated with Information About: The Individuals with Disabilities Education Act of 2004 The No Child Left Behind Act of 2001

The Special Education Survival Guide

Pam Wright and Pete Wright Founders of the Wrightslaw Website ad minim veniam, quis nostrud exercitation ullamco laboris nisi utenim ad minim veniam, quis nostrud exercitation ullar ip ex ea commodo conseguat. Duis aute irure dolor in reprehenderitaliquip ex ea commodo conseguat. Duis aute irure dolo luptate velit esse cillum dolore eu fugiat nulla pariatur. Excepteurin voluptate velit esse cillum dolore eu fugiat nulla pa ccaecat cupidatat non proident, sunt in culpa qui officia deseruntsint occaecat cupidatat non proident, sunt in culpa qui ore nim ad min mpor Ut aliquip ex 🛋 ris nisi i iis n niam, prehend at non proident, sunt in culpa qui officia deserunt mollit anim idcupidatat non proident, sunt in culpa qui officia deserunt rum. Lorem ipsum dolor sit amet, consectetur adipiscing elit,est laborum. Lorem ipsum dolor sit amet, consectetur a jusmod tempor incididunt ut labore et dolore magna aliqua. Utsed do eiusmod tempor incididunt ut labore et dolore mag minim veniam, quis nostrud exercitation ullamco laboris nisi utenim ad minim veniam, quis nostrud exercitation ullamco

### PLEASE NOTE: I AM NOT AN ATTORNEY AND THE INFORMATION PROVIDED IS FOR EDUCATION PURPOSES ONLY.

*If you feel you require legal advice, contact an attorney who specializes in IDEA, special education law.* 

PARENTS ARE TEAM MEMBERS *It is important to realize that* **PARENTS** are a crucial part of their child's educational team. Knowledge of the laws that protect them and their child are extremely important. The law was put in place to protect the special needs child, to ensure that that child is provided with an

appropriate public education.

#### MANY LAWS PROTECT THE CHILD WITH A DISABILITY



# NAME THAT LAW?

IDEASec 504ADA





### IDEA WEBSITE:

https://sites.ed.gov/idea/

U.S. Department of Education, Office of Special Education Programs' (OSEP's)



- <u>View indexed IDEA Part D Statute</u>
- <u>View printable IDEA Part D Statute</u>

### Your State Board of Education





State Board of Education

Massachusetts Department of **ELEMENTARY & SECONDARY** EDUCATION





New York State EDUCATION DEPARTMENT

Knowledge > Skill > Opportunity











# SECTION 504 WEBSITE:

https://www2.ed.gov/about/off ices/list/ocr/504faq.html?exp

U.S. Department of Education, Office for Civil Rights (OCR)



To be eligible for protection under Section 504, the child must have physical or mental impairment. The impairment must substantially limit at least one..... Major life activity including.....hearing, speaking....

The person with a 504 Plan has fewer rights and protections than a child who receives services under the IDEA.

504 DOES NOT provide individual education plans, only access.







Americans with Disabilities Act



8.34



Because it has a legal definition, the ADA's definition of disability is different from how disability is defined under some other laws. The **ADA** defines a person with a disability as "a person who has a physical or mental impairment that substantially limits one or more major life activity".



## ADA WEBSITE:



U.S. Department of Justice, Civil Rights Division



#### Information and Technical Assistance on the Americans with Disabilities Act

Sea	

Mo

#### Law / Regulations

**Design Standards** 

**Technical Assistance Materials** 

#### New on ADA.gov

City and County of Denver Settlement Agreement (posted 5/15/18)

Charlwell Operating, LLC Settlement Agreement (posted 5/10/18)

Hudson Public Schools District Voluntary Compliance Agreement (posted 5/7/18)

Coconino County, Arizona Settlement Agreement (posted 5/7/18)

Addams Tavern Settlement Agreement (posted 5/3/18)

Youth Fitness & Fun, LLC Settlement Agreement (posted 5/3/18)

Hardin County EMS Settlement Agreement (posted 5/3/18)

Idaho Pizza Company Voluntary Compliance Agreement (posted 4/19/18)

Palm Springs Art Museum Settlement Agreement (posted 4/19/18)

South Carolina Department of Corrections

#### EMERGENCY PREPAREDNESS & RESPONSE



#### INTRODUCTION TO THE ADA

Publications and videos that answer these questions and more: What is the ADA? Who is a person with a disability? Who must comply with the ADA? Where can you call to ask questions about the ADA?

