

Help! My Child is Struggling in School

An Overview of 504 Plans and IEP's



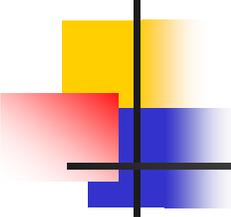
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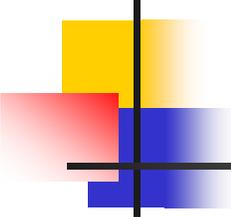
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The Diagram

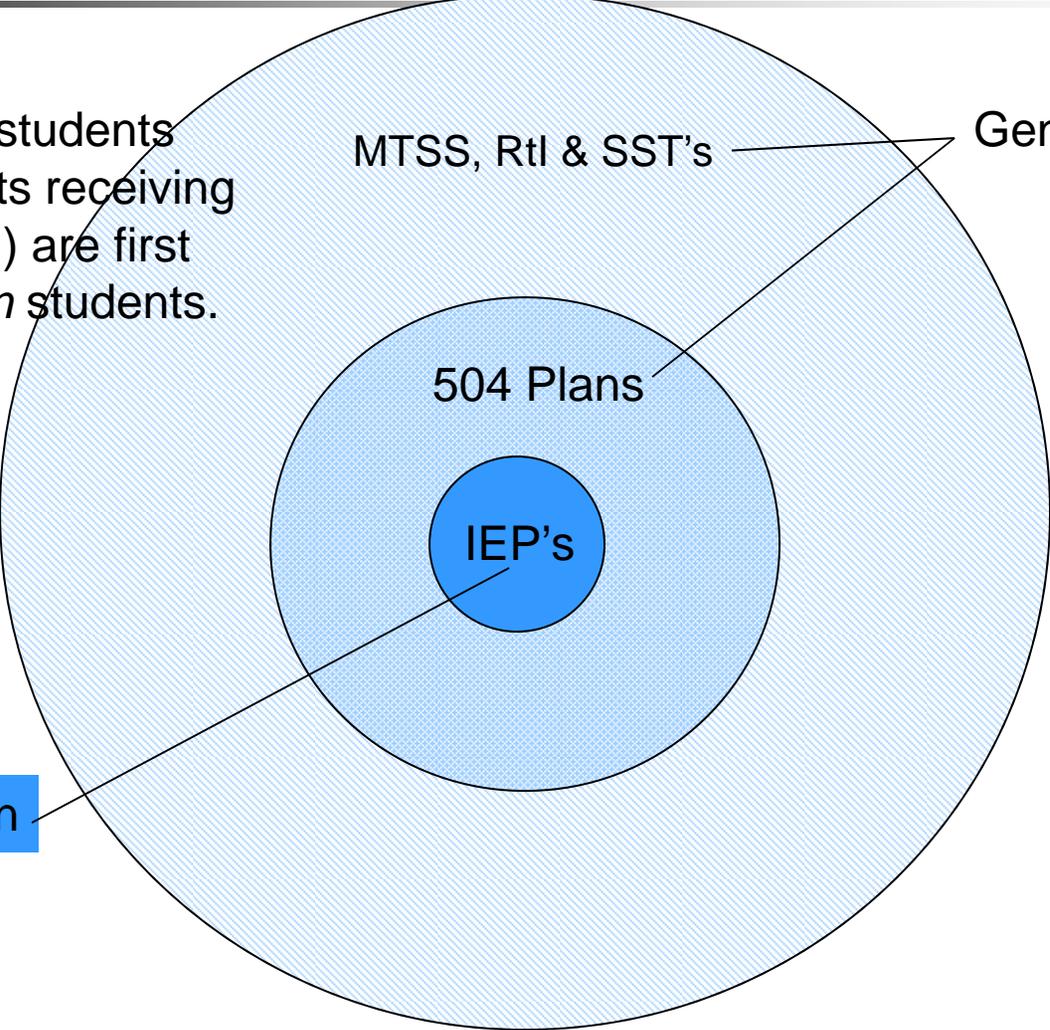
- Multi-tiered Systems of Supports (MTSS) and Response to Intervention (RtI) are *general education* supports that can be used for all students.
- The Student Support Team (SST) is a *general education* processes that can be used for any struggling student.
- Section 504 Plans are a *general education* process for eligible students with a defined disability.
- An Individual Education Program (IEP) is a *Special Education* process for eligible students with disabilities that need special education.



