

CHAPTER 5

Accessing Educational Services

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My son was struggling in school. He was frustrated with math and never seemed to play with the other children in his class. I asked the school if we could have him evaluated. They told me to wait and see how the year progressed. My son's behavior went from bad to worse. We needed answers and I was not willing to wait any longer to get them. No one told me to put my evaluation request in writing. I didn't know that was necessary. I don't want any other parents to go through this. When children need help, they need it now.

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This chapter describes how a child receives an educational identification of autism to qualify for special education services under the Individuals with Disabilities Education Act (IDEA). In addition, it provides an explanation of the Individualized Education Program (IEP) and offers tips for participating successfully in the IEP meeting, including suggestions for communicating effectively with school personnel.

Educational Identification

Under the Individuals with Disabilities Education Act (IDEA), all children with disabilities have a right to a free and appropriate education. The local school district is responsible for locating, identifying, and evaluating all children who may be eligible for special education services from 0 to 22 years of age. This process is called Child Find. (See Appendix E.)

If you are concerned about your child's development and the child is 3 years old or younger, you can contact the *Help Me Grow* program in your county, as discussed in Chapter 2. If you are concerned about a child who is 3 and older, you can request support from your local school district. If your child is in preschool or kindergarten, request a meeting with your child's teacher to discuss your concerns. Ask the teacher to observe your child's performance in social as well as academic situations and compare those observations with your own.

If your child does not attend school, discuss your concerns with your pediatrician or contact your local school district. Your school district is responsible for identifying all children with disabilities. Ask to speak to someone in the special education department. When you explain your concerns, your child will be referred for screening to determine if further evaluation is necessary.

If your child is in school and needs help to be successful in the classroom, school personnel will initiate one of the following to identify the type of support your child needs.

- *Intervention assistance team (IAT)*. This is a group of school personnel who meet to support classroom teachers in addressing issues with an individual student, whether they are behavioral or educational. The team identifies supports the student may require to be successful in the classroom. Parents are included in the IAT process for their child.
- *Response to intervention (RTI)*. This is the process of identifying and assessing the effectiveness of interventions identified to support a student who is experiencing learning difficulties. The interventions will be identified and carried out by school personnel.

In both instances, the accommodations and supports are carried out for a specific length of time while data are being collected on the student's progress. The IAT/RTI team will meet to review the data and then determine whether to continue the intervention process by adding and/or adapting supports. If the team feels that the student is not responding to the intervention or showing expected progress, the team must request a multi-factored evaluation.

Multi-Factored Evaluation (MFE)

The IAT/RTI process discussed above should not replace the Multi-Factored Evaluation (MFE) process required under IDEA; however, it usually takes place before an MFE.

The Multi-Factored Evaluation is the process required by IDEA to determine if a child is eligible for special education services. The process may be initiated by either school personnel or a parent. Education professionals along with a child's parents are members of the MFE team, who work together to determine if a child qualifies for special education services. Team members should include a school psychologist, the child's parent(s) or guardian(s), a special education and/or general education teacher, appropriate related service personnel, such as a speech-language pathologist or an occupational therapist, and others based on the child's needs.

The purpose of the MFE is twofold:

1. To determine whether or not the child has a disability, and
2. To identify the child's specialized educational needs.

Having a diagnosed disability is not a guarantee that your child will receive special education services. The disability must also have a "significant impact" on your child's educational, emotional, and/or functional skills. This means that your child's ability to learn and function in school is impaired by the disability to the extent that specially designed instruction is necessary for the child to be successful.

Steps to Obtaining an MFE

If school personnel do not share your concerns about your child's functioning in school, you, as parents, still have the right to request an MFE from the district. You must request an MFE in writing and must give written consent for the evaluation to your local school district.

There are three ways to request an MFE:

- Send a letter of request and consent to your child's school principal or the special education coordinator/director.
- Go to the Ohio Department of Education website and print out the Request for Evaluation Form, complete it, and send it to the school with the letter for requesting a multi-factored evaluation (see Appendix D).
- Set up a meeting with the principal or special education coordinator to complete the necessary paperwork at school.

Be sure to keep dated copies of all paperwork completed.

