Today’s objectives
Learn About Rights & Responsibilities: IDEA

What is Special education?
What is the purpose of IDEA?
What are some country wide needs that need to be met?
What are some effective ways to improve learning?
Who is protected by IDEA?
What are the categories and potential disadvantages?
How do states get funded?
How does the funding work?
What are the restrictions on the Federal allocation within each state?
Who are the people involved in IDEA implementation process?
How is IDEA enforced?
What are the Basic Principles of the IDEA Law?
Children can have all sorts of problems. It's important to find out why a child is not doing well in school. The child may have a disability.

By law, schools must provide special help to eligible children with disabilities. This help is called special education and related services.

If the school thinks your child may have a disability and may need special education and related services, they must evaluate your child before providing your child with these services. This evaluation is at no cost to you. The evaluation will tell you and the school:

- if your child has a disability; and
- what kind of special help your child needs in school.
What is IDEA 97's Definition of Special Education?

"The term ‘special education' means specially designed instruction, at no cost to parents, to meet the unique needs of the child with a disability, including—

“…instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and in physical education." [Section 602(25)]
“specially designed instruction”

adapting as appropriate the content, methodology, or delivery of instruction
to address unique needs and adverse impact of disability, ensure access to general curriculum

e.g. *modification in length and nature of written assignments, copies of notes, instructions in non-standard keyboarding techniques*

“to meet the unique needs of the child”

means academic, social, health, emotional, physical and vocational
What are the categories? (See 300.7)

Autism
Communication Disorder
deaf-blindness
developmental delay
emotional disturbance
hearing impaired/ deafness
intellectual disability
multiple disability
orthopedic impairment
other health impairment
specific learning disorder
traumatic brain injury
visual impairment

All need psychoeducational assessment

infants and toddlers with disabilities
non-categorical preschool
Disability DEFINITION

- DSM Diagnosis vrs Classification
- As defined by IDEA (see 300.7)
- As defined by state (see Golden Rules)
Special Education Process

TO GET SP ED SERVICES:

- **Referral** to school-based team for prereferral interventions
- **Screening**
  
  Brief tests/ school wide tests to determine those “at risk”
- **Evaluation** to determine classification and services
- **LRE Placement** with IEP goals

ONCE ELIGIBLE FOR SP ED SERVICES:

- **On-going assessment** of IEP goal attainment
- **Re-evaluation** for eligibility every 3 yrs
- **Transitional services**
- **Reintegration** (back into regular education)
Laura's Story

When Laura was 8 years old, her teacher, Mrs. Adams, saw that Laura was having a lot of trouble with reading and writing. This surprised Mrs. Adams, because Laura was very good at remembering things she heard. She asked the school to check, or evaluate, Laura to see if she had a disability. Laura's parents had also been worried about Laura's problems. When the school asked for permission to evaluate Laura, Laura's parents said yes.

The evaluation took about one month. It involved many different things and people. The evaluation group, including Laura's parents, looked at Laura's school records and test scores. The group gave Laura more tests and talked to her. They also talked to her teacher and her parents. They watched how she did her work and learned more about where and when she has problems.

In the end, the evaluation showed that Laura has a learning disability. Now the school knows why she has trouble with reading and writing. Laura is now getting special help in school.
Are there disadvantages of these categories?

About 25% of school-aged children need significant assistance to benefit from standard education but only half of these fit IDEA label.

Categorical labels do not always accurately reflect the characteristics of the child.

Fails to meet the wide degree of differences among children.

Label stigmatizes child.

Once labeled likely will always be labeled.

Labels do not help teacher identify what works for individual child.

They moved my son to ROOM 219!
What is the purpose of IDEA?

