

Understanding the Special Education Process

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Who am I?

- NC Licensed Clinical Psychologist
- Nationally Certified School Psychologist
- Board Certified Behavior Analyst – Doctoral

- Clinical Director Del Mar Center for Behavioral Health



TOP 10%



Special Education Law

- Article 9, Section 115C of the North Carolina General Statutes State law concerning the education of students with disabilities.
- Individuals with Disabilities Education Act, 2004
 - Special education law that ensures public schools serve the educational needs of students with disabilities



History of IDEA

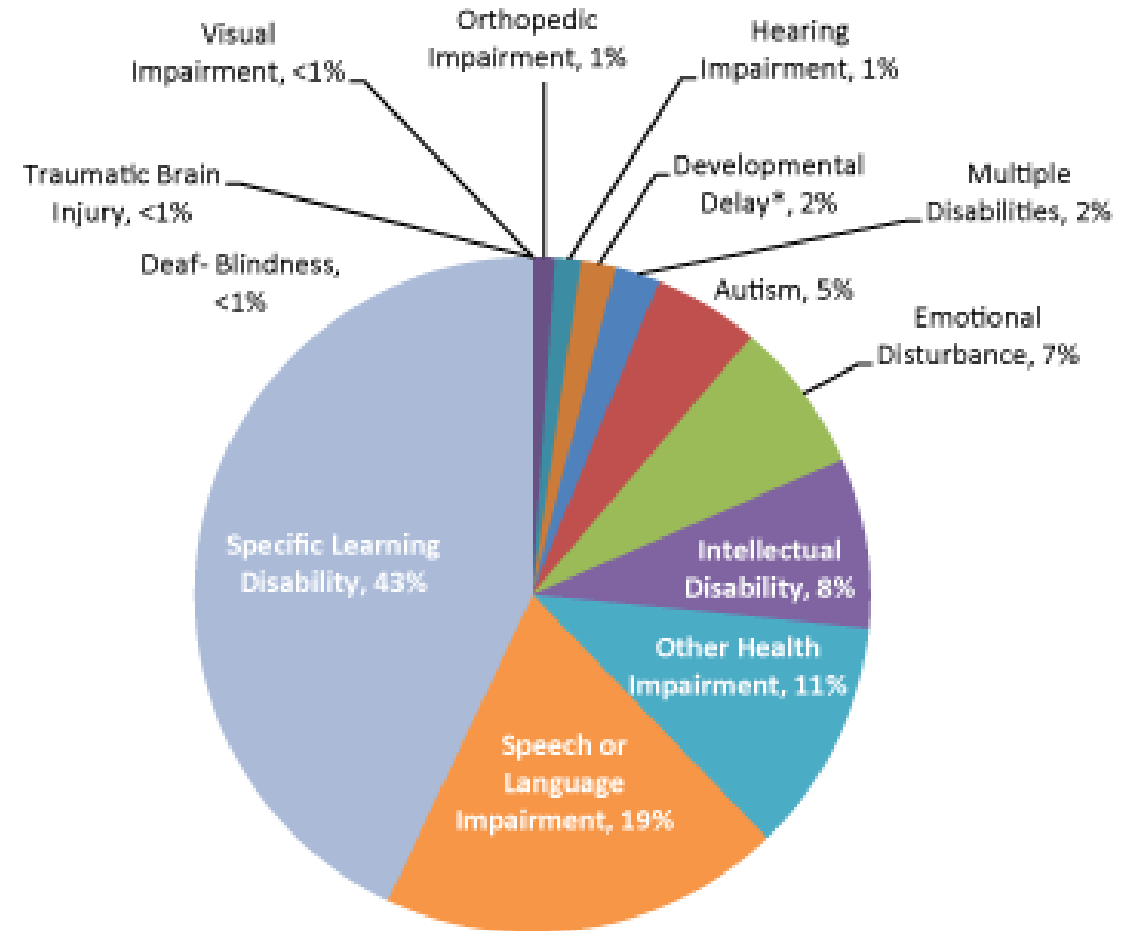
- 1969: passage of the Children with Specific Learning Disabilities Act (included in Education of the Handicapped Act of 1970)
- 1975: Education for All Handicapped Children Act (EHA)
- 1990: EHA was replaced by IDEA
- 2004: Individuals with Disabilities Education Improvement Act of 2004
- 2011: IDEA Part C, includes children 2 and under

Process for Identification

- EITHER parent requests evaluation **in writing** or school staff make referral for evaluation
- District meets to plan evaluation and obtain *permission to test*
- District has time period to complete evaluation and hold results meeting
 - 90 days in NC
- At results meeting, disability determination is made and if appropriate, IEP is created
 - TEAM DECISION

14 Disability Categories

- Autism Spectrum Disorder
- Deaf-blindness
- Deafness
- Developmental Delay
- Emotional Disability
- Hearing Impairment
- Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech Language Impairment
- Traumatic Brain Injury
- Visual Impairment