Within 30 days of your request, the school district is required to send you a letter, called "prior written notice," telling you whether or not the district will perform the MFE. Usually schools comply with a parent's request for an evaluation, but if they do refuse, there are other options to explore. (See Appendix C.)

- If the school agrees, an MFE team will be identified. At a minimum, the team must include the parents, a district representative, and a school psychologist. The school and the parents will have a planning meeting to determine and document what assessments will be done for the child. According to IDEA, this evaluation process must be completed within 60 days from the day of the parent's written consent.

The MFE process includes various assessments (see Chapter 2 for some of the ASD assessment tools that may be used) as well as observations of your child completed by school personnel and you, the parents.

After the evaluation process is complete, an evaluation team report (ETR) will be prepared and a meeting will be held to review the report. At the meeting all assessment information is reviewed and explained to the parents. Parents can submit additional information to school personnel and ask the MFE team to consider it and address it in the ETR. Information from other sources may include therapy reports, medical reports, and reports from other evaluations that have been performed. At the ETR meeting, the team determines whether the child qualifies for services under IDEA in the autism category.

If you believe that the ETR represents a true picture of your child, including developmental, academic, and functional skills, as well as areas of need, present levels of functioning, and how the disability affects your child's progress in the general curriculum, you, along with all other

team members, will sign the final page of the ETR. By signing the report, parents are agreeing to the results of the report. If the report recommends special education services for the child, these services are determined by the IEP team and written into an IEP document. Once the team determines that the child qualifies for services under IDEA, and the ETR is signed by all MFE team members, a copy is given to the parents.

At this point, a team is formed to develop an IEP. The IEP team has 30 days to develop an IEP that addresses the child's areas of need as defined in the evaluation report.

If parents disagree with the ETR, they may request further evaluation by the school in specific areas, or they may request an *independent evaluation*. This refers to an evaluation completed by another qualified professional or group of professionals. This request for an independent evaluation must be made in writing. If the team determines that the child does not qualify under IDEA in the autism category and you disagree, you may seek an independent evaluation. (See Appendix C for how to obtain and independent evaluation.)

What Is an IEP?

When your child is determined to be eligible for special education services, an IEP is written. The IEP is a plan developed to identify the services and supports necessary for a child to be successful in the general education curriculum. It is a written agreement between the parents and the school district of what constitutes a free, appropriate public education (FAPE) for the child which is required by IDEA.

IEP Team Members

The IEP is developed by a team that consists of the following:

Parents

You, the parent(s), are a very important and equal member(s) of the IEP team. There is no other person who knows your child better than you.

General education teacher

Under IDEA, a general education teacher who has had or will have your child in class should attend the IEP meeting to share his or her knowledge of the general education curriculum.

Special education teacher

This should be the special education teacher who has served your child or will be serving your child. The information he or she shares with the team is vital in understanding how your child learns. The special education teacher will help the general education teacher assess what accommodations and/or modifications your child will need to be successful in the general education classroom.

District representative

The district representative knows what resources are available in the district and can make decisions regarding the use of resources. This person is responsible for knowing how the services listed on the IEP will be provided and is able to commit to the expense of the service.

If the district representative says he/she does not have the authority to commit resources during the IEP meeting, you may need to reconvene another meeting when someone with authority to commit to the expense can attend.

Psychologist

For any testing or evaluations that have been done by the school district, IDEA requires that someone attend the IEP meeting who can explain the results as well as the instructional implications. This may include a school psychologist or guidance counselor. The results must be explained so everyone involved understands their implications.

If you do not understand the evaluation, you cannot give informed consent. Parents must know what the evaluation results mean to make good decisions about their child's identification and the IEP.

Student

The student is a very important member of the IEP team. Students should be involved when they are capable of participating in the decision-making, and should always be involved when issues regarding transition to the community are discussed. If the student cannot be present or does not want to attend the meeting, efforts must be made to establish the interests and concerns of the student before the meeting so they can be considered.

Therapists and other related service personnel

If the ETR identifies a need for a related service such as speech-language or occupational therapy, it is important that the relevant related service provider(s) attend(s) the IEP meeting. His or her expertise is vital to planning an appropriate IEP.

Community members, service providers

When transition to community is addressed as the child gets older, community members may be invited to the IEP to discuss community programs and transition services that may be needed.

