



**Special
Education
Nightmares!**

ADHD Conference
January 31, 2015

Or...

The Top Special Education Mistakes
We Encounter and How You Can
Help Parents Avoid Them!

**“We’ve seen that Mary’s been
having problems but you didn’t
let us know you wanted her
tested.”**

Under IDEA, schools have an obligation
to locate, identify and evaluate any child
who needs or is believed to need special
education and related services.

Eligibility for Special Education Services

- 1. Autism
- 2. Deaf-Blindness
- 3. Developmental Delay
- 4. Hearing Impairment
- 5. Emotional Disturbance
- 6. Mental Retardation
- 7. Multiple Disabilities
- 8. Other Health Impairment
- 9. Orthopedic Impairment
- 10. Speech/Language Impairment
- 11. Specific Learning Disabilities
- 12. Traumatic Brain Injury
- 13. Visual Impairment

And...
as a result, need special
education and related
services.



**“We have to refer your child to
the Problem Solving Team (PST)
before we can test him.”**

No! Per state code, children who have severe problems or that require immediate attention, 3 and 4 year olds, 5 year olds who have not been in Kindergarten, children with articulation, voice, or fluency problems only, children with a medical diagnosis of TBI, and children who been referred by his parents do not have to go through PST.

“Thank you for telling us about your wanting your child tested. We’ll get back in touch with you.”

Alternately...

“Thank you for telling us about your wanting your child tested. We don’t think he needs special education.”

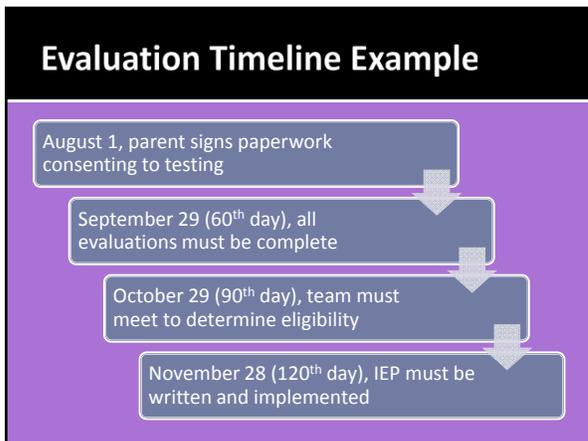
An eligibility meeting must be held to review a parent’s referral for evaluation in a timely manner.



“Our psychometrist doesn’t work during the summer, so we’ll evaluate your child at the start of the school year.”

From the date a parent gives written consent to evaluate, the school has 60 calendar days to complete all evaluations.

(+30 days to determine eligibility
+30 days to implement an IEP)



“We perform the minimum evaluations required when assessing students for eligibility.”



A child must be evaluated in ALL suspected areas of disabilities.

“I got your note asking for an IEP meeting. We’ll look to get one held sometime in the next couple of months...or maybe we could just wait for the annual one in the spring?”

Schedule IEP meetings within 30 calendar days of a parent or school staff member requesting a meeting.

Yes, that means during the summer too!



“Hi Mrs. McGee,” says the special education coordinator. “You and I are going to be writing Harper’s IEP today.”

Who is on an IEP Team?

- The parent
- At least one regular education teacher of the child
- At least one special education teacher/provider of the child



Cont.

Who is on an IEP Team?

- A representative of the school who:
 - ✓ can supervise provision of specially designed instruction
 - ✓ is knowledgeable about the general education curriculum
 - ✓ is knowledgeable about the availability of the school's resources and has the authority to commit the resources
 - ✓ can interpret the instructional implications of evaluation results

Cont.

Who is on an IEP Team?

- Other individuals who have knowledge or special expertise regarding the child
- Whenever appropriate, the child with a disability



Who is on an IEP Team?

- For children involved in planning secondary transition services, other agency representatives who may be involved in providing or paying for such services, but only with consent
- For children transitioning from Early Intervention (Part C) to the public school system (Part B), an EI representative at request of parent

“We don’t do that here.”



Remember the “I” in IEP means individualized. Develop the child’s program based on his strengths & needs. Don’t fit a child into an existing program.



Place students in their least restrictive environment AND support them with appropriate services.





Address all areas of need in the IEP (e.g. organizational skills, behavior needs, transition needs, social skills and self-care skills).



Don't let Board policies get you between a rock and a hard place. Board policies don't trump the IDEA.

“Mental health services? We don't provide that kind of thing at school. That's for parents to deal with AFTER school.”



In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.

- ### Examples of Related Services
- o audiology
 - o [counseling services](#)
 - o rehabilitation counseling services
 - o early identification and assessment of disabilities in children
 - o interpreting services
 - o medical services (diagnostic and evaluation purposes only)
 - o occupational therapy
 - o [parent counseling and training](#)
 - o physical therapy
 - o [psychological services](#)
 - o recreation
 - o therapeutic recreation
 - o speech therapy
 - o [social work services in schools](#)
 - o [teacher training](#)

“Sam's having some trouble behaving today. Why don't you just come get him and bring him home. We won't call it a suspension. Just a cooling off for the day, ok?”



Wrong!
When a student is sent home for part of a school day, it is counted as a full day of suspension.

Provide educational services after 10th suspension day in a year.



The IDEA requires you to be proactive in addressing a child's behavioral needs.

- Do an FBA
- Develop a BIP
- Review or revise both as needed

“But doesn't he want to graduate?”

Until a youth graduates with a regular diploma, he is eligible to be in school.

Can you create programming that makes him want to come back for more?

“The team has voted and says your child needs...”



IEP decisions aren't made by voting and IEP meetings aren't about who has the most number of people there.

“Prior Written Notice???”

Briefly: Written notice explaining why the IEP team refuses to do what you want it to do.

Form – “Notice of Intent Regarding Special Education Services”

TIPS for IEP meetings



TIP Number 1

- Review the progress reports your child received during the year. Did he accomplish the annual goals set out for him?

TIP Number 2

- Make a list of the three things you want to accomplish at your child's IEP meeting.



TIP Number 3 & 4

- Tape record the meeting.
- Bring a friend or family member with you.

Tip Number 5

- Invite service providers who you feel should be at the meeting. (ex. your child's mental health counselor or private physical therapist).



TIP Number 6

- Start a filing system for your child's records.



TIP Number 7

- If your child is transition age (approx. 14 years on up), help him learn how to be an effective participant at his own IEP meetings.



TIP Number 8

- Remember to focus on the whole child during the evaluation process and IEP planning.



TIP Number 9

- Always leave the meeting with a copy of the IEP (even if it's still in draft form).

TIP Number 10

- Listen actively...even to the things you may not want to hear.

We are all professionals so we can't take things personally.

"It's all about the needs of the child."



Contact Information

- Alabama Disabilities Advocacy Program
 - Box 870395
 - University of Alabama
 - Tuscaloosa, AL 35487
 - adap@adap.ua.edu
 - www.adap.net
 - 1.800.826.1675