



The Advocacy Group

2012 Parent Workshop

November, 30th 2012

Morton Arboretum

504 Plan-RTI-Special Education Back to School Parent Workshop

Presented by The Advocacy Group (TAG)

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2012 TAG Workshop Participants:

On behalf of our group of educational consultants and lay advocates, we wish to extend a sincere welcome to our first annual TAG Back To School Workshop. It is our hope that the time we spend together is helpful to the development of best practice and effective supports for students of all exceptionalities.

In preparation for this workshop, the professionals involved worked diligently to ensure that the resources and information presented at this workshop are timely, practical, and --above all-- helpful. So often, we hear from clients that "I didn't know these resources were available." Thusly, we want to begin an ongoing outreach to educate and empower those who desire stronger outcomes for their exceptional children.

The members of TAG maintain a strong ethic for parent and practitioner training, and are committed to the empowerment of caregivers and practitioners who are the lifeblood of any successful school experience.

Moreover, we do ask that participants respect our equally strong ethic to maintain confidentiality of all participants at today's workshop. As such, we ask that if you have questions or points of clarification that are specific to your child's case, that these questions will best be directed to a member of TAG Group after the workshop has concluded.

Materials, video, and resources related to this conference will be available online after the conference at:

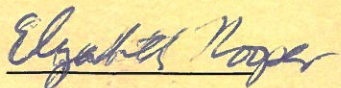
www.IEPGuardians.org/TAG2012

We encourage you to spread the word regarding this training, and share what you have learned. If reception is consistently strong, we intend to provide these workshops as frequently as requested.

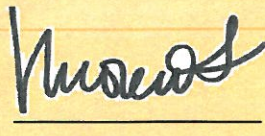
Your evaluative feedback (provided via the attached TAG Workshop evaluation form) is essential as we strive to improve upon today's conference.

Again, we appreciate your participation in today's workshop and are thrilled you have joined us!

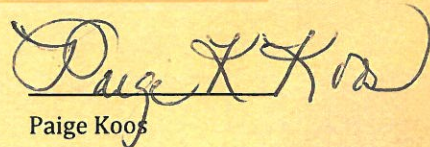
Sincerely,



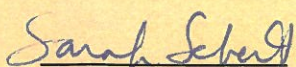
Elizabeth Hooper



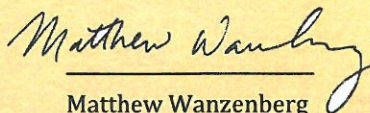
Valerie Moreno-Tucker



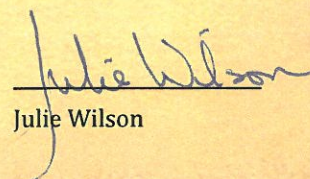
Paige Koos



Sarah Sebert



Matthew Wanzenberg



Julie Wilson

Elizabeth Hooper, MA.
Educational Consultant and Advocate

Discipline and Positive
Behavioral Interventions

November 30th, 2012
Classroom A



Positive Behavior Supports

Overview

- Why Positive Behavior Supports (PBS)?
- Collect and analyze behavior data
- Collaborate and communicate
- Identify and reinforce Replacement Behavior
- Explain the “why” behind PBS to child
- Effective ways to advocate for PBS

Why Positive Behavior Supports?

- Grew out of concern for the use aversive interventions
- Shift to proactive, teaching rather than consequence based



PBS and Individuals with Disabilities Education Act (IDEA)

"If the behavior of a child impedes the child's learning or the learning of other children, the IEP Team must consider the use of positive behavioral supports, supports, and other strategies to address that behavior."

(20 U.S.C. § 1414(d)(3)(B)(i), 34 C.F.R. § 300.324(a)(2)(i))

Manifestation Determination Review (MDR)

IEP team meets by the 10th day of suspension in order to determine:

- 1. Was the conduct caused by or had a direct and substantial relationship to the student's disability?**
- 2. Was the conduct the direct result of the school district's failure to implement the IEP?**

Illinois Law on Restraint and Seclusion

"The rule limits the use of isolated time out and physical restraint to instances when such a strategy is needed for maintaining discipline (i.e., a safe and orderly learning environment.)"

"**Isolated time out**" means the confinement of a student in a time-out room or some other enclosure, whether within or outside the classroom, from which the student's egress is restricted. The use of isolated time out shall be subject to the following requirements.

C) be designed to permit continuous visual monitoring of and communication with the student

3) An adult who is responsible for supervising the student shall remain within two feet of the enclosure.

Illinois Law on Restraint and Seclusion

“Physical restraint” means holding a student or otherwise restricting his or her movements. Physical restraint may only be employed when:

- A) *the student poses a physical risk to himself, herself, or others*
- C) *the staff applying the restraint have been trained in its safe application*

Amend: P.A. 91-600 IL

U.S. Department of Education Discourages Restraint and Seclusion

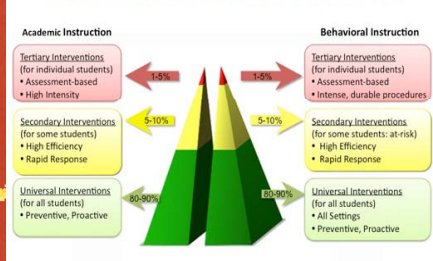
“schoolwide behavioral interventions can significantly reduce or eliminate the use of restraint or seclusion”

May 15, 2012

<http://www2.ed.gov/policy/seclusion/index.html>

Response to Intervention (RTI)

Designing Schoolwide Systems for Student Success



www.pbis.org

Behavior as a form of Communication

Identify the function of behavior and honor the message

1. Escape situation or task
2. Gain attention of peers or adults
3. Gain access to an item or activity
4. Fulfill a sensory need



Data Collection

Typically done through a Functional Behavior Analysis (FBA)

Define behavior:

What does behavior look like/
sound like? (*Stranger test*)

Bad Example:

- Mary throws a temper tantrum

Good Example:

- Mary throws objects, falls to the floor, and screams



Communication



- Daily behavior logs
- Monthly meetings
- Emails/letters/phone calls

Ratio of at least 4:1 positive to negative comments

SCATTERPOT (INTERVAL DATA SHEET)

STUDENT: _____ MONTH/YEAR: _____

DEFINE BEHAVIOR: _____

Behavior did NOT occur Behavior did occur

Days of the month	1	2	3	4	5	6	7	8	9	10	11	12	13	14
8:00														
8:15														
8:30														



A-B-C Analysis		
A ANTECEDENT <i>Consider: Location, activity, objects used, peers interactions, staff interactions</i>	B BEHAVIOR <i>Describe what the problem behavior looks like when observed. Provide enough detail that someone unfamiliar would recognize the same behavior</i>	C CONSEQUENCE <i>Consider: What happened after the target behavior. How did adults and/or peers respond.</i>
"Mary" is watching a favorite cartoon show at home. Sister comes in and changes the channel	Mary screams, "no" and throws her teddy bear on the ground	Mom tells Sister to put Mary's show back on. Mary watches her favorite cartoon show.

A-B-C Analysis

Possible Functions:

1. Escape situation or task
2. Gain attention of peers or adults
3. Gain access to an item or activity
4. Fulfill a sensory need

Replacement Behavior

A ANTECEDENT <i>Consider: What tends to precede the positive behavior?</i>	B BEHAVIOR <i>Describe what the positive behavior looks like when observed</i>	C CONSEQUENCE <i>Consider: What types of responses from adults and the environment encourage positive behavior?</i>
A schedule for selecting TV shows Visual cue posted for "kind words" Preview appropriate requesting language	Mary will select TV shows according to the schedule Mary will use kind words to request watching her show, Ex "May I watch my show now and you watch your show later"	Reinforce positive behavior (intermittent or scheduled)

Reinforcers

- o high-five and verbal praise
- o community outing
- o pick a favorite activity to do with a preferred person
- o take on a leadership role
- o sticker charts
- o money





A-B-C Analysis		
A ANTECEDENT	B BEHAVIOR	C CONSEQUENCE
<i>Consider: Location, activity, objects used, peers interactions, staff interactions</i>	<i>Describe what the problem behavior looks like when observed. Provide enough detail that someone unfamiliar would recognize the same behavior</i>	<i>Consider: What happened after the target behavior. How did adults and/or peers respond.</i>

A-B-C Analysis
<p>Possible Functions:</p> <ol style="list-style-type: none"> 1. Escape situation or task 2. Gain attention of peers or adults 3. Gain access to an item or activity 4. Fulfill a sensory need

Replacement Behavior

A ANTECEDENT <i>Consider: What tends to precede the positive behavior?</i>	B BEHAVIOR <i>Describe what the positive behavior looks like when observed</i>	C CONSEQUENCE <i>Consider: What types of responses from adults and the environment encourage positive behavior?</i>

Calming sensory input

- o squishy ball
- o weighted lap belt or vest
- o deep pressure on hand, fingernails, arms, shoulders, and legs
- o carry heavy objects
- o gross motor movement (ex. running)



Explain the “why” behind PBS to child

- o Social Stories (Carol Grey)
- o Comic Strip Conversations
- o Video-tapes
- o Visual schedules
- o Story-mapping
- o Cartooning



Effective ways to advocate for PBS

- Implement PBS at home
- Request to see district policies regarding discipline
- Regularly communicate with team about child's behavior at school
- Consider PBS when drafting an IEP or looking at RTI supports (FBA data to be taken by trained personnel and include input from family and child)
- Generate practical ways to monitor implementation of PBS (e.g., checklist, treatment scripts)

Additional Support is Available

With high expectations, collaboration, and individualized support, every student can achieve.



Elizabeth Hooper, MA

Resources

- **Positive Behavior Intervention** ("PBS Makes a Difference: One Family's Story"-video)
<http://www.pbis.org>
- **Association for Positive Behavior Support (APBS) Website**
<http://www.apbs.org>
- **COPPA handbook** -The Right to be Safe In School: Advocacy and Litigation Strategies to Combat the Use of Restraint and Seclusion (Cost of Publication for Nonmembers: \$30)
<http://www.copaa.org>
- **IL Special Education Parent Guidebook**
http://www.isbe.state.il.us/spec-ed/pdfs/parent_guide_english.pdf
- **The Out-of-Sync Child** by Carol Stock Kranowitz (sensory input)

SCATTERPOT (INTERVAL DATA SHEET)

CHILD: _____ MONTH/YEAR: _____

BEHAVIOR: _____

Behavior did NOT occur Behavior did occur

Days of the month

	Days of the month																															
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
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Scripts for PBS Videos

Scene 1

Living room, cartoon on, controller, stuffed animal

Mary sitting on floor watching cartoon holding stuffed animal

(Sister) *walks in, "my show is on" change channel*

(Mary) *screams, throw her teddy bear*

(Mom) *from the room, "Becky, just let her watch her show"*

(Sister) *changes channel back, walk off in a huff*

Scene 2

Kitchen with Calculus and Algebra books, pencil, and notepad

Mary and Sister sitting at kitchen table

(Sister) "Ok, let's get your math homework done" *pat stacks of books*

(Mary) "Did you hear that Mom bought us doughnuts?"

(Sister) "pick up your pencil please" *point to pencil*

(Mary) "My friend is coming over tomorrow."

(Sister) "Ok, let's get started" *point to math books*

(Mary) look away, no answer, pick at nails while Sister repeats, "Ok, let's started" and "please pick up your pencil"

(Sister) "Fine, I'll just tell Mom that you won't do your homework."

Date and time of Observation _____ Name of Child _____

Target Challenging Behavior Analysis

<p style="text-align: center;">A ANTECEDENT</p> <p><i>Consider: Location, activity, objects used, peers interactions, staff interactions</i></p>	<p style="text-align: center;">B BEHAVIOR</p> <p><i>Describe what the problem behavior looks like when observed. Provide enough detail that someone unfamiliar would recognize the same behavior</i></p>	<p style="text-align: center;">C CONSEQUENCE</p> <p><i>Consider: What happened after the target behavior. How did adults and/or peers respond.</i></p>

Possible Functions of Target Behavior:

1. **Escape situation or task**
2. **Gain attention of peers or adults**
3. **Gain access to an item or activity**
4. **Fulfill a sensory need**

<p style="text-align: center;">A ANTECEDENT</p> <p><i>Consider: What tends to precede positive behavior?</i></p>	<p style="text-align: center;">B BEHAVIOR</p> <p><i>Describe what the positive behavior looks like observed</i></p>	<p style="text-align: center;">C CONSEQUENCE</p> <p><i>Consider: What types of responses from adults and the environments encourage positive behavior?</i></p>

Positive Behavior Support

Checklist

- Identify the reliable means the child has to express and understand communication
- Observe and document challenging behaviors that child may be demonstrating at home
- Talk with child's teachers, Related Service professionals, and any private therapists regarding their observations of challenging behaviors. Discuss if challenging behaviors, "impedes the child's learning or that of others"

Functional Behavior Assessment (FBA)

- Target and define 1-2 challenging behaviors in specific, observable terms
- Take data (at home and at school) of Antecedents (*what happens before target challenging behavior*) and Consequences (*what happens after challenging behavior*).
- Analyze data to identify environmental factors (*type of activity, noise level, time of day, personnel, etc.*) that may contribute to triggering targeted challenging behaviors
- Analyze data to determine function of behavior(s). Functions may include:
 1. Obtain something (*attention of adult or peer, activity, toy, food, materials*)
 2. Escape something (*attention of adult or peer, activity, toy, food, materials*)
 3. Self stimulation (*seek sensory input*)

Behavior Intervention Plan (BIP)

- Based on function(s) that the team believes the targeted challenging behavior meets, articulate replacement behaviors that more appropriately meet the function of targeted challenging behaviors. Create an IEP goal(s).
- Based on data, determine any changes to environment, curriculum, or instruction to reduce triggering targeted challenging behaviors
- Determine a system for rewarding child when they engage in replacement behaviors as opposed to targeted challenging behaviors
- Identify, step by step, how adults should respond if targeted challenging behavior(s) occur
- Take and review data to decide if interventions should be: increased, reduced, or continued the same
- Determine a system for regular communication between home and school regarding child's progress on behavior goal(s)

Paige Koos, MSW, LCSW, CAS
Therapist and Educational Advocate

Components of a Best Practice
IEP/504 Plan

November 30th, 2012
Classroom B

Best Practices in Writing IEP's and 504 Plans

Presented by:
Paige K. Koos, MSW, LCSW, CAS, EdD Candidate
Paige K. Koos-Consulting, Counseling, & Advocacy

November 30, 2012

Who Is Paige Anyway?

