
SAVANNAH **AUTISM** CONFERENCE

2023



IEP SUCCESS

How to be Your Child's Best Advocate

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*This is a condensed version of the material presented
at the 2023 Savannah Autism Conference*

OBJECTIVES

Navigating the Process

Understanding that there ARE procedures, having an idea of what they are and how each is designed to support students.

Procedural Safeguards

Understanding that there ARE laws that protect the rights of children with disabilities and their parents.

Advocacy Action Plan

Understanding that there ARE steps that parents can follow to ensure their child receives the services they are entitled to.

We Acknowledge and Understand...

As you navigate through this material, you will be exposed to new and challenging material and it may feel overwhelming. Advocating for your child takes time, energy, and resources. We recognize that not everyone wants or is able to turn their own advocacy journey into a career path.

Our goal is to share as much information as possible with others. If you are interested in diving deeper into these topics, see us after the presentation or check out the resources at the end of this PowerPoint.

Erin and Nicole

ADVOCATE

(noun): an individual who actively supports and promotes the interests of another person or enterprise.

(verb): is the act of promoting the interest of another person or group.

You are your child's best advocate!



Child at the Center

Roles and Responsibilities on the IEP Team

Everyone on the IEP Team comes to the table with their own life experiences.

Keep things in perspective

- Parents are full of emotions like confusion, worry, and frustration.
- Teachers are people too and are experiencing things in their personal lives.
- Emotions can get in the way of effective communication.
- Nothing should stand in the way of developing an appropriate IEP for the child.
- Procedural guidelines must be followed.

Parent's Should

- Take an active role in planning your child's education. Ask questions.
- Learn the Language (Acronyms like IEP, SpEd, FBA, LRE, FAPE...)
- Keep Good Records
- Document! Document! Document! If it's not in writing, it didn't happen.
- Record IEP meetings. (Check your state laws!!)
- Know that there are procedural safeguards, and understand how to use them.



Professional Advocate can:

- Helps parents assert their role on their child's IEP Team.
- Assists in communicating the Parent's Concerns.
- Educates parents on special education laws and regulations.
- Maintains appropriate documentation.
- Acknowledges and addresses any conflicts that may impact their ability to serve the client.

Professional Advocates cannot:

- Provide legal advice or represent someone in a legal matter.
- Provide medical or psychological opinions.

Procedural Safeguards

Often referred to as Parent's Rights

Designed to safeguard the rights of parents and their disabled children and provide procedures for resolving any disagreements that may arise.



RECORDS– You have the right to review or request copies of your child's education records. You have the right to have those explained/translated for you.



EVALUATIONS– Your child has the right to a full and complete evaluation which addresses all areas of suspected disability and determines the child's educational needs. Evaluations must be given at least every 3 years, and given in the language the child normally uses.



INDEPENDENT EVALUATION– If you disagree with the school's evaluation, you have the right to have your child tested by a professional not employed by the district at public or private expense. The school must consider the results of the independent evaluation.



LEAST RESTRICTIVE ENVIRONMENT–To the greatest extent appropriate, your child can be taught in classrooms and participate in school activities with other children without disabilities.



CONSENT– The school must have your consent to test/evaluate your child or place your child in special education.



PARENT PARTICIPATION– You have the right to be invited to and participate in any decision-making meeting about your child's disability, evaluations, placement, and the contents of the IEP.

