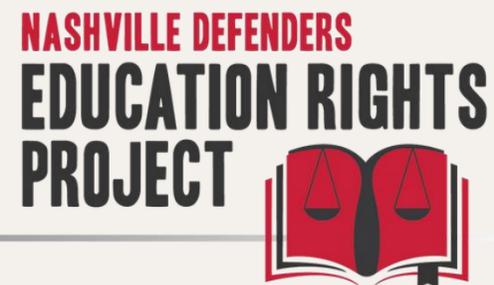


Educational Support for

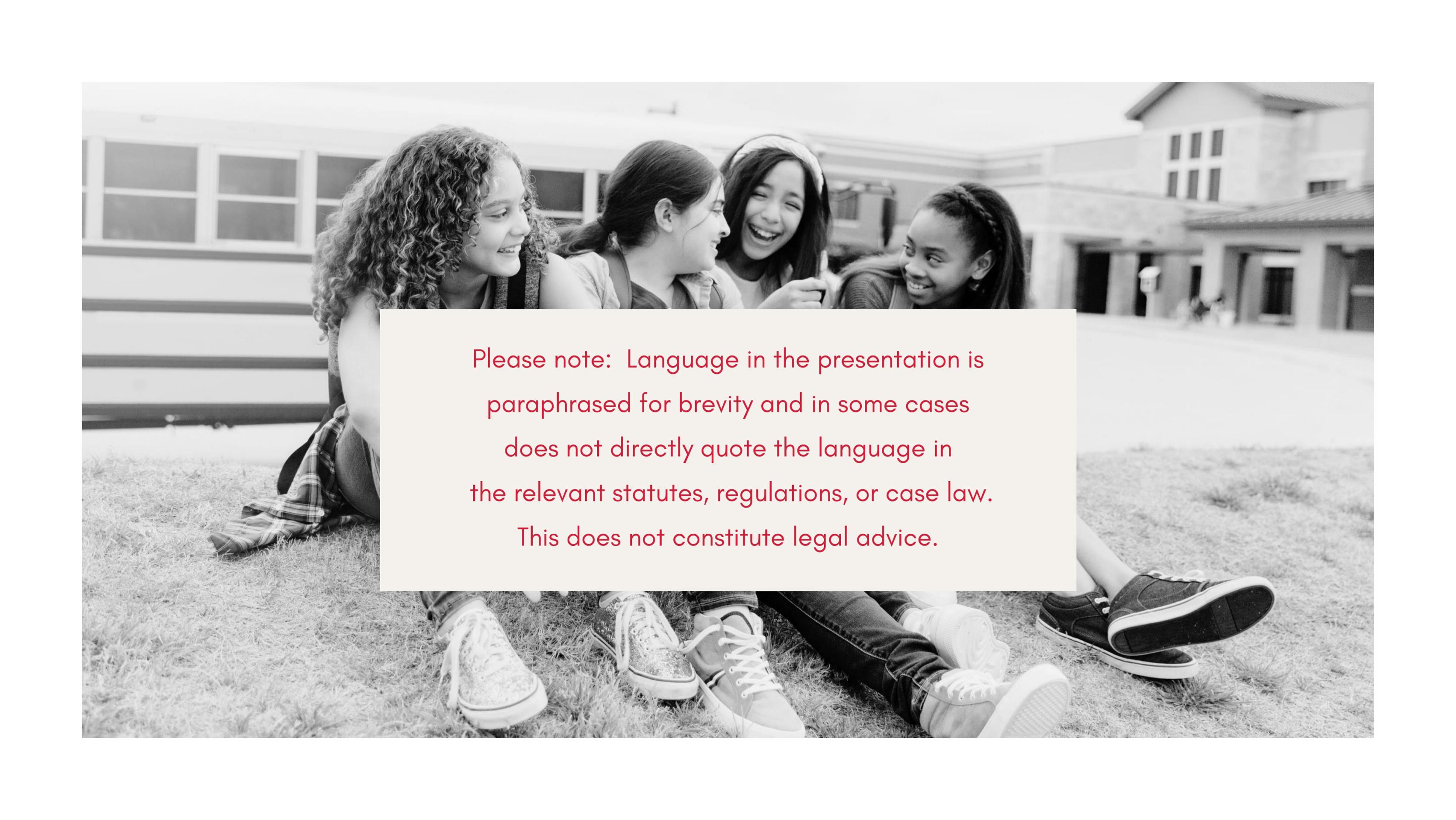
Students with Disabilities



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Education Rights Project advocates to ensure that Nashville's children with disabilities get a quality education, graduate from high school, and avoid contact with the juvenile court system.



