

Facilitating IEP Meetings



Presented by:

Advocates for Justice and Education, Inc. (AJE)

Who We Are

- Advocates for Justice and Education, Inc (AJE) is the federally designated Parent Training and Information (PTI) Center for the District of Columbia.

Mission

- To educate parents, youth, and the community about the laws governing public education, specifically for children with special needs. We seek to empower youth and parents to be effective advocates on behalf of their children to ensure that they receive an appropriate education.

Role of the PTI Center (AJE)

PTI Centers are written into the Individuals with Disabilities Education Act (IDEA) to carry out specific activities that serve families of children with disabilities who are ages birth through 26.

Some examples of PTI activities

- Training
- Support
- Resources
- Collaboration with schools, parents and providers

IDEA – Special Education

- The Individual Disabilities Education Act (IDEA) is a federal law enacted by Congress.
- It's purpose is to ensure that all children with disabilities receive an appropriate public education.
- DCPS and public charters are required to comply with the mandates of IDEA.

IDEA – Special Education (Cont.)

- Who Does IDEA Cover?
 - **Part B of IDEA** covers children with disabilities between the ages of 3 and 21.
(*Special Education & Related Services*)
 - Individual Education Program (IEP)
 - **Part C of IDEA** covers children with disabilities between the ages of 0 and 2.
(*Early Intervention Services*)
 - Individual Family Service Plan (IFSP)

IDEA – Special Education (Cont.)

Key Parts of IDEA to Know:

1. Free Appropriate Public Education (FAPE)
2. Child Find
3. Evaluations
4. Individualized Education Program (IEP)
5. Least Restrictive Environment (LRE)
6. Procedural Safeguards
7. Parental Participation

1. FAPE

FAPE is specialized instruction and related services that:

- Are provided at public expense
- Are reasonably calculated to provide educational benefit
- Are provided according to a child's individualized education program (IEP)

2. Child Find

School districts must ensure that all children with disabilities (or suspected of being a child with a disability) residing or attending school in the state, and who are in need of special education and related services, are:

1. Identified;
2. Located; and
3. Evaluated

Child Find

- **Office of the State Superintendent of Education (OSSE): Identify and evaluate children birth through 3 years of age (Strong Start program).**
- **Early Stages: DCPS initiative for identifying and evaluating children ages 3 through 5.**
- **DCPS: Identify and evaluate children ages 3-22**
- **DC Public Charter Schools: Identify and evaluate children ages 3-22**

Child Find

- A referral for evaluation of a child who may have a disability may be made by the:
 - (1) The parent(s) or legal guardian(s);
 - (2) A child (self-referral) who is between the ages of 18 and 22 years;
 - (3) A professional staff employee of the public school agency; or
 - (4) A staff member of the public school agency who has direct knowledge of the child.

3. Evaluations

To provide FAPE, schools are first required to:

- Conduct a full and individual, comprehensive initial evaluation.
- To assess the child in all areas of suspected disability.

Formal Request & Consent to Evaluate

- A Parent or Legal Guardian must give his or her written consent before a child can be evaluated.
- The written consent and request for evaluation may be given to the principal of the child's home/neighborhood school, even if the child does not attend that school.
- The home/neighborhood school must provide the parent with the necessary form(s) to complete when the parent requests an evaluation.
- Once the parent submits the written request and consent for evaluation, the public school agency has 120 days from that date to evaluate and determine eligibility.

Types of Evaluations

- Psychoeducational: General Intelligence and Academic Performance
- Clinical Psychological: Social and Emotional Status
- Occupational/Physical Therapy: Motor Abilities
- Medical: Physical, Vision, Hearing, Psychiatric, Neurological)
- Speech/Language: Communication
- Vocational: Career Inventory and Assessments

Initial Evaluation: Additional Requirements

- Each evaluator must draft a written report describing the results of the test and recommendations.
- Parents must get a copy of the evaluations before the MDT meeting to review and be able to meaningfully participate in decision making.