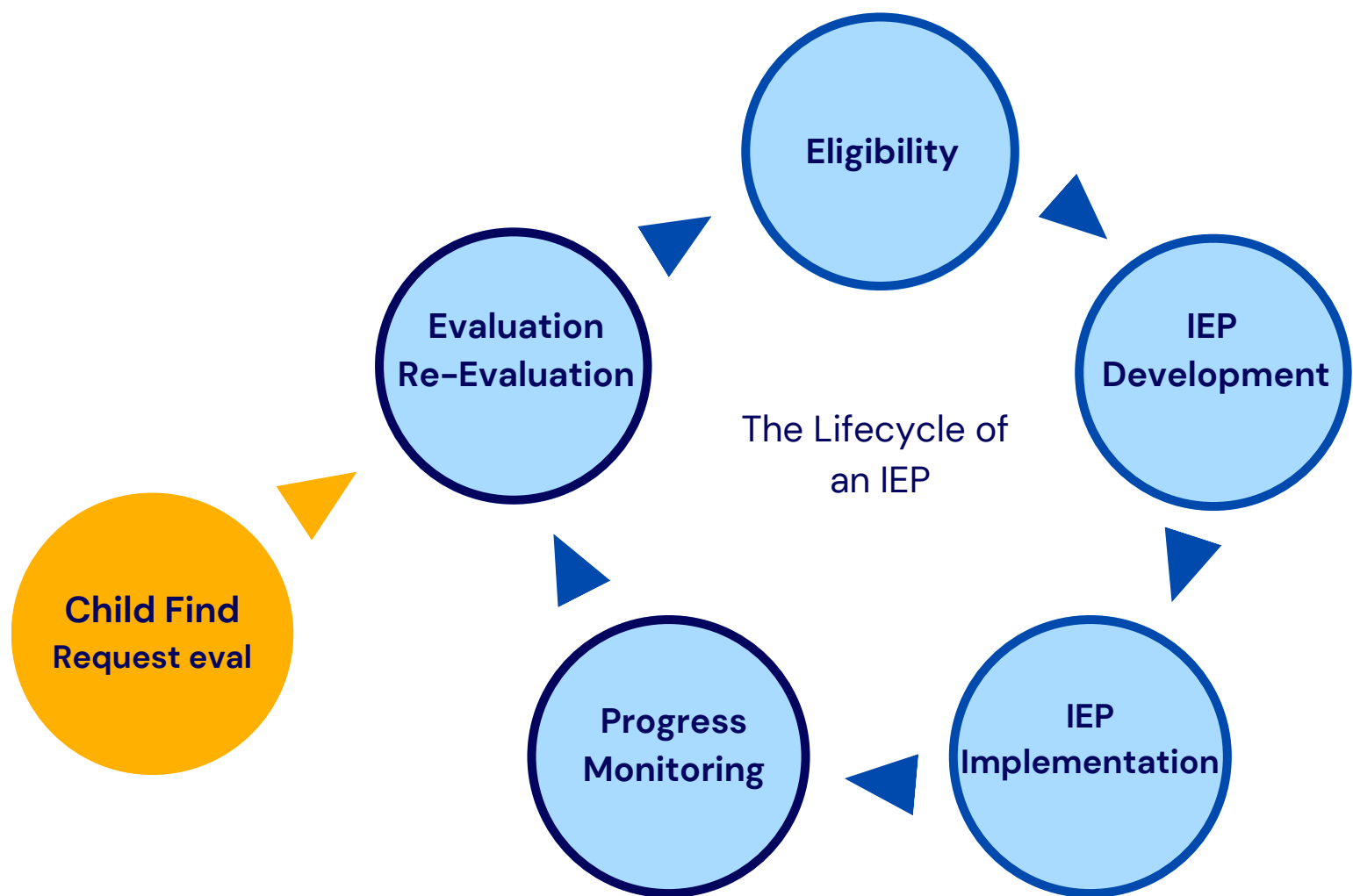


DISCIPLINE– Following certain procedures, the school may remove students to other programs when there is potential danger to the child, other students, or school personnel. The district must continue to provide a Free Appropriate Public Education (FAPE).



MEDIATION, COMPLAINT, DUE PROCESS HEARING (Dispute Resolution)– 3 options for resolving disputes and disagreements. Each has their own process and procedures. Advocates can help with mediation and complaints, but may not represent parents/students in a Due Process Hearing.

Where are you in the process?



How do we know what services should go in the IEP?

Assessing all areas of suspected disability leads to a Comprehensive Evaluation

A Comprehensive Evaluation creates an accurate Eligibility Report

An accurate Eligibility Report is the foundation for individualized Present Levels

Individualized Present Levels determine the child's Needs

The Needs determine which Goals the child will work toward.

The Goals determine the Services





Things to Know

- An evaluation is a foundation for creating an IEP that is individualized to the needs of the child.
- Public schools are responsible for identifying, and evaluating a child who is suspected of a disability.
- The parent can request an initial evaluation.
- A school **MUST** have your **CONSENT** before evaluating your child.
- The school must conduct an evaluation in **ALL** areas of suspected disability.
- The evaluation must occur within the state's mandatory deadline.