While each of these people may not all be in attendance at your child's IEP meeting, the IEP team needs their expertise. If your child's needs indicate that a specific area of knowledge is needed, the team can request their input in writing prior to the meeting.

Who Else Can Attend the IEP Meeting?

IDEA allows parents or the school district to bring anyone to an IEP meeting who has a working knowledge about the child or the child's disability.

Components of the IEP

The IEP form is broken into several sections, and discussion of each section provides an agenda of topics to be addressed at the meeting. After members of the IEP team have discussed each topic, the information is added to the form. The components of the IEP and the information they include are as follows.

- **Future planning** – a statement by the parents that describes their hopes, dreams, and future plans for their child.
- **Present levels of performance** – information retrieved from the MFE and other documentation that addresses the child’s strengths, areas of need, current level of functioning, and how the child’s disability will affect his progress in the general education curriculum. This includes the child’s emotional and social levels of functioning.

While not specifically required, the child’s involvement in extracurricular and nonacademic activities, as well as nutritional and safety needs, should also be considered and addressed in present levels of performance.

- **Needs** – the most significant needs to be addressed in the current school year.
- **Measurable annual goals** – goals developed to address each of the significant needs identified above. Goals should be written according to the child’s current level of functioning as the measurable starting point and identify where the child will be functioning after 180 days of school (one school year).
- **Measurable objectives** (for students who take alternate assessments) – sequential steps to achieving identified goals above.
- **Student progress** – a statement of how often parents will be informed (at least as often as parents of students without disabilities) and how they will be informed of their child’s progress; for example, through charting, daily notebooks, parent-teacher meetings, and so on.
- **Services** – identification of all services needed for the child to attain the annual goals and progress in the general education curriculum. Services may include specially designed instruction, related services (such as occupational therapy or speech therapy), supplementary aids, support services provided to school personnel on behalf of the child (for example, specialized training or consultation), and a statement of program modifications, and/or accommodations. Dates services will begin, including frequency, location, and duration, should also be included on the IEP.

Accommodations vs. Modifications

Accommodations refer to “whatever it takes” to make sure that a child with a disability can participate as fully as possible in the general education curriculum and achieve the academic content standards. Accommodations are changes in the way that material is presented (for example, a child may listen to a reading passage on tape instead of reading it) or in the way a student responds to the material (students may dictate their responses to questions instead of writing them), as well as changes in setting, timing, and scheduling.

Accommodations involve many kinds of techniques, strategies, and support systems. They help students work around limitations related to their disability. An accommodation refers to “how” the general education curriculum will be presented to the student with disabilities so that he can understand the general education curriculum. Accommodations may include:

- Visual schedules
- Notetaker/assistive technology
- Sensory regulation items
- Visual organizers

Modifications are changes that can be made to “what” students are expected to learn. For most students with disabilities, modifications should be considered only after all types of accommodations have been exhausted. Modifications involve partial completion of program or course requirements. When determining a modification, the IEP team should ask the following question: *What part of the curriculum does this child need to know that will help them in their adult life?* Because the purpose of special education services is to prepare children with disabilities for further education, employment and independent living, that is, for life as adults.

- **Related services** – all related services included on the IEP should be accompanied by a designation of the amount of time per week the child will be receiving the services, who will be providing the services, in what manner the services will be given, and where the services will take place (e.g., speech at least two times a week for 20 minutes with speech-language therapist in a small group setting).

The following services may be included on the IEP (this is not a complete list):

- Support of an intervention specialist
- Speech-language therapy
- Occupational therapy
- One-on-one aide
- Physical therapy
- Social skills training
- Sensory processing training
- Assistive technology services

Any type of services, accommodations, and modifications that the child is to receive must be documented on the IEP.

- **Amount of time child will not participate with nondisabled children in regular classes** – This statement identifies the least restrictive environment (LRE) for the child to receive her educational program.
- **Least Restrictive Environment (LRE)** – Where services will be provided is the last decision made by the team in developing the IEP and it is based on the goals, accommodations, and modifications included in the IEP. IDEA requires that each IEP contain an explanation of the extent, if any, to which the child will *not* participate with *nondisabled* children in general education classes or nonacademic activities. IDEA assumes that all children will be educated in the general education setting and that the supports and services needed by the child will be delivered in that setting. It was never the intent of special education to set up a segregated system of education for children with disabilities and to separate them from their peers and communities. The legislation does acknowledge, however, that some educational services will need to be delivered in a separate setting – like individual or small-group speech language services or academic tutoring in a resource room – and that some students needs will require that they are educated in a special classroom, and at times in a special school.