Based on principle that all children are capable of benefiting from education

• Enforces substantial rights of disabled students
• Assists states financially to comply to goals
• Gives procedural safeguard that enables parents to have input in school decisions

The law says…..
(A) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living;

(B) to ensure that the rights of children and parents are protected; and

(C) to assist States, to provide for the education of all children with disabilities; implementation of early intervention services for infants and toddlers with disabilities to ensure that educators / parents have the necessary tools to improve educational results by supporting systemic-change activities; coordinated research and personnel preparation; coordinated technical assistance,

to assess, and ensure the effectiveness of, efforts to educate children with disabilities.
What are some effective ways to improve learning?
In IDEA’s laws, based on research suggests that Special education can be made more effective by…..
20 years of research: the education of children with disabilities can be made more effective by--

(A) having **high expectations** and ensuring their **access in the general curriculum** to the maximum extent possible;

Problem: Most disabled children need remediation but special education programs usually include modifications and accommodations.

Modifications and accommodations do not teach basic skills, i.e., how to read, write, spell, do arithmetic.

(B) **strengthening the role of parents**

(C) coordinate between school improvement efforts in order to ensure that such children benefit from such efforts and that **special education can become a service** for such children **rather than a place where they are sent**;

Problem: Many districts develop one-size-fits-all programs to meet district’s needs. In most cases, these one-size-fits-all programs do not address the unique needs of the child. ¹³
(D) providing **appropriate special education** and **related services and aids** and **supports** in the **regular classroom**;

(E) supporting **professional development for all personnel**

(F) providing **incentives for whole-school approaches** and **pre-referral intervention** to **reduce the need to label children** as disabled

  Neurological windows of opportunity in learning begin to close when children are still in elementary school. This makes later remediation more difficult and more costly, economically and emotionally.

(G) focusing resources on teaching and learning while reducing paperwork and requirements that do not assist in improving educational results.
Who is protected by IDEA?

1. Only those that meets Idea’s definition of a student with disabilities

2. Only if disability has adverse impact on their education

3. Disability is not due to lack of instruction or limited English proficiency

4. Determined by multidisciplinary team replacing school psychologist as sole “gate keeper”

5. States required to identify and evaluate birth to 21 but special education to qualified students is absolute for ages 6 and 17 or any other year that state requires an education.

6. Infants and Toddler’s may be designated as developing delayed to receive services.
• Hector was once viewed as a disruptive student, until he participated in a new behavioral program that taught him how to express and better control his emotions. In one year’s time his behavior dramatically changed. Today he looks forward to a bright future in second grade.

• Kyle is using assistive technology to help him write. Kyle talks into a microphone while the computer puts the text on the screen for him. Kyle tells the computer where punctuation marks, new paragraphs, and more. Just a couple of months ago K couldn’t finish two paragraphs of a writing assignment in half an hour. Now he is enthusiastic about his assignments.

• Katie is a college freshman who gradually became blind over a ten year period. In middle school, Katie’s school district assigned her an assistant, and, with funds received under IDEA, provided Katie with academic technological support equipment such as texts-on-tape, a talking calculator, Braille ‘n Speak, Type ‘n Speak and a Braille printer. In 1999 she graduated high school with honors, 31st in her class of 600. And today she is a college freshman.
Are there disadvantages of these categories?

About 25% of school-aged children need significant assistance to benefit from standard education but only half of these fit IDEA label.

Categorical labels do not always accurately reflect the characteristics of the child.

Fails to meet the wide degree of differences among children.

Label stigmatizes child.

Once labeled likely will always be labeled.

Labels do not help teacher identify what works for individual child.
Plus there are several gaps:

- gifted and talented
- chronically ill child (frequently absent)
- HIV or other infectious disease
- Slow Learner
- Socially maladjusted
- Addicted to drugs or alcohol
How do states get funding?

Submit an annual program plan stating:

• what services will be provided

• procedural safeguards

• system for identifying, locating and evaluating children in need of sp ed.

• System for allocating funds
How does the funding work?

• Not intended to cover entire cost of special education just assist states

  Hope is to fund up to 40% of the state’s cost while actual is 7% total expenditures.