#### Featured Topic



#### ADA U A Primer For S



### OUR FOCUS TODAY - IDEA

4

Individuals with Disabilities Education Act

# PURPOSE OF THE IDEA:

- Free appropriate public education
- Designed to meet unique needs



- Preparation for employment
- Preparation for independent living
- Protect the rights of children with disabilities

### WHAT DOES THIS LAW ENSURE?

As written the law ensures that all public school or any governing agency provide the special needs child with a "free appropriate public education" that includes "...special education and related services designed to meet [the child's] unique needs and prepare them for further education, employment and independent living..."





#### IFSP (birth to 3)

### Individual Family Service Plan OR

### Individualized Family Service Program

(also know as Part C and birth to 3)





### Individual Education Plan OR

#### Individualized Education Program

(also known as Part B)

### MORE ~ IDEA LAW

#### • Evaluations

- Ask what types there are and ask for explanation of the ones they are doing with your child, ask about sub tests and sub test scatter.
- Eligibility
  - There are legal requirements to eligibility, go to IDEA.ed.gov website to learn more.
- IEP's
  - The next step after eligibility and what that means.
- Placement

You can find these in IDEA law under 1414 ...



### LETS TALK ABOUT THE IEP



# LETS TALK IN TERMS OF BASEBALL!!

States in

# IEP'S (THE PHYSICAL DOCUMENT)

- □IEP's
  - Written statement for each child with a disability that is developed, reviewed, and revised in accordance with this sections..... Present Level of Performance Statement of Measurable goals How progress to goals will be measured □ Statement of educational related services and supplementary aids □ Statement of accommodations Date for the start of services

# IEP TEAM

Parents

### □ 1 or more regular education teacher

- 1 or more special education teacher
- Representative of local educational agency
- Individual who can interpret test results
- Other individuals with expertise regarding the child
  When appropriate, the child



PLACEMENT IS NOT A BUILDING

#### MOST **INCLUSIVE**

Student placed in general classroom; no additional or specialized assistance

Student placed in general classroom; the special education teacher in a consultative role provided assistance to classroom teacher

> Student placed in general classroom for majority of school day, attends special education resource room for specialized instruction in area of need

Student placed in special education class for majority of school day; attends general class in subject areas consistent with capabilities

> Student placed in full-time special education class in general education school

> > Student placed in separate school for children with special needs

Student educated through homebound or hospital NUMBER instructional program

MOST

 $\mathbf{F}$ 

RESRICTIV

LEAST

OF

General education owns the child's education process, Special Education provided as a support.

Special education owns the child's education process

The Special Education Continuum

GREATEST # OF STUDENTS



PRIVATE PLACEMEN T

Private placement has 2 different meanings:

1. Placed by parent

2. Placed by school



# ACRONYMS YOU MUST KNOW!!

# "WDTAM"

**W**HAT DOES THAT ACRONYM MEAN





- Least Restrictive Environment (LRE)
- Extended School Year (ESY)
- Instructional School Plan (ISP)

- private placement by parents.

You can find these in the IDEA law under section 1412 ...
# Least Restrictive Environment LRE

### What is Least Restrictive Environment?

In general.--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, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

## MORE ~ IDEA LAW

## • Procedural Safeguards

 You should receive these every year. It is important for you to take the time to read them, this is YOUR protection. The rules of the law.

### • Due Process

 This is something no one likes to talk about (well except an attorney) but that everyone should be aware of. The process starts with ISBE Mediation and moves to Due Process, this is when everything isn't coming together.