Triennial Review

- A child must be fully reevaluated every three (3) years, unless the parent and the public school agency agree that a reevaluation is not necessary
- The purpose of the triennial review is to reconfirm the child's disability, instruction and related service needs
- Note – Parents may request reevaluations at any time during the three year period if there are concerns; however, a reevaluation may not occur more than once a year unless the parent and the public school agency agree otherwise.

4. IEP

- The IEP is a written document that outlines objectives, measurable goals, specialized instruction and related services to meet a child's unique needs.
- The IEP is provided only if after the completion of evaluations the child is found eligible for special education services.
- The IEP must be reviewed at least once a year.
- **Note** - Parents may request a review at any time during the year.

Eligibility

- The MDT must determine eligibility and disability classification.
- In determining eligibility, the MDT must draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.
- Parents have a right to challenge eligibility, classifications of disability, and/or evaluations.
- Parents have the right to an Independent Education Evaluation (IEE) at the expense of the public school agency.

Eligibility for Special Education

- To be eligible for special education and related services, a child must be between ages three (3) and twenty-two (22) and have a disability that adversely affects his or her ability to learn or make progress in school.
- Must meet eligibility under at least one IDEA disability classification.

Individualized Education Program (IEP)

- If it is determined that a child has a disability and needs special education and related services, an Individual Educational Program (IEP) must be developed for the child.
- An IEP must be developed within 30-days of determining that a child is eligible for special education and related services.

IDEA Disability Classifications

- Autism
- Deaf-Blindness
- Deafness
- Developmental Delay
- Emotional Disturbance (ED)
- Hearing Impairment (HI)
- Multiple Disabilities (MD)
- Orthopedic Impairment (OI)
- Visual Impairment (VI)
- Traumatic Brain Injury (TBI)
- Other Health Impairment (OHI), such as ADHD
- Specific Learning Disability (SLD)
- Speech Language Impairment (SLI)
- Intellectual Disability (ID)

Special Education

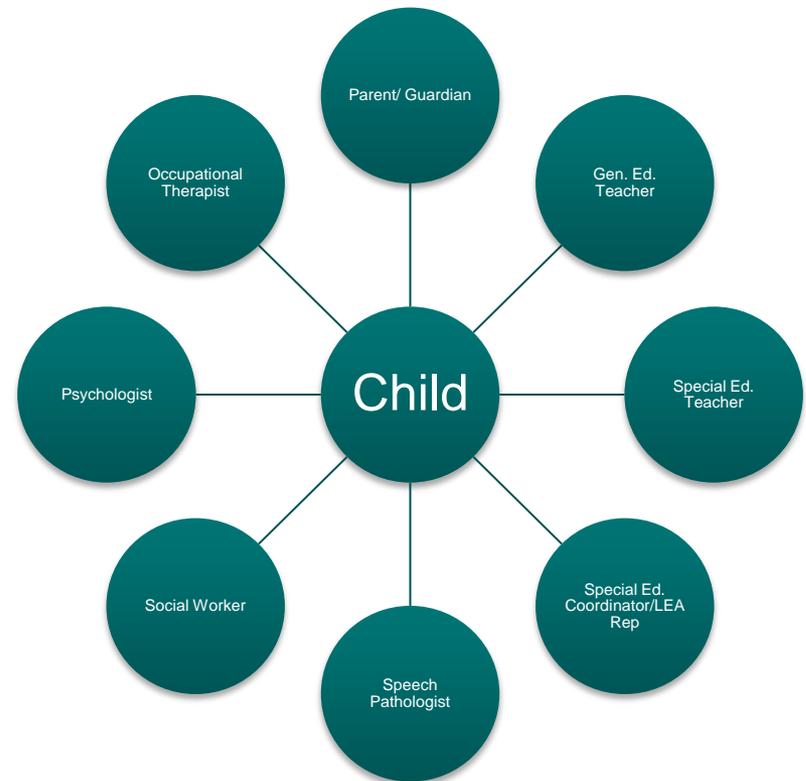
Special Education means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability.