Please note: Language in the presentation is paraphrased for brevity and in some cases does not directly quote the language in the relevant statutes, regulations, or case law. This does not constitute legal advice.

Overview



Support Plans

- ✓ Support Teams
- ✓ 504 Plans
- ✓ IEPs



IDEA

- ✓ FAPE
- ✓ Special Education



Special Education Process

- ✓ Child Find
- ✓ Evaluation & Eligibility
- ✓ IEPs
- ✓ LRE
- ✓ Parents' Rights



Discipline

- ✓ Students with Disabilities

A grayscale photograph of a classroom. The background features a wall with various educational charts, including an alphabet chart with letters on train cars and a number chart with numbers 1-10. In the foreground, there are desks with chairs, a whiteboard, and a calendar. The text 'Support Plans for Students with Disabilities' is overlaid in red on a white rectangular background.

Support Plans for Students with Disabilities

- ✔ Support Teams
- ✔ 504 Plan
- ✔ Individualized Education Program (IEP)

Access to Supports

“Support Teams”

- Intervention plan provided by local district; called different names
- Not legally enforceable
- Not required before testing occurs for a 504 Plan or IEP

504 Plans

- Accommodations for students with physical or mental impairment that substantially limits a major life activity

IEPs

- Educational program tailored to meet the individual needs of students with disabilities

Free Appropriate Public Education (FAPE)

- ✓ FAPE requires that educational services for students with disabilities are:
 - ✓ provided at no cost
 - ✓ designed to meet the unique needs of each eligible student
 - ✓ provided according to a written IEP
 - ✓ provided to students from preschool through high school, age 3 to 21

- ✓ The IEP must be reasonably calculated to enable each child to make progress appropriate for that child's circumstances.

- ✓ FAPE is denied when
 - ✓ procedural errors occur (meetings, timelines, data, etc.) that result in substantive harm
 - ✓ lack of educational progress is made
 - ✓ school fails to implement the IEP

Special Education

- ✔ FAPE is provided through special education and related services.
- ✔ Specially designed instruction to meet the unique needs of a child with a disability:
 - ✔ Special education teacher adapts content and instructional methods to address student's needs
 - ✔ Ensure access to the general education curriculum
 - ✔ Documented in Individualized Education Program (IEP)



The Special Education Process

- ✓ Evaluation and Eligibility
- ✓ Individualized Education Program (IEP)
- ✓ Parents' Rights



Eligibility for Special Education

- ✓ Child with a disability
- ✓ Who needs special education & related services due to their disability
- ✓ Child's educational performance must be adversely affected by the disability.
- ✓ Educational performance includes attendance, behavior, and grades.

Child Find _____

- ④ School district's duty to identify, locate, and evaluate children with disabilities who need special education and related services
- ④ When a disability is suspected, the duty to evaluate is triggered.
- ④ "Red flags" signaling suspicion of disability exist in the areas of:
 - ④ Academic Performance
 - ④ Behavior
 - ④ Attendance
 - ④ Communication Concerns
 - ④ Mental Health Concerns
 - ④ School or Parent Concerns



Eligibility Categories in TN

- Autism
- Deafness
- Deaf-Blindness
- Developmental Delay
- Emotional Disturbance

- Functional Delay
- Hearing Impairment
- Intellectually Gifted
- Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairment

- Other Health Impairment
- Specific Learning Disability
- Speech/Language Impairment
- Traumatic Brain Injury
- Visual Impairment

The Evaluation Process

- ✓ Request for Evaluation
 - ✓ Ask for testing in writing once disability is suspected.
 - ✓ Discipline protections are provided to the student when school receives written parental request.

- ✓ Assessment Team Convenes
 - ✓ Full and Individual Evaluation: School is required to test in all areas related to suspected disabilities.

- ✓ Timeline for Testing
 - ✓ Evaluation must be completed within 60 calendar days after informed consent.