- ☞ District director of Special Education and Student Services and District 504 Coordinator in public schools for 11 years
- ☞ Veteran public school educator of 18 years
- ☞ Certified by the state of Illinois as a:
 - ☞ Superintendent
 - ☞ Director of Special Education
 - ☞ School Administrator
 - ☞ School Social Worker
- ☞ Doctoral candidate in Educational Leadership
- ☞ Licensed Clinical Social Worker in private practice

What does she know about being the parent of a child with special needs?

- ☞ Paige has two children, one with Asperger's Syndrome and the other with ADHD & a written language disability
- ☞ One child is served under a 504 plan the other has special education services under an IEP
- ☞ Both children are considered to be twice exceptional since they have special needs but also qualify for gifted services
- ☞ Paige has sat in many meetings advocating for her childrens' needs in the role of the parent

How Does a Student Get a IEP or 504 Plan?

- First step - evaluation
 - All relevant domains should be considered
 - Health - hearing/vision/health history
 - Academics
 - Medical diagnoses/outside reports
 - Social-emotional and/or behavioral functioning
 - Motor/sensory
 - Speech & language
 - Functional performance/Executive functioning
 - Once you have signed consent for an evaluation, no components can be added or deleted from the evaluation without your knowledge

Next...An Evaluation Meeting

- Once the student has been thoroughly evaluated, there should be a team meeting with the parents to present the evaluation information
- Parents should ask for the evaluation documents to be given to them at least 24 hours ahead of time
- The meeting should consist of a discussion about which of the 13 disability criteria the student meets
- If the student meets the criteria an IEP or 504 plan should be written

504 or IEP?

- A 504 Plan is for students who need support as a result of their medical or psychiatric diagnosis
 - Sub-section of the Americans with Disabilities Act
 - Student must be "significantly limited" by their disability
 - Accommodations to level the playing field are written - not specific goals
 - The purpose is to allow the student to have equal access to the same opportunities that their non-disabled peers have
 - All special education supports can be accessed through a 504 plan - yes, ALL!

504 or IEP Continued

- Special Education Services
 - Special Education Services should be considered when the supports and services required to meet the student's needs exceed those supports that can be provided via a 504
 - Ensures access to a special education case manager
 - Requires that specific goals be written based on the disability
 - Addresses transition needs, transportation, and standardized testing

Side by Side Comparison

- Handout from the National Center for Learning Disabilities

What Makes a Good 504 Plan?

- Specific accommodations that address the particular needs of the student that were found via the evaluation...
 - Instruction, assignments & testing
 - Organization/communication with parents
 - Standardized testing
 - Social-emotional & behavioral functioning
 - Environmental needs
 - Health needs
- Example – give me a medical or psychiatric disability and we will brainstorm...

What else?

- 504 plans should be...
 - Addressed and updated at least annually
 - Re-evaluated at least every 3 years
 - Revised when/if the student has significant changes in their needs/supports
- Can districts require a doctor's note as proof of a disability?
 - No, but if you have been to the doctor/clinician and have a formal diagnosis/recommendations it is best to share this with the school team

Now to IEP's

- Complete guide to IEP's http://www.isbe.net/spec-ed/pdfs/parent_guide/ch6-iep.pdf
- Who should be present to recreate an IEP
 - Minimum-parents, general education teacher, special education teacher, and anyone who will be supporting the student
 - Participants should be listed on the IEP notice
 - Formal excusal is requested if anyone cannot be present who was listed on the notice
 - If the child is in 3rd grade or older, they should be asked to participate in at least the goal portion of the meeting

Present Levels & Annual Goals

- Present levels of performance
 - Describe how the student is functioning in all areas
 - Should be reflective of the data that has been collected during the evaluation and/or the course of the last 12 months
- Annual goals
 - Goals should be written starting from a particular data point
 - Benchmarks should be progressively more challenging throughout the year
 - Goals & benchmarks should be written using data driven measurements using progress monitoring tools that are sensitive to change

Special Education Supports & Related Services

- Description of what type of special education & related services (speech, social work, OT/PT, etc.) are to be provided
 - This includes...
 - How many minutes they are provided
 - In which classes/environments they are provided
 - Who will provide them
 - How long the services are provided
 - It should also describe how the student accesses the general education environment

Accommodations

- This should include any needed accommodations for...
 - In the classroom
 - Assignments
 - Testing/assessments
 - Instruction
 - Behavioral/emotional supports
 - Assistive technology
 - Going to and from school
 - Training staff may need to implement accommodations
 - Special school functions and/or groups and clubs

Extended School Year - ESY

- Each student should be considered for ESY
- Eligibility is based on regression and recoupment data gathered over breaks
- Students should not have to “fit into” programs that are within the district - if a student qualifies for ESY the program should be tailored to their needs
- Discussions regarding ESY should be had as soon as after the first quarter of the school year

Transition Planning

- ☉ Required for all students who are at least 14 ½ years old
- ☉ Should address:
 - ☉ Vocational training/courses
 - ☉ Social skills
 - ☉ Life skills
 - ☉ Communication skills
- ☉ Goals should be written to address these areas

Other Important Details

- ☉ There is a place on the IEP to list the need for...
 - ☉ Assistive technology (low tech-high tech supports and devices)
 - ☉ Communication supports (communication books/PECS, etc.)
 - ☉ Hearing/visual supports (braille, FM system, hearing aids, etc.)
 - ☉ Behavior plans (Functional Behavioral Analysis-FBA/Behavioral Support Plan-BSP)
 - ☉ Limited English Proficiency supports (additional courses/supports, in class accommodations for a second language learner)

If Your Student Receives Services for Autism...

- ☉ There are 7 specific areas of need that must be addressed in the IEP:
 - ☉ Communication skills
 - ☉ Social interaction skills
 - ☉ Sensory regulation
 - ☉ Environmental changes
 - ☉ Repetitive/stereotyped movements
 - ☉ Behaviors specific to students with autism
 - ☉ Social-emotional development
- ☉ Other components that impact the student throughout the school day must be addressed as well

Parent Input

- During the evaluation and annual review there is an opportunity for "Parent Input"
- Always be prepared to offer your input
- Write down your thoughts and questions prior to the meeting
- Ask questions during the meetings
- Be frank, but polite about your concerns
- Make sure they are documented as a part of the paperwork

More Good Info...

- Schools have 14 school days to respond to a request for an evaluation
- School teams have 60 school days to complete a case study evaluation-but often times can complete it MUCH more quickly
- Once an IEP/504 is in place, there should be at least 10 school days written notice before a meeting
- IEP's and goals must be reviewed and updated at least annually and eligibility/evaluation meetings should be held at least every three years

Tips For Success:

- Work collaboratively with the school
- Ask questions
- Start with the teacher and then work your way up, if needed
- Consult the Illinois State Board website for special education and parents' rights

http://www.isbe.net/spec-ed/html/parent_rights.htm

Other Helpful Resources

- <http://www.isbe.net/spec-ed/html/parents.htm>
- <http://www.ldonline.org>
- <http://www.nads.org>
- <http://www.wrightslaw.com/info/section504.ada.peer.htm>
- <http://www.chadd.net/template.cfm?affid=947&p=abour>

Understanding how Section 504 and IDEA work with each other and complement each other allows you as the parent to better assist your child's educational team in ensuring your child's right to a Free and Appropriate Education (FAPE) is provided allowing for maximum educational success.

504 and IDEA Comparison Chart

□ Component of the Legislation	IDEA	Section 504
Purpose	Is a federal statute whose purpose is to ensure a free and appropriate education services for children with disabilities who fall within one of the specific disability categories as defined by the law.	Is a broad civil rights law which protects the rights of individuals with disabilities in any agency, school or institution receiving federal funds to provide persons with disabilities to the greatest extent possible, an opportunity to fully participate with their peers.
Who is Protected	Covers eligible students ages 3-21 whose disability adversely affects the child's educational performance and/ or ability to benefit from general education.	<p>Covers all persons with a disability from discrimination in educational settings based solely on their disability.</p> <p>Section 504 defines a person with a disability as:</p> <ul style="list-style-type: none"> • Having a physical or mental impairment which limits one or more major life activity; • Have a record of such an impairment; or • Are regarded as having an impairment.
Services	Provides individual supplemental educational services and supports in addition to what is provided to students in the general curriculum to ensure that the child has access to and benefits from the general curriculum. This is provided free of charge to the parent.	Requires schools to eliminate barriers that would prevent the student from participating fully in the programs and services offered in the general curriculum.
Requirements for delivering	Requires a written Individualized Education Plan	Does not require a written IEP but does require a documented

<p>Services</p>	<p>(IEP) documentation with specific content addressing the disability directly and specifying educational services to be delivered, mandating transition planning for students 16 and over, as well as a Behavior Intervention Plan (BIP) for any child with a disability that has a behavioral issue.</p> <p>"Appropriate Education" is defined as a program reasonably calculated to provide "educational benefit" to the student. Related services are provided as required for the student to benefit from the educational process and are aligned with specially designed instruction (e.g., counseling, speech, transportation, occupational and physical therapy, etc.)</p>	<p>plan. "Appropriate Education" means comparable to the one provided to general education students.</p> <p>Section 504 requires that reasonable accommodations be made for the child with a disability. Requires the school to provide reasonable accommodations, supports and auxiliary aides to allow the child to participate in the general curriculum.</p>
<p>Funding</p>	<p>Provides additional funding to states for eligible students</p>	<p>Does not provide additional funds.</p> <p>Additionally, IDEA funds may not be used to serve children found eligible under section 504 only.</p>
<p>Evaluation Procedures</p>	<p>A full Multi-Factored Evaluation (MFE) is required, using a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parent that may assist the team in determining whether the child has a disability and how it affects the child's educational program.</p> <p>Multiple assessment tools must be used to assess the child in all areas of the suspected</p>	<p>Evaluation draws on information from a variety of sources in the area of concern. A group decision is made with persons knowledgeable about the student, evaluation data, and available educational placement options. Written consent is not necessary before completing an evaluation; however, notice must be provided to parent or guardian.</p> <p>Requires yearly reevaluations or periodic review.</p>

	<p>disability.</p> <p>Written consent is necessary by parent or guardian before an initial evaluation is conducted</p> <p>Requires a reevaluation every three years by IEP team to determine if services are still needed to address student disability unless the parent and other members of the IEP team agree it is not necessary.</p> <p>Reevaluation is not required before a change of placement.</p>	
Independent Evaluation	<p>Allows parents to request an Independent Educational Evaluation (IEE) at the school district's expense if parent /guardian disagrees with the evaluation obtained by the school district. The Independent Evaluator must meet the same criteria as the district requires for their employees and must be approved by all parties.</p>	<p>Does not allow independent evaluations at the district's expense or the ability to request an independent educational evaluation.</p>
Procedural Safeguards	<p>Requires written notice to parent/ guardian prior to identification, evaluation and/or placement of child.</p> <p>Changes of services or placement must have written notice before any change can take place. Requires due process rights to be followed at all times and manifestation determination hearing for discipline procedures.</p> <p>For any child with behavioral concerns a Functional Behavior Assessment (FBA) must be completed and a Behavior Intervention Plan (BIP) written</p>	<p>Does not require written notice.</p> <p>Requires notice before a "significant change" in placement - requires due process rights if referred for formal evaluation under IDEA, and the team determines not to evaluate.</p>

	to assist student in learning appropriate behaviors and providing supports to enable student to be successful in their learning community.	
Placement Decisions	<p>Requires district and schools to use information from a variety of sources. Consider all documented information and use a team approach to make eligibility decisions. Team members are identified under IDEA and must be knowledgeable about the child, evaluation data, and the continuum of placements and services available.</p> <p>Requires that student receives a free and appropriate education with his/her non-disabled peers in the least restricted environment.</p> <p>IEP meeting is required before any change in placement or services is made. Students are eligible for a full continuum of placement options including regular education with related services as needed.</p>	<p>Requires district and schools to use information from a variety of sources. Consider all documented information. Use a team approach to make eligibility decisions, with team members being knowledgeable about the child, evaluation data, and the continuum of placements and services available.</p> <p>The student must receive a free and appropriate education with his/her non-disabled peers. Meeting is not required for a change of placement. Students are served in general education with or without modification. Possible accommodations under a 504 plan could be:</p> <ul style="list-style-type: none"> • Structured learning environment • Repeated or simplified instructions • Behavior management or intervention strategies • Modified testing procedures- small group; oral testing; extended time; test read to student. • Tape recorders, spell checkers, calculators, computers, word processor, etc. • Modified or adjusted homework, workbooks, second set of textbooks. • Textbooks on tape • etc. (many

		accommodations and modifications used on an IEP can be included in a 504 accommodation plan)
Due Process	Requires district to provide resolution sessions and due process hearings for parents/guardians who disagree with identification, evaluation, implementation of IEP or students Least Restricted Environment (LRE) placement.	<p>Requires districts to provide a grievance procedure for parents, and students who disagree with identification, evaluation, implementation of IEP or students Least Restricted Environment (LRE) placement. A grievance procedure must be provided to parents and employees to follow and a 504 coordinator identified in the district to assist individuals as needed.</p> <p>Due process hearing not required before Office of Civil Rights (OCR) involvement or court action unless student is also covered by IDEA.</p> <p>Compensatory damages possible.</p>

From: The National Center for Learning Disabilities, downloaded 11/4/12
<http://www.ncl.org/disability-advocacy/learn-ld-laws/adaaa-section-504/section-504-idea-comparison-chart>

Sarah Sebert, MA
Educational Consultant

All You Need to Know About
ISBE-Approved Private Day
School and Residential
Placements

November 30th, 2012
Classroom C

FOUR KINDS OF PRIVATE SCHOOL PLACEMENTS **FOR SPECIAL EDUCATION STUDENTS**

Lara Cleary
Whitted, Cleary & Takiff, LLC

1. Private placement is made by school district in an IEP
 - Placement must be at an approved non-public special education school
 - District pays all costs, including related services and transportation
 - Placement is determined annually at annual review
 - District remains responsible for all evaluations and FAPE
 - Caveat – is if placement made at private school through settlement agreement then some part of district or parent responsibilities may be negotiated

