

**Kickoff – First Quarter
Referral & Evaluation**



- Anyone can refer
- What to expect from evaluation
- Timeline
- Outside evaluations vs. IEEs
- Parent input of skills & needs
 - Critical for parent participation
 - Critical for setting goals

**Second Quarter
Eligibility**



- IDEA categories vs. Medical diagnoses
 - What information does the parent need to participate in eligibility determination?
- What does an eligibility label mean?
 - Ticket to get on the IDEA game

**3rd Quarter
Initial IEP**

- 1 What does the evaluation say that should be mentioned in the IEP?
- 2 What are the student's needs?
Needs vs. services
- 3 Create a starting point: Present Levels of Performance
 - Academics
 - Functional skills
 - Goals stated as achievement in one year
 - Benchmarks stated as achievement per grading period
 - Services
- 4 Do you understand what progress will look like?
Goals & benchmarks
Are the data graphable?

4th Quarter Annual Review

The flowchart consists of three main boxes connected by downward arrows. The top box asks 'Did last year's IEP produce intended results?'. The middle box asks 'Are goals repeated?'. The bottom box asks 'Was progress reported each quarter?'. To the left of the bottom box is a smaller box with 'Too little?' and 'None?'. To the right of the bottom box is a larger box with 'Identifying needs and developing new goals?'. An image of a pen and a document with 'RESULTS' and 'IPEP' written on it is positioned to the right of the flowchart.

Triennial Reevaluation Getting ready for the next game

- Continuing eligibility
- What assessments are required?
- What if you'd like additional assessments?
 - Are they required for eligibility determination?
 - Do the student's needs require the assessment?
 - Are they eligible as IEEs?

Optimizing the Team

The diagram features a large grey arrow pointing from the bottom-left to the top-right. Along the arrow are three circles of increasing size. The smallest circle at the bottom-left is labeled 'Knowing the rules'. The middle circle is labeled 'Knowing your role'. The largest circle at the top-right is labeled 'Knowing your child'. To the left of the arrow is a circular icon containing the text 'Expertise in Sp Ed Law'. In the top right corner of the slide, there is a small image of a fan or wheel.

Appropriateness 1 Each student with a disability is entitled to FAPE. What is <u>appropriate</u> for the student?	The IEP Team 2 Who decides?	After all these years... 3 The "Rowley Standard," and don't use the "car" analogy!
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Rules of the Game
Periods of play and the field

How come testing is taking so long?
 60th day, the district must...

When does the IEP end?
 365th day, the district must...


I want my child in...
 Least Restrictive Environment

Losing Strategies
By Judith Greenbaum



- Misunderstandings or miscommunications
- Lack of information or misinformation
- Differing expectations of schools and instruction
- Lack of understanding of teacher roles and responsibilities
- Lack of trust
- Direct or implied blame
- Little or no preparation for IEP process

Winning Strategies
By Sue Watson

- ✓ 1 Focus on needs and goals
- 2 Explore and understand
- 3 Identify obstacles
- 4 Know what do you control
- 5 Seek information
- 6 Don't jump to conclusions
- 7 Consider options
- 8 Know if it is working



Are You Coachable?



Is your coach helping?

“Mistakes Advocates Make”
With permission from Robert K. Crabtree; Kotin, Crabtree & Strong, LLP; Boston

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Mistakes Advocates Make

The non-lawyer advocate plays an extremely important role in the special education process. A well trained advocate (who is often the parent of a child with special needs herself) can provide invaluable assistance to parents trying to make their way through the complexities of special education law and procedures. A strong advocate can help parents to:

- Obtain necessary information about their child and about available educational alternatives;
- Organize presentations for key meetings;
- Develop effective strategies and obtain necessary services; and
- Make intelligent and realistic choices along the way.

Advocates need to be constantly mindful of the power of their role and the trust parents place in them. Parents see their advocate as the person with particular knowledge of a difficult system; they rely on that person to have a cool head and to apply keen, informed judgment every step of the way.

The more serious mistakes advocates may make are generally ones of excess -- excessive emotion that clouds judgment; excessive advice in areas beyond the advocate's expertise; excessive involvement in a case where the parents would be better off doing things for themselves; raising parents' expectations excessively; and feeding parents' sense of outrage rather than helping them cultivate a calm, persistent approach. (Please note that the roles of lay advocates and of lawyers are similar in many respects, and special education lawyers can and do make the same mistakes on occasion.) Here are some of the more common mistakes we see:

(1) Perhaps the most harmful mistake some advocates make is replaying their own special education or health advocacy battles through their advocacy for other families; this clouds the advocate's judgment and tends to create a hostile relationship between the family and the school system that has more to do with the advocate than with the family's real needs.

