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WHAT YOU NEED TO KNOW

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

(IDEA)

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2015 Guardian Ad Litem Disabilities Training Conference

Terms to Know

- ABA = Applied Behavior Analysis
- ADA = Americans with Disabilities Act
- ADHD = attention deficit hyperactivity disorder
- ASD = Autism Spectrum Disorder
- AT = assistive technology
- BIP = behavior intervention plan
- DD = Developmentally Delayed (ages 3 – 5 years old)
- DHH = Deaf and Hard of Hearing
- DSI = Dual- sensory impaired (deaf & blind)
- E/BD = Emotional or Behavioral disability
- ED = emotional disturbance
- ESE – Exceptional Student Education
- ESY = extended school year
- FAC = Florida Administrative Code
- FAPE = free appropriate public education
- FERPA = Family Educational Rights and Privacy Act
- HH = hospitalized or homebound
- ID = intellectual disabilities
- IDEA = Individuals with Disabilities Education Act
- IEE = independent educational evaluation
- IEP = individualized education program
- IHO = impartial hearing officer
- InD = Intellectual disability
- LEA = local educational agency
- LI = language impairment
- LRE = least restrictive environment
- LSLS – Listening and Spoken Language Specialist
- ODD = oppositional defiant disorder
- OHI = other health impaired
- OI = Orthopedic impairment
- OT = occupational therapy
- PBIS – Positive Behavior Intervention and Support
- PBS – Positive Behavior Support
- SI = speech impairment
- S/L = speech and language
- SLD = specific learning disabilities
- SLP – Speech Language Pathologist
- SP & P = School Policies and Procedures
- TBI = traumatic brain injury
- VE – varying exceptionality
- VI = visually impaired

The Individuals with Disabilities Education Act (IDEA) is a Federal Civil Right created by law in 1975

The IDEA ensures that all children with disabilities have access to a *free appropriate public education (FAPE)* that emphasizes special education and related services designed to meet the child's unique needs and prepare them for further education, employment, and independent living.

- Federal Law: *20 USC Section 1400*, et.seq. and 34 CFR part 300 et.seq.
- State Law: *Rules 6A-6.03011* through *6A-6.0361*, F.A.C. (Florida Administrative Code)
- Local policies and procedures.

(1) Does the child have a disability = eligibility

(2) Is the child in need of special education = because of the disability, the child needs special education and related services.

If (1) and (2) then the child is entitled to a free appropriate public education (FAPE) in the least restrictive environment (LRE) which is realized through an individualized education plan (IEP)

Eligibility in Florida

A child must fit into at least one of these 14 categories

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- Autism spectrum disorder (ASD)
 - Deaf or hard-of-hearing (DHH)
 - Developmentally delayed (DD)
(Ages 3-5 only)
 - Dual-sensory impaired (deaf & blind)
(DSI)
 - Emotional or behavioral disabilities
(EBD)
 - Homebound or (HH)
 - Intellectual disabilities (InD)
 - Language impaired (LI)
 - Orthopedic impairment (OI)
 - Other health impairment (OHI)
 - Traumatic brain injury (TBI)
 - Specific learning disabilities (SLD)
 - Speech impaired (SI)
 - Visually impaired (VI)

* There is no eligibility code for dyslexia or ADHD

Special Education

- *Special education* is defined as instruction that is specially designed to meet your child's unique needs.

Specially designed instruction means adapting the content, methodology, or delivery of instruction:

- to address the unique needs of your child that result from his or her disability, and
- to ensure your child's access to the general education curriculum so that he or she can meet the educational standards that apply to all children within the jurisdiction of the school system.

Related Service

- *Related services* are defined in IDEA's regulations as transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education.

Related services may include, but are not limited to:

- Physical therapy and occupational therapy and Psychological services and speech-language pathology services
- Audiology services
- Counseling services, including rehabilitation counseling
- Early identification and assessment of disabilities in children
- Interpreting services
- Medical services for diagnostic or evaluation purposes only
- Orientation and mobility services
- Parent counseling and training
- Recreation, including therapeutic recreation
- School health services and school nurse services
- Social work services in schools
- And any other developmental, corrective, or support services that are required to help a child benefit from special education.

Least Restrictive Environment (LRE)

To the maximum extent appropriate, students with disabilities, shall be educated with students who are not disabled

The student will be educated in the school that he or she would attend if not disabled, unless the IEP states otherwise.

- Special classes, separate schooling or other removal occurs 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 satisfactorily.

Free Appropriate Public Education (FAPE)

FAPE

- **Free**—without charge to parents or children;
- **Appropriate**—in keeping with an individualized education program (IEP);
- **Public**—at public expense, under public supervision and direction;
- **Education**—preschool, elementary and secondary school.

Public Education in Florida

- In Florida, children ages 3 – 21 are entitled to services in a public school setting under the IDEA
- FAPE does not apply to private school
- FAPE does apply to charter schools accepting public dollars

Individualized Education Plan (IEP)

The IEP describes the services a child with a disability will receive.

There are only two requirements:

- (1) Parents must be invited to each IEP meeting; and
- (2) IEPs must be reviewed annually.

In Florida IEPs have nine sections

1. Demographic Information
2. Special Considerations
3. General Factors and Assessment Data: child's strengths; academic, developmental, and functional needs; and the results of evaluations conducted.
4. Present Level of Academic Achievement and Functional Performance: The present level statements may be described by the following domains: curriculum and learning environment, communication, social/emotional behavior, and functioning.
5. Measurable Annual Goals: These goals describe the behavior and skills that will enable the child to participate in age-appropriate activities based on his or her needs.
6. Assessment: how will student be assessed and what testing accommodations, if any.
7. ESE Services, Related Services, Supplementary Aids and Services, and Support for Personnel:
8. Least Restrictive Environment: The IEP will include an explanation of the extent, if any, to which the child will not participate with nondisabled peers.
9. Conference Notes

Procedural Safeguards

- Prior written notice: the right to be notified before the district makes a change or when the district refuses to do something.
- Native language: the right to communicate in your native language
- Participation rights: the right to be an equal member of the IEP team and part of the entire process and bring anyone to a meeting that will assist you in understanding the process or provide information to the IEP team
- Independent Educational Evaluation (IEE): the right to a private evaluation at public expense
- Access to student records: the right to inspect and review any and all records related to your child
- Consent.
- Confidentiality of information.
- **AMENDMENT OF RECORDS AT PARENT'S REQUEST (34 CFR §300.618)** If you believe that information in the education records is inaccurate or misleading you may request that the school change the information. The school then decides to change the information in accordance with your request within a reasonable period of time or inform the parent of the refusal and advise the parent of the right to a hearing

Procedural Safeguards

Parents have the right to disagree with the school district

- Mediation
- State complaint
- Due process hearing
- Appeal

**Additional Federal protections exist under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973*

Things To Know

- Trust your instincts. If something does not seem right, it is not.
- Be prepared and be looking forward. Do not expect the school to tell you what the child needs or what is available to the child in the district.
- If it is not in writing, it did not happen.
- The district has up to 60 school days to complete an initial evaluation. 60 days does not include holidays or weekends, but the district can act as fast or as slow as they choose. The District can do whatever, whenever it wants.
- You do not have to sign anything on the day of a meeting. There is a 10 day wait period before the district can implement a new IEP, unless you agree otherwise.
- The Matrix determines the amount of money a student will receive in a McKay Scholarship.
- You are not alone; Get HELP and don't go alone.



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