The Evaluation Process

- ✔ Special Education Eligibility Determination
 - ✔ Team reviews evaluation and discusses if student meets state criteria for educational disability.
 - ✔ If the student meets criteria for an educational disability, team discusses if the disability adversely impacts the student's educational performance and if the student needs special education services.
 - ✔ The Team, including the parent, decides if the child is eligible for an IEP.
- ✔ Independent Educational Evaluation is available if parent disagrees with school's evaluation, even just a part of the evaluation.
- ✔ Parent must give consent for initial IEP to be implemented.



Individualized Education Program (IEP)

Medical Information

- Include current diagnoses and medication

Overview of Student's Current Performance

- Include strengths

Parent/Guardian Concerns

- Concerns about student written in the parent's own words

Special Factors

- Mark if behavior impedes learning and if addressed through FBA, BIP, Safety Plan, etc.

Present Levels of Performance

- Recent data describing the student's needs in an academic and/or functional skill area
- Serves as baseline data

Goals

- Measurable, achievable goals that address each area of need identified in present levels

Individualized Education Program (IEP)

Accommodations

- Interventions and supports to help the student learn

Modifications

- Changes to the curriculum content or expectations of student mastery

Transition Plan

- Plans for students turning 14 and older to facilitate the transition to post-school activities

Services

- Specially designed instruction to address the areas of need and corresponding goals
- Should reflect what services the student receives, where the services are provided, and how frequently provided

Related Services

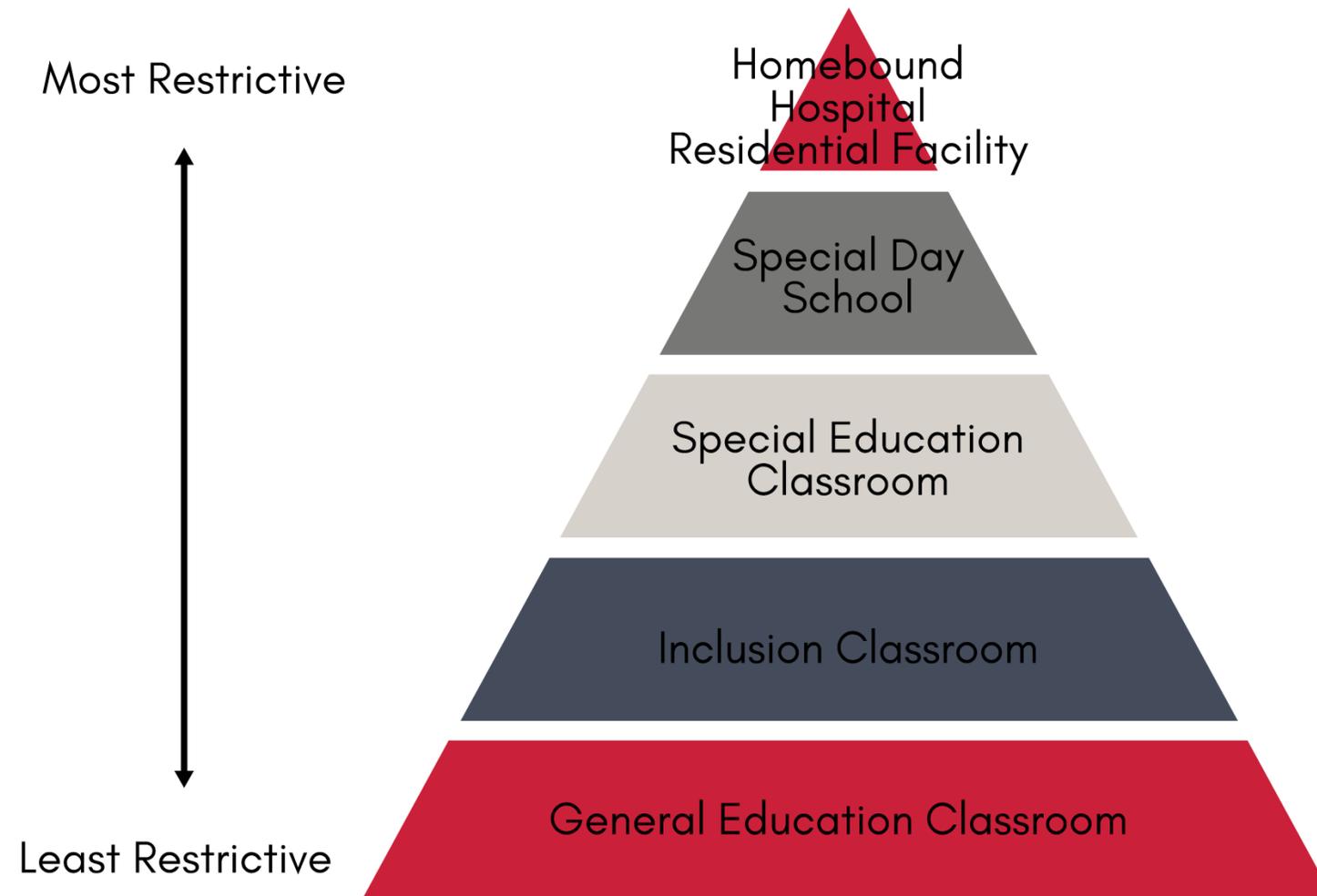
- Supportive services necessary for that student to benefit from special education services including PT, OT, SLP, Special Transportation