• Amount of $ given depends on:

  number of students served with disabilities x 40% of average national cost of educating a student with a disability

  added a poverty rate factor

  caps the number of students possible to up to 12% of school population
Problems?

• cost of severe much higher than mild

• 2-3 residential placements will use up entire budget quickly

• ambiguity of definitions leads to some districts having more children with disabilities than another

• Cap on number of children served may be a disincentive to identify all children with disabilities.
What are the restrictions on the Federal allocation within each state?

Use to supplement and increase funding of special education and related services 300.6

75% directed to local schools
25% used on state level
  (administration (5% only), supervision, direct support services, monitoring and complaint investigations)
Who are the people involved in IDEA implementation process?

1. Parent or Legal guardian

(I.e., grandparent, stepparent, surrogate parent appointed by social service agency or court)
Since child under 18 legally incompetent to make decisions, parents are the ones asked to consent to evaluation, placement and other decisions

REQUIRES:
Mandatory notification of various stages of process and ensure opportunity to participate
Is it working? Are parents making a difference?

Middle SES appears to benefit most
(Wealthy tends to go private)
May need more for Low SES

Reflection

1. How can IDEA be designed to better help Low SES parents/ students?

If parents are divorced, what does a school do about notification etc.?
2. Educators

A. Teachers

Regular ed including art, gym, music and special ed

Problems with changes:

• Regular ed not well-trained or feel prepared
• viewed as stressful, “unnecessary burden”
• Especially art, gym, music
• Lack of role clarification
• Initial funding promised never came, hence, understaffed
• and lack of support services
• Need less gap between regular and sp ed to increase appropriate mainstreaming programs
• Need administrative support and sp ed savvy
• Teacher shortage
B. Administrators

1. Local director of sp ed

Responsible for

- ensuring schools are adequately staffed with trained personal

- oversees development and implementation of IEPs

- Develop data to obtain funding

- Plan systematic steps to move from regular ed to sp ed

- Communicates with / trains principals & local board of ed
2. State level administrators

Main Responsibilities:

- plans for funding
- ensure appropriate finding to local districts
- teacher certification requirements
- coordinate with social services providers for placements training
C. Other educational personnel

*Teacher’s aides, custodial staff and clerical staff*

*Not directly involved with programming but needs training*

*Why?*
3. Related Services Providers

- transportation personnel,
- speech and language therapists,
- physical therapist
- occupational therapist
- school social workers
- school psychologists (counselors?)
- nurses (for nonmedical health services)
- physicians (for diagnostic purposes only)
4. Advocates

• *Advocacy groups on behalf of specific groups such as deaf, CHADD*

• *Lay advocate organization helpful in advising parents on how to obtain appropriate sp ed*

• *Advisory councils/ boards (at state and local level)*
Reflection questions

Who should be reliable if teachers are not adequately trained and an injury occurs as a result?

As a practical matter, how can we keep up with all the legal requirements affecting sp ed?
How is IDEA enforced?

• OSEP: Office of Special Education Programs (Federal)
  Reviews annual plan for IDEA compliance

• Audits states for compliance
  States must return any funds used improperly

• Funds may be withheld until come into compliance
  then subject to judicial review
  school may also request a hearing

• May be able to sue a state if not in compliance with FAPE

• Monitors states written complaints and their procedures for possible violations of IDEA
SEA: State Educational Agency
Single agency responsible for carrying out the requirements of the law

Delegates to school districts and local educational agencies (LEA)

If LEA is unable to unwilling to comply, SEA is responsible

And responsible for all students w/ disabilities across state
(ie., hospitals, residential homes, mental health facilities, private schools, and youth in prison system)
What are the Basic Principles of the IDEA Law?

• free appropriate public education
• appropriate evaluation
• individualized education program
• least restrictive environment
• parent and student participation in decision making
• procedural due process
• zero reject
• confidentiality of information
• personnel development
• technology-related assistance
Basic Principles of the IDEA Law

These principles work to guarantee that children with disabilities can go to school every day, learn what other children learn, except perhaps in different ways, and have their individual educational needs determined and addressed.