Learning Knows No Bounds

IEP Team Members

- the child's parents or legal guardian
- at least one regular education teacher of the child
- at least one special education teacher of the child
- a representative of the public school agency (can be the special education coordinator, etc.)
- professionals who can interpret the evaluations to be conducted on the child (for example, a psychologist, a speech pathologist, etc.)
- and the child if appropriate.



IEP Development

- Parents must have input into the development of the IEP and have a right to bring an advocate or anyone else to the IEP meeting.
- If there is a disagreement about the IEP, the team should complete as much of the IEP as possible to ensure the child gets some services while the dispute gets resolved.

5. LRE

- School districts must ensure that to the maximum extent appropriate, children with disabilities are educated with children who are nondisabled.
- Separate schooling, classes or other removal of children with disabilities from the regular classes can occur only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services **cannot** be achieved.

Placement

- Once the IEP Team determines the special education and related services the child needs, the IEP Team must determine the educational placement of the child.
- The child's placement must be as close as possible to the child's home.
- The child must be placed in the Least Restrictive Environment (LRE).

Placement & School Discipline

- Children with disabilities are not exempt from disciplinary action but receive additional procedural protections.
- If a school wants to exclude a child from school for more than 10 school days, then the exclusion is considered a change in placement and additional IDEA protections apply.
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Placement & School Discipline (Cont.)

Additional IDEA Protections

Within 10 school days of the decision to change a child's placement, the school must have an IEP meeting to determine if the child's behavior is related to his/her disability.

- ◆ This meeting is called a manifestation determination review (MDR).

Purpose of Additional Protections

To ensure that schools are not discriminating against children with disabilities.

6. Procedural Safeguards

- Right to examine educational records.
- Right to a free Independent Educational Evaluation if the school's evaluation is not appropriate.
- Right to notice of any proposals to, or refusal to, initiate changes relating to special education and related services.
- Right to disagree with the school and to utilize mediation, due process hearings or state complaints to resolve their disagreements.

7. Parental Participation

Parental participation is crucial to fulfilling the requirements of IDEA.

Parent's Key Role:

- ✓ Bring to the school's attention concerns about their children.
- ✓ Must give their written consent before their children are evaluated.
- ✓ Must consent to the initial provision of special education and related services, and can revoke their consent.
- ✓ Must be given an opportunity for meaningful participation in meetings about special education.
- ✓ Are equal members of teams that:
 - review evaluations
 - Determine eligibility for services
 - Develop & review IEPs
 - Determine educational placements

Resolving Special Education Disputes: Available options

- ***Try to reach an agreement.***
 - Parents can talk with school officials about their concerns and try to reach an agreement. Sometimes the agreement can be temporary. For example, the parents and school can agree to try a plan of instruction or a placement for a certain period of time and see how the student does.
- ***Ask for mediation.***
 - During mediation, the parents and school sit down with someone who is not involved in the disagreement and try to reach an agreement. The school may offer mediation, if it is available as an option for resolving disputes prior to due process.

Resolving Special Education Disputes: Available options

- ***File a state complaint.***
 - To file a complaint, parents can write directly to the Office of the State Superintendent of Education (OSSE) and say what part of IDEA they believe the school has violated. The agency must resolve the complaint within 60 calendar days. An extension of that time limit is permitted only if exceptional circumstances exist with respect to the complaint.
- ***File a due process complaint.***
 - During a due process hearing, the parents and school personnel appear before an impartial hearing officer and present their sides of the story. The hearing officer decides how to solve the problem.
- ***Facilitated IEP Meetings***
 - An emerging practice and collaborative option.

What is Facilitated IEP?

Facilitated Individual Education Program (FIEP) is a student-focused process designed to help the IEP team overcome the pressures and challenges of a potentially contentious meeting.

