

Guide to Special Education

for Families and
Education Advocates



Introduction

True partnerships aren't easy. They require trust, respect, and willingness to compromise and, ultimately, to share power and responsibility.

Although some might argue that's a lot to expect of parents and educators, given what's at stake—our children and our schools—is it right to expect any less?

~James Comer

Families Together is pleased to provide this updated *Guide to Special Education for Families and Education Advocates*. The guide was originally produced by the Kansas State Department of Education in partnership with Families Together. The intended purpose of the guide is to provide special education information in an easy to understand manner to parents, education advocates, self-advocates, and other legal decision-makers of students with exceptionalities.

Families and Education Advocates, you are to share in the responsibility for developing educational plans for your children. This active role requires you to have information about the special education process and requirements.

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) was signed into law in December 2004, and new federal implementing regulations became effective in October 2006 and December 2008. The state regulations for the implementation of IDEA 2004 were revised in October of 2006 and July of 2010. This updated guide reflects these changes to federal and state special education law. The guide is available on the Families Together website at www.familiestogetherinc.org.

Families Together, Inc., is the Kansas Parent Training and Information (PTI) Center funded through IDEA, and the parent partner of the Kansas State Department of Education. Additional resources and information about education advocates and parent training across the state is available on our website or by phone, 785-233-4777 or 800-264-6343.

Making decisions about a child's education is very important. We hope this guide is helpful to you and enables you to have a true partnership with your child's team.

A Note to Legal Decision Makers

This guide is created for all legal decision makers. When the term *parent* is used throughout this guide, it includes all persons meeting the definition of parent. In Kansas, the definition of a parent is as follows:

- a natural (biological) parent;
- an adoptive parent (after finalization);
- a person acting as a parent;
- a legal guardian;
- an appointed education advocate; or,
- a foster parent, if the foster parent has been appointed the education advocate of an exceptional child.

Person acting as a parent means a person such as a grandparent, stepparent or other relative with whom a child lives, or a person other than a parent or relative who is legally responsible for the welfare of a child.

Acknowledgements

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The primary source of information for this guide is taken from the Special Education Process Handbook, developed and published by the Kansas State Department of Education. To view or download a copy see: <https://www.ksde.org/Agency/Division-of-Learning-Services/Special-Education-and-Title-Services/Special-Education/Legal-Special-Education-Law/Kansas-Special-Education-Process-Handbook>

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Chapter 1

The Individuals with Disabilities Education Act

Introduction

The main purpose of the Individuals with Disabilities Education Act (IDEA) 2004 is to ensure that all children with disabilities have available to them a Free Appropriate Public Education (FAPE). FAPE is to be created to meet the unique needs of children and prepare them for further education, employment, and independent living. Other purposes of the law are to:

- ensure that the rights of children with disabilities and their parents are protected;
- ensure that educators and parents have the necessary tools to improve educational results for children with disabilities; and,
- assess and ensure the effectiveness of efforts to educate children with disabilities.

What is Free Appropriate Public Education (FAPE)?

The right to a Free Appropriate Public Education is the cornerstone of special education law. It is an important concept for all educational decision makers to understand. FAPE means special education and related services:

- to meet the standards of the State Education Agency (SEA);
- under public supervision;
- in conformity with an Individualized Education Program (IEP);
- at public expense;
- at no cost to parents; and,
- to include preschool, elementary, or secondary school.

More on FAPE: The Endrew Supreme Court Decision

In March 2017, the Supreme Court interpreted the definition of FAPE to mean more than the original “some educational benefit” or the “de minimus” standard. For parents, the highlights of that decision include:

- The services and supports in the IEP must help your child meet grade-level standards.
- The IEP must be **reasonably calculated** to help your child make progress.
- The IEP must include behavioral services and supports that your child needs to learn.
- The school must have a compelling explanation for why the services in the IEP will help your child progress.
- You will provide input to ensure the IEP is appropriate.
- The IEP should be **ambitious** about your child’s future. IEPs should help your child who is behind same age peers close the gap. Your child should advance from grade to grade.
- Your child should have **challenging** objectives.
- The IEP must be individualized to meet your child’s needs, not just a set of rules to be checked off.



Kansas Special Education

Kansas law and regulations go above and beyond the federal IDEA law and regulations in several important ways:

- every child with an exceptionality attending a private school can receive a Free Appropriate Public Education (FAPE);
- Kansas law requires consent for a substantial change in placement and a material change in services;
- transition planning begins at age 14 in Kansas; and,
- the timeline for evaluations are shortened.

The Kansas State Board of Education directs and oversees public education for over 500,000 children in school districts in the state. The State Board is committed to inclusive special education to meet the needs of all children and has a policy statement to this effect.



Gifted Education in Kansas

Kansas also includes children who are identified as gifted in the special education laws and regulations. There are a few areas in Kansas laws and regulations that are not applicable to children who are gifted:

- disciplinary protections;
- children under the age of 5 are not eligible for gifted services;
- least restrictive environment (LRE) considerations, but the IEP team must make placement decisions based on the individual needs of the child;
- not eligible for all of the related services;
- extended school year services;
- students in Department of Corrections (DOC) facilities do not receive gifted services; and,
- transition planning and summary of performance

In Kansas, the law refers to *exceptional children* when it includes children who are gifted, and to *children with disabilities* when it does not include children who are gifted.

