


IDEA/SECTION 504

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About the Presenter

- Bachelor of Science in Human Services, Concentration in Non-Profit, Minors in Psychology and Modern Language (Spanish)
- PACER's FAST National (Family Support and Training)
- Former Educational Surrogate Parent Volunteer (Trained by Colorado Department of Education)
- Parent Advocate over 15 years




Tait Davis

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Please complete Pre-Test!



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GREETINGS AND INTRODUCTIONS




- Name
- Your child or family members name and age
- Share something about your child or family member

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Objectives




- Section 504
- IDEA Law
 - 5 parts of the Law

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SECTION 504



Purpose

- Provides services and changes to the learning environment to enable students to learn alongside their peers.
- As with an IEP, a 504 plan is provided at no cost to families.

Law

- *Section 504 of the Rehabilitation Act of 1973*
- This is a federal civil rights law to stop discrimination against people with disabilities.

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504 Plan

Eligibility

1. A child has *any* disability. Section 504 covers a wide range of different struggles in school.
2. The disability must interfere with the child's ability to learn in a general education classroom.

- Section 504 has a broader definition of a disability than IDEA. (It says a disability must substantially limit one or more basic life activities. This can include learning, reading, communicating, and thinking.) That's why a child who doesn't qualify for an IEP might still be able to get a 504 plan.



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504 Plan

- Doesn't allow families to ask for an IEE. As with an IEP evaluation, families can always pay for an outside evaluation themselves.
- The rules about who's on the 504 team are less specific than they are for an IEP.

A 504 plan is created by a team of people who are familiar with the child and who understand the evaluation data and special services options. This might include:


- Student
- Parent or caregiver
- General and special education teachers
- Section 504 Coordinator



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SECTION 504



A 504 plan generally includes the following:

- Specific *accommodations*, supports, or services for the child
- May include speech and language therapy and occupational therapy, if eligible by evaluation.
- Names of who will provide each service
- Name of the person responsible for ensuring the plan is implemented

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How often is it updated:

The rules vary by state. Generally, a 504 plan is reviewed each year and a reevaluation is done every three years or when needed.

Public expense:

Students receive these services at no charge.

- States do not receive extra funding for students with 504 plans. But the federal government can take funding away from programs (including schools) that don't meet their legal duty to serve kids with disabilities.
- IDEA funds can't be used to serve students with 504 plans.




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Procedural Safeguards

- Section 504 gives families several options for resolving disagreements with the school:
- Mediation
- Alternative dispute resolution
- Impartial hearing
- Complaint to the Office for Civil Rights (OCR)
- Lawsuit



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IDEA

- The IDEA governs how states and public agencies provide **early intervention, special education, and related services**
- On November 29, 1975, President Gerald Ford signed into law the Education for All Handicapped Children Act (Public Law 94-142)
- By 1997 and after several amendments, this law changed its name to the Individuals with Disabilities Education Act (IDEA)
- This law opened public schools to million of children with disabilities and provided an opportunity to develop their talents and contribute to their communities In the last 45 years classrooms have become more inclusive improving educational supports and outcomes
- Significant progress has been made toward protecting the rights of infants, toddlers, children, and youths with disabilities.


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The purpose of

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:

- ◆ further education,
- ◆ employment,
- ◆ independent living



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5 Parts of IDEA

Part A	General Provisions
Part B	Assistance for the Education of all Children with Disabilities
Part C	Infants and Toddlers with Disabilities
Part D	National Activities to Improve Education of Children with Disabilities
Part E	National Center for Special Education Research

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IDEA Part C and B



- **Part C**
 - Birth to age 2
 - Early Intervention Program
- **Part B**
 - 3-21 years old
 - 3-4 – Pre-K
 - 5-18 - K-12th
 - 18 – 21 – Transition program


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Part C Early Intervention Services

The child has developmental delays in one or more of the following areas:

- Cognitive development
- Physical development
- Communication development
- Social or emotional development
- Adaptive development
- Has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay



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Early Intervention Services

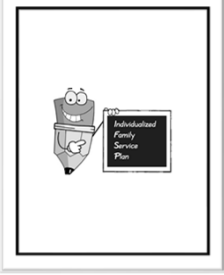
- Are provided under public supervision
- At no cost except where federal or state law provides for a system of payments by families, including a schedule of sliding fees
- Are designed to meet the developmental needs of an infant or toddler with a disability as identified by the IFSP
- Must be provided by qualified personnel

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IFSP Individualized Family Service Plan

- Based on developmental assessment conducted by a multidisciplinary team
- Statement of specific Early intervention services
- Unique needs of the child and family resources
- Services must be provided to the maximum extent appropriate in "natural environments"



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Procedural Safeguards

You have the right to:

- Review Records
- Written Prior Notice
- Written Informed Consent
- Confidentiality and Release of Information
- Accept or Decline Services without Jeopardy
- Surrogate Parents
- Mediation
- Complaint Procedures
- Due Process Hearing

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Six Principles of Individuals with Disabilities Education Act

- Free and Appropriate Public Education (FAPE)
- Appropriate Evaluation
- Individualized Educational Plan (IEP)
- Least Restrictive Environment (LRE)
- Parent Participation in the Decision-Making Process
- Procedural Safeguards

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Free and Appropriate Public Education



FAPE IS NOT A PRIVILEGE, IT'S A RIGHT!