The Diagram

All Students

Implication: *All students (including students receiving special education) are first general education students.*



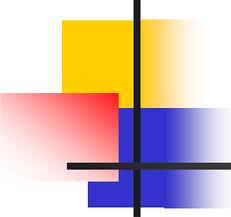
General Education

MTSS, Rtl & SST's

504 Plans

IEP's

Special Education



504 Plans

Section 504 of the Rehabilitation Act of 1973

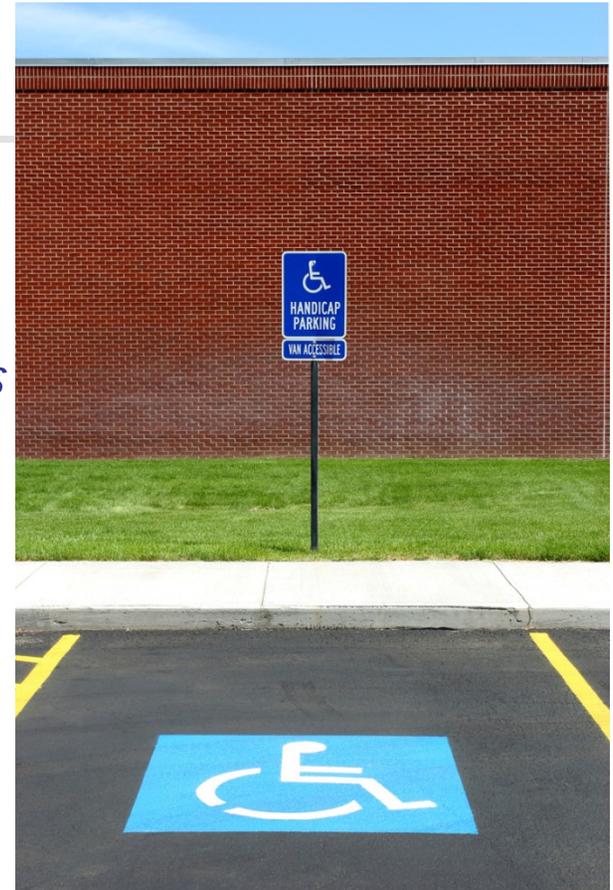
- Prohibits *discrimination* on the basis of disability
- Requires reasonable *accommodations* so that a disabled student has equal *access* to the general education curriculum



504 Plans

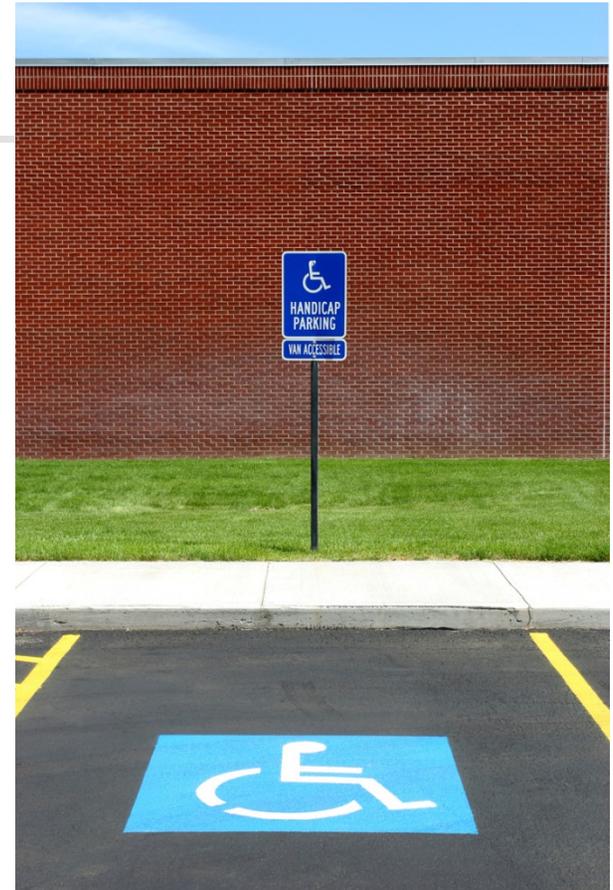
Section 504 of the Rehabilitation Act of 1973