(2) Not informing parents up front what the special education process entails so that parents are aware from the beginning of the potential costs in time, money, and energy that will be required, particularly if they are seeking expensive services or an outside placement. For example, advocates should inform families that just obtaining an independent evaluation is not necessarily enough to convince a school system to implement the evaluator's recommendations (or a hearing officer to order them); the family may have to incur the evaluator's additional expense of school observation(s), consulting with the family's advocate and/or lawyer, testifying, etc.

(3) Assuming they know the child's disability and educational needs before the independent evaluation is complete. Also, attempting to interpret testing results, scores, percentiles, etc. without the experience and training to do so. These mistakes too often lead to giving advice outside of the advocate's expertise, setting parents up for a fall if the evaluator's findings and recommendations are different. The parent needs to hear from

his/her independent evaluator, rather than the advocate, about what their child's needs are and what services or program might meet those needs.

(4) Raising parents' expectations too high without regard for the real limits of the process, the available services, and the legal standards that apply.

(5) Being habitually confrontational, mistaking an "in your face" approach for dealing from strength and encouraging parents to do likewise. Not only does this approach undermine the particular family's work with a school system; over time, the advocate gets a negative reputation and becomes increasingly ineffective for all his/her families.

(6) The opposite problem: becoming too "chummy" with the special education administrators the advocate deals with repeatedly. The best approach for the advocate -- and for the parent -- is to combine a steady skepticism with a willingness to try all reasonable options offered by the school system, and to treat even the most arrogant or adversarial school personnel with the same degree of respect the advocate and parent wish to receive themselves.

(7) Failing to learn about the child from the school personnel who work with him or her. The advocate should listen carefully to what the child's teachers say about the child and help the parents evaluate the credibility and usefulness of the teachers' opinions and observations, rather than simply rejecting them out of hand.

(8) Not staying informed about special education procedural and substantive requirements. This means being completely familiar with the governing laws and regulations, state and federal, and with changes in those laws as they are enacted (e.g., studying IDEA '97, the amendments to the federal special education law enacted in July 1997). It also means following the decisions that are issued by the due process administrative hearing officers in your state to know how issues are being decided and what kind of attitude to expect from the individuals who make those decisions.

(9) Not consulting with an attorney knowledgeable in special education law at key decision points and on difficult issues of law or procedure; waiting until it is too late for the lawyer to be fully effective.

What to look for in a coach
British Columbia Representative for Children and Youth

- Focus on your child
- Informs you of costs—necessary & not
- Evaluations are the basis for needs and goals
- Realistic expectations
- Professional behavior
- Listens and learns from all players
- Knows when to turn to an attorney

**Surviving difficult IEP team meetings.
Are you playing your position?**

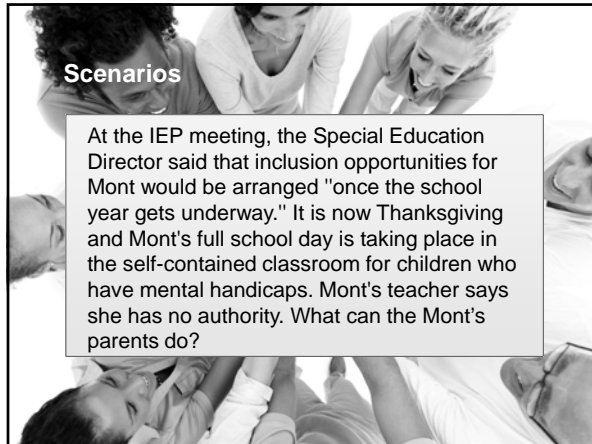
By Bryan Bugay

- Establish trust
- Report essential information only
- Speak to your audience
- Let others talk
- Stay calm
- Take a break
- Focus on your child's needs
- Prevention
- Be on time
- Be willing to meet again