The requirement of the law is that the decision about least restrictive environment is not an all-or-nothing decision based on the fact that a child has a disability. IDEA requires that the decision about where a child receives particular services is based on the child's needs, the services being provided, and the goal being addressed. Children are only separated from their peers for specific educational reasons.

The LRE for the child is not determined by the disability of the child, nor the finances of the school district. The IEP team should always look at the general education classroom first, with services and supports coming to the student before removing the student to a more restrictive environment.

- **Transition plan** – The plan for transition to community addresses three areas: employability, independent living, and community involvement. When the student is 16, a transition plan must be written into the IEP. Transition may be addressed earlier than at 16 years of age if the IEP team feels the student’s needs warrant it. The purpose of the transition plan is to assist students with disabilities in becoming independent adults, making a smooth transition from school to competitive employment/postsecondary education, independent living, and community involvement. (See Chapter 8, Future Planning.)
- **Special factors** – This is a list of factors that fundamentally affect a child’s educational performance. The IEP team should consider and discuss how these factors will be addressed if they are pertinent to the child’s needs. Special factors include:
 - Behavior
 - Limited English proficiency
 - Visual impairment
 - Communication
 - Assistive technology
 - Physical education
 - Extended school year services
- **Statewide testing** – This section includes a list of allowable accommodations for the student’s participation in statewide testing. Students with disabilities are to be included in all state- and district-wide assessments. How the student can participate in the testing is documented on the IEP in one of three ways.

The student will:

1. Take the test without accommodations;
2. Take the test with allowable accommodations that are provided daily in the general education classroom;
3. Or take an alternate assessment as determined by the IEP team.

The signatures of individuals participating in the IEP meeting conclude the IEP document. This document is a legal contract outlining the goals, services, and supports that will be provided over the school year to implement an appropriate education program. An annual review of the IEP is required by IDEA, although the IEP can be changed prior to that if the child’s needs change. Either the parents or school personnel can call an IEP meeting to review the child’s progress and consider changes to the IEP.

The format of the IEP document is designed specifically to guide a step-by-step process of development with each section building on the one before. It is important to remember that the information listed in the Present Levels of Performance must be accurate in order for the team to write appropriate measurable goals. When written properly, the IEP documents the provision of a free, appropriate public education (FAPE).

Summary of Student's Performance Upon Leaving School

IDEA requires that school personnel develop a Summary of Performance (SOP) document upon a student's departure from high school to identify the student's level of achievement in academic and nonacademic areas. This is a separate document and is not considered part of the IEP.

Helpful Hints for Preparing for the IEP Meeting

How can I plan for an IEP meeting?

- Ask for and review evaluation data before the IEP conference.
- Take an agenda to the IEP meeting to guide the discussion of points you want to cover.
- Tell the school who you will bring to the meeting and ask who will attend from the school.
- Gather information you want to share, including medical or other assessments.
- Bring a friend to the meeting to help in taking notes and clarifying information discussed.
- Before the meeting, write down your priorities and questions.
- Talk to a parent mentor or an advocate before the meeting. They can give you suggestions on how to work effectively with the team at the meeting and explain your rights under IDEA.
- Take a picture of your child to place on the table so the focus of the discussion remains on the child.
- Consider bringing food to share.
- Let the school know if the meeting time or location does not work for you. Offer alternative suggestions in writing to the school.
- Ask the question "How is this going to help my child?" This will help focus the discussion of services and supports being considered.

IEP Questions to Consider

- Are my child's goals measurable? That is, does the IEP state his level of functioning now so that it can be compared to his functioning in the future to determine how much, if any, progress has been made?
- Does the IEP identify the modifications, accommodations, and other supports my child needs to succeed?
- Is the school expecting the kind of progress I think my child should make?
- How often will my child's IEP goals be reviewed and how often will I be informed of his progress?