This guide was developed to assist you and other readers in understanding how federal and state special education laws are implemented in Kansas.

Quick Tips

Special education has a lot of terms and acronyms that parents and other educational decision makers should understand. Here is a quick list of common acronyms and initialisms used:

BIP– behavior intervention plan

DPH– due process hearing

ESEA– Elementary and Secondary Education Act

ESSA– Every Student Succeeds Act (name of the reauthorized ESEA)

FAPE– free appropriate public education

FBA– functional behavioral assessment

IEP– individualized education program

IDEA– Individuals with Disabilities Education Act

IFSP– individualized family service plan

IPS– individual plan of study

KDHE– Kansas Department of Health & Environment

KSDE– Kansas State Department of Education

LEA– local education agency

LRE– least restrictive environment

MDR– manifestation determination review

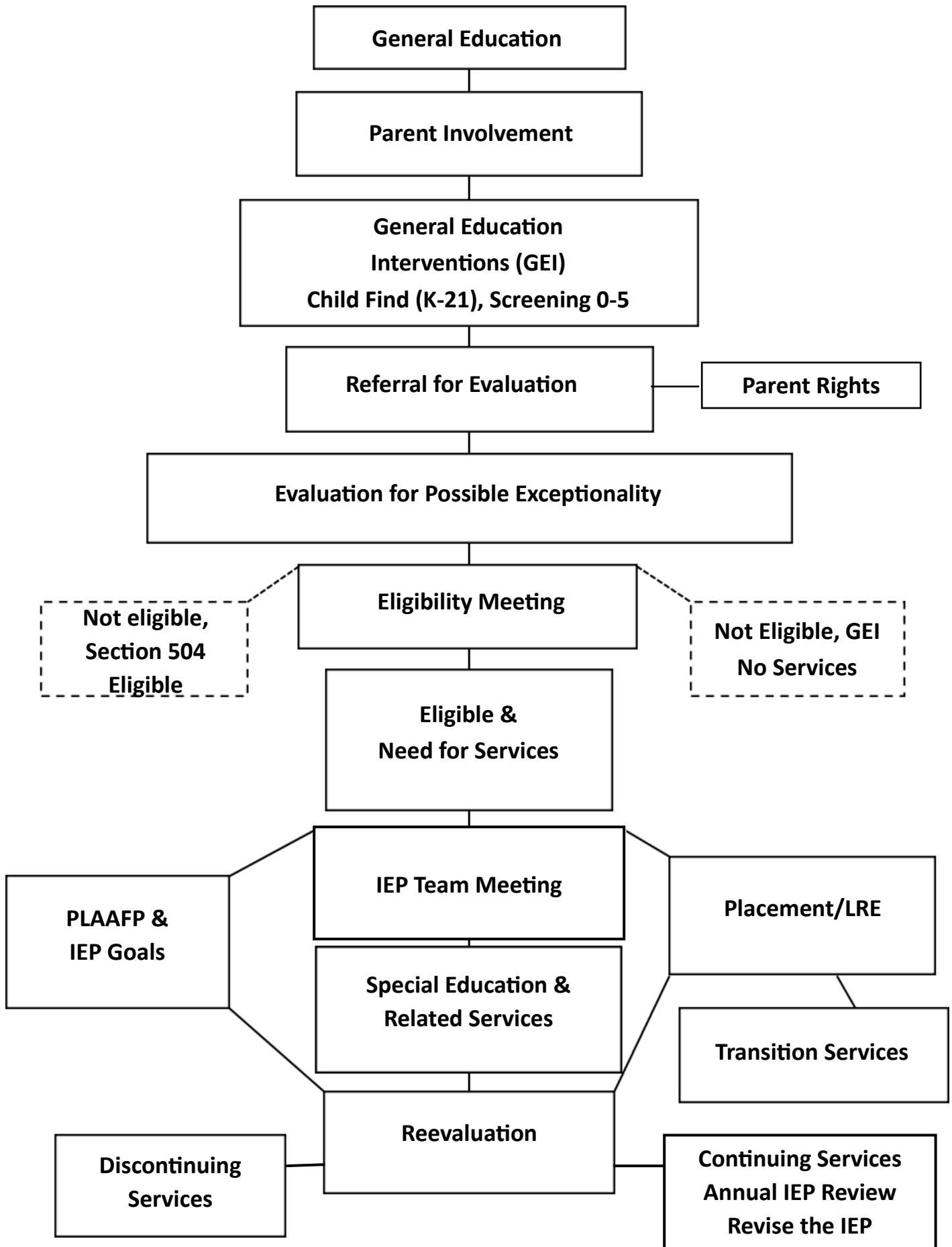
Part B– services for children 3 through 21

Part C– services for infants and toddlers birth through 2

PLAAFP– present levels of academic achievement and functional performance

SEA— state education agency

How Special Education Works in Kansas





Chapter 2

Parent and Student Rights

Introduction

Parents and students have many rights under the special education law. It is important that you and your child understand your rights. It is the school's responsibility to give you notice of your rights in language you can understand. You also have a responsibility to participate in the education of your child. You can do this by going to meetings about your child and by giving consent to let the school provide the support and services that your team agrees are needed for your child to be successful.