2. Unilateral placement where FAPE is at issue (placement dispute)
 - Placement in a non-public school in the Illinois list of approved schools is best
 - If a student has never been in a public district setting, the entire process must be initiated – CSE, IEP – with resident district (Caveat – the “serving” district may need to conduct the CSE)
 - **IMP> - In order to qualify for funding there must be an IEP from which you are able to argue, on its face or in implementation, that the school district is unable to provide child with FAPE**
 - Ten-day notice of placement must be provided to school district (or verbal notification at last IEP)
 - Parent will usually need to file for a due process hearing to contest school placement and request funding for private school

(although sometimes cases may be resolved prior to filing for a hearing)

- Placement may be obtained through IEP, hearing decision, or settlement
- If parent does not win at hearing (or appeals) then all costs of placement and any attorneys fees are parental responsibility

3. Private placement at parent expense (no placement dispute)/proportionate share student

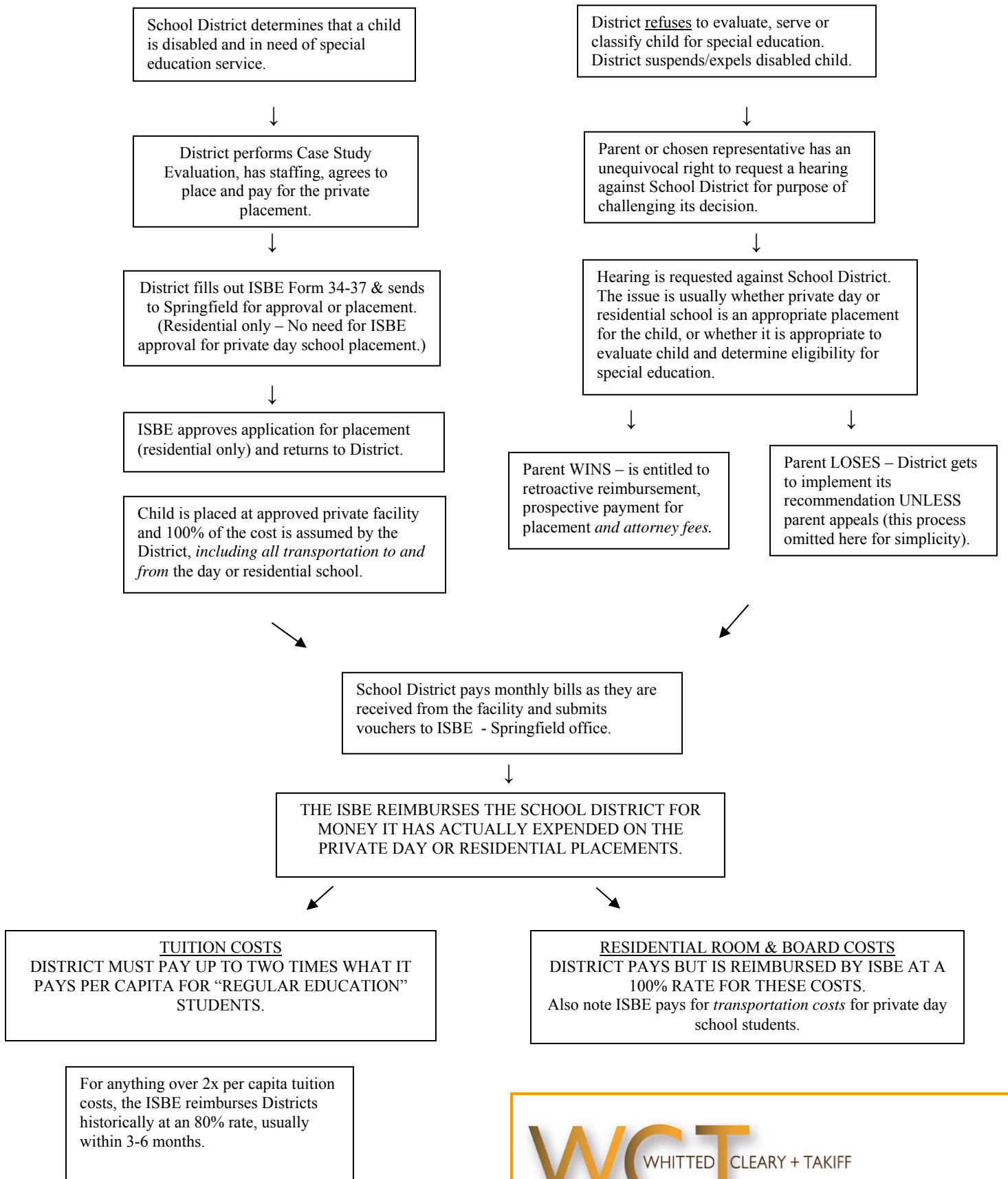
- Serving district conducts all evaluations
- Serving district is where the private school is located
- Serving district will conduct TMC with all resident private schools
- All services based on needs of private schools and availability of “proportionate share” funds
- Child only entitled to “individual services plan” (“ISP”)
- Parents/child do not have any due process rights (except in relation to any evaluation)
- Only the private school has a right to object to Illinois State Board regarding TMC meetings or services.

4. Privately placed at parent expense (no placement dispute)/Dual Enrollment pursuant to Section 14-6.01 of the Illinois School Code

- Resident district of student is responsible for all evaluations
- Resident district is responsible for any IEP services
- All due process protections apply
- Actual IEP services depend on amount of time student is in attendance in public school
- Student who attends public school for any “dual enrollment” classes waives right to proportionate share services

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PRIVATE PLACEMENTS – EDUCATION FUNDING



The list of nonpublic programs in Illinois (and other states) that have been approved by the Illinois State Board of Education can be found at:

<http://www.hbug.k12.il.us/PrivateFacility/>

or go to isbe.net, then special education, then nonpublic, then Program/Facility Search, then tools and services, then private facility search

You can search by age and/or the student's primary disability, name of the program, location of the program. If you put in your zip code, the results will be shown in order of distance from that zip code.

NOTE: many nonpublic programs will want a referral from a district prior to a tour or consideration of acceptance of the student. The nonpublic programs do not like to get in the middle of any disagreements between the district and the parent.

The consultants at the Illinois State Board of Education that work with nonpublic programs are available and willing to assist you. They are:

Tracy Dudek: tdudek@isbe.net. (312) 814-5560

Paul Nijensohn: pnijenso@isbe.net. (312) 814-2205

Heather Zeman: hzeman@isbe.net (312) 814-3999

Boyd Ferguson: bfergurs@isbe.net (217) 782-5589

Julie Wilson

Paralegal, Educational Advocate
Whitted, Cleary, & Takiff

**How to Strengthen Your Legal
Position: When a Special
Education Attorney Is Needed**

November 30th, 2012
Arbor Room

Whitted, Cleary + Takiff, LLC



SPECIAL EDUCATION LAW: WHAT EVERY PARENT NEEDS TO KNOW

Presentation by Julie Wilson, Paralegal/ Educational Advocate

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Whitted, Cleary + Takiff, LLC

Specializing in disability and
education law for over 30 years

WHITTED CLEARY + TAKIFF LLC has extensive experience in special education law, civil and criminal litigation, child advocacy and representation of public and private mental health and child welfare providers. Our expertise includes mental health confidentiality and procedures, guardianship of disabled persons, the law of school residency and all varieties of school disciplinary matters. Our firm serves a diverse client base, including professionals, agencies, organizations, public school districts, special education cooperatives, private schools and parents of special needs children.

WHITTED, CLEARY + TAKIFF LLC is committed to providing superior and personalized service to accomplish our clients' objectives. We are proud of the abilities of our staff, the depth of our expertise and the teamwork we employ. Our goal is to solve complex problems as efficiently, creatively and effectively as possible, not to encourage or prolong conflict.

Navigating the special education system can be extremely confusing and arduous for many parents. Without proper knowledge of your child's rights as a special education student, it is possible your child may be receiving inappropriate services without your knowledge. If you are at the point that you feel your school district is not listening to you, or you need more information and help in acquiring appropriate services for your child, then an educational advocate might be an option.

Educational advocates are trained nonlegal professionals who can support parents and children by attending IEP meetings and other educational meetings. Advocates are hired to "fine-tune" IEPs (help draft appropriate goals, accommodations, etc.) and to help parents navigate the special education process. In many cases, advocates are former social workers, teachers, parents of children with disabilities or disabled individuals themselves. They are sometimes qualified paralegals. Advocates usually charge lower hourly rates than most attorneys, so they can be a less expensive alternative to hiring an attorney if your conflict with the school district does not require litigation and can be solved in a reasonable amount of time. Sometimes, advocates can be more effective than attorneys, whose presence occasionally polarizes the situation.

Utilizing an advocate to act on your behalf can be the right decision for many reasons. Being a parent is a very specific, nurturing, supportive role. When you attempt to take over the role of teacher, therapist, etc. (because current school staff is not providing appropriate services), then your role as a parent gets compromised. Having a third party present can diffuse tumultuous emotions on both sides of the table at an IEP meeting, allowing for more effective resolution. In addition, our advocates are more knowledgeable about the services that might be available and can represent your child's unique presentation of his or her disorder.

It is important to choose an advocate who can provide a clear strategy for working with your school district. An effective advocate can help provide a solid foundation for better communication between you and your school district, and most importantly, is someone you can work with and feel safe that your child's interests are understood and protected. WCT advocates always have access to the support of an attorney specializing in educational law.



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Guidelines for Choosing a “Lay Advocate” in Special Education

If you have a child with a disability, you may decide to hire a paraprofessional or a "lay advocate" to assist you to ensure that your child's educational needs are met. These nonlegal advocates may also be able to assist with consultation, letter writing, or meetings with schools. The following are some guidelines to assist you in choosing a lay advocate.

Select an advocate who has been trained.

Although Illinois does not require special education advocates to be certified, there are training opportunities available to them. Ask your advocate about his/her training: where, when, and for how many days did he/she attend training in the last year? How does he/she stay current with all of the changing special education regulations, statutes, and laws?

Ask if the advocate has attorney support.

Some advocates work independently while others either work under the supervision of a special education attorney or have professional relationships with attorneys. Ask your advocate about his/her attorney "backup" and when he/she usually recommends that parents seek legal advice on a case.

Select an advocate with special education experience.

Advocates may have differing amounts of contact with particular districts or they may have differing experience with negotiations, mediation, or other dispute resolution methodologies. Ask your advocate about his/her experience with a particular school district or a particular type of representation. For example, if you want an advocate to come with you to an Individualized Education Plan meeting (an "IEP meeting"), ask the advocate about how many IEP meetings he/she has attended, especially in your district. The result can often be positive, based on relationships.

Select an advocate who understands your child.

Every child with a disability has unique educational needs. Your advocate should be able to explain how your child's disability will affect the child at school. It is preferable to find an advocate who has working knowledge of your child's disability, or one who is willing to educate himself/herself as to the particular needs of your child.

Understand costs.

Advocate fees vary. Some advocates will not charge any money, while others charge an hourly rate or a flat fee for particular tasks. Ask your advocate to provide a written statement of how he/she will charge you in your case, so there is no misunderstanding.

Understand your role as parents.

An advocate works as a resource to assist you in making educational decisions for your child with disabilities. The advocate cannot substitute his/her judgment for yours, nor can he/she do things on behalf of you or your child that you have not directed him/her to do. It is important to understand how your advocate sees his/her role. You should also expect regular (and preferably written) updates from the advocate on the status of your child's case.

Ask for references.

Ask advocates for references from other families. By talking with other parents who have used an advocate, you can find out important information about the advocate and the services he/she provides.



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Top Five Advocacy Tips For Parents

1. Just As Your Child Is Asked To Do, Do Your Homework! – Learn your rights prior to going to an IEP meeting or any meetings with district personnel. Know the law and know the special education terminology. The ISBE parent's rights handbook and the ISBE website are both good places to start. Our website at www.wct-law.com provides many free publications and links to other websites. There are also multiple seminars, such as Wrightslaw, that parents can attend. Also, the Family Resource Center in Chicago provides free training sessions. School district personnel usually respond more positively to parents they perceive as informed, interested and involved;

2. Organization Is Your Friend – There is nothing wrong with drafting up a list (typed preferably) of issues you would like discussed at your child's IEP meeting. Make copies for each member of the team. Ask the district to address all of the issues on the list in addition to the agenda items the district needs to get through. Keep in mind number three below though;

3. Stay Focused, (in the words of a great law professor) Be Brief, And Be Realistic!!!! – The most common mistake we see from parents who have reached impasse with a school district is that they try to accomplish too many things at one time. Similarly, some parents will write the school district rambling, lengthy letters replete with 42 issues to which they want responses. Not only does this strategy water down your main issues, but, many school district personnel are not going to provide the level of detail you want. (I'd be surprised if they even get through half the letter). Parents need to determine what they really want. Other issues can be brought up at a later time; you don't have to worry about waiving them. In addition, parents can request IEP meetings at anytime they determine that there are issues to be discussed (within reason - most hearing officers will think four meetings a month is unrealistic). Finally, regarding realism – most parents want the “Cadillac” for their child; what parent wouldn't? However, the Supreme Court Case, Rowley, tells us that they are only entitled to a well running “Chevy.” In line with keeping your issues focused, be realistic about what you are asking for, and, for that matter, what your child can handle within the school setting. One of the best ways to do this is to utilize experts, as we discuss in number four, below;

4. Paging Dr. Somebody: Use Reputable Experts – The law clearly allows parents to obtain their own private evaluations at their own expense and districts have to consider the information at an IEP meeting. The law also mandates that school districts pay for the evaluations in certain circumstances, but in some cases it is beneficial to spend the money if possible. Use reputable experts who have experience dealing with school districts. Ask any intended evaluator if they will accompany you to an IEP meeting to discuss their recommendations with the school district. Any expert who will not go to IEP meetings is not one that you want to waste your money on. Any evaluation you obtain should be comprehensive and should provide clear recommendations that can be implemented in the school setting. We also recommend using experts who know education placements for parents who are encountering placement disputes with their districts to conduct observations of proposed programs; AND FINALLY

5. Don't Ever Let Them See You Sweat! In Other Words, Do Not Be Intimidated! - The IEP teams may at times become voluminous and seem to hold fancy degrees, but who knows the child best? Hopefully the parents! Parents should listen to the educational team, consider their recommendations, but should not be afraid to disagree with any team member. With that said, always be as kind and cooperative as possible. I have seen more parents get what they want with kindness and respect than by being rude and aggressive. District personnel are people too and, like most people, they likely won't respond well to insult or threats. Parents may become angry that district personnel are disagreeing with them but they should always stay civil. In addition, many people, including the best lawyers, become unfocused when blinded with anger. The more calm and civil a parent, the more likely they will think clearly.