*** FOR NOW JUST LEARN GENERAL IDEA—DETAILS COMING SOON!
Free Appropriate Public Education

“The term ‘free appropriate public education’ means special education and related services that—
“(A) have been provided at public expense, under public supervision and direction, and without charge;
“(B) meet the standards of the State educational agency;
“(C) include an appropriate preschool, elementary, or secondary school education in the State involved; and
“(D) are provided in conformity with the individualized education program required under section 614( d).”
[Section 602( 8)]
Free Appropriate Public Education

- Free— at no cost to parents
- Appropriate— suited to the individual needs of the child
- Public— Children with disabilities have the right to go to the public school system for their education, just like other children
- Education - ensuring equal opportunity and access that children with disabilities to education (including extracurricular activities)

What this law is all about!
Appropriate Evaluation

name some consequences of inappropriate evaluation (meaning, when evaluation is not done properly).

Discrimination
misdiagnosis and incorrect evaluation data lead inevitably to the school providing the wrong services
Leads to no change
Appropriate Evaluation

1. Evaluators must be knowledgeable and trained.
2. A variety of instruments and procedures must be used to gather information about the student.
3. Tests and other procedures must be selected and administered so as not to be discriminatory on a racial or cultural basis.

300.53
Appropriate Evaluation

One of the most significant changes in IDEA 97 relates to how evaluation process should be viewed. “The committee believes that a child should not be subjected to unnecessary tests and assessments... and the LEA should not be saddled with associated expenses unnecessarily.” (Report Language, p. 19)

Evaluation activities should include gathering information related to enabling the child to be involved in and progress in the general curriculum.
Individualized Education Program

The term ‘individualized education program’ or ‘IEP’ means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with section 614( d).
An IEP is a contract between parent and school district that . . .

- considers the individual needs of the student
- describes how the student learns
- focuses on what will make the biggest difference for the student
- describes how the school staff will help the student learn better
- reflects the decisions of the Team
Least Restrictive Environment

What do you already know about LRE?
Least Restrictive Environment

... the presumption that children with disabilities are most appropriately educated with their nondisabled peers and that 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. 300.550
Procedural Safeguards

Safeguards to ensure that...

- parents are equal participants
- the rights of children with disabilities and their parents are protected
- students with disabilities and their parents are provided with the information they need to make decisions about the provision of FAPE
- procedures and mechanisms are in place to resolve disagreements between parties.
Some Procedural Safeguards (rights) we will learn about later:

- timely parent notification and consent
- independent evaluation
- access to educational records
- process to present complaints (mediation and due process)
Zero Reject

The state must assure that all students with disabilities from birth to 21 residing in the state who are in need of special education services are identified, located and evaluated.

Obligated to notify public by referral, public meetings, door-to-door, brochures, speakers, contacting pediatricians and/or daycare providers, kindergarten screeners, public awareness procedures

Child Find requirement regardless of severity
Confidentiality of Information

Four areas of protections:

- parental access
- Parental amendment
- protection from disclosure
- destruction of records

300.56 and FERPA
Technology-related Assistance (definitions in 1401)

(1) Assistive technology device.--The term ‘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 a child with a disability.

*IEP team required to consider if needed to provide FAPE or to retain child with disabilities in the LRE 300.550*
**Assistive technology**

Any item, piece of equipment or product system that is used to increase, maintain, or improve functional capabilities of students with disabilities.

**Purpose:**
To provide support for child to live as normal a life as possible and to get student in least restrictive environment
Often referred as High-, Middle-, and Low-tech devices

**High**
- Computer
- Alternative keyboard
- Instructional software
- Wheelchair
- Hearing aids
- Voice recognizer software
- Voice output devices

**Middle**
- Walker
- Speech synthesizer
- Sound amplifier
- Voice regulator

**Low**
- Picture board
- Taped instruction
- Tape recorder
- Pen and pencil grips
- Signaling device (flashing light or pager)
- Adapted feeding equipment
Personnel Development

Ensure adequate personnel to implement FAPE
These personnel are adequately trained

Private schools-

Ensure FAPE is provided at no cost
Assessment and IEP services are in place
Parent and Student Participation in Decision Making.