Procedural Safeguards to Consider



EVALUATIONS, INDEPENDENT EVALUATIONS, CONSENT, PARENT PARTICIPATION

Advocacy Actions

- ✓ Submit a **WRITTEN** Request to Evaluate
- ✓ Agree on areas to evaluate
- ✓ Submit private evaluations you want considered
- ✓ Sign the Consent To Evaluate (CTE)
- ✓ Keep track of the State **TIMELINE**

Example Issues:

- ▶ The parent has asked the teacher and the school administration to evaluate their child for an IEP. The school seems to ignore this request or suggest other alternatives (504, collect 12 weeks of data/RTI, etc...)
- ▶ The parent and school team agreed that a child should be evaluated but they had to conduct a hearing and vision screening first. It has been over a month since that meeting and the parent has not received any other information or signed a Consent to Evaluate.
- ▶ The district psychologist has evaluated the child for behavior and says they are ready to close the evaluation. The child has Autism and displays needs in the areas of social skills and communication.





Things to Know

- The Eligibility Team must consider all assessment results, including private evaluations, from the evaluation to determine if the child is eligible for an IEP.
- Having a diagnosis doesn't guarantee eligibility for an IEP. The child must meet criteria for one of the eligibility categories.
- Within 30 calendar days after a child is determined eligible, the IEP team must meet to write an IEP for the child.

