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Individuals With Disabilities Education Act (IDEA)

- Federal Law
 - Public Law 94-142 the Education for All Handicapped Children Act of 1975
 - Law mandated the role of parents as **equal** partners in making educational decisions for their children
 - Empowers parents to become **Educational Advocates** for their children

Findings and Purpose of IDEA

- ❑ Disability is a natural part of the human experience and in no way diminishes the right of individuals to **participate** in or **contribute** to society.
- ❑ Improving educational results for children with disabilities is an essential element of our national policy of **ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.**

IDEA 2004 :

- ❑ Modified the finding regarding high expectations by deleting access to the “general curriculum” and inserting access to the “general education curriculum in the regular classroom, to the maximum extent possible, in order to meet developmental goals, to the maximum extent possible, and challenging expectations that have been established for all children;
- ❑ To prepare them to lead productive and independent adult lives, **to the maximum extent possible.”**

IDEA 2004

- Added a finding that “as graduation rates for children with disabilities continue to climb, providing effective transition services to promote successful post-school employment or education is an important measure of accountability for children with disabilities.”

IDEA 2004

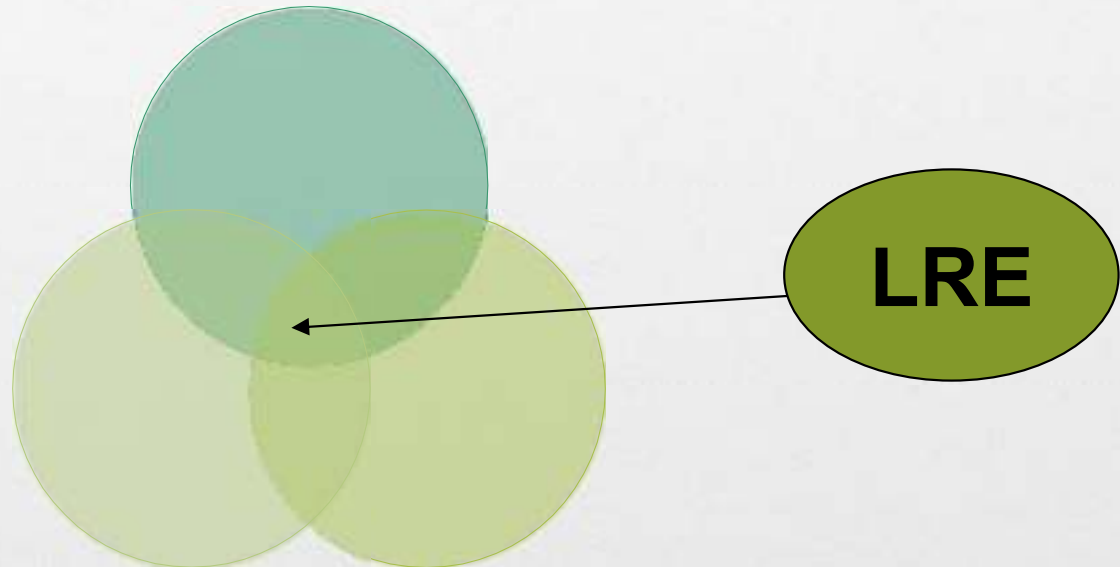
- ❑ Modified the purpose section to clarify that the purpose of IDEA includes not only preparing children with disabilities for employment and independent living but also preparation for “further education.”

Free Appropriate Public Education

- The Right to Special Education
- The right to related Services
- The right to be educated in the Least Restrictive Environment

ONLY ONE LRE

APPROPRIATE PLACEMENT 1



APPROPRIATE PLACEMENT 2

APPROPRIATE PLACEMENT 3

Placement

- Placement is the appropriate learning environment for your child.
 - IEP team must consider placement in the regular education setting first.
 - Modifications-a change in the type and amount of work expected of the students.
 - Accommodations - change how students learn and the ways they demonstrate what they have learned.

Free Appropriate Public Education

- Mainstream class with curricular or instructional modifications or specialized instruction.
- Assistive technology devices and services as defined in N.J.A.C. 6A:14-1.3
- Teacher aides
- Related Services
- Integrated therapies

Cont....

- Consultation Services
- In-class resource programs
- Pull out resource programs
- Self Contained class
- A NJ approved private school for students with disabilities
- A non-approved but accredited private school for students with disabilities

Cont....

- Home Instruction
- Residential Placement

LOCATION, IDENTIFICATION & REFERRAL

- Child Find- N.J.A.C. 6A:14-3.3 states that “all children between the ages of 3-21 who are in need of special education and related services, must be located, identified, and referred for evaluation and evaluated.”

Referral

- A direct referral to the CST must be made:
 - When a parent requests an evaluation;
 - When the student is not responding to the interventions tried through I & RS; and
 - When it is clear from the outset that a referral is warranted.

WHO CAN REFER?