Dispute is not a bad thing

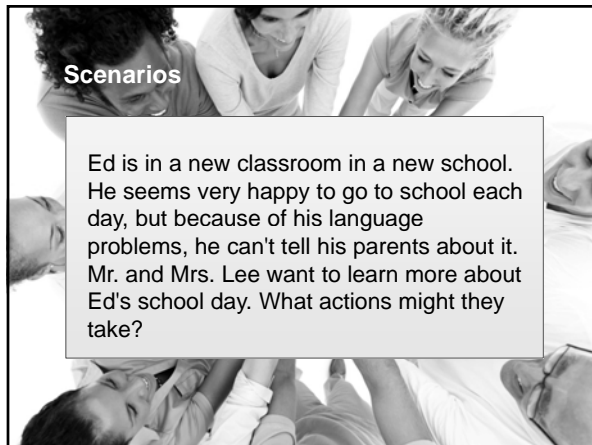
- Facilitation
- Mediation
- Complaint Investigation
- Hearing

Did you ever get what you wanted by not asking?



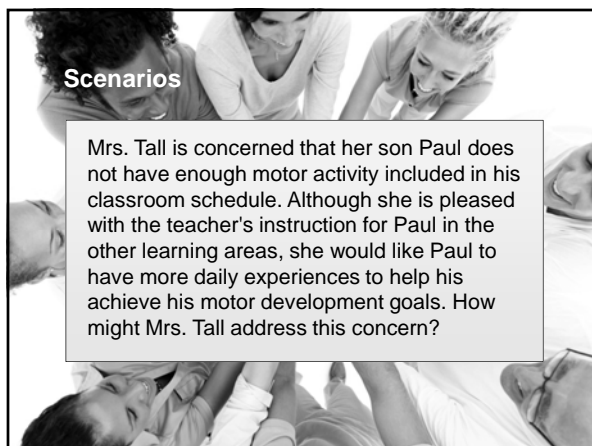
Scenarios

At the IEP meeting, the Special Education Director said that inclusion opportunities for Mont would be arranged "once the school year gets underway." It is now Thanksgiving and Mont's full school day is taking place in the self-contained classroom for children who have mental handicaps. Mont's teacher says she has no authority. What can the Mont's parents do?



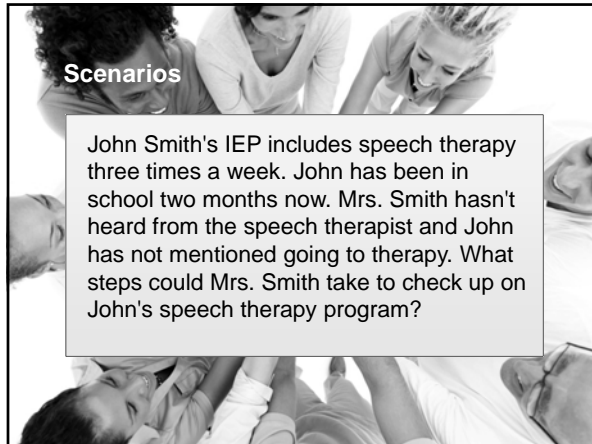
Scenarios

Ed is in a new classroom in a new school. He seems very happy to go to school each day, but because of his language problems, he can't tell his parents about it. Mr. and Mrs. Lee want to learn more about Ed's school day. What actions might they take?



Scenarios

Mrs. Tall is concerned that her son Paul does not have enough motor activity included in his classroom schedule. Although she is pleased with the teacher's instruction for Paul in the other learning areas, she would like Paul to have more daily experiences to help his achieve his motor development goals. How might Mrs. Tall address this concern?



Scenarios

John Smith's IEP includes speech therapy three times a week. John has been in school two months now. Mrs. Smith hasn't heard from the speech therapist and John has not mentioned going to therapy. What steps could Mrs. Smith take to check up on John's speech therapy program?

Edwin L. Litteneker is an attorney in private practice in Lewiston, Idaho. He is a certified mediator in state & federal court and has conducted a variety of training programs in dispute resolution and organizational development. He has served as an adjunct faculty member at LCSC in Business Law, Speech Communications, Labor Relations and Human Resource Management. He serves as a mediator, facilitator, complaint investigator and Hearing Officer for the Idaho State Department of Education.

Mont Hibbard is an independent contractor. He contracts with the Idaho State Department of Education providing IEP Facilitation, Mediation, and Complaint Investigation. Mont was an Idaho Special Services Director for 30 years. He consults with state agencies and local school districts. He is the special education consultant for Idaho Digital Learning Academy, an Idaho state agency.

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