



Parent Training and Information Program
6316 South 12th Street
Tacoma, WA 98465
800-572-7368

www.wapave.org

The Individuals with Disabilities Education Act (IDEA)

The IDEA is a federal law that was passed in 1990 and has been amended. Some important concepts came from an education law passed in 1975, when the United States first required schools to provide special education to all children with disabilities. Readers who like technical information might want to look up the IDEA federal statute: Public Law 108-446. State guidelines get a little more specific and you can read those in the Washington Administrative Codes (WAC 392-172A). Here's a quick summary of what the IDEA is all about.

- 1. Free Appropriate Public Education (FAPE):** Students with disabilities who need a special kind of teaching or other help have the right to an education that is not only free but also "appropriate," designed just for them. Under IDEA rules, schools provide special education students with "access to FAPE," so that's a common way to talk about whether the student's program is working.
- 2. Appropriate Evaluation:** The IDEA requires schools to take a closer look at children with potential disabilities. There are rules about how quickly those evaluations get done. The results provide information that the school and parents use to make decisions about how the child's education can be improved.
- 3. Individualized Education Program (IEP):** The IEP is a dynamic program, not a packet of paper. The document that describes a student's special education program is carefully written and needs to be reviewed at least once a year by a team that includes school staff and parents/guardians. Every student on an IEP gets some extra help from teachers, but the rest of the program depends on what a student needs to learn. Learning in school isn't just academic subjects. Schools also help students learn social and emotional skills and general life skills. By age 16, an IEP includes a plan for life beyond high school, and helping the student make a successful transition into being an adult can be a primary goal of the IEP.
- 4. Least Restrictive Environment (LRE):** The IDEA says that students should be in class with non-disabled classmates "to the maximum extent appropriate." That means that regular classrooms and school spaces are first choice as the "least restrictive" places. If the school has provided extra help in the classroom but the special education student still struggles to be successful, then the IEP team considers other options, such as a structured learning classroom. The school explains placement and LRE in writing on the IEP document.
- 5. Parent and Student Participation:** The IDEA makes it clear that parents or legal guardians are equal partners with school staff in making decisions about their student's education. When the student turns 18, educational decision making is given to the student. The school does its best to bring parents and students into the meetings, and there are specific rules about how the school provides written records and meeting notices.
- 6. Procedural Safeguards:** The school provides parents with a written copy of their rights at referral and yearly thereafter. Parents may receive procedural safeguards any time they request them. They also may receive a copy if they file a citizen's request or a due process complaint. Procedural safeguards are offered when a school removes a student for more than 10 days in a school year as part of a disciplinary action. When parents and schools disagree, these rights describe the actions that a parent can take informally or formally.



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Individualized Education Program (IEP)

An IEP is a special education program for a student with a qualifying disability, as defined by the Individuals with Disabilities Education Act (IDEA). Specific goals, accommodations and progress measurements are written into the IEP document. Drafting an IEP is a team project, and parents or guardians work with school and district personnel. The first IEP is written after the completion of a district evaluation, with a best practice timeline of 30 calendar days. An IEP is reviewed annually and can be amended any time the team meets.

An IEP includes:

1. **Present Levels of Performance**, statements that describe a student's performance in academics, Social Emotional Learning (SEL) and functional skills, which are routine activities of everyday living.
2. **Educational Impact Statement**, which describes a student's disability and barriers to learning in school.
3. **Annual Goals**, including academic, SEL and functional goals. Goals should be SMART (Specific, Measurable, Achievable, Relevant and Timely). The IEP should provide a specific way to check on progress.
4. **Assessments**: state testing scores, upcoming testing schedules and accommodations for access to the tests.
5. **Program, Placement, Related Services and Supplementary Aids**. Adaptive teaching techniques and content organized to help a unique child are always going to be part of the specialized instruction provided for a student with an IEP. How that instruction and the rest of services are delivered is different in every situation and requires collaboration and creativity.
6. **Scheduling Details**: time, duration and location for all special education programs.
7. **Least Restrictive Environment (LRE)**: Special Education law requires that school personnel explain placement in special education versus general education. A chart shows how much time a student spends in each placement location. This section also describes how the placement meets the LRE requirement "to the maximum extent appropriate."
8. **Extracurriculars** and other nonacademic activities and how they are accommodated.
9. **Extended School Year (ESY)**, if recommended.
10. **Behavior Intervention Plan (BIP)**, as needed, based on a Functional Behavior Assessment (FBA) and recommendations from professionals who work with the student.
11. **Transition Plan** (required on an IEP at age 16). Family members, students and sometimes counselors from the Department of Vocational Rehabilitation (DVR) or another agency may participate in drafting this section to help a student progress toward independent adulthood.
12. **Age of Majority** statement and plan for the transfer of rights to the student unless parents have guardianship when a student is 18.