In what ways do you see parents partnering or contributing to the special education process?

What are the contributions that parents can make to decision making? How about students?

What benefits does this bring to the system or to the individual?
PARENTS!

Participation in Decision Making.

- Parents are equal partners in the Team process. They have a right to be involved in meetings that discuss the identification, evaluation, IEP development and educational placement of their children.

- Parents have a unique and critically important perspective on their child’s learning style, strengths and needs.

- Every effort should be made to build trust, respect and understanding in an effort to meet the unique needs of the student.
PARENTS!

Participation in Decision Making.

**SUGGESTED PRACTICES TO INCREASE PARENT PARTICIPATION:**

+ Make available evaluation material in advance, asking parents to develop a list of questions and/or concerns.

+ Contact parents in advance of meetings to discuss their concerns or to ask them to come in a few minutes before the meeting to discuss their concerns.

+ Provide parents with a seating plan or use name tags.

+ Use conference calling during a Team meeting.
STUDENTS!

Participation in Decision Making.

Students should also be considered important members of the Team and their interests and preferences can help determine the direction for the identified goals in the IEP.

Students are invited to attend Team meetings beginning at the age 14 or younger to discuss transitional services.

If the student does not attend the meeting, their preferences and interests must still be considered.
SUGGESTED PRACTICES TO INCREASE STUDENT PARTICIPATION:

+ Give students opportunities to think about their preferences, visions and concerns.
+ Teach students their civil rights.
+ Have students lead their own Team meetings.
+ Invite adult human service agency representatives to speak to student groups about provided services and eligibility requirements.
**Do schools have to implement these principles?**

- All states if have public education are required to incorporate these principles based on court decisions.

- All states have currently submitted annual plans for IDEA funding.

- Hence, existing state programs are developed to fit IDEA requirements (Golden Rules = Utah’s)

Have the option to expand requirements:

*Typical state expansion of IDEA requirements in some states:*
*elect to provide sp ed outside age ranges (3-5 and 18-21)*
*Stricter requirements for teacher certification, teacher-pupil ratio, and transportation time.*
*Given substantial degree of deference in the choice of educational programming*
Do schools have to implement these principles?

MORE BUT NOT LESS RULE!

Have the option to expand requirements:

**Typical state expansion of IDEA requirements in some states:**
elect to provide special education outside age ranges (3-5 and 18-21)
Stricter requirements for teacher certification, teacher-pupil ratio, and transportation time.
Different disability requirements for classification
Given substantial degree of deference in the choice of educational programming
Looking back….  

Tommy Fields was administered a developmental screening test by Wanda Rose, the school psychologist, during the district’s annual spring pre-kindergarten screening program. On the bases of the screening test results and the fact that Tommy had a summer birthday only a few months before the kindergarten entry cutoff date, Wanda Rose informed Tommy’s mother that he was “not ready” for kindergarten and suggested she keep him at home for “another year to grow.” Mrs. Fields, a single parent with a full-time job, was distressed but the screening test results and recommendations, and the prospect of paying for another year of full-time day care for Tommy.

Use worksheet
1. List any IDEA principles apply to this problem and why
   • free appropriate public education
   • appropriate evaluation
   • individualized education program
   • least restrictive environment
   • parent and student participation in decision making
   • procedural due process
   • zero reject
   • confidentiality of information
   • technology-related assistance
   • related services

2. List under each principle whether or not the school is adequately following or violating the regulation.

3. For violations, add the action that the school should take or what could they have done differently

4. List one or two difficulties that you would foresee realistically applying the IDEA principle in the schools.

5. What is a school psychologist’s role in this case?