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Qualities of a Good Clinical Report

** This memo was drafted in response to an inquiry from a clinical psychologist who requested information about the “essential characteristics of an effective psychological evaluation.”*

I have several requirements for reports, and in fact have been teaching these principles in report writing for the past 20 years to UIC medical school doctors who want to specialize in child and adolescent psychiatry. The principles apply to ANY clinical report, not just psychological reports. I admit to a bias that I have to be able to utilize the report as a basis for motivating sometimes reluctant agencies (like school districts, state agencies, etc.) to pay for services that a patient/client might need.

Qualities are as follows:

- The report must flow logically, be written in excellent prose, and clinical findings must be the basis for all recommendations presented;
- Ideally, the report should contain as a first section a comprehensive review of all clinical material that preceded the report;
- After a review of prior evaluations, there should be an introduction to tests or evals chosen, in light of prior testing efforts, and a highlighting of any gaps, if any, that the current examiner found in prior materials;
- If the examiner uses a testing vehicle not commonly used, it's a good idea to educate the reader, in simple terms, as to the qualities the test is designed to evaluate, and the reason the examiner is selecting this particular evaluative tool;
- The recommendations section must contain recommendations! My pet peeve is a wishy washy “Recommendations will await the team meeting” or some such nonsense. The examiner must come right out and say what the patient needs, with as much specificity as possible, and relate the recommendations to the clinician's findings. To me, a report is worthless if there is not a concrete, detailed series of recommendations.
- It is not required, but usually a good idea, to examine what will likely happen to the patient if the recommendations are NOT followed – this is required where serious harm or death could occur;
- The examiner must be willing to leave the office and accompany his or her report to the meeting that will usually be held to consider it. It is much easier to discount the conclusions of a professional who isn't there;
- If the report is written for a specific purpose, such as to convince a school district to declare a pupil eligible for ED special education services, the examiner must be conversant with the definitions used by the particular system appealed to. For example, the special education law has a different definition of “Emotionally Disturbed” than does the DSM. The examiner must know definitions from other systems (if applicable) prior to drafting a report.



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Checklist for Required IEP Team Members

The following participants are required for a valid IEP team meeting:

- The **Parents** if a child with a disability (or guardian/surrogate);
- At least one **regular education teacher** of such child (if the child is, or may be, participating in the regular education environment);
- At least one **special education teacher**, or where appropriate, at least one special education provider of such child;
- A **representative of the local educational agency** (“LEA”) who is qualified to provide, or supervise the provision of, specially designed instruction, is knowledgeable about the general education curriculum, and is knowledgeable about the availability of resources of the LEA;
- An **individual who can interpret** the instructional implications of evaluation results who may be a member of the team described in the roles of other individuals;
- At the discretion of the parent or agency, **other** individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate*;

Where appropriate, the child with the disability (**attendance of minor child is totally within the discretion of parent or guardian**). If a purpose of the IEP meeting will be consideration of post-secondary goals for the child and the transition services needed to assist the child to reach those goals, then the school district must invite the child.

*Please note: Related services (i.e. Occupational Therapy, Physical Therapy, Counseling, Adapted Physical Education) personnel are **not required** to attend IEP meetings. However, if a child with a disability has an identified need for related services, *it would be appropriate* for the related services personnel to attend the meeting or otherwise be involved in developing the IEP.

Do I Need An Attorney?

(and other commonly asked questions)

A Guide For Parents

Neal E. Takiff
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I. What is the role of an attorney in a special education case?

An attorney takes on many roles in a special education case. First, he or she is your advocate throughout the process of obtaining the appropriate services for your child. As a result, it is important that the attorney has the expertise in the area of special education, so they can assess your case and provide guidance and counsel to your family as to how to proceed. Your attorney should be aware of the resources in your area available to your family to assist you with your case and meeting the needs of your child. Most importantly, your attorney should be initially focused on resolving your dispute with the public school. Finally, if resolution is not possible, your attorney is your legal representative at the formal due process hearing.

- The special education system is driven by experts. If you have a dispute with the school district, you will likely need an expert to evaluate your child and/or the placement or program proposed.
- Resolution of your concerns should be the focus of your attorney. The goal is to secure your objectives, not litigate.
- Assessment of your child's education should be ongoing. This is equally true concerning the assessment of your legal case.

II. How do I know if I need an attorney?

When to hire an attorney is a highly individualized decision. However, there are some universal experiences that cause parents to seek legal assistance:

- A psychiatric hospitalization of your child
- A suspension or expulsion of your child
- The "14 to 1 experience": The 14 to 1 experience occurs when the parent finds herself or himself sitting at his/her child's IEP meeting, outnumbered 14 to 1 and made to feel like his/her opinions and feelings are not important
- Future educational planning, such as transitions to junior high or high school, or transition from a 0-3 program to IDEA school-based services.
- Failure within the current educational program

- Conflict with the school personnel (or lack of trust)
- Assistance with placement decisions
- Moving out of the District
- Refusal to begin a Case Study Evaluation
- Refusal to provide an IEP or Section 504 Plan

It is important to seek the assistance of an attorney before you get to the point of suing the school district. Often lawyers can use their knowledge of the law to obtain your goals without the need for litigation, which has its own risks and costs, both financially and emotionally.

III. What is the process of hiring and using an attorney or law firm?

The first step of the process is the initial consultation. During your first meeting you should bring as much documentation regarding your child as possible. It is helpful to have the documents organized, either chronologically or by topic (i.e IEP's, report cards, etc..)

During this meeting you should receive an initial impression as to the strengths and weaknesses of your case. It is not unusual for an attorney to suggest that you take your child for a private evaluation to assist in the process of identifying appropriate services for your child.

If you decide to retain an attorney, you should expect a more detailed file work up, which typically includes a request for school records from the District and an interview focusing on the history of your child.

Often, but not always, your attorney will request an IEP meeting to discuss resolution of the issues in your case with the school district. Usually the District's attorney will also attend.

If your goals are not achieved after the IEP meeting or after negotiation with the District's attorney, then your attorney will proceed more formally by requesting a due process hearing, or trial, to resolve the dispute with the school district.

IV. Is an attorney my only option?

No, in fact there are many cases in which the services of an educational advocate can accomplish your goals. However, educational advocates are not attorneys and there are no licensing requirements or standards mandated by the State. Therefore, the level of service provided by advocates varies greatly. One solution is to use an educational advocate who is associated with a law firm. Many educational law firms now have educational advocates. There are many advantages to using such advocates, such as (1) potential recovery of some of the advocate's fees if the case goes to formal due process hearing, (2) instant association with a law firm should the case become more complex or require the services of an attorney, and (3) support and guidance from a law firm to ensure a high level of competence from your advocate.

Things to ask potential educational advocates:

- What background, training and experience do they have in special education
- What types of cases have they handled
- What districts have they worked in
- How many IEP meetings have they attended
- When do they get an attorney involved

V. How much does it cost to hire an attorney?

Rates for attorneys who practice special education vary depending on experience. You can expect to pay a retainer fee, the unused portion of which should be refundable.

There is no uniform cost to resolving special education cases. There are many factors involved in determining the length of a case and the number of attorney hours needed.

However, those parents who are forced to go through a formal due process hearing to obtain appropriate educational services and who prevail at hearing have the right to sue the school district for their attorney fees under the *Individuals with Disabilities Education Improvement Act*.

N:\General Office\Memorandums\Do I Need An Attorney.doc

SPECIAL EDUCATION IN A NUTSHELL:

A BRIEF GUIDE TO THE PROCESS AND PROCEDURES

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I. Referral for Initial Case Study Evaluation (“CSE”) Made

- A. A referral for a Case Study Evaluation may be made for any child suspected of having a disability. Every school district must develop and publicize procedures by which an evaluation may be made (“child find” procedures”)
- B. Referrals may be made by “any concerned person”, however, referrals are typically made by school district personnel, parents, other persons having primary care and custody of the child, other professional persons having knowledge of the child's problems, the Illinois State Board of Education ("ISBE"), and even the child them self.
- C. Parent is defined as a natural, adoptive, or foster parent; A guardian (but not the State if the child is a ward of the State.); An individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives), or an individual who is legally responsible for the child’s welfare; or an individual assigned by the State Board of Education as a “surrogate” parent.
- D. Parental safeguards notification should always be provided to parents upon initial referral.

II. District Decides Whether to Conduct CSE

- A. The school district must decide whether or not to conduct the CSE. They may use screening data and conduct preliminary procedures to assist in making this determination. If they decide not to conduct a CSE, the district must notify the parents, in writing, and explain their reasoning. A parent may request a due process hearing to contest the district’s refusal to conduct the CSE.
- B. **Parental consent for initial CSE required prior to CSE.** The date consent is obtained starts the 60 day timeline in Illinois. The district may seek a due process hearing to override a parent’s lack of consent. The new federal statute reauthorizing the IDEA has changed this timeline from a previous 60 school days in Illinois to 60 calendar days. It appears that Illinois is likely to adopt the 60 calendar day timeline, therefore most Districts are already applying it, even though Illinois regulations have not been finalized.
- C. "Consent" is defined to acknowledge that parents can revoke consent, but such revocation is not retroactive. Revocation of consent can be done either verbally or in writing. If done verbally, the district must confirm the request in writing by letter to the parents within five days.

- D. If a child is a ward of the State and is not residing with the child's parent, the school district shall make "reasonable efforts" to obtain the informed consent from the parent of the child for an initial evaluation. However, the district is not required to obtain consent from the parent if the district cannot discover the parent's whereabouts, following "reasonable efforts," the parent's rights have been terminated or "the parental right to make educational decisions has been subrogated by a judge and given to an individual appointed by the judge to represent the child."

III. CSE Conducted and Conference Held To Determine Eligibility

- A. The 2000 IEP Regulations state that the "IEP Team" determines both which relevant "domains" must be evaluated and the actual assessments to be utilized. Existing data must be considered. All IEP meeting must be scheduled at a mutually convenient time for both the school and the parents.
- B. The CSE and CSE review conference to determine eligibility must be completed within 60 days from the date of referral.
- C. The "date of referral" in order to start the 60-day timeline is the date on which the parent(s) sign consent for the CSE.
- D. According to current Illinois regulations, when a student is referred for an evaluation with less than 60 days left in the school year, eligibility must be determined and, if necessary, an IEP developed prior to the first day of the next school year. This requirement may be deleted when the new Illinois regulations are implemented.
- E. Parent shall be provided with a copy of the team's report at the conclusion of the IEP meeting. A separate written statement may be provided by a team participant who wishes to be on record as disagreeing with the conclusions of the team. Within 10 days of the conference, parents shall receive written notice from the district as to the eligibility determination reached for the child.

IV. Initial Special Education Eligibility Determined

- A. Eligibility is based on the federal and state definitions of a disability and is determined by a majority of team members. The existence of a DSM disability will not necessarily mean the child has a special education disability, unless the disability impacts the child's education.

V. Initial IEP Developed by IEP Team

- A. If the child is eligible for special education service under a disability category, then an IEP is drafted. The IDEA requires that specific individuals be present at the IEP team including the parent, a regular education teacher, a special education teacher an individual from the school district capable of

making decisions and committing district resources.

- B. An IEP must be developed within 30 days of the eligibility determination. However, the eligibility determination and an IEP must be in place within 60 school days of the date of referral.

VI. Initial Special Education Placement Decision Made

- A. Placement decision *must* be based on measurable IEP goals. The 2004 IDEA reauthorization no longer requires districts to draft objectives with goals, except for severe/profound students. District *may* choose to draft objectives with goals.
- B. **Parental consent for initial placement must be obtained** by the school district prior to placement. According to the new IDEA reauthorized statute, School Districts may not file for a due process hearing to override a parents' lack of consent for an initial special education placement. Note: the new Illinois consent rules promulgated in 2003 are unclear whether a District may file for a due process hearing if a parent did provide consent for an initial placement and then revoked consent.
- C. The school district must wait 10 days before placement may occur, although parents may waive this waiting period. In no case should placement occur later than the beginning of the next school semester.

VII. Annual Review of IEP

- A. A review of the IEP must be held at least annually.
- B. 10-day parental notification required for all IEP meetings, or a record of reasonable attempts to notify parent required by the district prior to any IEP meeting. Parents may waive 10-day notice.
- C. A parent may request an IEP meeting at anytime (within reason) if desired. The district has 10 days after receipt of such a request to either agree to convene the meeting or notify the parents in writing of its refusal.

VIII. Three-Year Reevaluation

- A. A reevaluation of the student may be conducted at anytime, but must be conducted at least every three years.
- B. Parental consent for all reevaluations must be obtained. If a school district is unable to obtain parental consent for a reevaluation, it *must* file for a due process hearing in order to obtain consent.
- C. The IEP team is now authorized to review the child's existing record in order to determine whether any new evaluations are unnecessary or whether

MEMO

To: Clients
From: BRW
Date: 02/24/10
Re: Public Act 96-0657, Observation of Programs by Parents and Experts

Enclosed please find excerpts from the above captioned new law, effective August 25, 2009. You probably are already aware that public school districts must allow observation by parents and their retained experts or other qualified professionals. There is an evolving procedure for submitting requests for observation in writing, then agreeing to an appropriate time for the observation. These procedures, as they continue to be adopted by school districts, should not be so rigid or constrained that the observation is rendered meaningless. The school district should be reasonably flexible in allowing observations that, of course, are not disruptive and that do not interfere with the education of other students. This law does not apply to private schools.