Parental Consent

- Parent/Guardian can wait to see updated copy of IEP before signing.
- 14-Day Rule before IEP goes into effect

Least Restrictive Environment (LRE)

- ✓ Children are educated to the maximum extent appropriate with their peers who do not have disabilities.
- ✓ Students should not be removed from the general education classroom unless learning cannot be achieved even with the use of supplementary aids and services.



Parents' Rights



Give informed consent

Parents have the right to ask for an evaluation, sign consent for evaluation, and provide consent for an IEP. Parents can revoke consent at any time.



Meetings at a mutually convenient time

Meetings must be held a time that works for the parent and the school to ensure the parent has the opportunity to attend.



Participate in the IEP Team's decisions

Parents have the right to participate in developing an IEP for their child. Parents have the right to receive information in their native language.



Access to child's school records

The school must provide the parent access to the student's records within 45 calendar days after the request is made or before any IEP meeting.



Receive adequate notice of meetings

Schools must follow the 10-day rule for an IEP Meeting or meet at a mutually agreed upon date and time.



Receive Prior Written Notice (PWN) and a copy of the a Procedural Safeguards (rights)

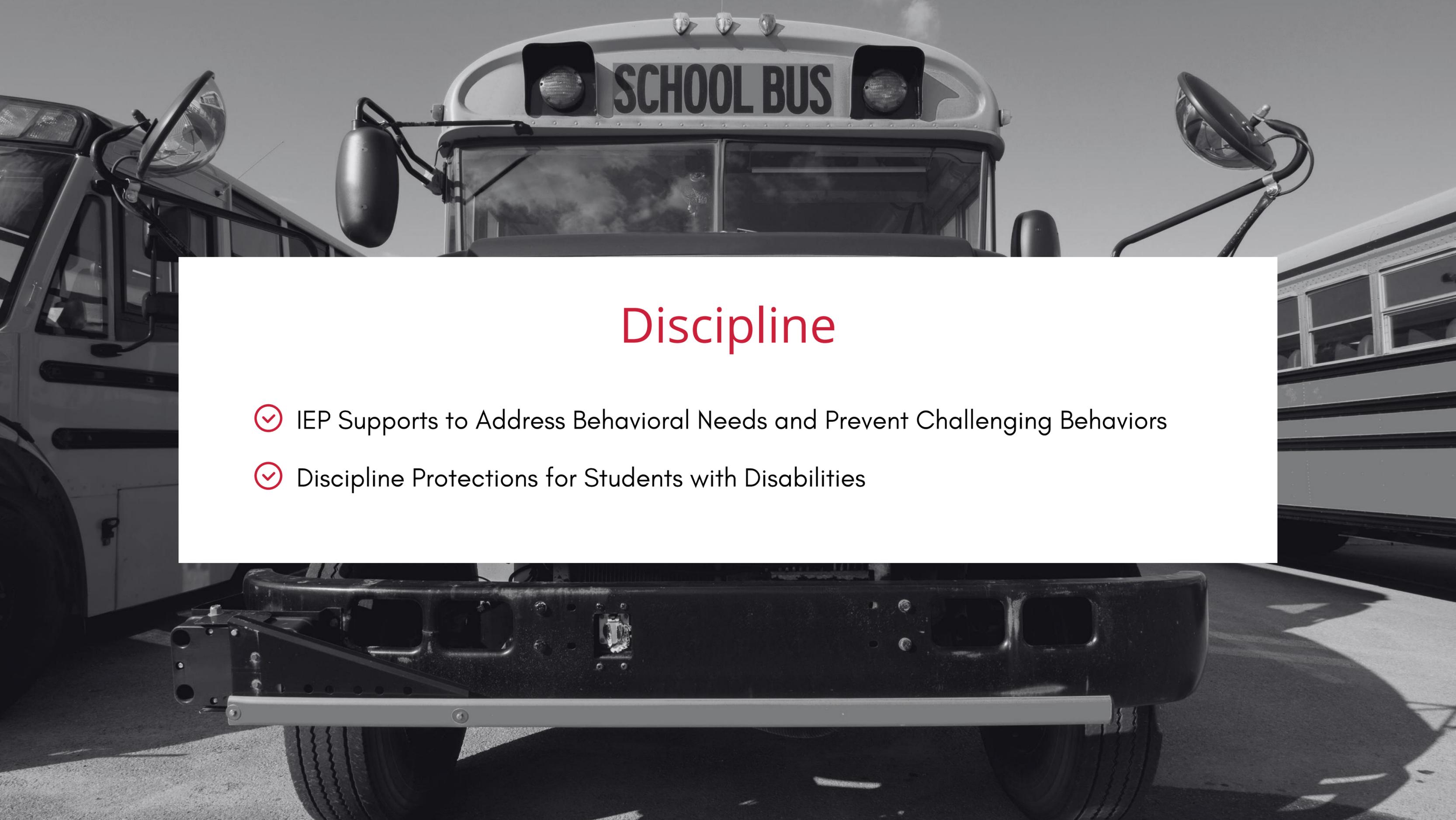
The parent has a right to know why the school proposes or refuses specific actions, supports, or services in a PWN. The parent must be given the Procedural Safeguards annually.