Procedural Safeguards to Consider

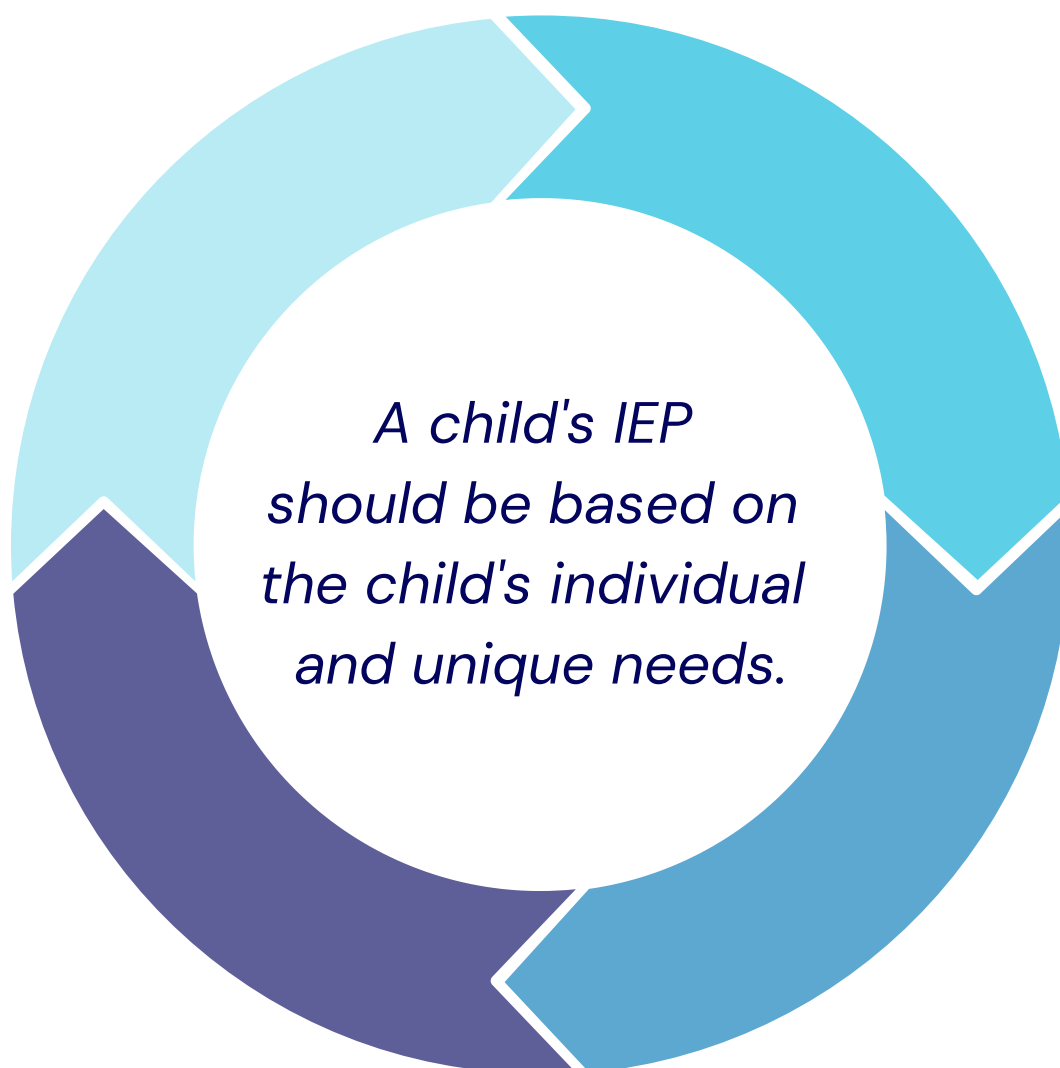
 EVALUATIONS, PARENT PARTICIPATION

Advocacy Actions

- ✓ Request evaluation results before the eligibility meeting.
- ✓ Reschedule the meeting if all the assessments aren't complete.
- ✓ Send a written request for additional assessments
- ✓ Submit private evaluations you want considered
- ✓ Make sure the Eligibility Report is Accurate

Example Issues:

- ▶ The child exhibits social-behavior problems but is denied eligibility because academic performance is "on grade level."
- ▶ A parent has not received all of the test results prior to the eligibility review meeting and is not comfortable meeting with the team until after they review the test results. The school says the team is required to meet.
- ▶ The school said they cannot accept outside evaluations for consideration in the eligibility process.





Things to Know

- IEP is designed for the child to access the general education curriculum and school activities with their non-disabled peers to the greatest extent possible.
- The IEP's Present Levels (PLAAFP), must address developmental and functional skills in addition to academic performance.
- IEP Goals must be attainable but ambitious, and must be able to be subjectively measurable.
- Pattern of Strengths and Needs are relative to the individual