Frequently Asked Questions

- **When should the IEP be implemented?**

Once the IEP has been agreed upon and signed, it should be implemented immediately or no later than the start date on the document.

Parents should receive a final copy of the IEP within 30 days after the IEP meeting. Parents can request a draft copy of the IEP the day of the meeting.

- **What is a parent mentor and what can he or she do to assist me?**

Parent mentors are parents of children with disabilities who are hired by a local school district or an educational service center. The role of the parent mentor is to provide information and support to parents of children with disabilities and to attend IEP meetings with parents upon request. Parent mentors are trained in the requirements of IDEA and special education issues and can answer your questions about the IEP process and school procedures. They work with parents in their district regarding their concerns and can represent parents' questions and concerns to educators. They also conduct trainings and provide support groups for parents within their districts to help parents become knowledgeable and informed about special education issues. Not all school districts have a parent mentor program. Call your local district to find out if there is a parent mentor available in your district.

- **What is an advocate and what can he or she do to assist me?**

An advocate is an individual who is knowledgeable about special education issues and the requirements of IDEA. Advocates work for organizations other than the local school district and parents can invite them to IEP meetings to help represent their concerns when they and the school district disagree. Advocates can be volunteers for a local autism parent group, a local parent support group, or from statewide organizations like the Ohio Coalition for the Education of Children with Disabilities or Ohio Legal Rights. Their role is to represent your interests at school meetings about your child's education.

- **What if I refuse to sign my child's IEP?**

The IEP process is designed to be a tool for discussion between parents and professionals regarding what is required for a child to make progress in her educational program. Decisions about the IEP are supposed to be the result of the team coming to an agreement by consensus. When the team cannot come to agreement, parents may refuse to sign the IEP. This may be because the parents disagree with the type of services included, the omission of a service they think should be included and is not, or they disagree with the amount of time a service is to be provided. In this case parents believe that their child's right to an appropriate education is being violated because the IEP is not adequate.

There are specific steps parents can take to negotiate with school personnel about an appropriate educational program. For more information about what to do when you disagree with your child's school, see Appendix C.

Resources

Ohio Department of Education, (2002). Operating standards for Ohio's schools serving children with disabilities. Columbus: Ohio Department of Education.

Ohio Center for Autism and Low Incidence, (2008). *Transition to Adulthood Guidelines for Individuals with Autism Spectrum Disorders (ASD)*. Columbus: Ohio Center for Autism and Low Incidence.

Building a Working Relationship Through Communication

Nothing is closer to parents' hearts than their children. Meetings that concern your child's educational program can be emotional and frustrating. One of the best things you can do to support your child is to establish a working relationship with your child's educational team. Knowing the basics of effective communication will help. Effective communication means knowing how to say what you want, and making sure others understand what you said.

Hints to Help You Communicate Effectively

- 1. Be prepared.** Plan ahead and write down the points you want to make before a meeting. This will keep the conversation focused on the issues that are important to you.
- 2. Be respectful of others.** Effective communication takes place in a relaxed and safe environment. There is no problem that does not have a solution if we work together to address it. Communication is a team activity. Participation on the team is influenced by the energy each participant brings to the discussion:
 - how much they want to invest in resolving the issue at hand,
 - the priority they place on the communication, and
 - the respect they have for those involved in the discussion.
- 3. Repeat what is said to you to confirm your understanding.** This ensures accurate understanding on your part and also shows respect.
- 4. Understand that disagreements are not inherently bad.** Disagreements show a need for further discussion and information gathering, they may broaden the search for alternative solutions, and they may ultimately produce better solutions. Working through disagreements can also build stronger and more productive teams. Some compromise and creativity should be a part of any type of communication.
- 5. Remember that body language and tone affect what is understood.** Knowing the difference between *nudging* versus *shoving* and *aggression* versus *assertion* can mean the difference between being able to work through issues or fostering further conflicts that delay identification of solutions.
- 6. Use comments that begin with *what, when, how, where* to help to clarify the issue under discussion.** Avoid blaming, gather information, and move to problem solving.

The focus of successful communication is not necessarily getting exactly what you asked for. It is finding the best solution to a problem being discussed AND leaving the door open for future communication.