Please feel free to contact me if you have any questions.

BRW/rxm
Enclosure

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request of a list of free or low-cost legal and other relevant services available locally to assist parents in initiating an impartial due process hearing. Any parent who is deaf, or does not normally communicate using spoken English, who participates in a meeting with a representative of a local educational agency for the purposes of developing an individualized educational program shall be entitled to the services of an interpreter.

(g-5) For purposes of this subsection (g-5), "qualified professional" means an individual who holds credentials to evaluate the child in the domain or domains for which an evaluation is sought or an intern working under the direct supervision of a qualified professional, including a master's or doctoral degree candidate.

To ensure that a parent can participate fully and effectively with school personnel in the development of appropriate educational and related services for his or her child, the parent, an independent educational evaluator, or a qualified professional retained by or on behalf of a parent or child must be afforded reasonable access to educational

facilities, personnel, classrooms, and buildings and to the child as provided in this subsection (g-5). The requirements of this subsection (g-5) apply to any public school facility, building, or program and to any facility, building, or program supported in whole or in part by public funds. Prior to visiting a school, school building, or school facility, the parent, independent educational evaluator, or qualified professional may be required by the school district to inform the building principal or supervisor in writing of the proposed visit, the purpose of the visit, and the approximate duration of the visit. The visitor and the school district shall arrange the visit or visits at times that are mutually agreeable. Visitors shall comply with school safety, security, and visitation policies at all times. School district visitation policies must not conflict with this subsection (g-5). Visitors shall be required to comply with the requirements of applicable privacy laws, including those laws protecting the confidentiality of education records such as the federal Family Educational Rights and Privacy Act and the Illinois School Student Records Act. The visitor shall not disrupt the educational process.

(1) A parent must be afforded reasonable access of sufficient duration and scope for the purpose of observing his or her child in the child's current educational placement, services, or program or for the purpose of visiting an educational placement or program proposed for

the child.

(2) An independent educational evaluator or a qualified professional retained by or on behalf of a parent or child must be afforded reasonable access of sufficient duration and scope for the purpose of conducting an evaluation of the child, the child's performance, the child's current educational program, placement, services, or environment, or any educational program, placement, services, or environment proposed for the child, including interviews of educational personnel, child observations, assessments, tests or assessments of the child's educational program, services, or placement or of any proposed educational program, services, or placement. If one or more interviews of school personnel are part of the evaluation, the interviews must be conducted at a mutually agreed upon time, date, and place that do not interfere with the school employee's school duties. The school district may limit interviews to personnel having information relevant to the child's current educational services, program, or placement or to a proposed educational service, program, or placement.

PUBLIC ACT 96-0657

Citation: 105 ILCS 5/14-8.02(g-5)

EFFECTIVE DATE: AUGUST 25, 2009

**Whitted, Cleary & Takiff LLC
3000 Dundee Road
Suite 303
Northbrook, Illinois 60062
Phone: (847) 564-8662
Fax: (847) 564-8419**

CONSOLIDATED GUIDE SCHOOL LAW TIMELINES

The following are timelines that you are likely to encounter as you navigate through the *Illinois School Code*, the *Illinois School Student Records Act*, the federal *Individuals with Disabilities Education Act*, and their implementing regulations. These timelines are for your reference, but we recommend that you look at the entire section of the indicated statutory provisions or administrative regulation for more detailed information. Please note some timeframes are based strictly on Illinois law and are not applicable to other states. Items in 'red' are defined in the end notes.

The following are common cites to statues and regulations found this document:

- *Illinois School Code* – 105 ILCS 5/___
- *Illinois School Student Records Act* – 105 ILCS 10/___
- *Illinois Administrative Code, Title 23 (Education), Part 226 (Special Education)* – 23 IAC 226.____
- *U.S. Code of Federal Regulations, Title 34 (Education), Part 300 (Education of Students with Disabilities)* – 34 CFR § 300.____
- *U.S. Code, Title 20 (Education), Chapter 13 (Education of Individuals with Disabilities)* – 20 USC § 1400 et seq.

STUDENT RECORDS

STUDENT RECORDS			
Required Action	TIMELINE	Law/Regulation	Notes
Request for Transfer Student's Records: Receiving school district shall request a transfer student's school records from sending school or district	by the <i>end</i> of the next business day after date of enrollment	23 IAC 226.50(a)(2)(B)	
School District Request: A school district must honor the request for a transfer student's school record from a receiving school district	within 10 calendar days of receipt of request	105 ILCS 10/8.1(b); 105 ILCS 5/2-3.13a	This timeline also applies to requests made by DCFS.
Parent/Student Request: A school district must honor a parent's, student's, or designated representative's request to inspect and copy records within a <i>reasonable time</i>	no later than 15 school days after receipt of request	105 ILCS 10/5(c)	Requests must be received by the official records custodian ¹ .



SPECIAL EDUCATION

EVALUATIONS & IEPs			
Required Action	TIMELINE	Law/Regulation	Notes
<p>Request for Evaluation: School district’s response to parents’ request for a <i>case study evaluation</i> or referral for evaluation and notification of decision:</p> <ul style="list-style-type: none"> • If <u>NO</u> – must provide explanation² of decision not to evaluate • If <u>YES</u> – must convene domain meeting, identify necessary assessments, inform parents of those assessments, and provide informed consent on a “domain review form³” consent to conduct assessments 	<p>within 14 school days of receipt of request</p>	23 IAC 226.110(c)(3)	School is required to provide <u>written notice</u> of their decision
<p>Case Study Evaluation (CSE): Upon receiving parental informed consent for the evaluation, a school district must:</p> <ul style="list-style-type: none"> • Conduct the initial evaluation • Convene an IEP meeting to determine special education eligibility 	<p>within 60 school days of receiving parental consent</p>	23 IAC 226.110(d)	If fewer than 60 school days remain in the school year, then prior to the first day of the next school year
<p>Eligibility Determination: Provide written notice to parents concerning the eligibility determination⁴ reached with respect to the child</p>	<p>within 10 school days after the meeting</p>	23 IAC 226.110(f)	Parents are entitled to receive copies of any evaluation reports upon request
<p>Initial IEP: Complete an initial IEP based on eligibility determination</p>	<p>within 30 calendar days after the date of eligibility determination</p>	23 IAC 226.110(j)	The initial IEP meeting is often merged with the eligibility determination meeting.
<p>Copy of IEP: School district shall provide a copy of the IEP report to the parents</p>	<p>at the conclusion of the IEP meeting</p>	23 IAC 226.110(f)	There is no need for an affirmative request for a copy of the IEP.
<p>Developed/Revised IEP: When IEP has been developed or revised, the district shall provide notice to the parents</p>	<p>Immediately</p>	23 IAC 226.220(a)	No request is required.
<p>IEP Implementation: A newly developed or revised IEP shall be implemented by the school district</p>	<p>no later than 10 calendar days after parental notice</p>	23 IAC 226.220(a)	Parent may waive the 10-day notice period before the IEP is implemented. 23 IAC 226.520.

<p>Notice of School District's Proposal: A school district is required to provide written notice to a parent <u>prior</u> to a proposal or refusal to initiate or change the identification, evaluation or educational placement of a child, or the provision of FAPE to a child</p>	<p>at least 10 calendar days prior to the implementation of the change in IEP</p>	<p>23 IAC 226.520</p>	
<p>Request for IEP Meeting: A child's parent or teacher may request an IEP meeting</p>	<p>at any time</p>	<p>23 IAC 226.220(b)</p>	
<p>Response to Request for IEP Meeting: School district must respond to a parent's or educational provider's request for an IEP meeting</p>	<p>within 10 calendar days after request is made</p>	<p>23 IAC 226.220(b)</p>	<p>A school district must respond in writing of its agreement or disagreement, and in conformance with the requirements of 34 C.F.R. § 300.503⁵.</p>
<p>Notice to Parent of IEP Meeting: School district must provide a written notice of an IEP meeting to parents</p>	<p>at least 10 calendar days prior to meeting</p>	<p>23 IAC 226.530</p>	<p>A school district is responsible for taking necessary action to facilitate the parent's participation in and understand of the IEP meetings' proceedings (including interpreter services)⁶</p>
<p>New IEP for Transfer Student: School district must provide written notice to a parent of a transfer student regarding a proposed IEP meeting date</p>	<p>within 10 calendar days of enrollment</p>	<p>23 IAC 226.50(a)(1)(B)</p>	<p>Until the new IEP is developed, the district <u>shall implement</u> services comparable to those described in the IEP from the sending school district</p>
<p>Adopting Sending District's IEP for Transfer Student: School district must provide written notice of an IEP meeting to a parent of a transfer student</p>	<p>within 10 calendar days after school records <i>should have been</i> received</p>	<p>23 IAC 226.50(a)(2)(C); See 105 ILCS 5/2-3.13a</p>	<p>If records by sending district are received before time elapses, then sending school district's IEP may be adopted. During this time the receiving school district shall be served in the setting that it believes will meet the child's needs.</p>

Parent's Request for IEE: A parent may make a written request for an independent educational evaluation (IEE) at the public's expense if the parent disagrees with an evaluation obtained by the public agency	at any time after the evaluation by the public agency	105 ILCS 5/14-8.02(b); 34 CFR § 300.502(b) 23 IAC 226.180	
Response to Request for IEE: School district may respond to a request for an IEE by either ensuring that an IEE is provided or filing a due process complaint to request a hearing to show that its evaluation is appropriate	within 5 calendar days of receipt of written request	105 ILCS 5/14-8.02(b); 34 CFR § 300.502(b)	These are the <u>only</u> options available.
Completion of IEE: Based upon a written request for an IEE by the parents that a district agrees, <u>or</u> decision of a hearing officer if the school district files for due process, an IEE must be completed at the public expense	within 30 calendar days of either the request or IHO decision	105 ILCS 5/14-8.02(b)	This time period may be extended if either the parent or school district offer reasonable grounds to show the 30-day time period should be extended.
IEP Meeting to Discuss Results of an IEE: School district shall provide written notice convening the IEP Team's meeting to consider the results of an IEE at public expense	within 10 calendar days of receipt of IEE	23 IAC 226.180(d)	
IEP Meeting to Discuss Results of a Private Evaluation: Upon a parent's request, the school district shall send notice of an IEP meeting to consider the results of a private evaluation	within 10 calendar days of receipt of request	23 IAC 226.180(d)	
Notice of Unilateral Placements: Parents intending to unilaterally place their child in a private program must provide the school with written notice of their intent to remove their child and place him/her in a program chosen by them	at least 10 business days (including any holidays that occur on a business day) prior to the removal of the child	34 CFR § 300.148.(d)	This protects the parent's right to retroactive reimbursement under the <i>Burlington</i> ⁷ and <i>Carter</i> ⁸ cases.
Revocation of Parental Consent: Parent may revoke consent for any action by the school district orally or in writing; if done orally, school district must put a parent's oral revocation of consent in writing and provide a copy to the parent	within 5 calendar days of revocation	23 IAC 226.540(a)	A parent's revocation of consent is effective immediately. 23 IAC 226.540(b). A district is not liable for no longer providing special education or related services to a child whose parent has revoked consent ⁹ .

Early Intervention Program to School District: For a child transitioning from an early intervention program into a special education program of a school district, school district shall ensure that either an IEP or Individualized Family Service Plan (IFSP) is in effect	on the child's 3rd Birthday	23 IAC 226.260; 34 CFR § 300.101	Where child's birthday is during the summer, the IEP Team shall determine when services will begin.
Term of Special Education Eligibility: An eligible student must continue to receive special education services from his public school district	until the day before his/her 22nd Birthday	23 IAC 226.50(c)(1); 34 CFR § 300.101	

DUE PROCESS

DUE PROCESS HEARING REQUESTS & PROCEDURES			
Required Action	TIMELINE	Law/Regulation	Notes
Request for Due Process Hearing: A parent, guardian or public agency may file a due process complaint regarding a violation related to the identification, evaluation or educational placement of a child with a disability	not more than 2 years after the parent or public agency knew or should have known of the violation	34 CFR § 300.507(a); 105 ILCS 5/14-8.02a(f)	A due process hearing request must be made <u>in writing</u> to the <u>superintendent</u> of the school district where the student resides.
Notification to ISBE of Due Process Request: School district Superintendent shall forward the due process request to the Illinois State Board of Education (ISBE) in Springfield, IL by certified mail or other means that provides evidence of delivery	within 5 calendar days of receipt of request	34 CFR § 300.508(a)(2); 105 ILCS 5/14-8.02a(f); 23 IAC 226.615;	
Appointment of an Impartial Hearing Officer (IHO): ISBE shall appoint a due process hearing officer, and notify the hearing officer of his/her appointment	within 3 calendar days of receipt of due process request	23 IAC 226.635; 105 ILCS 5/14-8.02a(f-5)	This same timeline applies when ISBE receives a request for a substitution of an IHO (see <i>below</i>) or receives notice that an IHO is ineligible to serve.
Request for IHO Substitution: A request for a substitution of the hearing officer shall be submitted to the Due Process Coordinator at ISBE via letter or facsimile	no later than 5 calendar days of notice of the IHO's appointment	23 IAC 226.635; 105 ILCS 5/14-8.02a(f-5)	A party is permitted <u>one</u> substitution of an IHO as a matter of right.