Procedural Safeguards to Consider

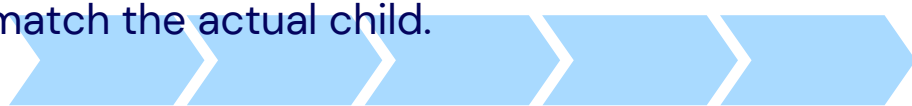
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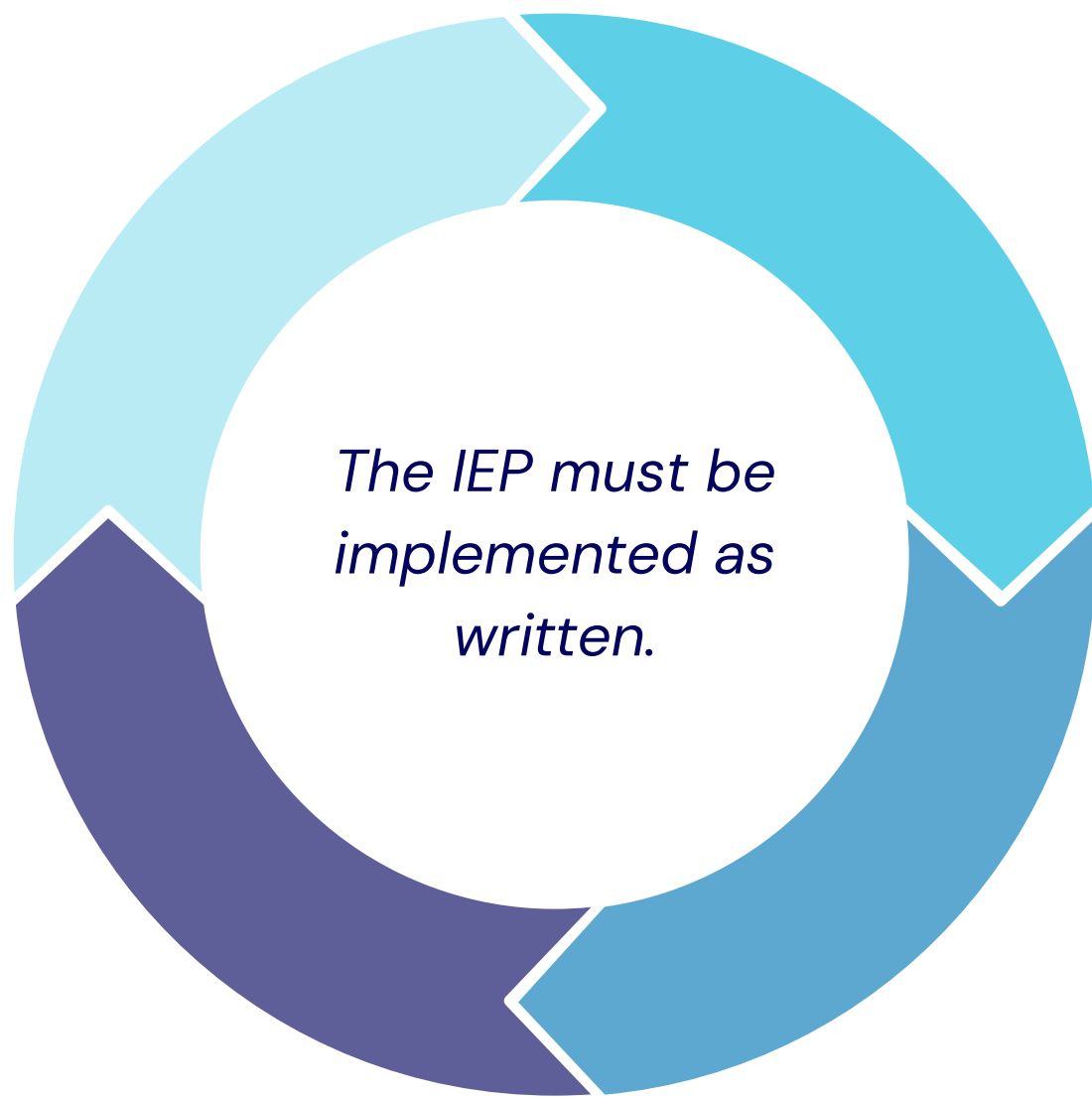
Advocacy Actions

- ✓ Refer to the Eligibility Report
- ✓ Does the Present Levels of Academic Achievement and Functional Performance (PLAAFP) describe the child and include evaluations that you brought provided?
- ✓ Are the child's needs addressed with a goal?
- ✓ Are the services and support appropriate to help the student meet their goals?

Example Issues:

- ▶ The student's evaluation describes significant difficulty in writing and reading. There are goals developed to address reading, but no goals to address writing.
- ▶ The team determines that math is one of the students' needs. A math goal is created. The recommendation for services is co-teaching in science and ELA but do not mention math.
- ▶ The description of the student in the Present Levels of Academic Achievement and Functional Performance (PLAAFP) have remained the same year after year to the point where the description in the IEP does not match the actual child.







Things to Know

- The IEP is meaningless without implementation.
- ALL staff working with your child *must* know of and adhere to your child's accommodations.
- Staff written in the IEP (special education teacher, speech/OT/PT, Behavior Therapist) *must be available* to provide the service indicated.

Procedural Safeguards to Consider



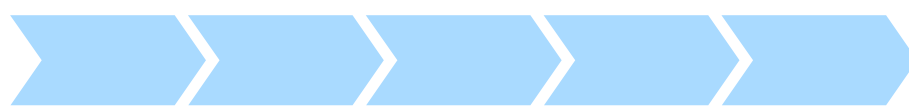
RECORDS, PARENT PARTICIPATION

Advocacy Actions

- ✓ Ask for a meeting (in writing) to discuss your concerns.
 - Provide the IEP team with a specific agenda to address your concerns, record the meeting, ask specific questions (who, what, where, when, how).
- ✓ If problem is not resolved, consult an advocate/attorney, file a complaint.