- Entitles an eligible student to *accommodations* in a general education setting
- Accommodations are adaptations in the *way* a student accesses learning, without changing *what* the student is learning
- Examples:
 - Large font text
 - Preferential seating
 - Extra time



504 Plans

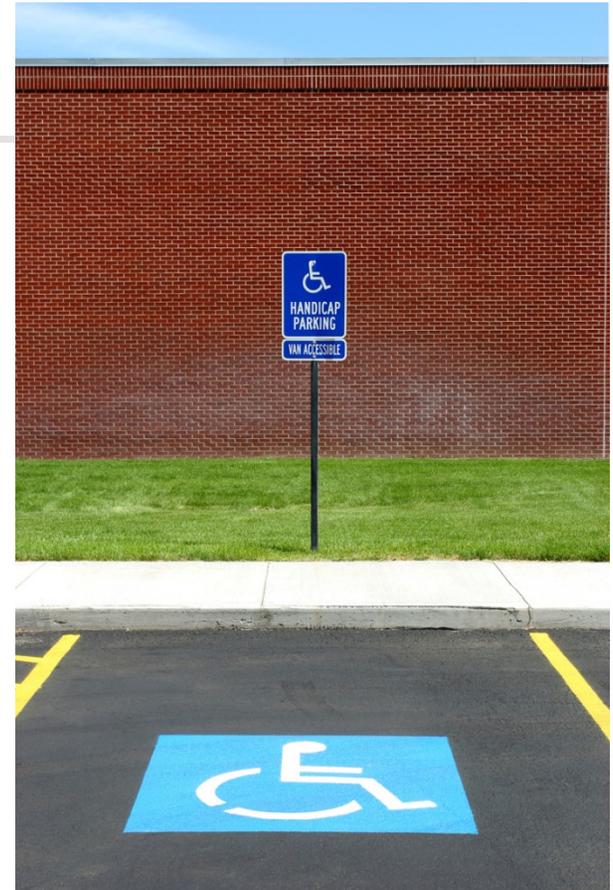
- Referral may be made by anyone who suspects a disability, including the parent



504 Plans

Evaluation and eligibility is determined by a knowledgeable team, that may include...

- Parents
- Administrator
- Counselor
- School psychologist
- Nurse
- Teacher
- Specialists (e.g., special education teacher)

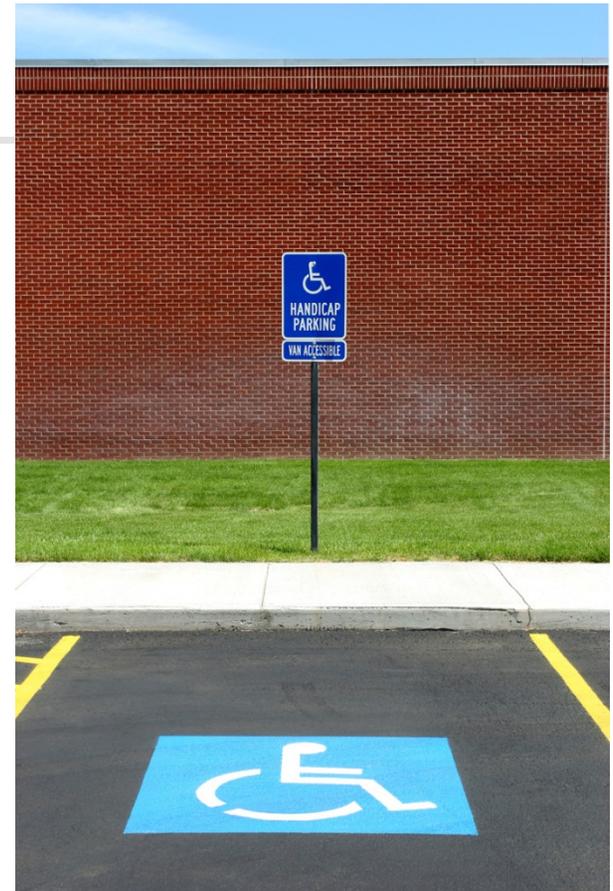


504 Plans

Who is eligible for protection under Section 504?

