

IDEA '04

What Parents Need to Know

by Cherie Takemoto

Over 30 years of research have found that... "Education of children with disabilities can be made more effective by -- Having high expectations for such children and ensuring their access to the general education curriculum in the regular classroom.... to meet developmental goals and, to the maximum extent possible, the challenging expectations that have been established for all children; and be prepared to lead productive and independent adult lives to the maximum extent possible."

Report Language to IDEA 2004

This all sounds great. But what if all these things that research says works is the way your child's special education looks? What can you do to help to make sure that special education works for your child?

First, most experts would say that the pendulum shifted in the last reauthorization from favoring parents and students, to favoring school systems. The special education law — commonly called IDEA 2004 — came with a number of trade offs. The Congress wanted to make special education — a law that focused on each individual child — look more like the No Child Left Behind (NCLB) Act. They wanted to focus on accountability for results. They eliminated or substantially changed some previously mandatory requirements such as:

- short term objectives for most students;
- mandatory re-evaluations;
- who needed to be at meetings;
- the amount of documentation required that some considered to be paperwork.

They made it more difficult for parents to file due process complaints. Attorney fees are only available if the parent goes on to a due process hearing. Schools that prevail in due process cases considered to be frivolous can now file for the parents to pay the school's attorney fees.

Schools no longer have to take extra steps to make sure parents agree to provide initial services. If parents refuse those services, the child will not receive special education. However, if a parent has refused services, the child loses the protections that students with disabilities have in special education.

While the Congress lowered the bar for paperwork, they raised the bar for results. They are more interested in the bottom line: Are students in special education making verifiable academic and developmental gains? What is the research basis for the approach the

school is taking with the child? Is the focus on catching up with their peers without disabilities? Are fewer students dropping out? Are more graduating and going on to college?

Many schools are rising to the challenge of high expectations. They are paying more attention to how students with disabilities are performing on the Standards of Learning (SOL) Assessments and substitute tests available for students with disabilities. They are implementing Response to Intervention (RtI) reading programs that have sound research foundations. They are implementing the positive behavioral intervention and support systems on a school-wide basis and finding that discipline issues are declining and learning is increasing. They are setting up model transition programs that promote college and self determination for students. They have stopped the "wait-to-fail" approach to identifying and serving students who have learning problems. They are implementing Applied Behavioral Analysis programs for students with autism.

Students in many of these schools are seeing great gains in academics, attendance, confidence and confidence. However, when students are floundering, it is much more important for parents to be aware in the early stages, before these students begin a downward failure spiral. It is important for parents to be proactive. If you are wondering what you, as a parent, can do to help your child's school improve results for your child, here are some pointers.

- Understand your child's individual strengths and needs. The Present Level of Performance Section in the IEP still requires the inclusion of parent's concerns. Since the rest of the IEP is based on the strengths and needs identified in this section, make sure that you put these concerns in writing, discuss them with your child's school staff, and include your statement in your child's IEP.

- Learn about IDEA 2004 changes and how to use these changes to benefit your child. The box on the next page highlights just a few of the key changes. There are also a couple of places to begin your Internet research, or call the Parent Educational Advocacy Training Center (PEATC). PEATC is Virginia's parent training and information center for families of children with disabilities from birth through age 26.

- Understand what is going on in your child's school system, school and classroom. Find out from your local special education advisory committee, special education director, or advocacy group about initiatives, priorities, and issues related to special education. Get involved in your

child's school as a volunteer or find out more about how your child's school operates. Keep in close touch with your child's teacher(s) and understand what is being taught at school so you can reinforce it at home. Also, try to address any issues that come up as soon (and as positively) as possible.

Special Education should focus on high expectations for students with disabilities and help them to achieve their maximum potential. However, if things are not going well, parents may have to work hard to keep things on track. For more information about IDEA 2004 and changes, visit www.idea.ed.gov

- Find out about what the research says. Your child's IEP and the instructional approaches being used must, to the extent feasible, be based on scientific research. At a minimum, you will understand more about effective practices. You might be able to share some of your information with your child's teacher(s).

- Put your concerns in writing. This will help you clarify your concerns and get answers to questions you may have. Ask for a written response from the school (Prior Written Notice explained below) so that everyone is clear about the school's rationale for their decision.

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The Parent Educational Advocacy Training Center (PEATC) also has a PEATC Guide to IDEA 2004 on their website www.peatc.org.

THINKING ABOUT COLLEGE?

For special education students, unless they get a regular or advance studies diploma, they remain eligible for special education through the June following their 22nd birthday.

They should decide whether or not to disclose their disability when applying to college. Some colleges consider a high performing student with a disability as an asset.

Once they are accepted, they should definitely consider disclosing their disability. Most colleges have Disability Offices who can provide support (including note-takers). However, they also require documented evidence of a disability. These tests can cost up to \$3,000 and more, and are often not covered by insurance.

High schools are usually required to conduct assessments at least every three years for students with disabilities. They are required to conduct an evaluation no more than once a year, if a parent or teacher requests it. However, even if a student needs documentation of his or her disability for college, the high school is not required to conduct the evaluation if it is less than one year from graduation. So, regardless of whether a student thinks he or she will disclose in college, it would be wise for parents to request an evaluation by the student's 16th birthday. If requested by this time, the high school will be required to conduct the evaluation.

If your child needs accommodations for the SAT or ACT, you need to request this information well in advance of the test date. Check the testing website for required documentation and their rules.

Virginia College Quest - www.vacollegequest.org - is a good place to start.

Cherie Takemoto is the Executive Director of the Parent Educational Advocacy Training Center (PEATC), the Virginia state parent training and information center for families who have children, birth through age 26, with disabilities. For more information contact PEATC at 800-869-6782.

SOME KEY CHANGES....

Re-evaluation - While schools no longer have to evaluate every three years (with parental consent), they **MUST** evaluate if the parent or teacher requests...as long as it has been over one year since the last evaluation.

IEP Team Meeting Attendance is not necessary at all or part of the meeting if the parent and school representative agree that attendance is not necessary. The member must submit, in writing, input before the meeting if it involves modification to or discussion of the member's area of the curriculum or related service. Parent agreement must be in writing.

Present Level of Performance - IEPs must consider the academic, developmental and functional needs and what the student needs to make academic and functional progress.

Short term objectives or benchmarks - are no longer necessary for students unless they are taking alternate assessments aligned to alternate standards.

Secondary Transition must be considered for the IEP in place when the student turns 16. This means that most students need to take part in their IEP planning by age 15. The previous law required transition to begin at age 14 for purposes of deciding upon course of study. Since this is routinely done for students without disabilities in middle school, course of study (the classes a student needs to take to reach transition goals, and the diploma option the student will pursue, etc.) needs to occur for students with disabilities at the same time as their peers.

Research-based - To the extent feasible, the IEP should be based on practices supported by research. The US Department of Education has funded numerous projects and programs to get this information into the hands of parents and practitioners.

Prior Written Notice is a somewhat confusing term, but a powerful tool for clarifying the rationale for school decision-making that can lead to a resolution of a disagreement between the family and school.

General Education Curriculum - to the extent possible, children with disabilities should be learning what other students are learning. Academic goals should be based on what it will take for the student to advance and to meet grade-level standards.