

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Overview/Definitions

The Individuals with Disabilities Education Act (IDEA), was formerly called P.L. 94 or the Education for all Handicapped Children Act of 1975. It requires public schools to make available to all eligible children with disabilities a free and appropriate public education in the least restrictive environment appropriate to their individual needs.

Eligibility

IDEA defines students with disabilities as those children, ages 3 to 21, who have been properly evaluated as having:

- Mental Retardation
- Hearing Impairments and Deafness
- Speech or Language Impairments
- Visual Impairments including Blindness
- Emotional Disturbance
- Orthopedic Impairments
- Autism
- Traumatic Brain Injury
- Other Health Impaired
- A Specific Learning Disability
- Deaf Blindness, or
- Multiple Disabilities

And, who because of that disability require special education and related services. As allowed under 34CFR 300.7, implementing IDEA, the State of Missouri also defines a child with a disability to include children ages 3 through 5 who have been properly identified as a young child with a developmental delay.

No child may be determined to be eligible if the determinant factor that eligibility determination is lack of instruction in reading, math or limited English proficiency.

Procedures

IDEA requires public schools systems to develop appropriate Individualized Education Program (IEPs) for each child. The specific special education and related services outlined in each IEP reflect the individualized needs of each student.

IDEA also mandates that particular procedures be followed in the development of the IEP. Each student's IEP must be developed by a team of knowledgeable persons and must be reviewed annually. The team includes:

- The child's teacher;
- The parents, subject to certain limited exceptions
- The child, if determined appropriate;

- A school representative who is qualified to provide or supervise the provision of special education; and
- Other individuals at the discretion of the parents or school officials.

The special education process in Missouri is as follows:

- Child find and referral - it is under IDEA that the State of Missouri's Department of Elementary and Secondary Education (DESE) identify, locate and evaluate all children residing in the state who are suspected to have a disability.
- Screening - all children are screened in the seven areas: vision, hearing, health/moor, cognitive, academic, speech/language and social, .emotional, behavioral areas. When a disability is suspected the child must be evaluated.
- Notice and Consent for Evaluation - the school district must notify parents and seek permission to provide an initial evaluation. This notice must be provided in the parent's native language. The school district cannot begin the initial evaluation without consent of the parents but may seek permission to evaluate though a due process hearing.
- IEP Development - completed by a team which consist of the child's teacher, parent/guardian, a school district representative who is qualified to provide or supervise the provision of special education services, and others as identified by the parents' or the school district. The IEP must be developed within 30 days of the evaluation and implemented as soon as possible but no later than 30 days following the evaluation meeting with the parents.
- Placement - the school setting deemed by the IEP team to be the least restrictive environment.
- IEP review - IEPs must be reviewed at least annually but may be reviewed at any time at the request of the child's parent.

Support Coordinator (Formally Known as Service Coordinator) Responsibilities

- I. To support parents as they are dealing with IEP issues. When a parent calls upset with the school, the Support Coordinator can make a big difference for the family.

Here are some things to consider:

- a. Help the parent to put things into perspective, that there is potential danger in reacting or interacting with school officials during an emotional time, and that above all, it is important to be prepared before taking the next step.
- b. Help to diffuse the situation and buy some time if necessary. By the time the parents contact the Support Coordinator, the situation often has become polarized and emotions are running high. This might require some intervention with the school to smooth things over if the parent has exploded or said some things out of confusion and frustration. Tell the school you need some time to work with the parents and that the parents will call soon to schedule some time to work things out or ask for an extension on the IEP date if it is imminent.
- c. Get the parents some additional supports. It is absolutely imperative that the parents locate and join an advocacy organization or a parent support group. Part of the parents'

emotional response is related to feelings of guilt, loneliness, isolation, and fear of the future for the child. By joining parent organizations they become better educated and feel empowered. At that point, they will be able to imitate a more logical and less self-destructive approach toward securing improved services for their child.

- d. Give parents information on their rights and IEP process. (Attached are Procedural Safeguards.)
 - e. Get the facts. The parent's file and the facts of the case are usually disorganized, disjointed, and hard to assess. Parents need to understand that while they may believe that the school system has committed numerous legal violations, the case needs to be simplified and presented in an organized, cohesive manner. Ask to see all of the paperwork. (Current and past IEPs, most current and past evaluations, letters from the school, behavior support plan, if any). If there are missing pieces, have the parent request them from the school and send a specific and detailed release form to all public and private sector individuals and agencies that have generated any reports and/or evaluations on the youngster.
 - f. Organize the documents. Have the parents date each document in pencil in the lower right hand corner and place all documents in chronological order, the oldest on bottom, the most recent on top. Parents should not write on documents or use highlighters, but have them use "post-it" notes to write any notes to you on the document. This will help parents feel like they are doing something to help the child and reduce their sense of powerlessness. It will also help the parents develop a broad view of the child's problems and needs, instead of focusing excessively on the emotions generated by the immediate crisis.
 - g. Develop an understanding of the facts so that you can identify and target specific factual issues. You will need a working familiarity with the nature of the disability, educational methodology for working with the child, and an understanding of the objective tests and measurements that are used to evaluate progress and regression. It is also important to understand educational testing so you can help interpret the educational evaluation of their child.
 - h. Evaluate the existing information and decide if an independent evaluation might be needed or if the IEP needs to be revised.
 - i. Develop an understanding of the law so that you can identify the specific legal and factual issues as it relates to the specific concerns the parent has.
 - j. Meet with the parents and discuss their options. Find out what their concerns are. Tell them what your impressions are and begin giving them their options.
2. Attend IEPs with parents to help advocate for better educational programming. It is important to understand what advocacy is:

Advocacy <u>IS</u>	Advocacy <u>IS NOT</u>
<ul style="list-style-type: none"> • Helping parents help themselves • Building confidence • Providing education and information • Analyzing problems and stating options • Advocating for services needed • Following up on complaints • Listening • Connecting parents to support groups • Referring to appropriate professionals 	<ul style="list-style-type: none"> • Taking over their decisions • Reinforcing dependence on you • Doing everything for them • Discouraging or making excuses • Persuading them to “make do” • Closing the door to them because you can’t do anything

Appeals

If parents disagree with the proposed IEP, they can request a due process hearing and/or a review from the [Missouri Department of Elementary and Secondary Education \(DESE\)](#) (Child Complaint). They can also appeal the due process hearing officers’ decision to State or Federal Court.

- Child Complaint Process in Missouri-Parents can request assistance from DESE. They can ask for the Department to review their child’s special education needs as related to IDEA. DESE has 45 days to respond to a Child Complaint. If a parent submits a Child Complaint, they cannot then request a Due Process Hearing.
- Due Process Hearing-Parent can request that a three (3) person panel review their child’s special education needs. The parents select one member of the panel from a list of qualified reviewers. The Due Process Hearing is conducted by a Hearing Officer and is a formal process that includes witnesses for both the parents and school district. A Due Process Hearing must take place within fifteen (15) days of the parents’ request and should be completed within 30 days. Expedited hearings can be requested.

Mediation

Parents can also access trained Mediators to settle conflicts between the school district. Both the school and family can choose this process. Mediation cannot be used to delay or deny a Due Process Hearing.