

**Special Education: Back to Basics
Darien SEPAC
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Eligibility for Special Education



- The district is required to try interventions in the general education classroom before a referral is made for a special education evaluation.
- As a parent, you may make a referral at any time for a special education evaluation regardless of where the district is in the intervention process and the district must hold a PPT meeting to consider any referral.
- The district must have in place a procedure that provides for the prompt referral to the PPT of any child who has been repeatedly suspended or whose behavior, attendance, including truant behavior, or progress in school is considered unsatisfactory or at a marginal level of acceptance.

Criteria for Determining Eligibility



- The child is determined to meet the criteria for one category (or combination) of disability listed in the IDEA.
- The disability must adversely affect the child's educational performance.
- The child must need specially designed instruction because of the disability and because of the adverse impact the disability has on the child's ability to benefit from instruction.
- The SDE has eligibility guidance documents on its website which include checklists **to assist** the PPT to see if a child meets the eligibility criteria. The checklist is a tool to support the opinions of the members of the PPT.

SRBI: New Terminology – Not a Totally New Concept



Old Terminology

- Pre-referral intervention teams
- Early Intervention Process (EIP)

New Terminology

- Response-to-intervention (RTI)
- Scientific Research-Based Interventions (SRBI)



What is Response to Intervention?



- Response to intervention (RTI) is a systematic and data-based method for identifying, defining, and resolving students' academic and/or behavioral difficulties.
- Connecticut's has a document to describe its Response to Intervention (RTI) framework. It is titled *Using Scientific Research-Based Interventions: Improving Education for All Students*.

Scientifically Research Based Interventions (SRBI)



Some important elements of SRBI include:

- use of research-based, effective instructional strategies
- differentiation of instruction for all learners
- common assessments
- early intervention for students experiencing academic and/or behavioral difficulties
- a continuum of support across multiple tiers

SRBI and Specific Learning Disabilities



In CT, new eligibility guidelines for identifying students with learning disabilities have been developed. No longer permits the use of a severe discrepancy between achievement and intellectual ability and no longer requires the psychological processing disorder.

CT has adopted the concepts of Scientific Research-Based Interventions (SRBI) as a means for identifying students with specific learning disabilities.

Identification of a Specific LD and Determining Eligibility for Special Education



- Student referred to PPT for evaluation as SLD
 - IDEA 2004 – families/school personnel have right to refer a student for consideration of eligibility for special education services by requesting an evaluation at any time, including prior to completion of an SRBI process.
 - PPT **must** respond to all referrals by holding a meeting to determine whether a comprehensive evaluation is warranted.

Slide taken from *Key Components of the 2010 Guidelines for Identifying Children with Learning Disabilities* available online at:
http://www.sde.ct.gov/sde/lib/sde/powerpointpresentations/deps/sp_roleinimplementing2010_ldgl.ppt#39

Identification of a Specific LD and Determining Eligibility for Special Education

- Student referred to PPT for evaluation as SLD
 - Review existing information to determine if comprehensive evaluation is warranted.
 - Were “alternative procedures and programs” implemented in regular education? (10-76d-7)
 - IDEA 2004 regulations require the “rule out” of a lack of appropriate instruction and documentation that underachievement is not the reason for a student’s suspected learning difficulties.

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Identification of a Specific LD and Determining Eligibility for Special Education

- Student referred to PPT for evaluation as SLD
 - PPT “must ensure that the student was provided appropriate instruction in regular education settings, delivered by qualified personnel.”
 - An evaluation process that includes SRBI/RTI does NOT replace the need for a comprehensive evaluation. [OSEP - *Federal Register*, 71[156], August 14, 2006, page 46647]]

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Referral Process



- A written notice is sent home once a referral to special education has been made.
- The district will schedule a PPT meeting to discuss the referral.
- At this initial PPT meeting, the PPT will review educational information including evaluations the parent may have had performed and shared with the district.
- The PPT will decide if it's appropriate to ask whether the child may be eligible for special education.