Example Issues:

- ▶ A parent receives a call 1-2 per week to pick up the child because of the child's behavior. The child already has a behavior plan in place as part of the IEP.
- ▶ A child's IEP says they receive speech therapy for 60 minutes each week. The parent has never heard from or met a speech therapist. How can the parent figure out if the child is receiving the services?
- ▶ A child's IEP says that they receive 15 hours per week with a special education teacher and 10 hours per week with a paraprofessional teacher. How does a parent know who works with the child on which skills/in what class?







Things to Know

- Goals should have a baseline (where they are) and a goal (where they are going).
- Goals should be ambitious and realistic.
- You should receive regular progress monitoring reports *describing* progress on annual goals.
 - "Regular" should be defined in the IEP and should be at least as often as children without disabilities receive progress reports.
- Progress monitoring should be **objective** data.
- If there is no/minimal progress, the goal is not appropriately calculated *or* the service is not appropriate/happening.

Procedural Safeguards to Consider

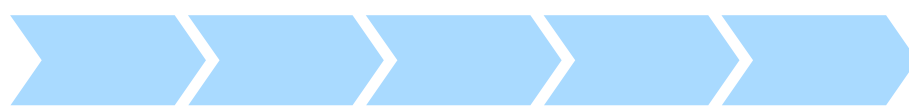
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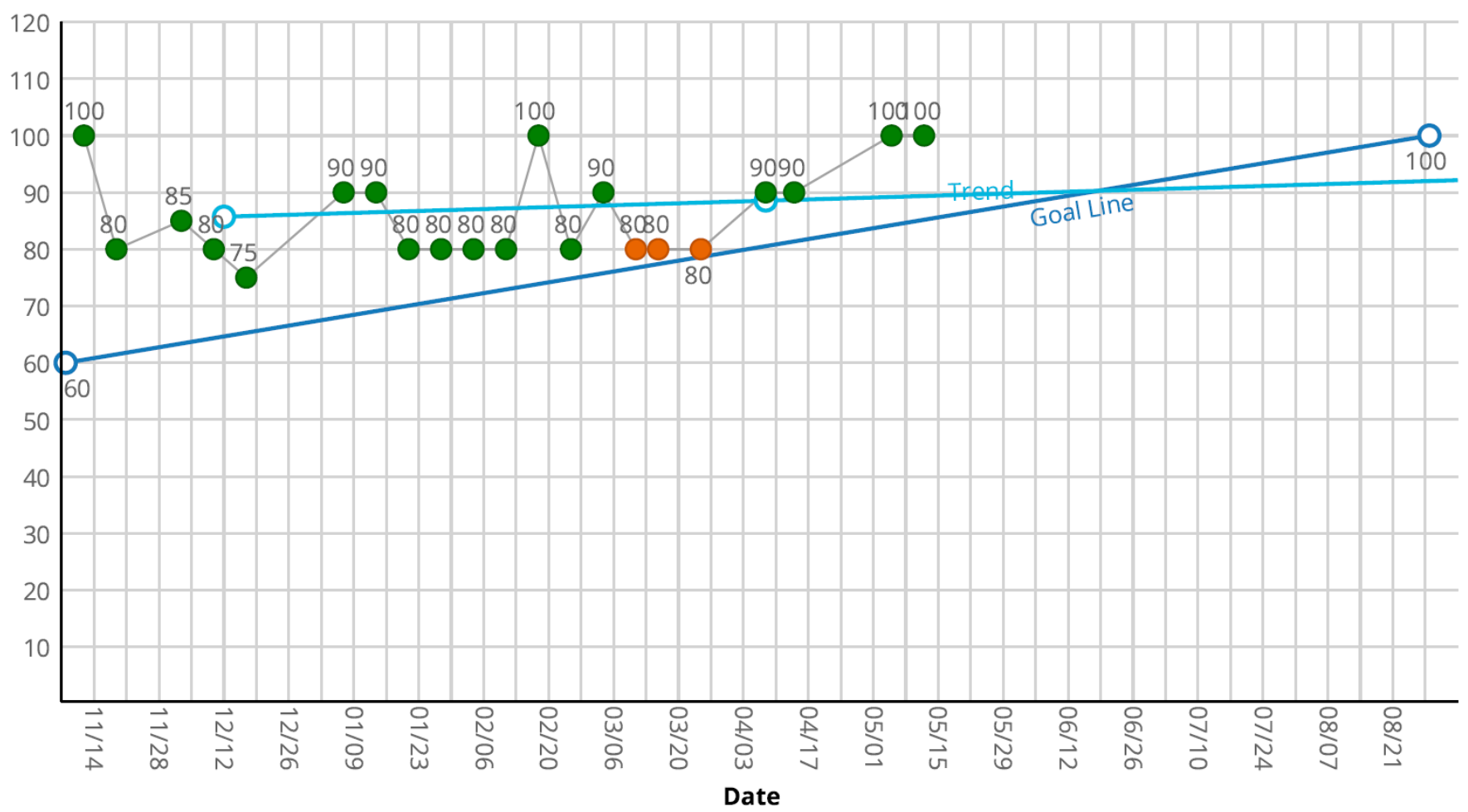
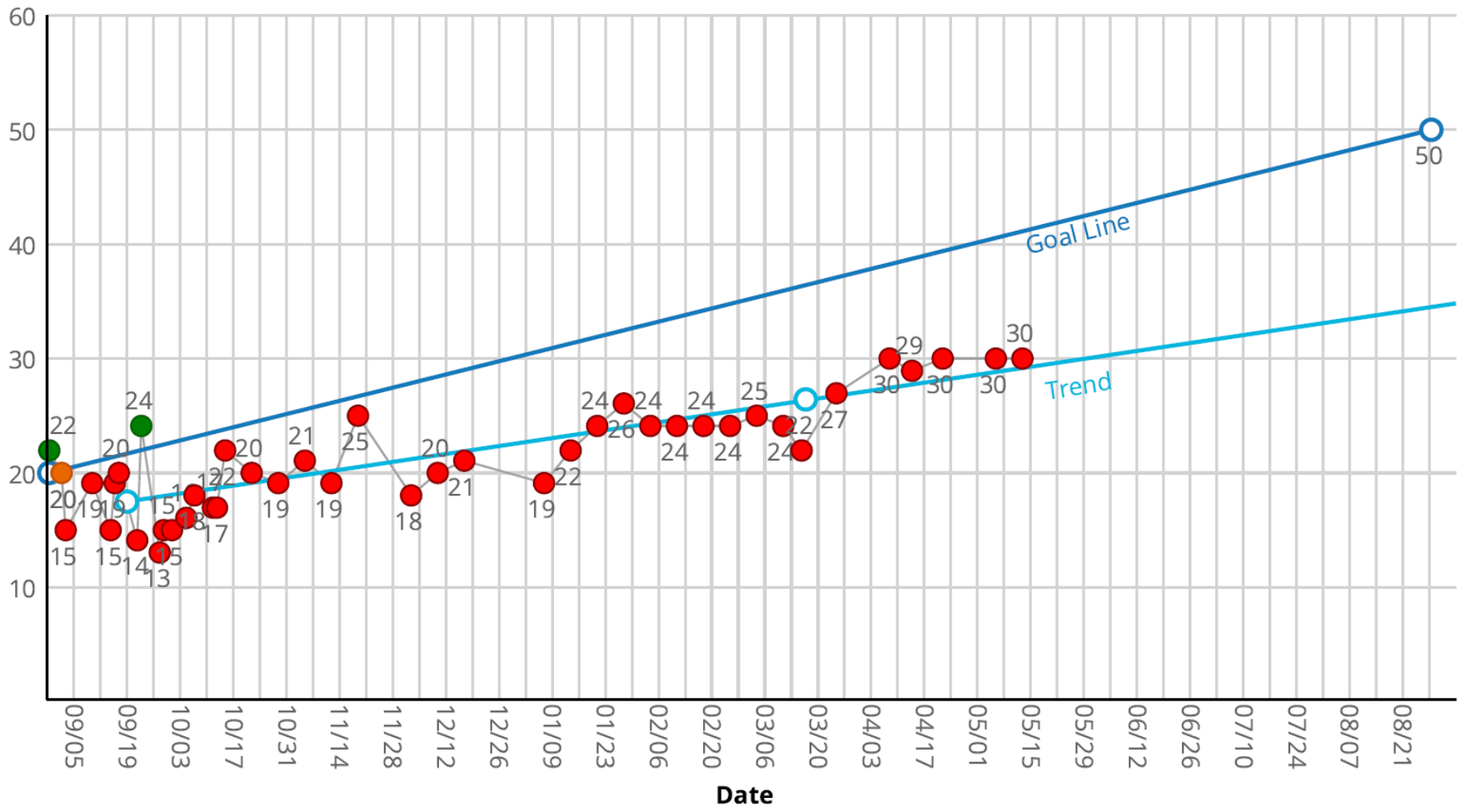
- ✓ Request, in writing, an up-to-date copy of your child's progress monitoring. Ask for it to be provided regularly (ex. 4 times per year).
- ✓ Ask for details (objective data) if you receive subjective progress monitoring reports.
- ✓ If you don't understand the progress monitoring, ask for an explanation.
- ✓ If there is little/no progress on a goal, don't move it to the next IEP. Ask to discuss whether the goal is inappropriate or if the services are inadequate.