Students who...

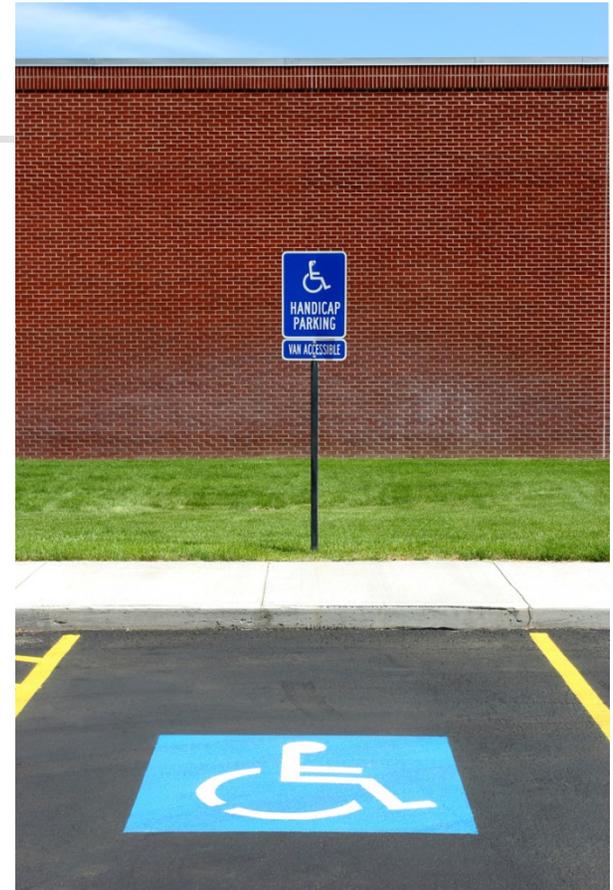
- have a physical or mental impairment which *substantially limits* one or more *major life activities* or major bodily function

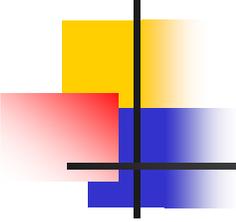


504 Plans

Major life activities include (but are not limited to)...

caring for oneself, performing manual tasks, **seeing, hearing**, working, **learning**, walking, speaking, breathing, eating, sleeping, standing, lifting, bending, **reading, concentrating, thinking, communicating...**



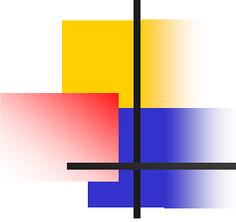


504 Plans

Important Note:

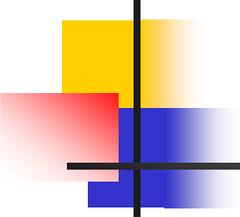
Medical diagnosis ~~≡~~ Disability

- Eligibility is highly individualized. The impairment must be severe enough to *“substantially limit”* the student
- *“Substantially limits”* means that without accommodation, the student would not have *equal access* to educational programs and activities



504 Plans

- In determining whether a student is *substantially limited* (and would not have *equal access* to educational benefit), we look to impact of the disability on (for example):
 - Grades
 - In-class performance
 - Homework performance
 - Attendance
 - Discipline
 - Social issues...
- ...and compare the student to the *average* student in the *average* classroom
 - A student is not “substantially limited” merely because she is not reaching her potential



504 Plans

- Eligibility must be determined without regard to accommodations or mitigating factors (like medication, assistive technology, etc.)
 - We must determine if the student would be substantially limited without the use of the mitigating measures