## • Discipline

 Make sure you are aware that there are specific legalities for how discipline is handles in children who have psychological disorders or diagnosis.

### EDUCATIONAL ACCOMMODATIONS AND SUPPORTS

- Transition at age 14  $\frac{1}{2}$
- 5 Consideration Special Factors
  - Behavior
  - Limited English proficiency
  - Blindness or visual impairment
  - Communication needs/Deafness
  - Assistive technology
- Linguistic and Cultural Accommodations



- Supplementary Aids, Accommodations, and Modifications
- Support for School Personnel

## DEAF/HARD OF HEARING



## FOCUS O

Hands & Voice Accommodation Checklist

- Personal and Assistive Hearing Technology Accommodations
- Assistive Technology Accommodations
- Communication Accommodations
- Instructional Accommodations & Modifications
- Physical Environment Accommodations
- Curricular Modifications
- Evaluation Accommodations & Modifications

### IEP/504 CHECKLIST: ACCOMMODATIONS AND MODIFICATIONS FOR STUDENTS WHO ARE DEAF AND HARD OF HEARING

Date:

Note: Accommodations provide access to communication and instruction and are appropriate for 504 or IEP services; modifications alter the content, the expectations, and the evaluation of academic performance and are generally provided through an IEP as part of specialized instruction. This checklist contains many supports and services that should be reviewed to comply with IDEA Special Factors (34CFR300.324(2)(i-v).

### Personal and Assistive Hearing Technology Accommodations

- Personal hearing instrument (hearing aid, cochlear implant, bone anchored, tactile device)
- Personal hearing assistance technology (HAT) (hearing aid + HAT)
- HAT only (without personal hearing instrument)
- Classroom sound distribution system (CADS)

### Assistive Technology Accommodations

### Videophone or Text Phone Alerting devices

Other

### **Communication Accommodations** Priority seating arrangement:

- Ensure student's attention prior to speaking
- Reduce auditory distractions (background noise)
- Reduce visual distractions
- Allow student time/assistance to locate speaker in small or large
- group setting Enhance speechreading conditions (avoid hands in front of face,, mustaches well-trimmed, no gum chewing)
- Present information in simple, structured, sequential manner
- Enunciate speech clearly
- Allow extra time for processing information Repeat or rephrase information when necessary
- Frequently check for understanding
- Use speech to text software (speech recognition)
- Provide interpreting (e.g., ASL, signed English, cued speech, oral)

### Instructional Accommodations & Modifications

- Visual supplements (overheads, charts, vocabulary lists, lecture outlines)
  - Interactive whiteboard (e.g., Smart Board, Mimio)
- Classroom captioning (CART, CPrint, TypeWell)
- Captioning and/or scripts for television, videos, movies
- Buddy system for notes, extra explanations/directions
- Check for understanding of information
- Down time/break from listening/watching
- Extra time to complete assignments
- □ Step-by-step directions
- Interpreting (ASL, signed English, cued speech, oral) Speech to text software (speech recognition)
- Tutoring Notetake
- Direct instruction (indicate classes):

- Flashing fire alarms/smoke detectors

### Curricular Modifications

- Modified reading assignments (shorten length, adapt phonics-
- Modified written assignments (shorten length, adjust evaluation criteria)
- Extra practice
- Pre-teach, teach, post-teach vocabulary, concepts
- Strategies to adapt oral/aural curriculum/instruction to
  - accommodate reduced auditory access
- Supplemental materials to reinforce concepts of curriculum
- Expanded core curriculum:
  - o advocacy/self-determination Deaf studies o disability rights o functional skills
  - o audiology (understanding hearing loss and resulting communication
  - accommodations, technology
  - o family education options (HAT, connectivity) o listening skill develope
  - o assistive technology o ASL/sign language
  - o communication/pragmatic o social-emotional skills language o transition planning

### **Evaluation Accommodations & Modifications**

- Reduce quantity of tests
- Alternate tests or methods
- Reading assistance with tests for clarification of directions language of test questions (non-reading items)
- Extra time Special setting
- Other