Advocacy During IEP Meetings

- ✔ Review the Draft IEP, which must be provided 48 hours prior to the IEP Meeting.
- ✔ Ask for district-level staff to attend IEP Meeting if needed.
- ✔ Use positive, developmentally appropriate language in the IEP.
- ✔ Ask for clarification if you or the parent are confused.



- ✔ Make decisions based on data.
- ✔ Ask for actions proposed or denied to be documented in Prior Written Notice.
- ✔ Wait to see an updated IEP before signing consent.

A black and white photograph of the front of a school bus. The words "SCHOOL BUS" are printed in large, bold, black letters on a white sign above the windshield. The bus has two large headlights on either side of the sign and a central third light. A side mirror is visible on the left side of the bus. The background shows a clear sky and the side of another school bus to the right.

SCHOOL BUS

Discipline

- ✔ IEP Supports to Address Behavioral Needs and Prevent Challenging Behaviors
- ✔ Discipline Protections for Students with Disabilities

IEP Supports for Behavior

- ✓ Each section of the IEP should address any challenging behaviors the student has through:
 - ✓ Present Levels with Behavior Data
 - ✓ Goals to Improve Behavior
 - ✓ Accommodations to Address Behavior
 - ✓ Services with Specialized Behavior Instruction



- ✓ IEP Team must consider use of positive behavior supports, interventions, and strategies.
- ✓ Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP)
- ✓ Safety Plan
- ✓ Based upon peer reviewed research “to the extent practicable.”

IDEA: Manifestation Meetings



- ✓ Purpose: To ensure that students with disabilities are not unfairly disciplined for behaviors that are a direct result of their disabilities
- ✓ Required when:
 - ✓ Expulsion - Removal for more than 10 consecutive days
 - ✓ 10-Day Rule - Pattern of removals for similar behavior for more than 10 days in a school year
 - ✓ Juvenile Petition - Before school files a (truancy) petition against a child receiving special education services in TN

Manifestation Questions

- ④ Was the conduct caused by, or did it have a direct and substantial relationship, to the child's disability?
- ④ Was the conduct the direct result of the school's failure to implement the IEP?

If YES to *either* question:

- ④ Suspension or expulsion must end.
 - ④ *Unless* parent and school agree to a change of placement.
- ④ Conduct or revise a Functional Behavior Assessment and implement a Behavior Intervention Plan.