Referral Process and Determining Eligibility



- The PPT will decide if a determination of eligibility can be made from the data already gathered.
- The PPT will review existing evaluation data which includes: evaluations and information provided by the parents, classroom based, local, or state assessments, and classroom based observations.
- If the PPT decides that additional information is needed to determine a child's eligibility, the parent will be asked to give written consent for the district to conduct an initial evaluation of the child.

Tips for the Referral Process



- Complete the state's Standard Referral Form even if school has verbally agreed to hold a PPT
- Describe what you see or know may be getting in the way of your child's learning, do not rely on a diagnosis as the key to the PPT moving forward with the referral
- Share information from any outside evaluations that you are comfortable in having the team use to help identify and understand your child's needs

Tips for the Referral Process



- Start asking the school to collect and share any progress monitoring data as soon as you become concerned about your child's progress
- Highlight any specific concerns related to functional performance, e.g. following directions, organizing work, appropriate interactions with peers, even if your child is successful in all academic areas

After the Initial Referral PPT: Paperwork



- You will receive a record of the initial PPT meeting in the form of a PPT cover page indicating general information about your child, who attended the meeting, the purpose of the meeting and what was decided among other general information.
- If you were asked to give consent for evaluations at the initial referral meeting and declined to do so, you will receive a consent form for your signature. The consent form will indicate what kinds of evaluations are being requested and who will conduct them.
- The district cannot evaluate your child without your consent. The timeline for completing the evaluation stops until consent for the evaluation is given.

After the Initial Referral PPT: Paperwork, continued



- Upon your request and prior to the PPT where the initial evaluations are planned and discussed, the district must provide you with an opportunity to meet with a member of the PPT. The sole purpose of this meeting is to discuss the PPT process and any concerns you might have about your child.
- Upon your request, the district must provide you with copies of the assessment and evaluation results used to determine your child's eligibility for special education at least three school days prior to the PPT meeting where they will be discussed.
- The PPT reconvenes to go over the results of the evaluation and determine if the child is eligible for special education.

Initial Evaluation



- **Timelines:** Have NOT been changed in the newly revised state regulations. Section 10-76d-13 of the state regulations requires:
 - If a referral is made during the school year, the district has 45 school days from the date of the referral to complete the evaluation and identification process and implement an IEP if the child is found eligible for special education.
 - If the child needs an out of district or private placement, the district has 60 calendar days to implement the IEP.
 - If the referral is made between school years, meaning after school lets out for the summer, the date of the referral is considered to be the first day of school in the next school year.

Initial Evaluation



- **IDEA timeline is different than state timeline.**
 - IDEA timeline only talks about completing the evaluation no later than 60 calendar days after the district receives consent to conduct the evaluation
 - The PPT must meet within 30 calendar days of a child being found eligible for special to develop the IEP
 - As soon as possible following development of the IEP, special education and related services must be made available to the child in accordance with the IEP.
 - See IDEA regulations, Section 300.301 and 300.323

Content, Scope of the Initial Evaluation



- The PPT will review existing data on the child including evaluations and information provided by the parents, classroom based, local or state assessments and classroom based observations;
- The PPT will determine if additional data is needed to find the child eligible for special education and to write an appropriate IEP.
- The PPT will need to determine the present levels of academic achievement and related developmental needs of the child. “Relevant functional, developmental, and academic information” about the child. IDEA 300.304

Consent Requirements for Initial Evaluations



- Written parental consent is required for the initial evaluation.
- If the parent does not provide consent, the district may, but is not required to, pursue the initial evaluation through due process. The district could request mediation or a hearing.

Consent Requirements for Initial Evaluation, con't.