<p>School District Response to Due Process Hearing Request: Unless a school district has previously provided prior written notice with regard to the subject matter of the hearing request, a school district must provide a written response to the parent(s) or student¹⁰</p>	<p>within 10 calendar days of receipt of the hearing request</p>	<p>34 CFR § 300.508(e)(1); 105 ILCS 5/14-8.02a(g-5)</p>	
<p>Parent/Student Response to Due Process Hearing Request: When a hearing request is initiated by a school district, a parent or student shall provide a <i>written</i> response that specifically addresses the issues raised in the hearing request</p>	<p>within 10 calendar days of receipt of the hearing request</p>	<p>105 ILCS 5/14-8.02a(g-10)</p>	<p>A parent/student response does <u>not</u> need to be in writing <u>if</u> the parent/student is illiterate or has a disability that prevents him/her from providing a written response. The response may also be in the parent/student's native language.</p>
<p>Sufficiency of Complaint: A party may challenge the sufficiency of the other party's due process hearing request in writing to the IHO</p>	<p>within 15 calendar days of receipt of the hearing request</p>	<p>34 CFR § 300.508(d)(1); 105 ILCS 5/14-8.02a(g-15)</p>	<p>If the challenge is upheld, the requesting party may file an amended complaint with the consent of the other party or IHO.</p>
<p>Determination on Sufficiency Challenge: The IHO shall issue his/her determination in writing on the challenge to the hearing request's sufficiency to both parties</p>	<p>within 5 calendar days of receipt of the challenge</p>	<p>34 CFR § 300.508(d)(2); 105 ILCS 5/14-8.02a(g-15)</p>	
<p>Resolution Session: School district shall convene a resolution meeting with the parent(s) and relevant members of the IEP team who have specific knowledge of the facts contained in the hearing request for the purpose of resolving the problem</p>	<p>within 15 calendar days of receipt of the parent/student's hearing request or initiating the hearing request</p>	<p>34 CFR § 300.510(a)(1); 105 ILCS 5/14-8.02a(g-20)</p>	<p>The resolution session <u>may</u> be waived by written agreement of the parties; or in the alternative, by the parties' written agreement to utilize mediation instead.</p> <p>If not waived, both parties must cooperate in the scheduling of the resolution session or risk dismissal of the hearing request, or granting of all relief set forth in the hearing request, as appropriate.</p>

Resolution Period: Where the issues are not satisfactorily resolved, the due process hearing may occur after the resolution period, which is	within 30 calendar days of receipt of the hearing request	34 CFR § 300.510(b); 105 ILCS 5/14-8.02a(g-20)	This timeline is routinely extended.
Revocation of Resolution Agreement: If the resolution session results in an executed written settlement agreement of the parties, a party may void the agreement	within 3 business days of execution	34 CFR § 300.510(e)	
Prehearing Conference: An IHO must convene a prehearing conference with both parties to aid in the fair and expeditious conduct of the hearing	at least 14 calendar days Before the scheduled date of the hearing	105 ILCS 5/14-8.02a(g-40)	The IHO must provide notice of the prehearing conference to the parties at least 7 calendar days in advance.
Due Process Hearing: A hearing must be conducted and a decision must be made by the IHO and delivered to the parties	within 45 calendar days after the expiration of the 30-day resolution period or the adjusted time period ¹¹	34 CFR § 300.515(a); 105 ILCS 5/14-8.02a(h)	
IHO's Decision: The IHO shall issue a written decision ¹² , including findings of fact and conclusions of law and send the decision by certified mail to the parents or student (if the student requests the hearing), the school district, the director of special education, legal representatives of the parties, and the State Board of Education	within 10 calendar days after the conclusion of the hearing	105 ILCS 5/14-8.02a(h); 23 IAC 226.670	If necessary, the decision must be translated into the parent/student's native language. 23 IAC 226.670 ¹³
Request for Clarification: A party may request in writing from an IHO for clarification of his/her due process hearing decision, specifying the portions of the decision for which clarification is sought and mailing a copy of the request to all parties of record and to the State Board of Education	within 5 calendar days of receipt of the decision	105 ILCS 5/14-8.02a(h); 23 IAC 226.670	A copy of the request for clarification must be sent to all parties. The request must specify which portions of the decision require clarification, and why.
Response to Request for Clarification: The IHO shall issue a clarification of the specified portion of the decision or issue a partial or full denial of the request in writing and mail copies to all the parties to whom the decision was mailed	within 10 calendar days of receipt of the request	105 ILCS 5/14-8.02a(h)	

<p>Appeal - Civil Action: A party aggrieved by the findings and decisions of the IHO in a due process hearing, may appeal the decision in a court of competent jurisdiction</p>	<p>within 120 calendar days after a copy of the IHO's decision is mailed to the party</p>	<p>34 CFR § 300.516(a); 105 ILCS 5/14-8.02a(i)</p>	
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SCHOOL DISCIPLINE

REGULAR EDUCATION STUDENTS			
Required Action	TIMELINE	Law/Regulation	Notes
<p>Suspension: A non-disabled student may be suspended for a serious act of misconduct</p>	<p>for 10 consecutive school days or less (per suspension)</p>	<p>105 ILCS 5/10-22.6(b)</p>	<p>The suspension may be longer if for gross disobedience or misconduct on a school bus for safety reasons.</p> <p>There is no upward limit on the cumulative number of day a non-disabled student may be suspended during the school year.</p>
<p>Notice of Suspension: A parent/guardian must receive a notice of the suspension which includes the reason for the suspension, the length of the suspension, and a notice of the parent/guardian's right to review the school's decision</p>	<p>Immediately</p>	<p>105 ILCS 5/10-22.6(b)</p>	<p>This notice may be oral or written.</p>
<p>Review of Suspension Decision: A school board or its appointed hearing officer shall review the action of the superintendent, principal, assistant principal or dean of students to suspend, at a meeting where the parent/guardian may appear to discuss the suspension with the board or its hearing officer</p>	<p>upon the request of the parent/guardian</p>	<p>105 ILCS 5/10-22.6(b)</p>	<p>If a hearing officer is appointed, he/she shall report to the school board a written summary of the evidence heard at the meeting.</p> <p>Upon receiving the written report of the hearing officer or after conducting the meeting, the school board may take action as it finds appropriate.</p>

<p>Expulsion: A non-disabled student may be removed from school for gross disobedience or misconduct a period of time</p>	<p>from more than 10 school days to a period of time not to exceed 2 school years¹⁴</p>	<p>105 ILCS 5/10-22.6(a); 105 ILCS 5/10-22.6(d)</p>	<p>A student may be expelled <u>only after</u> the parent/guardian has been requested to appear at a meeting with the school board or hearing officer.</p> <p>Notice of the hearing must be sent by registered or certified mail, and must state the time, place, and purposes of the hearing.</p>
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SPECIAL EDUCATION STUDENTS			
Required Action	TIMELINE	Law/Regulation	Notes
<p>Suspension: A special education student may be suspended without the need for a manifestation determination review (MDR), consent of parents, or provision of special education services</p>	<p>for up to 10 school days in the school year</p>	<p>34 CFR § 300.530(a); 20 U.S.C. § 1415(k); 23 IAC 226.400</p>	<p>The same notice requirements apply as stated above for non-disabled students.</p> <p>A suspension of a disabled student for in excess of 10 school days (consecutive or non-consecutive) may be considered a “change of placement”.</p>
<p>Manifestation Determination Review (MDR): If a disabled student is expelled or there is a “change of placement”, the school district shall convene a MDR meeting to determine whether the conduct in question was a caused by or had a substantial relationship to the student’s disability; and whether the conduct was the result of the school district’s failure to implement the IEP</p>	<p>within 10 school days of the decision to expel or “change the placement” of the student</p>	<p>23 IAC 226.400; 34 CFR § 300.530</p>	<p>If the conduct was a result of the student’s disability or due to the failure of the school district to implement the IEP, a functional behavioral assessment (“FBA”) must be conducted and a behavioral intervention plan (BIP) must be implemented or revised if one already exists.</p>

<p>Interim Alternative Educational Setting (IAES): A disabled student may be placed in an IAES, without regard to the result of an MDR, if he/she while at school, on school premises, or at a school function: (1) carries or possesses a weapon¹⁵; (2) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance¹⁶, or (3) inflicts serious bodily injury¹⁷ upon another person</p>	<p>for up to 45 school days</p>	<p>34 CFR § 300.530(g)</p>	
<p>IEP Meeting for an IAES: School district must convene an IEP meeting after placing a student in an IAES</p>	<p>within 10 business days of the placement decision</p>	<p>34 CFR § 300.530(g)</p>	
<p>Expedited Due Process Hearing Requests: A due process hearing must take place upon a parent/guardian’s request for a due process hearing to challenge any decision regarding the manifestation determination, placement resulting from an MDR, or alternative 45-day placement, <i>OR</i> upon a school district’s request for a hearing to place a student in an alternative 45-day placement</p>	<p>within 20 school days of the request</p>	<p>20 U.S.C. § 1415(k)(1)-(4); 105 ILCS 5/14-8.02b</p>	
<p>Expedited Due Process Decision: An IHO must issue a decision in a hearing regarding the above challenges</p>	<p>within 10 school days of the hearing</p>	<p>20 U.S.C. § 1415(k)(1) & (2)</p>	

¹ *Official Records Custodian* - “(a) Each school shall designate an official records custodian who is responsible for the maintenance, care and security of all school student records, whether or not such records are in his personal custody or control. (b) The official records custodian shall take all reasonable measures to prevent unauthorized access to or dissemination of school student records.” 105 ILCS 10/4(a)-(b).

² Pursuant to 23 IAC 226.110, if the school district determines not to conduct an evaluation it must provide written notice to the parents in accordance with 34 CFR § 300.503(b). Section 300.503(b) states as follows: “The noticed required . . . must include – (1) A description of the action proposed or refused by the agency; (2) An explanation of why the agency proposes or refuses to take the action; (3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action; (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; (5) Sources for parents to contact to obtain assistance in understanding the provisions of this part; (6) A description of other options that the IEP Team considered and the reasons why those options were rejected; and (7) A description of other factors that are relevant to the agency’s proposal or refusal. 34 CFR § 300.503(b).

³ The 60-school day time frame does not commence until the parents have signed the domain review form, providing consent to conduct the indicated assessments. 23 IAC 226.110(c)(3); 34 CFR § 300.305.

⁴ Pursuant to Section 300.306, “In interpreting evaluation data for the purpose of determining if a child is a child with a disability under [34 CFR §300.8], and the educational needs of the child, each public agency must – (i) Draw upon information from a variety of source, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child’s physical condition, social or cultural background, and adaptive behavior; and (ii) Ensure that information obtained from all of these sources is documented and carefully considered.” 34 CFR § 300.306(c). Further “Upon completion of the administration of assessment and other evaluation measures - . . . [t]he public agency provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.” 34 CFR § 300.306(a)(2).

⁵ Section 300.503 states as follows: “(a) Notice. Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency – (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or (2) Refuses to initiate or change the identification, evaluation, or education placement of the child or the provision of FAPE to the child. (b) Content of notice. The notice required under paragraph (a) of this section must include – (1) A description of the action proposed or refused by the agency; (2) An explanation of why the agency proposes or refuses to take the action; (3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action; (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; (5) Sources for parents to contact to obtain assistance in understanding the provisions of this part; (6) A description of other options that the IEP Team considered and the reasons why those options were rejected; and (7) A description of other factors that are relevant to the agency’s proposal or refusal. (c) Notice in understandable language. (1) The notice required under paragraph (a) of this section must be – (i) Written in language understandable to the general public; and (ii) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. (2) If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure – (i) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; (ii) That the parent understands the content of the notice; and (iii) That there is written evidence that the requirements in paragraphs (c)(2)(i) and (ii) of this section have been met.” 34 CFR § 300.503.

⁶ Section 226.530 states as follows: “With respect to parents' participation in meetings, school districts shall conform to the requirements of 34 CFR 300.322 and 300.501. For purposes of 34 CFR 300.322(a)(1), "notifying parents of the meeting early enough to ensure that they will have an opportunity to attend" means the district shall provide written notification no later than ten days prior to the proposed date of the meeting. In addition, the **district shall take whatever action is necessary to facilitate the parent's understanding of and participation in the proceedings at a meeting, including arranging for and covering the expense of an interpreter for parents whose native language is other than English or for an interpreter licensed pursuant to the Interpreter for the Deaf Licensure Act of 2007 [225 ILCS 443] for parents who are deaf.**” 23 IAC 226.530 (Emphasis added.)

⁷ *School Committee of Burlington v. Department of Education of Massachusetts*, 471 U.S. 359 (1985).

⁸ *Florence County School District Four v. Carter*, 510 U.S. 7 (1993).

⁹ If a parent fails to respond or refuses to consent to the initial provision of special education services for his/her child (34 CFR § 300.300(b)(3)), or revokes consent to services at any time subsequent to the initial provision of special education and related services (34 CFR § 300.300(b)(4)), the district may not continue to provide such services to the child and will not be considered in violation of the requirement to make FAPE available to the child. 34 CFR § 300.300(b)(3)-(4).

¹⁰ A student may file and respond to a due process hearing request if at least 18 years of age or emancipated. See 105 ILCS 14-8.02a et seq.

¹¹ The 45-day timeline for the due process hearing may start after one of the following events: (1) both parties agree in writing to waive the resolution session; (2) after either the mediation or resolution meeting starts but before the end of the 30-day period, parties agree in writing that no agreement is possible; or (3) both parties agree in writing to continue the medication at the end of the 30-day resolution period, but later, a party withdraws from the mediation process. 34 CFR § 300.510(c).

¹² Pursuant to the Illinois School Code, “[t]he decision shall specify the education and related services that shall be provided to the student in accordance with the student’s needs and the timeline for which the school district shall submit evidence to the State Board of Education to demonstrate compliance with the hearing officer’s decision in the event that the decision orders the school district to undertake corrective action.”

¹³ “The bases and timelines for decisions of hearing officers shall conform to the requirements of 34 CFR 300.513 and Section 14-8.02a(h) of the School Code [105 ILCS 5/14-8.02a(h)]. In addition, the hearing officer’s decision shall be sent by certified mail to the parties enumerated in Section 14-8.02a(h) of the School Code. **The [hearing] decision shall be translated into the native language of the parents if their primary language is other than English.**” 23 IAC 226.670 (Emphasis added.)

¹⁴ “A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of not less than one year: (1) A firearm. For the purposes of this Section, ‘firearm’ means any gun, rifle, shotgun, or weapon as defined by Section 921 of Title 18 of the United States Code, firearm as defined in Section 1.1 of the Firearm Owners Identification Card Act (430 ILCS 65/1.1), or firearm as defined by Section 24-1 of the Criminal Code of 1961. The expulsion period under this subdivision (1) may be modified by the superintendent, and the superintendent’s determination may be modified by the board on a case-by-case basis. (2) A knife, brass knuckles or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including “look alike” of any firearm as defined in subdivision (1) of this subsection (d). The expulsion requirement under this subdivision (2) may be modified by the superintendent, and the superintendent’s determination may be modified by the board on a case-by-case basis.” 105 ILCS 5/10-22.6(d)(1)-(2).