504 Plans

Eligibility results in a 504 Plan that includes

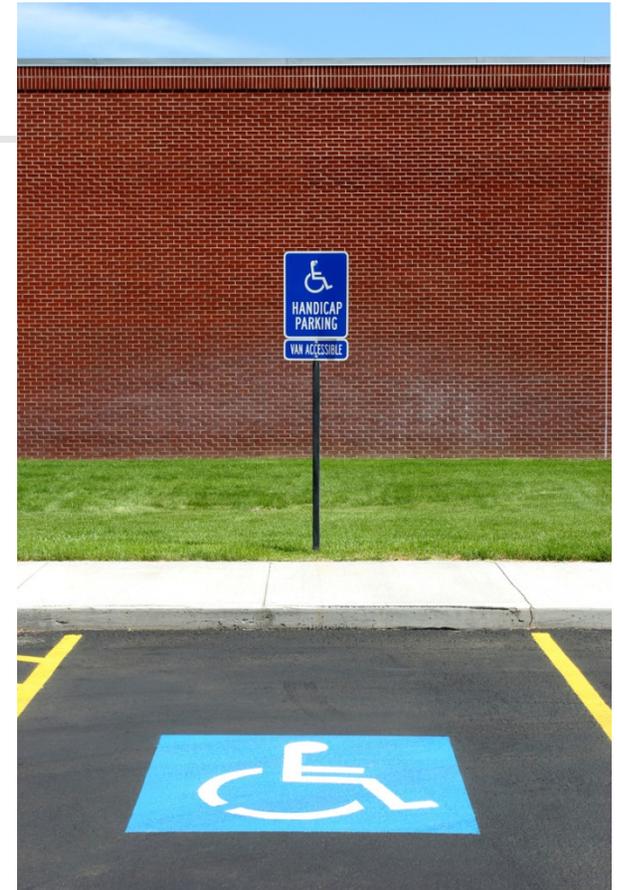
- Any *necessary* accommodations
- a review or re-evaluation date (usually annually)



504 Plans

Accommodations must be:

- disability specific
- *necessary* (not merely helpful)
- individualized
- documented
- communicated to all individuals involved

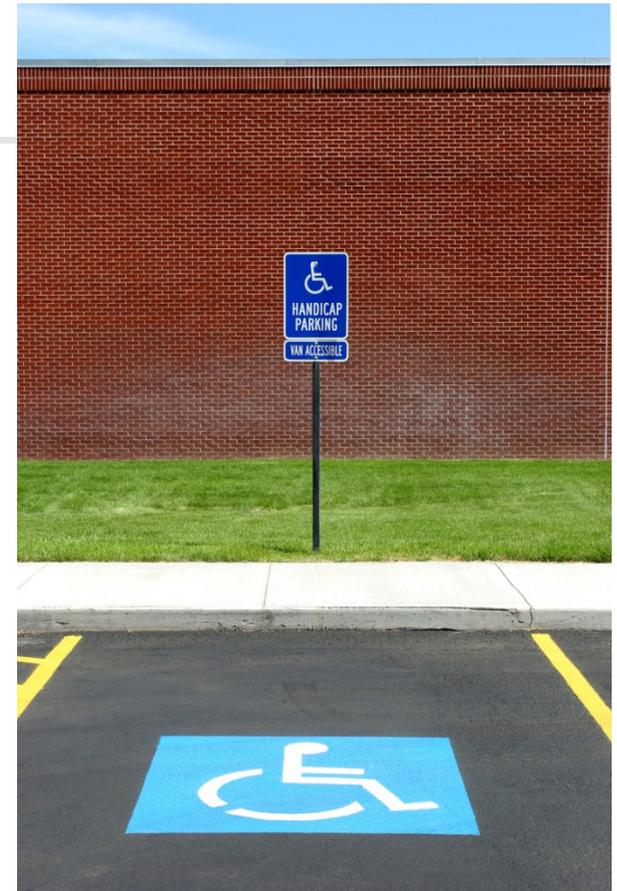


504 Plans

Accommodations may be:

- physical
- instructional
- social
- emotional
- behavioral...

in nature



Special Education (IDEA)

Purpose and Principles

- The *Individuals with Disabilities Education Act* (IDEA) was passed in 1975 to ensure that local schools serve the educational needs of students with disabilities
- IDEA guarantees *Free Appropriate Public Education* (FAPE) to eligible students with disabilities



What is FAPE?