- The state regulation on consent treats consent a little differently: Section 10-76d-8 states: “ The failure of the parent to respond to a request from the board for consent to conduct an initial evaluation, reevaluation or initial receipt of special education and related services within ten (school) days from the date of the notice to the parent shall be construed as parental refusal of consent.”
- If the district does not pursue the initial evaluation, the district is not in violation of the child find obligations of IDEA.

Reevaluations



- Reevaluations must be conducted:
 - If the district determines the educational or related services needs, including improved academic achievement and functional performance, of the child requires a reevaluation, or
 - If the child’s parent or teacher requests a reevaluation.
- LIMITATION:
 - A reevaluation may occur not more than once a year, unless the parent and the district otherwise agree; and
 - A reevaluation must occur at least once every three years, unless the parent and district agree a reevaluation is unnecessary.

Reevaluations, con't.



- The purpose of the reevaluation is to determine whether the child continues to have a disability and to determine the educational needs of the child.
- The reevaluation also looks at the present levels of academic achievement and related developmental needs of the child.
- The reevaluation provides information that will help the PPT determine if any additions or modifications to the special education and related services received by the child are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general education curriculum.

Consent for Reevaluations



- Written parental consent is required for reevaluations
- If the parent refuses consent, the district may, but is not required to, pursue due process to secure the authority to conduct a reevaluation without parental consent.
- If the district does not pursue the reevaluation, they are not in violation of their child find obligations.

Consent for Reevaluations, con't



- The district does not need written consent for the reevaluation if the district can demonstrate:
 - It made reasonable efforts to obtain consent; and
 - The child's parent has failed to respond to such efforts.
- However, the state regulation on consent has a more stringent requirement: Section 10-76d-8 states: "The failure of the parent to respond to a request from the board for consent to conduct an initial evaluation, reevaluation or initial receipt of special education and related services within ten (school) days from the date of the notice to the parent shall be construed as parental refusal of consent."

Independent Educational Evaluations



- If you disagree with the evaluations or reevaluations used by the district to determine your child's eligibility, you may ask for an Independent Educational Evaluation (IEE).
- Section 300.502 of the IDEA regulations addresses IEE. Section 10-76d-9 of the state regulations adopts the IDEA standard for IEE.

Independent Educational Evaluations, cont.



- Parent has the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the district
- If a parent requests an IEE, the district must, without unnecessary delay, either:
 - File a due process complaint to show its evaluation is appropriate or
 - Ensure that an IEE is provided at public expense unless the district demonstrates through a hearing that the evaluation obtained by the parent did not meet agency criteria

Independent Educational Evaluations, con't...



- If the district files for a hearing and the final decision is that the district's evaluation is appropriate, the parent still has the right to an IEE, but not at public expense.
- If a parent asks for an IEE, the district may ask for the parent's reason why he or she objects to the public evaluation. The district may not require the parent to provide an explanation and may not unreasonably delay either providing the IEE or filing for due process to request a hearing to defend their evaluation.
- A parent is entitled to only one IEE at public expense each time the district conducts an evaluation with which the parent disagrees.

Independent Educational Evaluations, con't.



- Parent initiated evaluations: If the parent obtains an IEE at public expense or shares with the district an evaluation the parent obtained at their own expense, the results of the evaluation must:
 - Be considered by the district, if the evaluation meets the criteria of the district, in any decision made with respect to the provision of FAPE to the child; and
 - May be presented by any party as evidence at a due process hearing regarding the child.

Independent Educational Evaluations, con't.



- If a hearing officer requests an IEE as part of a hearing, the cost of the evaluation must be at the expense of the district
- District criteria for an evaluation
 - The criteria for obtaining an IEE, including the location of the evaluation and the qualifications of the evaluator, must be the same as the criteria used by the district when the district initiates an evaluation
 - The criteria must take into account exceptions to the criteria in the event an IEE is needed which does not meet the criteria of the district to preserve the right of the parent to obtain an IEE

Independent Educational Evaluations, con't.

