

The background features a teal-to-blue gradient with various circular and arc-like patterns. On the left side, there is a vertical scale with numerical markings from 140 to 260 in increments of 10. The main title is centered on the right side in a large, white, sans-serif font.

SPECIAL EDUCATION SERVICES 101

RANA I. OTTALLAH

SPECIAL EDUCATION ADVOCATE

RANAOTTALLAH@YAHOO.COM

504-214-0718

WHAT EVERY PARENT NEEDS TO KNOW

You are not alone, many parents out there have the same feelings and emotions that you have, according to Learning Disabilities on line, parents go through six stages of acceptance and they are:

Stage one you may be shocked, and you may cry or become dejected. Sometimes you may express your feelings through physical outbursts or, occasionally, inappropriate laughter.

Stage two this is an extension of stage one, and you may deny your child's disability or try to avoid that reality in some other way. You will search for or try to propose various actions in an attempt to change the reality. You may "shop for a cure" or try to bargain for a different reality.

Stage three at this stage, you may feel anger. You may demonstrate your anger outwardly, in the form of rage, or become withdrawn and passive from intense feelings of guilt. Verbally attacking anyone who might be blamed for your unfortunate circumstance, including displacement of responsibility onto the original diagnostician or any supportive professionals.

Stage four you become resigned to the fact that your child has a disability. In some situations, you or other family members may slip into depression. Feelings of shame, guilt, hopelessness, and anxiety stemming from a new overwhelming burden of responsibility can become intense. You may attempt to hide the child, especially from friends and persons during organized or routine social encounters. This may be the first sign that you have begun to accept the fact your child has a disability. Keep in mind, any inclination toward or demonstration of behavior that results in abnormal isolation of one or any family members must be prevented or eliminated.

Stage five this is the stage of acceptance, meaning that you have achieved an unconditional positive regard for the child. It is a very important new stage of cognition when you as a parent, not only begin to understand and appreciate your child, but strengthen your skills in coping with life's trials as well as being able to help your child, yourself, and others. Reaching this stage is highly correlated with the school inviting you as a parent to become team member in a program with caring professionals, and often paraprofessionals, that is designed to meet all of the child's needs.

Stage six you are able to put their life back together and enjoy living, imagine a future, and talk of your child free of undue emotion. You can discuss and participate in designing or providing instruction objectively

EDUCATE YOUR SELF, KNOW YOUR RIGHTS AND RESPONSIBILITIES

1. Individuals with Disabilities Education Act

The **Individuals with Disabilities Education Act (IDEA)** is a federal law enacted in 1990 and reauthorized in 1997 and 2004. It is designed to protect the rights of students with disabilities by ensuring that everyone receives (FAPE) a free appropriate public education, regardless of ability, IDEA ensures students with disabilities have access to (FAPE), just like all other children. Schools are required to provide special education in the least restrictive environment (LRE). That means schools must teach students with disabilities in general education classroom whenever possible, and give parents a voice in the educational process.

2. AMERICANS WITH DISABILITIES ACT (ADA)/SECTION 504

Public schools and school systems must abide by Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act (ADA) which prohibit discrimination on the basis of disability. Section 504 prohibits recipients of federal funds from discriminating on the basis of disability. Title II of the ADA prohibits discrimination on the basis of disability in state and local government services by state and local governmental entities, whether or not they receive federal funds. This includes public school districts. Virtually all public school systems receive federal funds, and public education is a government service. Both statutes require school districts to provide a free appropriate public education (FAPE) to students with disabilities protected by those laws.

- See more at: <http://www.wrightslaw.com/info/section504.ada.peer.htm#sthash.1xKYQplz.dpuf>

ADA AND EQUAL ACCESS

(a) A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.

(b)(1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.

(2) In determining what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities. 28 C.F.R. § 35.160.

... The public entity shall honor the choice [of the deaf or hard of hearing individual for a particular auxiliary aid] unless it can demonstrate that another effective means of communication exists or that use of the means chosen would not be required under § 35.164. Deference to the request of the individual with a disability is desirable because of the range of disabilities, the variety of auxiliary aids and services, and different circumstances requiring effective communication.

56 Fed. Reg. 35711-12 (July 26, 1991).

Categories of Disability Under IDEA

- ❖ Autism
- ❖ Deaf-blindness
- ❖ Deafness
- ❖ Developmental delay
- ❖ Emotional disturbance
- ❖ Hearing impairment
- ❖ Intellectual disability
- ❖ Multiple disabilities
- ❖ Orthopedic impairment
- ❖ Other health impairment
- ❖ Specific learning disability
- ❖ Speech or language impairment
- ❖ Traumatic brain injury
- ❖ Visual impairment, including blindness

FREE AND APPROPRIATE EDUCATION (FAPE)

What is a free appropriate public education?

In IDEA, a **free appropriate public education** (FAPE) means special education and related services that:

- are provided to children and youth with disabilities at public expense, under public supervision and direction, and without charge;
- meet the standards of the State educational agency (SEA), including the requirements of IDEA;
- include preschool, elementary school, or secondary school education in the State involved; and
- are provided in keeping with an individualized education program (IEP) that meets the requirements of IDEA.

