

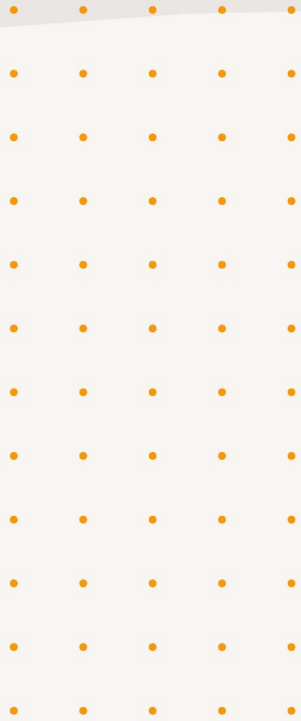
# Advocacy in The Classroom

*Laws, IEPs and 504 Plans*

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# Context



# What is IDEA?

IDEA: Individuals with Disabilities Education Act

- IDEA is a federal law that public schools are mandated to follow.
- While adopted in 1975, it was amended in 2004.

# What is The Goal of IDEA?

It was originally adopted by the federal government to ensure that all children with disabilities are provided with “equality of [educational] opportunity, full participation, independent living, and economic self-sufficiency.”

Essentially, to ensures all children have access to a free, appropriate and equal education regardless of their disability.

# Principle 1: Free and Appropriate Education

- IDEA requires schools to prepare Individualized Education Plans
- WHAT IS APPROPRIATE??
  - “meaningful educational benefit” to children with disabilities.
  - Raised student expectations,
  - Appropriate progress,
  - and transition into postsecondary education and independent living.
- Public schools and local school boards are responsible for ensuring that every child with a disability receives a FAPE.

## Principle 2: Appropriate Evaluation

The IDEA requires that schools conduct “**appropriate evaluations**” of students who are suspected of having a disability.

An appropriate evaluation must determine and make recommendations regarding a child’s eligibility for special education services in a timely manner

**WHAT IS A TIMELY MANNER?**

**WHAT ARE APPROPRIATE EVALUATIONS??**





## Principle 3: Individualized Education Plan

We will get into what that means...

# Principle 4: Least Restrictive Educational Environment

Strong emphasis on placement in a general education setting.

Under the IDEA, a student is guaranteed placement in the **LRE** possible.

Therefore, an IEP team must explore a number of alternatives for enabling a student to participate in the general education classroom.

- Classroom modifications, supplemental aids and services, alternative instructional methods, etc.
- If an IEP team determines that a student cannot be satisfactorily educated in a general education setting, then the team must make responsible efforts to determine the LRE for that student outside of the general classroom.



# Principle 5. Parent Participation

IDEA has a special provision for “parent participation in placement decisions.”

**The parents of a disabled child are members of any group that makes decisions regarding the placement and LRE of that child.**

**Parents have the right to equal participation** in this process

- entitled to notification of a planned evaluation,
- access to planning and evaluation materials,
- and involvement in all meetings regarding their child’s placement.

Parents retain the right to refuse further evaluation of their child.

Both **students and parents must be invited to IEP meetings.**



# Principle 6: Procedural Safeguards

IDEA establishes procedural safeguards to help parents and students enforce their rights under federal law.

## **PARENT'S RIGHTS:**

Right to review all educational records pertaining to their child,

Receive notice prior to meetings about their child's evaluation, placement, or identification, and

- To obtain an Independent Educational Evaluation (IEE) for consideration at such meetings.
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# What are IEPs and 504 Plans

## IEP

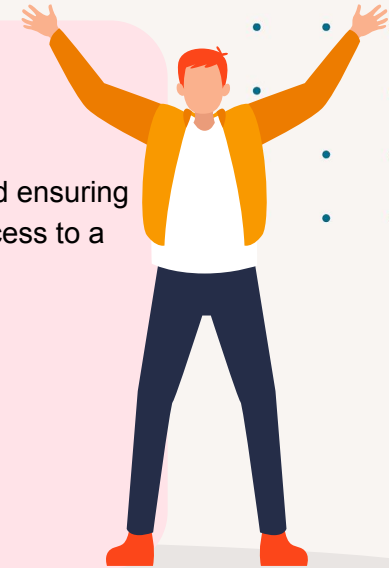
IEP = for Individualized Education Program.

- An IEP lays out the special education instruction, supports, and services a student needs to thrive in school.
- IEPs are part of PreK–12 public education.



## 504 Plan

A 504 plan is geared toward ensuring a student has equitable access to a learning environment.



**The difference: 504 plans don't alter instruction**

# IEP Vs 504

## IEP

Children must meet two requirements to be eligible:

1. The child has one of 13 listed disabilities (many learning and attention issues will qualify) **AND**
2. The disability affects the child's performance at school or his or her ability to learn without specialized instruction.