- District criteria for an IEE
 - Except for the criteria described above, the district cannot impose conditions or timelines related to obtaining an IEE at their expense



Planning and Placement Team

- CT refers to the IEP team as the Planning and Placement Team, or PPT.
- Recent changes to the state regulations sets up different requirements for membership on the PPT related to why the PPT is called:
 - If the PPT is called for the purpose of evaluation, identification, or determination of the specific needs of a child who may be gifted or talented, the PPT is “a group of certified or licensed professionals who represent each of the teaching, administrative and pupil personnel staffs and who participate equally in the decision making process”

Planning and Placement Team, con't.



- If the PPT is convened to determine the needs of a child with a disability, then the PPT is composed of:
 - The child's parents;
 - Not less than one regular education teacher of the child if the child is, or may be, participating in the regular education environment;
 - Not less than one special education teacher of the child, or where appropriate, not less than one special provider of the child;



Planning and Placement Team, con't.



- A representative of the district who--
 - Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - Is knowledgeable about the general education curriculum; and
 - Is knowledgeable about the availability of resources of the district
- An individual who can interpret the instructional implications of evaluation results, who may be a school staff member of the team as described above;

Planning and Placement Team, con't.



- At the discretion of the parent or the district, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
- Whenever appropriate, the child with a disability.
- If the purpose of the PPT meeting is discuss goals for the child after the child graduates from high school and the service the child needs to assist them in achieving those goals, then the child must be invited to the PPT.

Planning and Placement Team, con't.



- If the parent and the district agree in writing that a school member of the PPT is not needed for a meeting, this person may be excused from attending the PPT meeting.
- A member whose area of the curriculum or related services is being modified or discussed at the meeting may also be excused from the PPT meeting if the parent and the district agree in writing that the member may be excused.
- The excused member must provide input into the development of the IEP in writing prior to the PPT meeting.

Parent Participation at the PPT meeting



- The district must take steps to ensure one or both parents are present at each PPT meeting.
- Parents must be offered the opportunity to participate by:
 - The district providing notice of the meeting early enough so the parents can attend and
 - Scheduling the meeting at a mutually agreed on time and place.



Parent Participation and the PPT



- Notice provided to parents must include:
 - The purpose, time and location of the meeting and who will be in attendance;
 - Let the parents know the parents may invite other individuals with special knowledge or expertise regarding the child and that if the child is transitioning from a Birth to Three, an individual from Birth to Three may be invited.
 - For the first PPT meeting to review, revise or develop an IEP for the IEP to be in effect when the child turns 16, or earlier if appropriate, notice must indicate transition will be discussed at the meeting, the district will invite the child and the district identifies representatives from other agencies that may be invited.

Parent Participation and the PPT



- If the parent(s) can't attend, the district must use other methods to ensure parental participation, including individual or conference telephone calls.
- A PPT meeting may be held without the parent present "if the (district) is unable to convince the parents that they should attend." IDEA regulation Section 300.322(d). The district must have documentation which shows their attempt to arrange a mutually agreed upon time and place, such as:
 - Detailed records of telephone calls made or attempted and the results of those calls;
 - Copies of correspondence sent to the parents and any responses received; and
 - Detailed records of visits made to the parent's home or place of business and the results of those visits.

Parent's Role at the PPT



- Establish your presence as the one team member who will be constant in your child's life
- Maintain high expectations for your child's learning
- Participate as an equal and valued member of the team
- Identify/describe your child's areas of strength and all areas of concern
- Contribute information about what helps your child be successful including: interests and preferences as well as approaches that you know don't work

Parent's Role at the PPT



- Be open to all perspectives and consider all options that may help your child learn
- Start fresh, focus on the present and share potential solutions
- Review progress in meeting measurable goals and objectives
- Assist the team in understanding your child's unique learning needs related to their disability
- Support your child's participation in meetings when appropriate

Developing the Individualized Education Program (IEP)



- The PPT must consider:
 - The strengths of the child;
 - The concerns of the parents for enhancing the education of the child;
 - The results of the initial or most recent evaluation of the child;
 - The academic, development and functional needs of the child.
- Consideration of special factors for children whose behavior, limited English proficiency, visual impairment, including blindness, or hearing impairment, including deafness or hard of hearing.