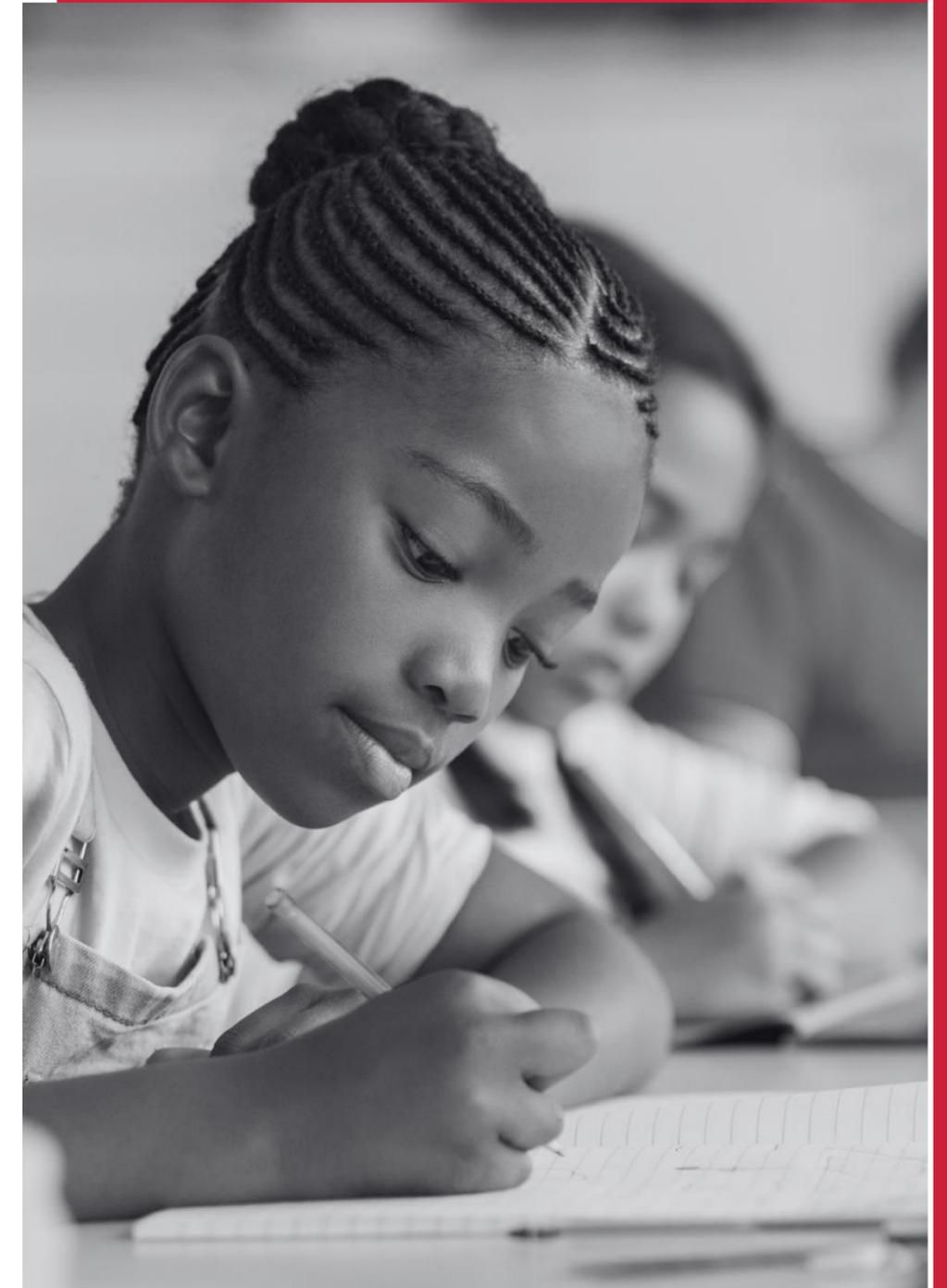
If NO to *both* questions:

- ④ Student may be disciplined.
- ④ Student must receive special education services.
- ④ Student may receive a Functional Behavior Assessment and behavior intervention services, as appropriate.