To get an IEP plan, student will need specialized instruction.

An IEP focuses on educational benefits, and often includes direct services such as speech or occupational therapy.

## 504 Plan

504 plans are typically available to students with a broader range of disabilities, including attention deficit disorders.

A 504 plan can help a student thrive in a general education classroom with minimal disruption in their education, and it can be tailored to each education environment, such as art class or P.E., that the student experiences throughout the day.

To get a 504 plan, a student's disability must hinder their ability to learn in a general education classroom without accommodations.

Extra time, Feeding accommodations, note taking

# In New Jersey

<https://www.state.nj.us/education/code/current/title6a/chap14.pdf>

School districts are required to set up their own policies and procedures to evaluate children to determine whether they need special education or related services due to a disability.

Teachers and administrators are required under Section 504 to provide an individualized assessment for a child before he or she is presented with specialized education or assistance.

Information used to determine whether a child is eligible under 504 may include:

- Teacher feedback
- Testing results
- Parent input
- Performance in the classroom generally
- And more

# Common Problems

- **Schools and parents disagree over the types and/or amounts of school services that a child needs.** Periodic reviews of IEPs and 504s are required to identify new needs or remove services for issues that no longer impact the child. **BE PRESENT AND VOCAL**
- **The parents disagree with the school's evaluation.** School districts must provide an Independent Education Evaluation (IEE) at no cost when parents disagree with the findings of a school's child study team.
- **There are questions of eligibility.** Students who don't qualify may still have rights to educational support through Section 504. **Disputes can occur over whether a child meets the eligibility requirements or has been misclassified. THERE ARE PROCEDURES FOR DISPUTES- DON'T SETTLE**
- **Placement is a problem.** In New Jersey, the IEP team determines a child's school and class placement. Parents have the right to visit the school placement. **If YOU do not approve of the placement, YOU can invoke YOUR child's stay-put rights and request due process or mediation to resolve the placement concerns.**
- **Deadlines are missed.** New Jersey school districts have a responsibility to ensure that students are evaluated for and provided with necessary accommodations according to specific timeframes set by law. When deadlines expire or meetings keep getting pushed back, parents sometimes need help getting the schools to meet their duties.

# Procedures to Follow

After filing a complaint, there are several paths that the dispute resolution process may take:

- **Resolution meeting:** An informal meeting between parents and a school official in which both parties come to an agreement outside of the legal process. **Parents do not have to agree to a resolution meeting and may request mediation instead.**
- **Mediation:** During mediation, parents (and a lawyer, if they hire one) meet with school officials and two unbiased mediators from the New Jersey Department of Education's Office of Special Education Programs. The mediators try to help the two parties resolve their conflicts amicably. If no agreement can be reached, parents can file a complaint for a due process hearing.
- **Due process hearing:** Similar to a trial, a due process hearing occurs before an administrative law judge. Both parties will present evidence and arguments to support their cases. The judge's decision goes into effect immediately after the hearing is concluded, even if a parent decides to appeal.

# The DOs of advocating for yourself or your child in the accessible education landscape

DO

*Be prepared for the IEP meeting.*

DO

*Build a relationship with school personnel.*

DO

*Write everything down*

DO

*Ask your child for what they want or need*

DO

*Have a Strategic Plan*

DO

*Seek Assistance*  
(if you have the privilege too)



# The DON'Ts of advocating for yourself or your child in the accessible education landscape

DON'T

*be Intimidated*

DON'T

*assume someone else  
will bring a topic or  
need up*

DON'T

*Leave your child out  
of the conversation if  
they can / want to be*

DON'T

*be scared of being a  
burden*

DON'T

*rely on others to start  
the process*


DON'T

*lower your  
expectations for your  
child*



# SEEK COMMUNITY



- **Talk to parents of children with disabilities:** They often know of professionals, organizations, and other community contacts to help answer your questions.
  - **Meeting with a special education advocate:** A special education advocate is not a lawyer. However, advocates are very knowledgeable about the public school system and a student's special education rights. He or she can help you prepare for IEP or 504 meetings, attend the meetings with you, make suggestions about accommodations, and refer you to specialists in the area who may help evaluate your child. However, an advocate cannot and should not provide legal advice.
  - **Gathering professional opinions:** Listen to your speech pathologists, occupational therapists, psychologists, physicians, physical therapists, and counselors. Anyone who works with your child can provide knowledgeable insight that could help you craft the best IEP or 504 possible for your child.
  - **Meeting with a special education lawyer:** An attorney can tell you whether your child's rights have been violated and advise you on how to address the problem.
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# We have much change left to be made!

Advocating for yourself or for your child can also mean advocating for a better world, with better laws, a better special ed system, with less inequities in the process.

- • • Get involved in local gov, go to school board and city council meetings, listen to disabled people who experienced the educational system first hand