

# Advocating for Appropriate Educational Services

IDEA and Section 504

# Educational Services: Legal Protections

- Individuals with Disabilities Education Act (IDEA)
- Section 504

# INTENT: The Big Picture

- Section 504: Equal Opportunity Legislation
- IDEA: Funding Legislation

# Main Differences

- Intent of the law
- Funding
- Eligibility
- Procedures
- Procedural Safeguards
- Enforcement/Monitoring Agency

# IDEA: Who's Eligible

Any infants, toddlers with disabilities  
0-2 and children 3-21

- Who have a disability as specified in IDEA, and
- Whose disability has an adverse affect on the child's education.

# Section 504: Who's Eligible

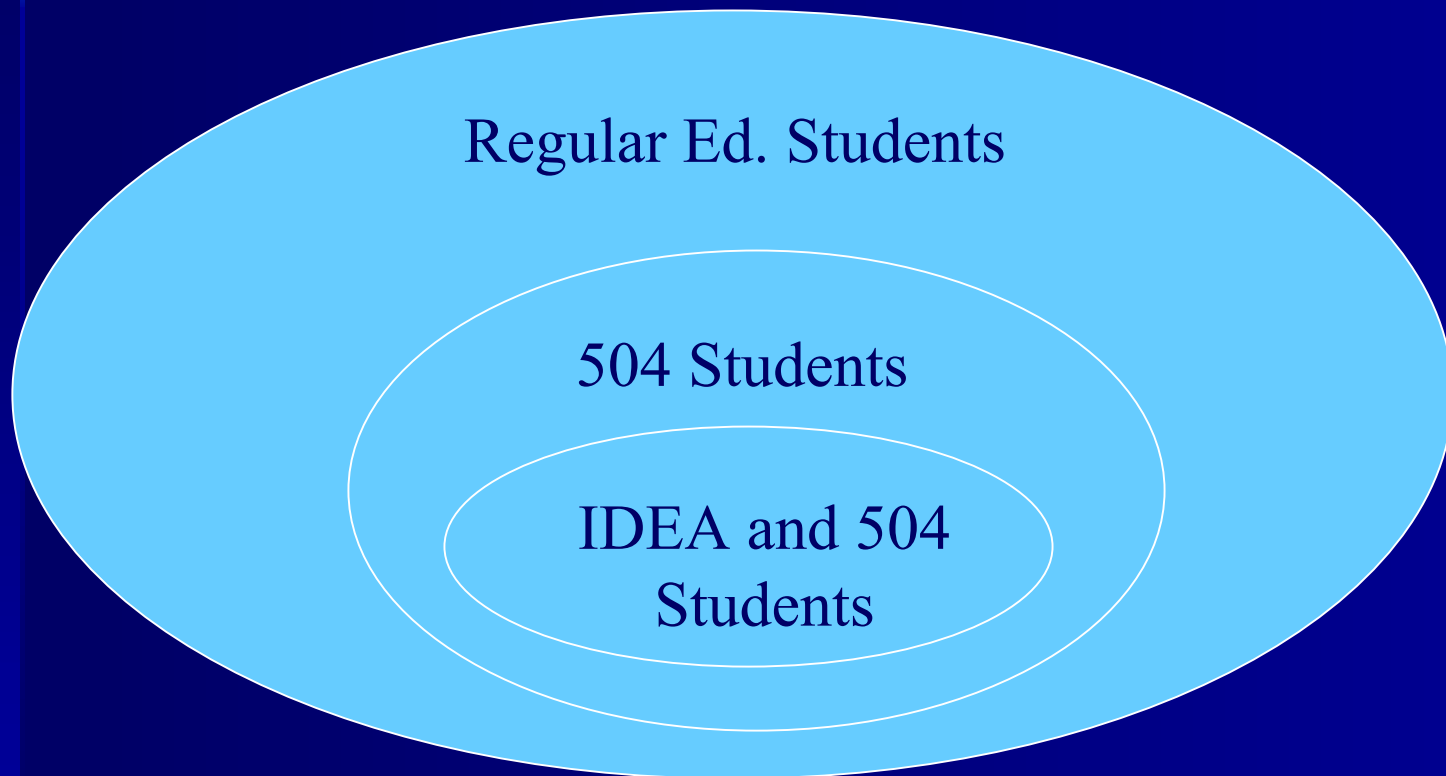
Anyone who:

- Has a physical or mental impairment which substantially limits one or more major life activities,
- Has a record of such impairment, to
- Is regarded as having such an impairment,

AND who's disability substantially limits one or more major life activities.