### Other Needs/Special Considerations

- Counseling
- Family supports and training
- Sign language instruction for family members
- Deaf/Hard of Hearing peers\* Deaf/Hard of Hearing role models
- Recreational/Social opportunities
- Transition Services:
- o disability rights
  - o financial assistance
  - o linkages to higher education, job training o Vocational Rehabilitation services

```
Other
```

From: C.D. Johnson & J. Seaton, Educational Audiology Handbook, 2<sup>td</sup> Edition (2012), Cengage-Delmar Learning. Revised 2014 by C. Johnson for Hands & Voices

- **Physical Environment Accommodations**
- Noise/reverberation reduction (carpet & other sound absorption)
  - materials) reANSI s12.60
- Special lighting
- Room design modifications

- based instruction)

- Alternative curriculum



EVERY PERSON ON THE CHILD'S IEP TEAM HOLDS A PIECE OF THE PUZZLE TO THAT CHILDS EDUCATIONAL SUCCESS.

## TO ADVOCATE IS TO SUCCEED

These children need our strength to ensure they are getting the proper education. Do you have the tools to help provide this too?

## REMEMBER THIS ALWAYS . . .

You have the right to a "free appropriate public education: that includes "specially designed instruction ... to meet the (child's) unique needs..."



## HOW DOES ADVOCATING MAKE YOU FEEL?

### LEARNING THE RULES OF THE GAME:

When you begin to advocate, expect to feel anxious and insecure. As an outsider, you do not know how problems are solved and how decisions are made. As with new job jitters, anxieties are caused by the the unknown. During school meetings, insecure and an jitters are normal reactions t unfamiliar environment. and gain experience, you will know what to expect and you will feel less anxious.

DEALING WITH STRESS AND RESPONSIBILITY:

"Raising a special needs child can be overwhelming. If you are not careful, special education can consume your life. Many parents drive themselves until they are exhausted and burned out."

## PARENTS WANT WHAT'S BEST! RIGHT?



This is what every parent truly wants for their child. Some districts may make a big deal about using this term...



To get the answer you need, ask questions that get answers.

**UNDERSTANDING** THE PARENTS ROLF AND THE SCHOOLS POSITION



## THE PARENTS ROLE:



## THIS STATEMENT SHOULD GIVE YOU AN IDEA OF THE STRESS A PARENT FACES.

 Maybe this will become, like,

 a cool thing, living with your parents.

*If your child does* not receive an appropriate education and master the skills necessary to be an independent, self-sufficient *member of the* community, you will deal with the outcome."

### WHAT IS THE ROLE OF THE PARENT?

- To plan for your child's educational future
- To advocate for your child's educational future
- To manage your child's current education
  To maintain constant contact with your child's teachers and support educators

### KNOWING THE RULES OF THE GAME:

- You are on time for meetings
- You are prepared for meetings
- You present your concerns and your problems in writing.
- Keep an open mind, you will learn from your experiences.



## **KEEP WRITTEN RECORDS:**

# If it is **NOT** written, it did **NOT** happen

# If a statement was **NOT** written down, it did **NOT** happen.



Make all your requests in writing.

### METHODS FOR KEEPING RECORDS:



Contact log

### Journal

Calendar

Telephone Calls

### PARENTS ARE EVERYTHING TO THEIR CHILD!

You are your child's role model! You must work hard and persevere. In return your child will learn to work hard and persevere as well...



Pete Wright FETA '06

## THE SCHOOLS POSITION

## THE PUBLIC SCHOOL:

Public schools offer a curriculum that expected to learn."
Pete Wright, FETA 2006



■School districts have a chain of command, more frequently than not the person with the authority to make a decision, which is a special request, is not at your IEP meeting.

## POWER FLOWS FROM THE TOP:

- Teachers and parents do not have the authority to make decisions that involve a commitment of resources
- Teachers and parents have the legal right to make recommendations that are validated in some way.
- "Invisible" members that have the power to make decisions..