- Any member of the school staff including teachers;
- Parents;
- Any outside agency concerned with the welfare of the child.

-
- 60 days to do evaluations
 - All areas suspected disability

Consideration of Non-District Reports and Evaluations

- all non-district reports must be considered, however there is nothing in the law that mandates that the reports be accepted.

ELIGIBILITY

- The school district must send you written notice of the eligibility team's determination, which explains your right to disagree and request mediation or a due process hearing.

WHO IS ELIGIBLE UNDER THE IDEA?

- The child must meet the eligibility criteria in at least one of 13 categories.
- The disabling condition must adversely affect the child's educational performance creating an "educational need."
- The child must be in need of special education and related services.

What is Educational Need?

- Educational need requires that the child must show evidence of a need for special education services by an inability to progress in a regular education program.
- Educational need is not limited to academics- it also includes social skills, toileting skills, emotional functioning, etc...

IDEA Disability Categories

- Autism
- Visually Impaired
- Auditorily Impaired
- Hearing Impairment
- Cognitively Impaired
- Multiply Disabled
- Orthopedic Impairment
- Preschool Disabled
- Other Health Impaired
- Emotional Regulation Disorder
- Specific Learning Disability
- Communication Impaired
- Socially Maladjusted

Special Education Process— continued

- If found eligible for special education, the district will develop an Individualized Education Program (IEP).

The Individualized Education Program (IEP)

- The IEP is the blueprint for the education and related services that the LEA provides for a child with a disability, together with the goals, academic assessment procedures, and placement of the child.

The Individualized Education Program (IEP)

- The IEP must address the child's academic and functional needs, including non-academic needs related to behavior, social-emotional functioning, and life skills.

IEP

- N.J.A.C. 6A:14-3.7 REQUIRES THAT “at the beginning of the school year, the district board of education shall have in effect an IEP for every student who is receiving special education and related services from the district.”

The Individualized Education Program (IEP)

- The IEP must address the child's academic and functional needs, including non-academic needs related to behavior, social-emotional functioning, and life skills.

IEP

- ALSO REQUIRES THAT “Every student’s IEP shall be accessible to each regular education teacher, special education teacher, related services provider, and other service provider who is responsible for implementation.”

IEP (cont)

- ❑ The IEP is to detail any accommodations that the IEP team determines are necessary for measuring the child's achievement and functional performance on state and district-wide assessments
- ❑ Prior law required that the IEP contain a statement of "transition service needs" beginning at age 14
- ❑ The new law changes the timing of this requirement to "not later than the first IEP to be in effect after the child is 16"

IEP

- The IEP must indicate what the school is going to do for the child- NOT what the child is going to do.
- The IEP must address all of your child's school-related needs- not just those for which she/he has been referred. This includes behaviors that occur at school.

IEP CONTENTS

- An IEP must contain the following:
 - A statement of the child's "present levels of academic achievement and functional performance," including how the child's disability affects his or her involvement and progress in the general curriculum, or, for a preschool child, how the disability affects his or her participation in appropriate activities."

PLAAF

- The PLAAF needs to describe what the pupil can and cannot do and answer the questions:
 1. what does the student most need to be taught
 2. where should the instruction begin
 3. what learning characteristics of the pupils must be considered
 4. address social-emotional needs
- **MUST BE WRITTEN IN OBJECTIVE & MEASURABLE TERMS**

ANNUAL GOALS

- Measurable annual goals, including academic and functional goals designed to (1) meet the child's disability-related needs and enable the child to be involved in, and progress in, the general curriculum, and (2) meet each of the child's other educational needs that result from the child's disability.
- The goals must be detailed and apprise parents and special education service providers of the expected level of achievement for each goal.

ANNUAL GOALS

- For all students, the annual academic and functional goals shall be measurable and apprise parents and educational personnel providing special education and related services to the student of the expected level of achievement attendant to each goal.

ANNUAL GOALS

- Where appropriate the goals must be related to the core curriculum content standards through the general education curriculum.
- The goals must include benchmarks or short-term objectives.

SHORT TERM OBJECTIVES

- Such measurable annual goals shall include benchmarks or short-term objectives related to:
 - 1. Meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and
 - 2. A description of the alternate proficiencies to be achieved by the student to qualify for a State endorsed diploma.

IEP (cont)

- The strengths of the student and the concerns of the parents for enhancing the education of their child.
- The academic, developmental and functional needs of the student.
- The results of evaluations conducted &, when appropriate, the student's performance on any general State of district wide assessment

IEP (cont)

- In the case of a student whose behavior impedes his or her learning or that of others, consider, when appropriate, strategies, including positive behavioral interventions and supports to address that behavior
- The communication needs of the student
- Whether the student requires assistive technology devices and services

IEP (cont)

- The district must ensure that assistive technology devices or assistive technology services, or both, are made available to a student **if** required as part of the student's special education, related services or supplementary aids and services

IEP (cont)

- ❑ The IEP is to detail any accommodations that the IEP team determines are necessary for measuring the child's achievement and functional performance on state and district-wide assessments
- ❑ Prior law required that the IEP contain a statement of "transition service needs" beginning at age 14
- ❑ The new law changes the timing of this requirement to "not later than the first IEP to be in effect after the child is 16."