Regulations governing the development and content of an IEP are contained in the Individuals with Disabilities Education Act (IDEA, Public Law 108-446), and in the Washington Administrative Code (WAC 392-172A).



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Section 504: A Plan for Equity, Access and Accommodations

Section 504 is part of the Rehabilitation Act of 1973, which is upheld by the United States Office of Civil Rights. The law protects a person for life and allows every student, employee or guest in a public space or program to ask for and expect supports and productivity enhancers--what they need to access a facility or succeed in a program. **Creative accommodations are unlimited!** Wheelchair ramps and braille signs are examples. So are behavior supports, special seating, extra help in the classroom and time-out spaces.

Section 504 protects the right to **equitable opportunity** and determines that intentional or unintentional barriers to access are discrimination.

In school, a Section 504 Plan details what a student needs to be fully included and to benefit from learning in school. Section 504's definition of disability is intentionally broad to capture a wide array of possible conditions. A formal evaluation is not required, and parent involvement is voluntary. Schools determine if:

- **A student is identified as having an impairment.**
- **The impairment limits one or more major life activities.**

If the school determines a student eligible, then the school provides what is needed so the student can overcome the barrier of disability and make meaningful gains at school. The school provides a Free **Appropriate** Public Education (FAPE), which is protected by Section 504 and the IDEA (see below).



Resources:

The U.S. Office of Civil Rights – www2.ed.gov
 Center for Parent Information and Resources (CPIR) – parentcenterhub.org
 Parent Guide to Section 504 – GreatSchools.org



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SMART goals

In general, goals:

- Are required as part of the Individualized Education Program (IEP)
- Are designed to help a student make meaningful progress, in light of the circumstances of disability
- Encourage a student's progress toward grade-level standards and participation with peers
- May focus on academics, Social Emotional Learning or skills for everyday living, called Functional Skills

Present Levels of Performance (PLOP): Goals flop without good PLOP!

Not every school uses the term PLOP, but this acronym refers to the part of the IEP where a student's achievements and challenges are described. A lot of this information comes from evaluation, but parents, teachers and providers can add information. The goals get built from this information, so it's important. We need to know where we are to figure out where we're going!

This section of the IEP describe what's going on with the student in specific areas: cognitive, adaptive, and developmental/functional. The statements include two required elements, dependent on the age of a child.

- How the child's disability affects the child's involvement and progress in general education
- For preschoolers, how the disability affects the child's participation in appropriate activities within the natural environment

These statements impact a child's placement and how "Least Restrictive Environment is provided to the maximum extent appropriate," as it's written in special education law.

Parents can make sure that the strengths and interests of a child are described. Knowing how to teach skills and encourage growth based on a child's natural talents and curiosity sets up an important collaboration between the child and the team and can inspire everyone toward progress!

Determine whether the IEP Goals are SMART:

- S** **Specific...** Is the targeted skill clearly named or described? How will it be taught?
- M** **Measurable...** How will progress toward the goal be observed or measured?
- A** **Achievable...** Is this goal realistic for the student, considering current abilities?
- R** **Relevant...** Is the skill something that is useful and necessary for the student's success in school and life?
- T** **Time-Bound...** What specific date is set to determine whether the goal is met?



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Teaching Self-Advocacy Through the IEP

Self-advocacy means taking responsibility for communicating one's needs and desires in a straight-forward manner to others. By participating in the development of their own Individualized Education Programs (IEPs), children with special needs learn skills of self-advocacy and self-determination to help them become self-actualized adults ready to ask for what they need and ready to participate fully in their schools, jobs and communities.

The IEP provides teachable moments

- Learning about the disability's impact
- Practice goal setting
- Teamwork skills
- Speaking up
- Participating on a team with multiple points of view
- Gaining understanding about how to describe your needs
- Learning to ask for and accept help

Advocate for your budding advocate.

Even if your child cannot attend the meeting, he/she can have a presence.

- Ask your child ahead of time if he/she wants you to share something or ask for something and then report back about the meeting.
- Share a video of your child making a request or a statement.
- Take notes about nice things teachers say at the meeting and share those at home.
- Learn about the IEP process so you can teach your child at an age-appropriate level about special education as a Civil Right.
- Bring a photograph to the IEP meeting.

Ask questions to encourage involvement

- What do you want to learn or work on this year?
- What can you tell me about your goals?
- How do you learn best?
- What are you good at?
- What do you need to be successful?
- What would make learning easier for you?
- What do you wish your teachers would understand about you?
- What part of the meeting do you think YOU could lead?



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