- Student access to special education services and related services they need to receive Educational benefit.
- Services are provided at public expense.
- Supervised and directed by a school district via State and Local education agencies (SEA, LEA).
- Services must meet state standards.
- Must be appropriate.
- Provided in conformity with an appropriately developed IEP.

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Appropriate Evaluation

- Assessment to determine the child's eligibility, present levels of academic and functional performance and educational needs
 - Conducted in the child's native language
 - Culturally appropriate and non-discriminatory
- Completed in 60 calendar days
- Requires parental consent
- Results are used to develop the child's IEP

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How does I.D.E.A define a child with a Disability?

- Developmental Delay
- Autism
- Other Health Impairment
- Specific Learning Disability
- Speech or Language Impairment
- Intellectual Disabilities
- Emotional Disturbance
- Orthopedic Impairments
- Traumatic Brain Injury
- Visual Impairment including Blindness
- Deaf-blindness
- Deafness
- Hearing Impairment
- Multiple Disabilities

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Special Education



Learning Knows No Bounds

The term means:

Specially-designed instruction at no cost to parents, to meet the unique needs of a child with a disability including:

- ❖ Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
- ❖ Instruction in physical education.

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Related Services

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necessary for the student with a disability to benefit from special education and access FAPE


- Transportation
- Speech and Language Therapy
- Psychological Services
- Physical Therapy
- Occupational Therapy
- Assistive Technology
- Nursing Services/ Respiratory Therapy
- Interpreting Services
- Early Identification and Assessment

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A written statement for each child with a disability developed, reviewed, revised in accordance with the law and regulations of I.D.E.A

The general content of the I.E.P is:




- ❖ A statement of the child's Present Levels of Academic and Functional Performance and measurable annual goals.
- ❖ A statement of special education and related services and supplementary aids to be provided by the public agency to the child.
- ❖ A statement of any appropriate accommodations.
- ❖ Beginning no later than the first IEP the child turns 15, include postsecondary goals and transition services.

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Types of IEPs

- Initial: This IEP meeting occurs after initial evaluations of the student, to determine if the child is eligible for special education services, to set goals and objectives, and to determine supports and services.
- Annual: The student's IEP meeting is reviewed each year on the anniversary date of the initial IEP.
- Triennial: Every three years a child must be reevaluated to determine if the child continues to be a "child with disabilities" as defined by law. This meeting is also used to review the educational needs of the child.




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IEP Meeting

- Time / Place convenient to all
- In the parent's native language
- School: who will attend the meeting & why
- Parents can invite others
- The meeting is long enough to complete the IEP




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Team Members of the IEP

Wouldn't it be nice if everyone who sat in on an IEP meeting had the best interests of the child at heart.



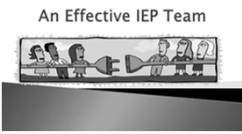
1. Parents
2. Student (age 15 +)
3. No less than a general teacher of education
4. No less than a special education teacher
5. Representative of the School District (LEA).
6. Person to explain evaluation / reevaluation results

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Team Members of the IEP

- Optional Members:
 - Student (if less than 15 years old)
 - Staff providing Related Services
 - Others who know the student
 - Representative of Part C (transition Part C to Part B meeting)




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Additional Members during Transition

(15 to 21)

- Student
- School counselor
- Adult Agencies
- Vocational Rehabilitation
- Mental health
- Individuals with Developmental Disabilities Centers



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Excusing IEP Team Members

Members can be waived when:

The member's area will not be changed or discussed.

If the parents and the school district agree in writing.

If the member's area will be discussed and instead of attending, participate in writing prior to the IEP meeting.

If the parents give permission in writing and the school is agree.


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Least Restrictive Environment LRE

Children with disabilities are most appropriately educated with their non-disabled peers.


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



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Parent Participation



Parents are part of the IEP team that makes decisions regarding:

- The provision of FAPE to your child
- Your child's eligibility
- Your child's educational placement
- Auxiliary and complementary services
- Accommodations and modifications


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Designed to protect the rights of children with disabilities and their parents.

These safeguards include:

- The right to participate in all meetings
- The right to inspect all educational records
- Independent Educational Evaluation (IEE)
- Requirements for prior written notice
- Procedural Safeguards Notice
 - Manifestation of Determination
 - Mediation, resolution and due processing hea
 - Two-year statute of limitation
 - Appeals
 - Discipline
- Age of Majority



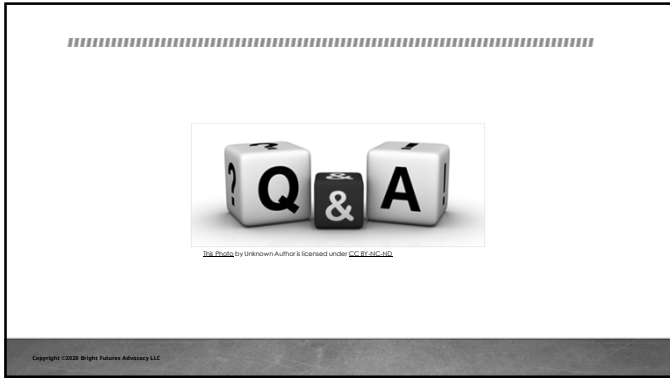
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La misión de Bright Futures Defensa y Jeanette es apoyar futuros más brillantes para las personas con habilidades únicas a través de la educación consultoria y defensa.

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The mission of Bright Futures Advocacy and Jeanette is to support brighter futures for people with unique abilities through education consulting and advocacy.

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