¹⁵ Pursuant to Section 300.530(i)(4), “weapon” for the purposes of the IDEA has the meaning given to the term “dangerous weapon” under paragraph (2) of the first subsection (g) of Section 930 of title 18, United States Code. 34 CFR § 300.530(i)(4). Pursuant to that section, “[t]he term ‘dangerous weapon’ means a weapon, device, instrument material, or substance, animate or inanimate, that is used for or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade less than 2½ inches in length.” 18 U.S.C. § 930(g)(2).

¹⁶ Pursuant to Section 300.530(i)(1), “controlled substance” means “a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).” 34 CFR § 300.530(i)(1). Further, this same section defines “illegal drug” as “a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.” 34 CFR § 300.530(i)(2). Please note, that the above definition does not include alcohol.

¹⁷ Section 300.530(i)(4) refers to the definition of “serious bodily injury” under 18 U.S.C. § 1365. That statute states, “the term “serious bodily injury’ means bodily injury which involves – (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member organ, or mental facility.” 18 U.S.C. § 1365(h)(3).

Matthew Wanzenberg, Ph.D.
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The 10 Best Kept Secrets About
Navigating IEP/504/RTI Plans

November 30th, 2012
Godshalk Room

Questions to ask during analysis of current interventions/supports

Proper Instruction.
Is the instruction research-based and/or appropriate?
Does the instruction match the skill level of the student?
Is the instruction motivating and rewarding?
Is the instruction being provided by qualified teachers?
Behavioral Issues.
Were appropriate interventions planned?
Are the interventions being carried out?
Is the process for developing and implementing FBAs and BIPs reasonably likely to enable staff to decrease problem behaviors
Progress Monitoring.
Are there charts, graphs or plans to exhibit student performance at the beginning and throughout the interventions?
Have standards and implementations enabled staff to use data to drive decision-making for improved teaching and learning?

Interaction with Parents.
Were a sufficient number of meetings held?
Did a parent attend the meetings, or was there evidence of reasonable contacts?
Clear Standards.
Do clear standards delineate sufficiency of progress?
Are the standards followed consistently?
Is there sufficient time given for interventions to succeed?
Are the interventions changed based on performance?
Referral Process.
Do referrals for special education services seem to be appropriate?
Are there standards for referrals?
Are continued interventions appropriate?
Are the interventions modified and reasonable?
Were any referrals without prior general education interventions reasonable?

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Ecological Assessment/Survey

Directions: enter task code(s) in cell and tally total minutes in highlighted cell at bottom

Interval	Monday	Tuesday	Wednesday	Thursday	Friday
8:00a-8:15a					
8:15a-8:30a					
8:30a-8:45a					
8:45a-9:00a					
9:00a-9:15a					
9:15a-9:30a					
9:30a-9:45a					
9:45a-10:00a					
10:00a-10:15a					
10:15a-10:30a					
10:30a-10:45a					
10:45a-11:00a					
11:00a-11:15a					
11:15a-11:30a					
11:30a-11:45a					
11:45a-12:00p					
12:00p-12:15p					
12:15p-12:30p					
12:30p-12:45p					
12:45p-1:00p					
1:00p-1:15p					
1:15p-1:30p					
1:30p-1:45p					
1:45p-2:00p					
2:00p-2:15p					
2:15p-2:30p					
2:30p-2:45p					
2:45p-3:00p					
3:00p-3:15p					

Minutes	Task	Notes/Personnel	CODE
	Transitioning to/from activity/classroom		1
	Classroom instruction alongside nondisabled peers		2
	Classroom instruction outside of non-disabled student lesson (e.g., back table, parallel group of disabled students, etc.)		
	Time with pull out service		3
	Time with 1:1 para (instr.)		4
	Socializing with non dis. peers		5
	Other (specify)		6

105 ILCS 5-14-8.02g

Pertaining to access to classroom for observation and data collection

(g-5) For purposes of this subsection (g-5), "qualified professional" means an individual who holds credentials to evaluate the child in the domain or domains for which an evaluation is sought or an intern working under the direct supervision of a qualified professional, including a master's or doctoral degree candidate.

To ensure that a parent can participate fully and effectively with school personnel in the development of appropriate educational and related services for his or her child, the parent, an independent educational evaluator, or a qualified professional retained by or on behalf of a parent or child must be afforded reasonable access to educational facilities, personnel, classrooms, and buildings and to the child as provided in this subsection (g-5). The requirements of this subsection (g-5) apply to any public school facility, building, or program and to any facility, building, or program supported in whole or in part by public funds. Prior to visiting a school, school building, or school facility, the parent, independent educational evaluator, or qualified professional may be required by the school district to inform the building principal or supervisor in writing of the proposed visit, the purpose of the visit, and the approximate duration of the visit. The visitor and the school district shall arrange the visit or visits at times that are mutually agreeable. Visitors shall comply with school safety, security, and visitation policies at all times. School district visitation policies must not conflict with this subsection (g-5). Visitors shall be required to comply with the requirements of applicable privacy laws, including those laws protecting the confidentiality of education records such as the federal Family Educational Rights and Privacy Act and the Illinois School Student Records Act. The visitor shall not disrupt the educational process.

(1) A parent must be afforded reasonable access of

sufficient duration and scope for the purpose of observing his or her child in the child's current educational placement, services, or program or for the purpose of visiting an educational placement or program proposed for the child.

(2) An independent educational evaluator or a

qualified professional retained by or on behalf of a parent or child must be afforded reasonable access of sufficient duration and scope for the purpose of conducting an evaluation of the child, the child's performance, the child's current educational program, placement, services, or environment, or any educational program, placement, services, or environment proposed for the child, including interviews of educational personnel, child observations, assessments, tests or assessments of the child's educational program, services, or placement or of any proposed educational program, services, or placement. If one or more interviews of school personnel are part of the evaluation, the interviews must be conducted at a mutually agreed upon time, date, and place that do not interfere with the school employee's school duties. The school district may limit interviews to personnel having information relevant to the child's current educational services, program, or placement or to a proposed educational service, program, or placement.

SAMPLE LETTER FOR INITIAL CASE STUDY EVALUATION

Notes on use:

- Always send in written form and try to hand deliver (or at a minimum certify mail) this request
- Always confirm receipt of this request
- School must contact you within 10 days if the request is in order
- If declined, response should be formalized in writing with rationale and copy of parent's rights

Date

Name of Administrative School Contact

Name of School

Street Address

City, State Zip Code

Name of Administrative School Contact:

We are the parents of **CHILDS NAME (DOB or STUDENT ID NUMBER)**, a student attending **SCHOOL**.

We are requesting an initial case study evaluation to determine if **CHILD** is eligible for special education services.

The reasons for this request include:

- Difficulty in school, specifically **LIST AREA OF SCHOOL NEED** which has been observed for **DURATION OF EDUCATIONALLY RELEVANT SYMPTOM**
- **ADD OTHER INFORMATION RELATED TO REQUEST HERE**

OPTIONAL: To date, we are aware of the following interventions that have been employed to assist **CHILD** in school:

OPTIONAL: **CHILD** maintains a diagnosis of **LIST DIAGNOSIS/DIAGNOSES HERE** which impact his/her education at **SCHOOL**.

OPTIONAL: **CHILD** has been evaluated by **THIRD PARTY** and we wish the referral team to fully consider the findings and recommendations outlined in the attached evaluation.

Please forward forms related to release of confidential information so **CHILD's** service providers in the community are included in this process.

Please contact us to discuss the next steps in this process, including any dates which might be set aside for **CHILD's** domain meeting.

We look forward to working with the school team on **CHILD's** behalf.

Sincerely,

SIGNATURE

DATE

Parents
Address
City, State Zip Code
Phone

(if child is subject to joint custody, complete with both parental signatures)

SIGNATURE

DATE

Parents
Address
City, State Zip Code
Phone

Att: **SUPPORTING DOCUMENTATION**

Qualitative Differences of RTI/IEP/504 Plan Accommodations and Modifications

Accommodations are provisions made in how a student accesses and demonstrates learning. These do not substantially change the instructional level, the content or the performance criteria. The changes are made in order to provide a student equal access to learning and equal opportunity to demonstrate what is known. Accommodations appropriate for school support systems include adjustments to (listed by **topic** from lower to higher intensity):

- **Pacing:** extending/adjusting time; allowing frequent breaks; varying activity often
- **Environment:** leaving class for academic assistance (e.g., RIP); preferential seating; altering physical room arrangement; defining limits (physical/behavioral); reducing/minimizing distractions (visual, auditory, both); cooling off period
- **Presentation of Material:** emphasizing teaching approach (visual, auditory, tactile, multi); limited opportunities for individualizing/small group instruction; taping lectures for replay; demonstrating/modeling; using manipulatives/hands-on activities; pre-teaching vocabulary; utilizing advance organizers; providing visual cues.
- **Materials and Equipment:** taping texts; highlighting material; supplementing material/laminating material; note taking assistance/copies from others; typing teacher's material rather than using handwriting on board; color overlays; using calculator, computer, word processor;
- **Grading:** giving credit for projects; giving credit for class participation; extra credit where appropriate
- **Assignments:** giving directions in small, distinct steps; allowing copying from paper/book; using written back-up for oral directions; adjusting length of assignment; changing format of assignment (matching, multiple choice, fill-in-blank, etc.); breaking assignment into series of smaller assignments; reducing paper/pencil tasks; reading directions/assignments to students; giving oral/visual cues or prompts; allowing recording/dictated/typed answers; maintaining assignment notebook; avoiding penalizing for spelling errors on every paper.
- **Reinforcement and Follow-Through:** using positive reinforcement; using concrete reinforcement; checking often for understanding/review; providing peer tutoring; requesting parent reinforcement; having student repeat/explain the directions; making/using vocabulary files; teaching study skills; using

study sheets/guides; reinforcing long-term assignment timelines; repeating review/drill; using behavioral contracts/check cards; giving weekly progress reports; providing before and/or after school tutoring; conferring with student (daily, bi-weekly, weekly, etc.).

- **Testing Adaptations:** reading test verbatim to student (in person or recorded); shortening length of test; changing test format (essay vs. fill-in blank vs. multiple choice, etc.); adjusting time for test completion; permitting oral answers; scribing test answers for student; permitting open book/notes exams; permitting testing in isolated/different location.

Modifications: Substantial changes in *what* a student is expected to learn and demonstrate. These changes are made to provide a student the opportunity to participate meaningfully and productively in learning experience and environments. Modifications include changes in instruction level, content, and/or performance criteria. When provided on a daily basis, these approaches are generally reserved for students with identified learning needs who are eligible for special education.

- **Pacing:** omitting assignments that require timed situation, restriction of certain types of assignments
- **Presentation of Subject Matter:** utilizing specialized curriculum written at a lower level of understanding (requires consultation with certified staff member with training in curriculum modification for students with disabilities)
- **Materials and Equipment/Assistive Technology:** adapting or simplifying texts for lower level of understanding; modifying content areas by simplifying vocabulary, concepts and principles.
- **Grading:** modifying weights of examinations and assignments.
- **Assignments:** lowering reading level of assignment; adapting worksheets, packets with simplified vocabulary.
- **Testing Adaptations:** reducing reading level of test.

2006 Hasbrouck & Tindal Oral Reading Fluency Data

Jan Hasbrouck and Gerald Tindal have completed an extensive study of oral reading fluency. The results of their study were published in a technical report entitled, "Oral Reading Fluency: 90 Years of Measurement," which is available on the University of Oregon's website, brt.uoregon.edu/tech_reports.htm, and in *The Reading Teacher* in 2006 (Hasbrouck, J. & Tindal, G. A. (2006). Oral reading fluency norms: A valuable assessment tool for reading teachers. *The Reading Teacher*. 59(7), 636-644.).

The table below shows the mean oral reading fluency of students in grades 1 through 8 as determined by Hasbrouck and Tindal's data.

You can use the information in this table to draw conclusions and make decisions about the oral reading fluency of your students. **Students scoring 10 or more words below the 50th percentile using the average score of two unpracticed readings from grade-level materials need a fluency-building program.** In addition, teachers can use the table to set the long-term fluency goals for their struggling readers.

Average weekly improvement is the average words per week growth you can expect from a student. It was calculated by subtracting the fall score from the spring score and dividing the difference by 32, the typical number of weeks between the fall and spring assessments. For grade 1, since there is no fall assessment, the average weekly improvement was calculated by subtracting the winter score from the spring score and dividing the difference by 16, the typical number of weeks between the winter and spring assessments.