The IEP Team and the IEP Process Changes

- ❑ Members of the IEP may be excused by agreement
- ❑ If the meeting deals with the excused member's areas, he or she must provide written input to the parent and to the team.
- ❑ If the parent and the LEA agree, changes to the IEP after the annual IEP meetings may be made via a written document without holding an IEP meeting.
- ❑ Changes to the IEP may be made by amending it, rather than completely redrafting it

The IEP Meeting

- At the end of the IEP meeting the parent must be provided with a copy of the IEP or written notes setting forth agreements with respect to the IEP as determined by the IEP team.
- If agreement cannot be reached, the CST must develop the IEP.

The IEP Meeting

- Must a parent provide consent for the IEP to be implemented?
- What do you need to do to stop an IEP from going into effect?
- 15 days notice

Special Education After the IEP Meeting

- Save your child's IEP and all progress reports each year.
- Remember that IEPs must be reviewed at least once a year. The required meeting is often called the “annual IEP” meeting.

Section 504

- Section 504 of the Rehabilitation Act of 1973:
 - Designed to prevent any form of discrimination for eligible students with a disability
 - Parents may request accommodations to level the playing field for eligible students with a disability-
“equal opportunity.”

Eligibility Under Section 504

- For purposes of Section 504, a “disabled person” is one who:
- Has a physical or mental impairment; which **substantially limits** one or more major life activities.
- Has a record of such impairment, or;
- Is regarded as having such an impairment. (it is about the degree of impairment, NOT the diagnosis.

What are Major Life Activities?

- Caring for oneself
- Performing manual tasks
- Walking
- Seeing
- Hearing
- Reading
- Concentrating
- Thinking
- Communicating
- Speaking
- Breathing
- Learning*
- Working
- Behavior

What Factors Determine Substantial Limitation?

- Factors for determining substantial limitation include:
 - Does the impairment result in failure or under-achievement when compared to their same age, non-disabled peers?
 - Does the impairment impact a major life activity?
 - Does the impairment last at least six months?
 - Will the impairment disappear without any intervention from the school?

What are some examples of classroom Section 504 Accommodations?

- Tailoring homework assignments
- Changing the way a test is given
- Simplifying instructions about assignments
- Providing a copy of peer notes
- Supplementing verbal instructions with visual instructions
- Using behavioral management techniques

Cont...

- Oral Testing
- Using tape recorder
- Computer-aided instruction
- Providing nursing services to supervise administration of medication

What If There Is A Disagreement About What's Appropriate?

- If at all possible, differences should be worked out through the IEP process; however, the following options are available to parents:
 - Request an Independent Educational Evaluation
 - Request Mediation
 - File a Complaint with the State Department of Education
 - Request a Due Process Hearing

Parent Rights

- The right to be considered a full participating member of the IEP team the planning for your child.
- The right to provide information about your child that can be used in developing interventions , evaluations planning and educational programs.

Parent Rights con't

- The right to ensure that your written permission is given before any formal evaluations are begun.
- The right to receive written notice prior to any changes in placement for your child.
- The right to access your child's records, and have some one available to explain the records, if requested.

Parent Rights con't

- The right to a complete evaluation, which includes more than one test or procedure and is completed by trained personnel from various education and/or medical areas of expertise, to receive copies of those results, and to have those results explained in a language you understand.
- The right to confidentiality of all records about the student.

Parent Rights con't

- The right to a free and appropriate public education (FAPE) that addresses your child's individual needs.
- The right to request an independent assessment at no cost to yourself if you disagree with the assessment results.
- The right to be involved in the development of your child's Individual Education Program (IEP).

Parent Rights con't

- The right to receive transportation and other related services necessary for the student to benefit from his or her special education services.
- The right to mediation and due process if differences regarding your child's program or services can not be resolved by other means.

TIPS

- **BE PREPARED-** Go into IEP conference knowing what you want.

TIPS(cont)

- SEND A LETTER IN ADVANCE OF THE IEP CONFERENCE

TIPS(cont)

- DON'T BE ADVERSARIAL
- DON'T BE AFRAID TO SHARE INFORMATION

TIPS(cont)

TIMELINES- From the time you received a final IEP with which you disagree you have 15 days to file for mediation or due process to invoke “STAY PUT” otherwise that IEP goes into effect.

TIPS(cont)

- **EXPERTS:** To convince a District to provide services or change a program or placement you need an expert.

TIPS(cont)

- KNOW YOUR RIGHTS



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