Facilitated IEP

- A more effective and collaborative approach to help special education teams reach agreements.
- IEP facilitation is a voluntary process.



Issues that can be addressed through Facilitated IEP

- Identification
- Evaluation
- Educational placement
- Manifestation determination
- Interim alternative educational placement
- Provision of FAPE

Benefits of Facilitated IEP

- Builds and improve relationships among the IEP team members and between parents and schools.
- Models effective communication and listening.
- Clarifies points of agreement and disagreement.
- Provides opportunities for team members to resolve conflicts if they arise.
- Encourages parents and professionals to identify new options to address unresolved problems.
- Typically less stressful than formal proceedings.
- Supports follow through and follow-up.
- Roles and responsibilities can be discussed and planned.
- IEP facilitation serves as the IEP meeting and does not require a separate IEP meeting to formalize agreements that are reached.

The Facilitator's Role

- The facilitator makes no educational decisions regarding the student or the IEP.
- The facilitator's primary goal is to assist team members in the thoughtful, productive construction of a quality IEP.

The Facilitator's Role

The facilitator's role is to:

1. Keep the meeting focused on the student.
2. Ensure everyone at the table has a voice.
3. Encourage active listening by all participants.
4. Keep the group from getting stuck on just one aspect of the IEP.

When Should the FIEP be requested?

It is advisable to request a facilitated IEP early in the IEP process:

- Difficulty reaching consensus;
- Earlier Conflicts or a History of Conflict;
- Lack of Trust;
- Breakdown in Communications;

A facilitated IEP team meeting encourages early dispute resolution as team member concerns are discussed and conflicts don't have time to develop into more serious disputes.

Who Can Request FIEP?

It is advisable to request a facilitated IEP early in the IEP process:

- Parents
- Special Education Coordinator/School Staff;
- LEA representatives;
- Attorney;

IEP facilitation is not a required dispute resolution option under the IDEA therefore, parents, schools, and the LEA representative must agree to the facilitated meeting.

FIEP: Roles and Responsibilities

The facilitated IEP meeting is an IEP Meeting.

The local education agency and its designees are responsible for scheduling the meeting and inviting required IEP members once available dates are confirmed.

FIEP: Roles and Responsibilities

Facilitators are responsible for:

- Conducting pre-facilitation interviews;
 - Parent;
 - School (special-ed coordinator or LEA designee)
 - Facilitation Coordinator (AJE)
- Conducting the facilitation at agreed time and place;
- Ensure parties sign confidentially agreement;
- If resolution on any issue, drafting resolution agreement to that issue; and
- Notify IEP Facilitation Coordinator immediately of any unresolved issues;

FIEP: Roles and Responsibilities

The Facilitation Coordinator (AJE):

- Processing requests for FIEP meetings;
- Coordinating meeting times and scheduling for the FIEP;
- Notifying LEA of confirmed facilitation dates;
- Providing technical assistance to facilitators;

FIEP: Process

- I. Referral to AJE for FIEP meeting
 - I. Parent
 - II. School/LEA Representative
 - III. Community providers
 - IV. Attorneys
- II. AJE provides confirmation of referral
- III. AJE contacts LEA representative and/or parent to inform of referral for FIEP meeting
- IV. AJE reviews FIEP process with parties
- V. AJE provides opportunities for training on FIEP process
- VI. Completion of agreement forms
- VII. Facilitator is identified
- VIII. Preparation with facilitator
- IX. Facilitator notifies LEA of proposed FIEP meeting dates
- X. LEA sends Letter of Invitation to parent
- XI. FIEP Meeting takes place
- XII. Facilitator drafts resolution agreement
- XIII. Facilitator follows up with parties on next steps and notifies AJE of outstanding issues

For more information:

Contact Us!

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To review more information about Facilitated IEP and upcoming trainings, visit our website at www.aje-dc.org.