Grade	Percentile	Fall WCPM*	Winter WCPM*	Spring WCPM*	Avg. Weekly Improvement**
1	90		81	111	1.9
	75		47	82	2.2
	50		23	53	1.9
	25		12	28	1.0
	10		6	15	0.6
2	90	106	125	142	1.1
	75	79	100	117	1.2
	50	51	72	89	1.2
	25	25	42	61	1.1
	10	11	18	31	0.6

*WCPM = Words Correct Per Minute

Grade	Percentile	Fall WCPM*	Winter WCPM*	Spring WCPM*	Avg. Weekly Improvement**
3	90	128	146	162	1.1
	75	99	120	137	1.2
	50	71	92	107	1.1
	25	44	62	78	1.1
	10	21	36	48	0.8
4	90	145	166	180	1.1
	75	119	139	152	1.0
	50	94	112	123	0.9
	25	68	87	98	0.9
	10	45	61	72	0.8
5	90	166	182	194	0.9
	75	139	156	168	0.9
	50	110	127	139	0.9
	25	85	99	109	0.8
	10	61	74	83	0.7
6	90	177	195	204	0.8
	75	153	167	177	0.8
	50	127	140	150	0.7
	25	98	111	122	0.8
	10	68	82	93	0.8
7	90	180	192	202	0.7
	75	156	165	177	0.7
	50	128	136	150	0.7
	25	102	109	123	0.7
	10	79	88	98	0.6
8	90	185	199	199	0.4
	75	161	173	177	0.5
	50	133	146	151	0.6
	25	106	115	124	0.6
	10	77	84	97	0.6

**Average words per week growth

IEP's, 504 plans, RTI plans, and Post-High School Supports

	K-12 Individualized Education Program (IEP)	K-12 Section 504 of Rehabilitation Act	Response to Intervention Plans (RTI)	College and Agency (Section 504 and Americans with Disabilities Act)
School accountability	The student's public school is responsible for the student's performance as long as goals are identified in the IEP	The student's public school <u>is not</u> held accountable for specific areas of performance	The school is required to monitor student's performance in interventions	The student is responsible for his/her own academic performance. The school or agency is only required to consider supporting documentation
Identification	Public schools have a responsibility to find and evaluate students with disabilities that impact school performance	Parents must provide supporting documentation that meet federal guidelines for accommodation	Any school member or parent can initiate a request for an intervention plan	The student provides supporting documentation for disability and need for basic accommodations which may or may not be provided by college or agency
Costs of Identification	School districts bear the responsibility for a case study evaluation	In most cases, the family bears the costs of the eligibility evaluation for 504 services	School district bears the responsibility to design, implement, and monitor the intervention plan	The student is responsible for all costs associated with eligibility for supports at the school or agency
Termination	Services terminate at graduation or day after student's 22 nd birthday if still in high school.	School services terminate upon graduation, but 504 plan may generalize to adult world	Intervention plan terminates at team discretion or upon graduation from high school	504 plan terminates upon completion of program or degree
Plan development	A multidisciplinary team of specialists develop and monitor the IEP	A limited committee of school team members develops and reviews the 504 plan	No requirement for specific team member, but casemanager is designated to monitor results of interventions	Student identifies needed accommodations; school or agency committee will review and determine if these are feasible in higher education
Entitlement	Student is subject to a free and appropriate public education outlined in IEP at no cost to parent. Due process rights allow for appeal.	Student is subject to a free and appropriate public education outlined in 504 plan at no cost to parent. Due process rights allow for appeal.	No specific rights exist for student or parent	Schools and agencies may determine eligibility for services with limited due process for student
Advocacy	Family is advocate	Family is advocate	School staff are the advocates	Student is advocate and seeks out supports needed
Changes allowed to course of study	Extensive and individualized modifications to course of study are allowed	Accommodations cannot fundamentally alter the nature of the course of study	No specific requirements, only that interventions must be established in research as effective interventions	Accommodations cannot fundamentally alter the nature of the course of study or cause undo hardship to school, agency, or employer.
Confidentiality	Strict confidentiality limited to school staff and specialists	Strict confidentiality limited to school staff and specialists	No specific requirements relating to achievement	Confidentiality between school/agency and student under FERPA
Funding	Federal, State, and Local funds	No funding	No funding	No funding; colleges may assess a "support fee" to offset costs of supports
Generalization	Carries over each year in public schools, K-12. Yearly progress updates and a re-evaluation each three years for continued eligibility. Meetings can be called at any time, as frequently as requested by school or parent	Carries over each year in public education, K-12. A brief yearly review is required.	No specific requirement: may be short term and not subject to carry-over in public school. Plans often do not generalize from elementary to middle to high schools	Plan is reviewed by college/agency at least yearly and renewed until program is completed

Adapted from: Brinckerhoff, L.B., Shaw, S.F., & McGuire, JM (2000)

Valerie Moreno-Tucker
MA, CRC, LCPC
Vocational Evaluator and Transition Consultant

November 30th, 2012
Classroom D

The data driven transition plan:

Using Vocational Evaluations and other assessments to assist in transition planning

Valerie Moreno-Tucker, MA, CRC, LCPC
Vocational Consultant

Goals for today:

1. Gain basic understanding of each section of the transition plan document
2. Learn various types of assessments that can be utilized to assist in transition planning
3. Understand details of a Vocational Evaluation, and how it can be used to provide information for many aspects of transition planning
4. (If time allows), learn detailed information regarding each section of the transition plan document

Transition – some history

The Transition Process

While always identifying student's present level of performance...

1. Conduct transition assessments, including assessments of the student's preferences, interest, and strengths
2. Identify post-secondary goal ("outcomes")
3. Identify transition services to help to achieve that goal
4. Develop annual goals for those transition services
5. Develop a course of study

How is this process "documented"

- The TRANSITION PLAN
- This plan, in best practice, should guide the IEP

Transition Plan - the typical "look"

<p>Transition Plan Page 1</p> <p><u>Transition Assessments</u> EMPLOYMENT EDUCATION or TRAINING INDEPENDENT LIVING</p> <p><u>Post-secondary Outcomes</u> EMPLOYMENT EDUCATION or TRAINING INDEPENDENT LIVING</p> <p><u>Course of Study</u></p>	<p>Transition Plan Page 2</p> <p><u>Transition Services</u> INSTRUCTION RELATED SERVICES COMMUNITY EXPERIENCES DEVELOPMENT OF EMPLOYMENT AND OTHER POST SCHOOL ADULT LIVING OBJECTIVES DAILY LIVING SKILLS LINKAGES</p>
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Age-appropriate transition assessment

- Typically the first/top section of the transition plan
- Includes EMPLOYMENT
- Includes EDUCATION or TRAINING
- Includes INDEPENDENT LIVING (if appropriate)
- Reports of these assessments must be attached to the IEP

Age-appropriate transition assessment

"The Division on Career Development and Transition (DCDT) of the Council for Exceptional Children defines transition assessment as the "...ongoing process of collecting data on the individual's needs, preferences, and interests as they relate to the demands of current and future working, educational, living, and personal and social environments. *Assessment data serve as the common thread in the transition process and form the basis for defining goals and services to be included in the Individualized Education Program (IEP)*" [Sitlington, Neubert, and Leconte. (1997) in *Career Development for Exceptional Individuals*, 20, 69-79]."

http://www.isbe.net/spec-ed/pdfs/parent_guide/ch8secondary_transition.pdf

"...Assessment data serve as the common thread in the transition process and form the basis for defining goals and services to be included in the Individualized Education Program..."

How to collect assessment data

- Functional Vocational Evaluations
- Student and family surveys
- Interest inventories
- Traditional transition assessments (TTAP, Transition Planning Inventory)
- Data from classroom assessment
- PSAT
- Work evaluations
- Etc

Vocational Evaluations

- Academic
- Aptitude (including cognition if necessary)
- Work Samples
- Dexterity
- Interest
- Social Communication
- Community Integration

What about assessment results?

From the National Secondary Transition Technical Assistance Center (NSTTAC) *

"In regards to the selection of assessment tools they recommend that the district staff...

"...always interpret and explain the assessment results in formats that the students and families can understand easily"

*from Illinois State Board of Education publication

The other parts of the transition plan....

Post-secondary goal/ "outcomes"

- These should be based on age-appropriate assessments
- Three sections:
EMPLOYMENT
EDUCATION or TRAINING (either or)
INDEPENDENT LIVING
- These goals are POST high school goals, not goals that the student will accomplish during high school
- "will" language
- These goals may start broad and/or vague at 14 ½, and will evolve with more specificity as the student gets older

Part I of "Outcomes" =
EMPLOYMENT

"Upon graduation from high school, Matt will obtain employment in the food service field"

"Maria will obtain a part-time employment with supports"

"Daniel will volunteer two days per week at the local Humane Society"

Part II of "outcomes" =
EDUCATION or TRAINING

- MUST have a goal in one of these two areas

"Derek will attend Triton Community College, taking general education courses"

"Amanda will participate in a clerical and computer courses offered through a local social service agency"

"Jimmy will participate in on-the-job training as a catering assistant"

Part III of "outcomes" =
INDEPENDENT LIVING

"Dion will learn the public transportation system to transport himself from home to work"

"Cassandra will independently prepare for work each day"

"Andy will participate in a youth soccer league through the local park district"

Relating "outcomes" /Goals to assessment data....

Early in the transition process, particularly, there is room for "dreaming" – as we all did while in high school. As the students eases from age 14 through high school, you should see these goals change – especially once assessments are obtained which help the parents, student and IEP team to better understand the student's skills as related to their "outcomes"

Course of study

- Specific courses should be listed here
- All 4 years of study should be outlined here
- This is a good place to talk about the placement of a community based job experience, vocational training, etc in the future
- This is a predicted schedule, not set in stone – and is reviewed annually

Transition Services

- This is the section that IS truly current, attainment goals.
- Goals in each section may/may not be directly related to an IEP goal
- Good practice is to put in parenthesis next to each item the person responsible – for accountability: this could be school staff, family, student
- In “provider/agency” can state “see person responsible next to each item”
- Some may be blank – but should state “NONE”

Sections of Transition Services

INSTRUCTION
RELATED SERVICES
COMMUNITY EXPERIENCES
DEVELOPMENT OF EMPLOYMENT and other
POST SCHOOL ADULT LIVING
APPROPRIATE ACQUISITION OF DAILY
LIVING SKILLS
LINKAGES

Summary/Questions/Feedback

Resources

www.nsttac.org/tm_materials
www.isbe.state.il.us/SPEC-ED/html/total.htm

Vocational Evaluation Description/Sample Report

Student:
Date of Birth:

Referred by:
Evaluation Date:

Reason for Referral

This section includes basic information regarding the referral and reason the student was sent for the evaluation. Also listed is any information provided and reviewed by the school such as IEP's, psychological, developmental, or any therapeutic evaluations (speech, OT, social work, etc.), behavioral interventions, work progress notes, etc. This background information is very helpful in helping the evaluator choose appropriate testing instruments and providing this information may save time during the evaluation and allow the evaluator time to provide more hands-on instruments.

We also have a questionnaire for the student to complete which asks basic background information, their perception of their disability, work experiences, future goals, etc. The school is also asked to complete a referral form and ask any specific questions you have regarding the student. The more information provided regarding the information in need, the better we are able to tailor our evaluation to meet your needs.

Specific referral questions could include:

- *What "soft skills" (pragmatic social communication, problem solving, interpersonal skills) should be developed to enhance transition services this year and beyond?*
- *Does the student's abilities and limitations align with the current post high school vision of pursuing a career in game development, engineering, construction, food service, etc.?*
- *Is the student able to work at a competitive work pace?*
- *What job supports would the student need to obtain and maintain a competitive job?*
- *In what areas does the student need further development for employment?*

Background Information

This section summarizes the student's basic background information including their disability, services, accommodations, and supports they receive at school, as well as their understanding of their disability. It also addresses the student's educational and vocational goals, hobbies, daily living chores, computer skills, etc.

Educational/Vocational Background

This section summarizes the student's educational and vocational background including any in school or community work experiences, volunteer work, chores, etc. Also described are the student's personal educational and career goals.

Work Behaviors/Temperament

Work behaviors are observed throughout the evaluation and the student's performance is compared to what would be expected at a job site. Typically this includes information regarding how they interacted during the intake interview and throughout testing (following directions, frustration tolerance, initiative, etc.). Careful attention is made for students with social communication disabilities regarding interpersonal skills.

Vocational Appraisal

We use a variety of standardized assessments to measure a student's academic achievement, aptitudes, interests, adaptive skills, dexterity, hands-on abilities, etc. Tests are individually chosen and administered in a standardized format to compare student's abilities to competitive expectations. However, we are able to accommodate students' individual needs.

Interests

We have a variety of interest inventories available to match the student's educational abilities including pictorial assessments for students without functional reading abilities, to college bound students.

Some information that could be obtained include the students environmental preferences for work, specific career clusters of interest, specific jobs and college majors that match with these interests, etc.

Academic Achievement

Again, we have a variety of academic assessments to identify the student's current educational abilities and fluency with reading, math, spelling, writing, memory recall, etc. In addition to documenting their abilities we provide practical information regarding tasks that could be performed with skills at the student's level.

Examples could include:

- Math skills at this level would correspond to the ability to collect cash for items sold and make change, calculate delivery charges, or collect payment for goods delivered.*
- Overall reading skills at this level should enable the student to read novels, non-technical manuals, newspapers, and business correspondence.*

Aptitude

We choose aptitude testing uniquely for each student to consider all aptitudes as defined by the Department of Labor as essential functions. Depending on the referral questions requested we can provide more in depth information regarding a student's ability to follow oral directions, mechanical reasoning, clerical skills, customer service skills, etc.

Examples could include:

- *The student's below average clerical perception indicates probable difficulty with the ability to both quickly and accurately perceive detail in numbers and words/letters, which would be important with tasks such as proofreading printed material, typing letters, posting accounting data, operating a cash register, reading gauges or meters and sorting mail.*
- *The student showed above average mechanical reasoning, which is needed in jobs involving the repair of complex mechanical devices (for example, to perform electrical and mechanical trouble-shooting). An average understanding of these principles is also considered important in a variety of medical technician occupations that require the set-up and operation of medical equipment.*

Dexterity Profile

In addition to cognitive aptitudes, we also assess the student's hands-on abilities with and/or without tools. Dexterity is particularly important with students entering hands-on fields such as construction, service occupations, material handling, etc.

Work Samples

We have over 20 different work samples to provide students with "real life" practical situations, while assessing their speed and accuracy in performing these hands-on work tasks.

Some information could include:

- *The student was able to accurately follow multiple steps to find and record errors which would be important when checking invoices for accuracy and consistency or quality control work. However, additional time was needed indicating a need for job accommodation to perform tasks involving judgment and decision making that require short-cycle or routine procedures.*
- *Results demonstrate above competitive standards ability to sort items by alphanumeric code. This ability would be important in jobs requiring attention to visual detail, such as stock checking, warehousing, filing, delivery work, etc.*

Community Relevant Adaptive Skills

We can assess a student's basic abilities to understand common concepts found in daily living situations such as a rudimentary comprehension of time, money, health and safety, measuring, etc.

Social Cognition & Social Communication skills

If behavioral and interpersonal communication is a special challenge for the student, we can also evaluate their abilities observed in social interactions during the evaluation.

Vocational Assets and Limitations

We provide a clear and concise summary of the student's strengths and weaknesses.

Recommendations

We gear our recommendations to address the referral questions as well as any strengths and weaknesses identified during testing. We can provide information regarding accommodations needed for college and/or employment, appropriate short-term and long-term vocational goals, further transition needs, resources for support and further exploration, etc.

If you have any questions regarding services that The Eval Center can provide you, please do not hesitate to contact us at (708) 449-7748.