LEAST RESTRICTIVE ENVIRONMENT (LRE)

Special education instruction must be provided to students with disabilities in what is known as the ***least restrictive environment***, or LRE. IDEA's LRE provisions ensure that children with disabilities are educated with children who do not have disabilities, to the maximum extent appropriate. IDEA's LRE requirements apply to students in public or private institutions or other care facilities. Each State must further ensure that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

INDIVIDUAL EDUCATION PLAN (IEP)/ INDIVIDUAL ACCOMMODATION PLAN (IAP)

If an evaluation shows that a student is eligible for special education, parents work with a school team to develop an Individualized Education Program (IEP). An IEP is a legal document that spells out a child's educational goals, disabilities and the services and support that the school will provide.

What are Accommodation Plans IAP/(504 PLAN)?

An accommodation plan is a written set of instructions that detail specific strategies and practices that will be used to:

Communicate to teachers what strategies and practices will be used to ensure that a student's learning needs are met.

Detail any specialized learning materials or equipment needed for the child's instruction or physical needs.

Explain any classwork or homework modifications the child will receive.

List any additional support services the child may need to benefit from education.

Explain any grading or assessment changes the student will receive

Related services

Are defined in IDEA's regulations as transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from Special Education Related Services may include:

1. Audiology services
2. Counseling services, including rehabilitation counseling
3. Early identification and assessment of disabilities in children
4. Interpreting services
5. Medical services for diagnostic or evaluation purposes only
6. Orientation and mobility services
7. Parent counseling and training
8. Physical therapy and occupational therapy
9. Psychological services
10. Recreation, including therapeutic recreation
11. School health services and school nurse services
12. Social work services in schools
13. Speech-language pathology services

PROCEDURAL SAFE GUARDS

Procedural safeguards spell out what the school can—and can't—do when evaluating and providing special education and related services to your child and they are:

Safeguard #1: Access to Educational Records

You have the right to see, make copies of and get an explanation of your child's educational records. The Family Educational Rights and Privacy Act, or FERPA, is one law that protects these rights

Safeguard #2: Independent Educational Evaluation (IEE)

You have the right to get an IEE—an evaluation of your child's skills and needs by someone who's not a school employee. The school must consider the results of the IEE. However the school isn't required to accept the findings

Safeguard #3: Parent Participation

You have a legal right to participate in meetings about your child's education—including IEP meetings.

Safeguard #4: Prior Written Notice

The school must give you written notice whenever it wants to add, change or deny services to your child

Safeguard #5: Procedural Safeguards Notice

The school must provide you with a written explanation of all the procedural safeguards you have under federal and state law

Safeguard #6: Understandable Language

Language for notice and consent must be understandable to the general public and in your native language (this includes Braille)

Safeguard #6: Understandable Language

Language for notice and consent must be understandable to the general public and in your native language (this includes Braille).

Safeguard #7: Confidentiality of Information

The school must protect your child's confidentiality. This includes personal information, such as your child's name, address, social security number and other personal details. There are some exceptions, though. FERPA outlines these.

Safeguard #8: Informed Consent (or Parental Consent)

Before conducting an evaluation or providing special education services, the school must inform you of what's involved. You have to give your permission in writing before the school can move forward. Learn the details of informed consent.

Safeguard #9: "Stay Put" Rights

Do you disagree with a proposed change to your child's placement? (This can refer to a location or to services outlined in his IEP.) The "stay put" provision allows your child to stay where he is while you and the school go through the dispute resolution process.

Safeguard #10: Due Process

If you have a dispute with the school about your child's special education, you can use what's called due process. This is a formal way of resolving disagreements between parents and schools. You have to file a written complaint to begin this process. The complaint can involve any aspect of how the school is handling your child's education, if you believe the school's action violates IDE. Within 15 days of a parent filing a due process complaint, the school must hold a meeting, called a resolution session, to work on resolving the disagreement.

After the resolution session, you attend a due process hearing. The hearing is like a courtroom trial. You and the school will present arguments and evidence to an administrative law judge or (impartial) hearing officer.

Safeguard #11: Civil Action

If you're unhappy with the results of the due process hearing, you can file a civil lawsuit.

Safeguard #12: Mediation

Mediation is an alternative to a due process hearing. A mediator (neutral third party) helps you and the school try to resolve a dispute.

Safeguard #13: Reimbursement of Attorneys Fees

A judge or hearing officer can order a school to pay for attorney fees if you win a due process hearing or civil action.

Safeguard #14: State-Level Appeal

In some states, parents have the right to appeal the result of a due process hearing to the state department of education.

Safeguard #15: State Complaint

You can make a written complaint to an official state agency if a school violates federal or state education law. Sometimes advocates can write these complaints for you. Learn about the difference between an advocate and an attorney and what to include in a state complaint.

If you have a dispute about your child's IEP, it's important to understand all of your options for resolving the dispute. Understanding your rights can make it easier for you to advocate for your child.

REFERENCES

<https://www.understood.org/en/school-learning/your-childs-rights/basics-about-childs-rights/important-safeguards-for-you-and-your-child>

<http://www.wrightslaw.com/info/section504.ada.peer.htm>

<http://www.ldonline.org/article/5937/>

<http://www2.ed.gov/about/offices/list/ocr/504faq.html>

<http://learningdisabilities.about.com/od/ac/g/accommodation.htm>