Developing the IEP, con't.



- The PPT will develop measurable annual goals and short-term objectives for the child.
- These should be consistent with the child's present levels of academic achievement and functional performance.
- Goals and objectives should be consistent with the grade level general education curriculum standards, functional performance requirements and the Connecticut Frameworks: Curricular Goals K-12 and the Connecticut Preschool Frameworks.
- Progress on each goal/objective will be measured by the selection of an appropriate evaluation procedure.
- Progress on each goal/objective will be reported

Developing the IEP, con't.



- If the next IEP to be implemented occurs after the child turns 16, or younger if determined appropriate, the PPT will include transition goals and objectives in the IEP.
- Program accommodations and modifications including nonacademic and extracurricular activities and collaboration and supports for school personnel are included.
- Accommodations for CMT/CAPT testing, district wide assessments and other accommodations for testing are included.
- FYI: This is the last year for the CMT/CAPT. Next year Smarter Balance will be used for statewide testing.

IEP Paperwork



- After the PPT finishes the IEP, the parents will receive the following paperwork after the PPT meeting:
 - PPT cover page contains demographic data
 - PPT recommendations and meeting summary which may include PPT meeting minutes. Summary and minutes optional for children over age 5.
 - ✦ PPT minutes may provide a fuller description of what occurred at the PPT than what is contained in the Prior Written Notice, but should NOT be a transcript of the PPT meeting.
 - ✦ The PPT minutes should be considered a road map of the meeting highlighting the major themes of the meeting...

IEP Paperwork, con't.



- For example, if its an initial referral PPT, the minutes should note the team convened to discuss whether the child should be evaluated for special education, what data currently available on the child was already reviewed, how the parents and the staff see the child, the concerns of the parents and staff about the child, and whether additional data was required to evaluate the child.
- The PPT meeting minutes show how the team got from Point A to Point B, for example, how the team got from discussing whether a child should be evaluated to ordering an evaluation.

IEP Paperwork, con't.



- From a practical perspective, it's not always feasible to have an individual not associated with the PPT meeting to take the minutes of the meeting. However, in order for members of the PPT to stay focused on the meeting, every effort should be made to have someone not involved in the PPT process take the minutes of the meeting.
 - Prior Written Notice: provides written communication to the parents of what has been proposed or refused by the PPT
 - Present Level of Academic Achievement and Functional Performance

IEP Paperwork, con't.



- Transition Planning
- Measurable goals and short term instructional objectives
- Program Accommodations and Modifications, including nonacademic and extracurricular activities and collaboration/supports for school personnel
- Testing and Accommodations
- Special factors, progress reporting, exit criteria
- Summary of special education, related services and regular education
- Required data collection
- Additional information required for children ages 3 to 5

Amending the IEP after the annual review



- The IEP may be amended after the annual review either
 - By the entire PPT at a PPT meeting, or
 - By amending the IEP rather than by redrafting the entire IEP.
 - The parents and the district may agree to revise the child's IEP after the annual review and agree to not convene a PPT meeting to make the changes.
 - A written document is developed to amend or modify the IEP.
 - Upon request, the parent must be provided with a revised copy of the IEP with the amendments incorporated.

Putting it all Together



Increasing student performance and greater accountability are reoccurring themes in education.

- All students are expected to make progress in the general education curriculum as well as on their IEP goals.
- All school districts are expected to provide students with the necessary supports and services to improve educational outcomes.

Putting it all Together



- Sharing your visions and priorities
- Building relationships and positive communication systems

Does the following:

- Provides valuable information to the development of the IEP
- Leads to effective PPT meetings
- Less likely to end in dispute
- Promotes positive student outcomes