Special Education (IDEA)

Purpose and Principles

- Free Appropriate Public Education (FAPE) means “*Special education*” and “*related services*,” provided under public supervision and direction, at no cost to the family, in conformity with an *Individualized Education Program* (IEP).



What is...

Special Education?

Related Services?

IEP?

Special Education (IDEA)

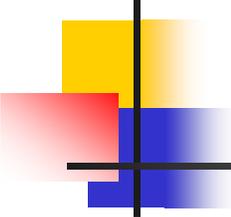
Purpose and Principles

- *Special Education* is specially designed instruction (adaptation of content, methodology or delivery of instruction) to meet the unique needs of student with disability, while ensuring access to the general curriculum.



What is...

- ✓ Special Education?
- Related Services?
- IEP?



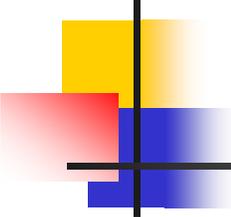
Special Education (IDEA)

Purpose and Principles

- *Related Services* are supportive services that are required to assist a child with a disability to benefit from special education
- Examples:
 - Speech/Language therapy
 - Occupational therapy
 - physical therapy
 - psychological services
 - inclusion support
 - behavior management services
 - paraprofessional support
 - adaptive physical education

What is...

- ✓ Special Education?
 - ✓ Related Services?
- IEP?



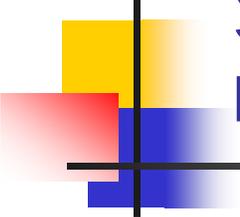
Special Education (IDEA)

Purpose and Principles

- An *Individualized Education Program* (IEP) is a plan for delivering...
 - Specially designed instruction that is...
 - reasonably calculated to enable the student to make progress appropriate in light of the child's circumstances
 - in the *Least Restrictive Environment* (LRE).

What is...

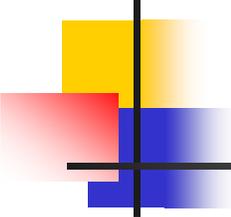
- ✓ Special Education?
- ✓ Least Restrictive Environment?
- ✓ IEP?



Special Education (IDEA)

Purpose and Principles

- *Least Restrictive Environment* (LRE) is a fundamental tenet of IDEA:
 - Students with disabilities shall be educated with their non-disabled peers to the maximum extent appropriate



Special Education (IDEA)

Purpose and Principles

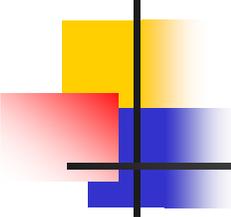
- Federal Entitlement under IDEA:
 - Special Education ~~≡~~ Maximizing Potential
 - IDEA entitlement: appropriate progress

Special Education (IDEA)

Purpose and Principles

- Another Fundamental Tenet of IDEA:
Parents are full partners in the Special Education process
- Parental participation and input in the development of the IEP is guaranteed through comprehensive, detailed Procedural Safeguards





Special Education (IDEA)

Referral for Assessment

- The family or school district can refer a student for assessment to determine eligibility for special education



Special Education (IDEA)

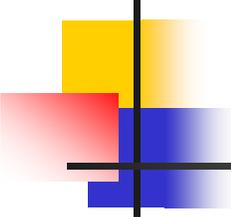
Referral for Assessment

- School referrals *must* be preceded by documented general education interventions



- Families *should* first contact their school and discuss their concerns (e.g., SST process), and consider whether general education interventions might be effective or tried first





Special Education (IDEA)

Referral for Assessment

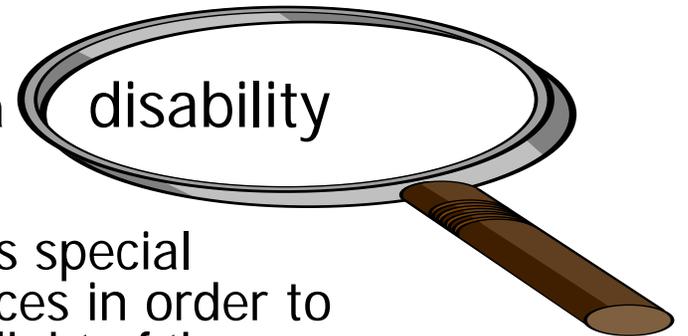
- Requests for assessment should be in writing, and should identify every area of concern or suspected disability
- The school has 15 days to respond to a written referral for assessment

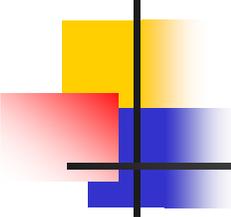


Special Education (IDEA) Assessment

- The purpose of the assessment is to....