Example Issues:

- ▶ The IEP Team only reviews progress during the annual review. The goals often remain very similar year to year.
- ▶ Progress is reported with **subjective** information, rather than **objective** data. (ex. "Johnny continues to improve on his math skills", "Jenny still struggles with noncompliant behavior.")
- ▶ The progress monitoring is difficult to understand.



Example Progress Reports







Things to Know

- Every three years, determine eligibility or IEP needs.
- Parent consent must be obtained prior to reevaluation.
- Reevaluation timeline is "within a reasonable timeframe."

3 Questions to Ask:

- 1) Is additional data needed to address special education services and supports?
- 2) Is a comprehensive evaluation needed to determine continued eligibility?
- 3) Is additional data needed to develop IEP, but not to determine continued eligibility.

Procedural Safeguards to Consider



EVALUATIONS, INDEPENDENT EVALUATIONS, PARENT PARTICIPATION, CONSENT

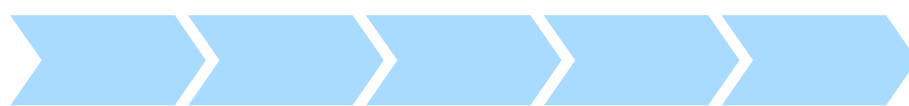
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- ✓ If there is little/no progress on a goal, don't move it to the next IEP. Ask to discuss whether the goal is inappropriate or if the services are inadequate.

Example Issues:

▶ During the last 2 years, teachers have reported that the child's behavior is getting in the way of their learning and the learning of other students. The teachers have tried everything they know. During the reevaluation discussion, the parent is told that since the child remains eligible for an IEP, there is no need to reevaluate. How could the parent respond?

▶ A student with Autism is performing well academically, but continues to struggle socially. There is nothing in the IEP to address social skill development. At the time of reevaluation, the school tells the parent that because the child is doing well academically is no longer eligible for an IEP. The parent disagrees. How could the parent respond?



What if my Advocacy Action Plan fails ?

Mediation

When a disagreement exists, either a parent or school can request a mediator.



State Complaint

A formal written complaint alleging a procedural violation of the Individuals with Disabilities Education Act (IDEA).

- Must be filed within a year of the violation.
- Must contain facts and suggested remedies.

Mediation is a possible remedy. If mediation is not requested, GADOE conducts an investigation and determines the outcome. If the district is in violation, the GADOE will prescribe remedies that the district must follow to be in compliance.

Due Process Hearing Request

When district/parent disagrees over the identification, evaluation, placement, or provision of FAPE. We recommend you consult with an attorney before filing a Due Process Hearing Request.

Resources

- WrightsLaw.com
 - Books by Peter Wright and Pamela Wright: From Emotions to Advocacy, Special Education Law, All About IEPs, All About Tests and Assessments
- Georgia Department of Education–Special Education Services and Supports
 - (www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/)
 - GADOE Special Education Helpdesk (404-657-9968)
- Parent-to-Parent of Georgia
- Ross Greene
 - <https://livesinthebalance.org/>
 - Books by Ross Greene: Lost at School, Lost and Found, The Explosive Child, Raising Human Beings
- Understood.org
- Council of Parent Advocates and Attorneys (COPAA)

THANK YOU

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