# IDEA and Section 504

## Who's Eligible?



# IDEA—Fundamental Concepts

- Zero-reject
- Free and Appropriate Public Education (FAPE)
- Individual Educational Plan (IEP)
- Least Restrictive Environment (LRE)
- Parent Participation (Procedural Safeguards)

# Zero Reject and FAPE

All students have a right to a free and appropriate education

All means All

# Least Restrictive Environment

- The student shall be placed in the regular educational environment unless the child's education cannot be achieved satisfactorily even with the use of supplementary aids and services

# Multifactor Evaluation

- A variety of assessment tools
- By a qualified person using validated tests
- By more than one person (multidisciplinary team)
- Include all areas of suspected disability

If parents are not satisfied with the evaluation, they have the right to request an independent evaluation, at no cost

# Two Purposes of Evaluation

- Determine Eligibility
- Determine the content of the child Individual Educational Program

# Individual Education Plan (IEP)

- Statement of the child's present levels of performance
- Annual goals and benchmarks
- Statement of services (special education, related and supplementary services)
- Explanation of extent child will participate with nondisabled children
- Modifications for state testing

# Special Factors

- Behavior
- Limited English Proficiency
- Need for Braille instruction
- Communication needs
- Consideration of need for assistive technology

# IEP Team

- Parents
- Teacher(s), special education providers
- District Representative
- Related Service personnel
- Individual knowledgeable about evaluation results
- Anyone selected by the school or the parents

# Procedural Safeguards

Parents must be provided with a copy of safeguards, including:

- Independent evaluation
- Prior written notice
- Parental consent
- Access to educational records
- Opportunity to present complaints
- Mediation and due process

# When Parents Disagree

- Request a case conference
- Request an administrative review
- Request mediation
- File for Due Process
- File a complaint with the state department of education

# Communication Obstacles

- Listener's preoccupations
- Speaker's assumptions
- Group size and familiarity with those in the group
- Lack of common experience

# How to Improve Communication

- Listen for the content of the message
- Attend to the speaker's body language
- Paraphrase—So what you're saying is...
- Check your perceptions—You're feeling nervous...
- Give I messages
- Give feedback

# Parent Perspectives

- Cycle of parents' reactions—Shock, panic, searching and struggle, acceptance, recovery and maintenance
- “Stranger in a strange land” IDEA responsibilities

# Myths About Professionals

- They are Super-Experts
- They are Totally Objective
- They are Free Agents

# Common Mistakes

- Focusing on minor procedural issues; this is the moral equivalent of war
- Too trusting of administrators and teachers
- All or nothing approach, instant change
- Not understanding educator's need for education by parents
- Not trying suggested programs/services
- Trying to "micro-manage"

# Common Mistakes

- Not responding in a timely manner to proposed IEPs
- Not documenting, conversations regarding issues of concern with the school

# Communication with Systems

- Learn the system's rules
- Seek out system resources to help with learning rules
- Always communicate on paper, date, and keep a copy
- Follow appeal procedures when agreement cannot be reached
- Expressions of anger are unproductive.

# Types of Modifications

Assignments

Directions

Testing

Classroom/Tools

Altered Schedules

# Assignments

- Simplified
- Reduced
- Extended Time
- Broken down
- Use of alternative books
- Daily planner

# Directions

- Oral
- Shortened
- Written with oral
- Steps numbered or sequenced
- Visual cues
- Examples of activity

# Testing

- Resource room or library
- Open book/open note
- Extended time
- Oral testing
- Spelling errors not counted
- Independent project instead

# Classroom/Tools

- Assigned/preferential seating
- Group assignments
- Use of calculator
- Provision of outline/notes
- Use of hand speller
- Support for laboratory classes
- Use of a scribe

# Altered Schedules

- Delayed start
- Early release
- Extended time for change of class
- Intermittent home instruction

# Resources

- Parent Training and Information Centers
  - [taalliance.org](http://taalliance.org)
- Wright's Law
  - [wrightslaw.com](http://wrightslaw.com)

School is supposed  
to work for kids