Information to Consider

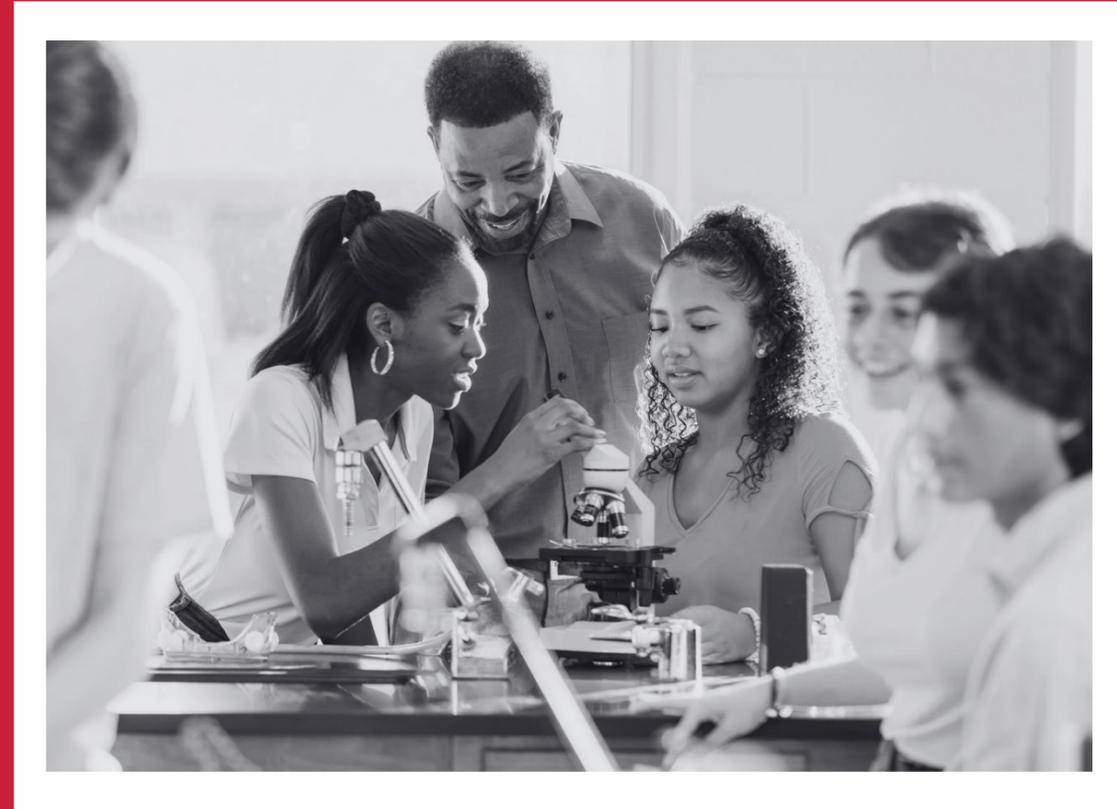
- ④ The team must review *all relevant information* in student's file, including:
 - ④ IEP
 - ④ Functional Behavior Assessment (FBA) & Behavior Intervention Plan (BIP)
 - ④ Safety Plan
 - ④ Teacher Observations
 - ④ Medical Diagnoses
 - ④ Psychoeducational Evaluation*

- ④ Parents can provide the team with relevant information regarding diagnoses and effect of trauma on the child.



Advocacy During Manifestation Meetings

- ✓ Prepare parent and the student.
- ✓ Review the discipline referral and any witness statements.
- ✓ Read the student's:
 - ✓ Psychoeducational Evaluation
 - ✓ Functional Behavior Assessment
 - ✓ Behavior Intervention Plan
 - ✓ Safety Plan
- ✓ Invite treatment providers to attend.



- ✓ Provide team with documentation.
 - ✓ Review medical diagnoses and educational disability.
 - ✓ Consider how symptoms manifested in the situation.
 - ✓ Discuss trauma responses, if appropriate.

Advocacy Tips

- ✓ The parent is an important member of the IEP Team. Encourage parents to actively participate.
- ✓ If it's not in writing, it's as if it never happened.
 - ✓ Use email as much as possible for documentation.
 - ✓ If unable to access email, keep a paper copy.
 - ✓ Follow up conversations in writing.
 - ✓ Send email or letter to the principal.



- ✓ Get the right people to the table.
- ✓ Bring a support person.
- ✓ Be cautious with sharing confidential or personal information.
- ✓ Take breaks as needed.

Education Rights Project Team



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