- Determine if the student has a disability
- Determine if the student needs special education and/or related services in order to make progress appropriate in light of the child's circumstances





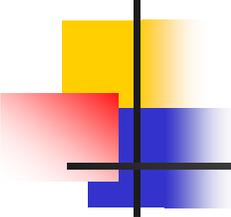
Special Education (IDEA)

Eligibility

Eligible students are those who meet the specific criteria of the 14 categories of disability set out in California Education code...

- Specific Learning Disability
- Speech or Language Impairment
- Emotional Disturbance
- Autism
- Other Health Impairment
- Intellectual Disability
- Established Medical Disability (3-5)
- Hearing Impairment
- Deafness
- Visual Impairment / Blindness
- Deaf/Blindness
- Orthopedic Impairment
- Traumatic Brain Injury
- Multiple Disabilities

...**AND** who because of that disability require special education and/or related services in order to make progress appropriate in light of the child's circumstances



Special Education (IDEA)

Eligibility

- Important note: the criteria for the 14 categories of disability defined in California Education code are *not medical criteria*, and differ from standards used for medical diagnosis. Therefore...
 - Medical Diagnosis ~~=~~ eligibility for Special Education
- Eligibility is a highly individualized determination

Special Education (IDEA)

The IEP



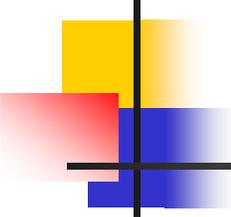
- The student is eligible. What's next?
- The goal of the IEP process is to:
 - make data-based determinations of educational need
 - to set appropriate educational goals in areas of need
 - and to determine the appropriate services and placement necessary to enable the student to make appropriate progress on the goals
- The process should be open-minded, collaborative and respectful, with the full participation of the parents protected at all points

Special Education (IDEA)

The IEP

- The process mandated by IDEA is to determine...
 - Present level of performance
 - Goals
 - Services
 - Placement

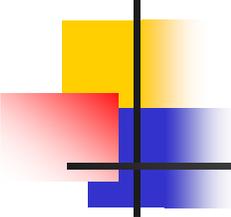




Special Education (IDEA)

The IEP

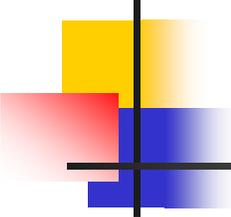
- Present Level of Performance (PLOP) may include
 - Assessments
 - Progress on prior goals
 - Grades
 - Academic testing
 - Informal review and observation



Special Education (IDEA)

The IEP

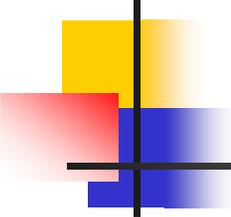
- Goals should be
 - Based on need (i.e., areas of performance below the level of non-disabled peers)
 - Measurable and attainable (on an annual basis)
- Goals may be
 - Non-academic (e.g., social / emotional goals)
 - Based on areas not related to the eligibility criteria



Special Education (IDEA)

The IEP

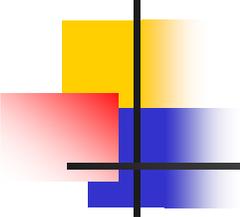
- Services
 - Define the specialized instruction and related services that the student will receive to enable them to make progress on their goals and participate in the general curriculum



Special Education (IDEA)

The IEP

- Moving forward
 - Receive progress reports (on goals) as often as report cards
 - Annual IEP review
 - Triennial review of eligibility
 - Or, you can call for an IEP meeting anytime if you have concerns



Questions?