Individualized Education Program (IEP)

- Document that contains the plan for the special education services that a child with a disability is to receive from the school
- Reviewed ***at least*** once per year
- IEP meetings are held with the IEP team
 - MUST include: parent, special education teacher, general education teacher, a representative of the school district who can make binding decisions about services and resources (often called the LEA representative, because that person represents the Local Education Agency, which is the school district or charter school organization); and someone who can interpret the results of the evaluations, and what those results mean in terms of instruction (this can be one of the individuals listed above)

Some Terms to Know in the IEP

- Free Appropriate Public Education (FAPE)
 - Specially designed instruction and related services that allow a child with a disability to make reasonable educational progress
- “Specially designed instruction”
 - the instruction that will be provided by the special education teacher to help the student accomplish the annual goals
- Related Services
 - What other services may be needed to help the child benefit from his special education program (i.e. Speech, Occupational Therapy, etc.)

More Terms to Know in the IEP

- Least Restrictive Environment (LRE)
 - the school setting that gives a child with disabilities the most chance to be with nondisabled children
- Annual Goal
 - address the areas of concern identified in the present levels of performance. Each goal is a statement of what the student should be able to do one year from the starting date of the IEP
 - Specific and measurable
- Objective
 - can be associated with an annual goal to break it down into easier-to-manage parts

More Terms to Know

- Independent Educational Evaluation (IEE)
 - Done by an independent third party, but the school has to pay for it. To ask for an IEE, the parent should write a letter to the principal or to Exceptional Children/Special Education staff at the school district. The letter should say that the parent disagrees with the school's evaluation, and that the parent requests an independent educational evaluation



Re-evaluation

- All children who qualify for special education should be reevaluated, or retested, at least once every three years. They can be reevaluated more often if there is a specific need for information
- Two purposes
 - helps the IEP team determine if a child still qualifies for special education
 - helps the IEP team with planning for future educational needs

Transition Services

- Special services for students who are 16 years old and older
 - Planning begins at 14
- Help the student be ready for employment, further education, and independent living
- Individualized for each student, depending on the student's goals for his life after high school
- IDEA defines transition services as a “coordinated set of activities” within a “results oriented process.” The services should facilitate the student's movement from school to post-school activities; they should include “instruction, related services, community experiences, . . . and, when appropriate, acquisition of daily living skills.”

Extended School Year (ESY)

- Need for ESY services should be considered every year at the child's IEP meeting
- Two major situations for ESY
 - child has a history of losing learned skills or behaviors during extended breaks from school, and has been unable to regain them within a reasonable time after the break. After summer breaks, a reasonable period of time to regain lost skills is about 4 - 6 weeks.
 - child is at a critical stage in the development of an important skill and a break in his education would make it so that he might not fully develop that skill



Dispute Resolution

- Informal Resolution
- IDEA provides several dispute resolution tools
 - Facilitated IEP Meetings
 - NCDPI selects and trains neutral third parties to facilitate the IEP meeting
 - Mediation
 - NC DPI selects and trains mediators to lead smaller group discussion and planning about child's needs
 - State Complaints
 - Written complaint to NCDPI to show a violation of special education law or policy within the previous 12 months
 - Due Process
 - Legal process in NC heard in Office of Administrative Hearings
 - Parent has the “burden of proof”

Discipline for Special Education Students

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Discipline

- Encouraged to minimize disciplines that remove kids from school
- IEP can be amended to add a behavior goal
- Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP)
 - must be used if the student has been suspended for more than 10 days in a school year
 - Behavior impedes learning box is checked
- Manifest Determination Review
 - when a student is facing suspension of school for more than 10 school days all together OR an accumulation of 10 days total
 - focuses on whether the behavior leading to the suspension is related to the child's disability
 - MDR law is complicated
 - whether the conduct that led to the suspension was caused by or substantially related to the child's disability
 - whether the conduct was the direct result of the school's failure to implement the student's IEP.

What about IDEA, Part C?

Kids younger than 3 years of age

NC Infant-Toddler Program (ITP)

- Early Intervention Program provides services to children, from birth to age 3, who have a disability or are at risk of developmental delay
- In North Carolina, Children's Developmental Services Agencies (CDSA) oversee early intervention services
- After referral, CDSA has 45 days to evaluate child and determine what services s/he needs to develop
- Individualized Family Service Plan (IFSP)
 - Reviewed every 6 months

Questions?

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Additional Resources

- Parent Rights & Responsibilities in Special Education: NC Notice of Procedural Safeguards
 - <https://ec.ncpublicschools.gov/parent-resources/parents-rights-handbook>
- Wrights Law
 - <http://www.wrightslaw.com/>
- Children's Law Clinic at Duke University
 - <https://law.duke.edu/childedlaw/special-education-nc/>