## o"We can't make exceptions"

### o"One size fits all"

oIndividualized programs

## 10 REASONS WHY SCHOOLS SAY

- 1. Do not want to change
- 2. Do not want to make exceptions
- 3. Afraid of setting a precedent
- 4. Do not have a program
- 5. Committed to their one-size-fits all service
- 6. Believes the services are too expensive
- 7. Overwhelmed by the child's needs
- 8. Do not understand the legal requirements
- 9. Staff not trained to meet your child's needs
- 10.Does not have the staff to meet your child's needs

SO...

## EVERYTHING ISN'T PERFECT?



Partechninkrigischerbert-, Yes debiste - Californii- Boorrace



## PICK YOUR BATTLES:

## COMMON OBSTACLES TO SUCCESS:

Just because someone at the school tells you it's accurate, never believe it. Always advocate for your child and research it!!!

From Emotions to Advocacy 2006





## LEARNING TO BE EFFECTIVE:

- Control your emotions!
- Ask questions
- Be willing to work together with your district and be willing to state just that.



### KNOW ABOUT PERSONALITY TYPES:

- Pit Bulls and Bullies
- Know-it-alls and Experts
- Conflict Avoiders
- Wet Blankets
- Snipers
- Complainers



## STAY ORGANIZED

## COMMUNICATING!

× ( @ Q \$

WHY DO PARENTS AND SCHOOLS COMMUNICATE?

- Request Information
- Request action
- Provide information
- Decline a request
- Express appreciation

- Build relationships
- Identify & solve problems
- Clarify decisions
- Motivate people


### KEEP AN IEP BINDER:

- Do not write on original documents
- Do not use a marker or highlighter on your original documents.
- Do not release your original documents to anyone.
- Keep your notebook current.





### COMMON PARENT/SCHOOL PROBLEMS:

- Different Views of the Child
- Lack of Information
- Lack of Options
- Hidden Issues
- Feeling Devalued
- Poor Communication & Intimidation
- Loss of Trust



### FEELING DEVALUED

Devalue: reduce or underestimate the worth or importance of.

- When you are lied to
- When important information is withheld from you
- When you are patronized
- When you sense hidden issues or agendas

### A FEW FACTORS THAT MAY LEAD TO CRISIS:

- The school makes a unilateral (one sided) decision
- The school ignores information from others
- The decision or action may harm the child

### CONTROL YOUR EMOTIONS!!

enpatio

## TIPS REGARDING CONTROLLING EMOTIONS:



- Keep them under control
- Be careful about revealing emotions to one another physically or verbally
- Plan your time thinking, planning and preparing! NOT throwing adult TANTRUMS.

### TAKE TIME OUT FOR YOUR SELF

#### REMEMBER A CHILD IS A CHILD FIRST!!





### UNDERSTANDING TEST RESULTS . . .

# Assessment

 Classroom-Based Assessments
District-Wide Assessments
State Academic Assessments
State Assessment of Language Proficiency

**Assessment** Accommodations

### HOW TESTS ARE REPORTED:

- Age equivalent scores
- Grade equivalent scores
- Standards scores
- Percentile ranks
- Raw score
- Composite scores



## FAMILIARIZE YOURSELF WITH THE BELL CURVE



### THE BELL CURVES STANDARD DEVIATIONS AND PERCENTILE RANKS:



## KEEP IN MIND:

Above all else, your child is a CHILD first. Don't let their disability define them, let them define their disability. You will learn a lot from them....

Just take the time to watch, listen and learn.



## QUESTIONS?

### SOURCES:



- https://www.understandingspecialeducation.com/
- https://sites.ed.gov/idea/
- Dhttp://versuslaw.com
- https://education.findlaw.com/
- Dhttp://wrightslaw.com
- Dhttp://www.projectidealonline.org/
- Dhttp://www.nea.org/specialed

### GREAT SITE TO RESOURCE



https://www.parentcenterhub.org/

National Dissemination Center for Children with Disabilities (NICHCY).'s New Website Home

### GREAT SITE TO RESOURCE



http://www.wrightslaw.com/