Definition of Parent

School staff must decide the person(s) who can make educational decisions for a child. Those individuals have the right to receive notice, give consent, file formal complaints, request mediation, file due process, give or refuse to give permission for release of records, and all other requirements. Foster and pre-adoptive

parents do not have the right to make educational decisions for a foster child in their care unless they have received training and have been appointed as the child's education advocate. Kansas defines a parent in four different ways:

1. **Parent** means a biological parent or an adoptive parent after the adoption has finalized.
2. **Legal guardian** means guardianship has been completed and is documented with "Letters of Guardianship" issued by a court.
3. **Person acting as parent** means a person such as a grandparent, a stepparent or other relative with whom the child lives or a person other than a parent who is legally responsible for the welfare of a child.
4. **Education advocate** means a person appointed by the state board as outlined in Kansas statute. (See Chapter 3 for more information about education advocates.)

Parent Participation

You are to be included as a member of any decision-making team for your child. This includes decisions about eligibility, initial evaluation and reevaluation, the development of an Individualized Education Program (IEP) so that your child can receive a Free Appropriate Public Education (FAPE), and educational placement. This requirement does not include informal meetings between school staff and meetings about teaching methods, lesson plans, or how services are given if those issues are not addressed in your child's IEP.

If you cannot be present in a meeting about educational decisions for your child, the school must use other ways to get your participation. This could include individual or conference telephone calls or video conferencing. If the school cannot reach you, or if the school cannot convince you that you should come to the meeting, the meeting can be held without you. The school must show that it tried at least two times in two different ways to reach you.

Compulsory attendance for a child with an IEP may begin as early as age 3. You must ensure that your child with a disability is provided the special education and related services on the IEP, either in the public school or privately.

Your involvement in decisions about your child will help make sure that services meet their unique needs. Your involvement also helps to develop a closer, more collaborative relationship with your child's school. The contributions you make are important because they help your child.



Parent Rights Document

The Parent Rights in Special Education document is also called Procedural Safeguards. This lays the groundwork in understanding your rights. It also ensures that your child with an exceptionality has access to a FAPE. The Parent Rights notice provides you with the chance to understand your rights, the rights of your child, and ways for resolving differences. Hopefully, this document will also help you communicate with your child's school. A copy of the Parent Rights must be given to you at least one time per year. A copy of the Parent Rights notification must also be given to you when:

- you or the school asks for an initial (first time) evaluation;
- you ask for a due process hearing;
- your child receives a disciplinary removal that is a change of placement; and,
- you ask for a copy.

The Parent Rights notice must be written in language understandable to the public and provided in your native language or other mode of communication, such as Braille or sign language, unless it cannot be done. If necessary, the school will tell you or use other ways to help you understand the content of the notice.

You may choose to receive required notices by electronic mail (email) if the school makes that option available.

Help in Understanding Your Rights

You have certain rights under federal and state laws. These rights are listed in the Parent Rights in Special Education document. If you need more help understanding your rights, you can contact school leaders at your child's school, your local special education director, the Kansas State Department of Education (KSDE) (800) 203-9462, or Families Together, Inc. (785) 233-4777 or (800) 264-6343. You can ask for and get copies of your rights in Braille, audiotope, and other languages from your child's school.

The following is a summary of the content of the Parent Rights document. To download a full copy of the Parents Rights in Special Education see <https://www.ksde.org/Agency/Division-of-Learning-Services/Special-Education-and-Title-Services/Special-Education/Special-Education-Notices-Forms>.

Opportunity to Examine Records

As the parent of a child with an exceptionality, you must be allowed the chance to inspect and review all education records having to do with:

- **Identification** - the process used to determine your child's eligibility for special education and related services;
- **Evaluation** - the types and areas of assessment processes;
- **Placement** - educational placement of your child; and,
- **FAPE** - the plan for a Free Appropriate Public Education to your child.

Independent Educational Evaluation

You have the right to get an independent educational evaluation of your child at public expense if you disagree with the school's evaluation. When you ask for an independent educational evaluation, your school must give you information about where you can get this evaluation, and the requirements for independent educational evaluations.

Prior Written Notice (PWN)

Your school will tell you of actions being proposed about your student by giving you written notice before the school proposes or refuses to start or change the identification, evaluation, placement, and FAPE.

Parent Consent

The school is required to get your informed written consent for the following actions:

- to conduct an initial evaluation;
- to conduct a reevaluation;
- to begin the initial provision of services on the IEP;
- to make a substantial change in placement (more than 25 percent of the child's school day);
- to make a material change in services (25 percent or more of any one service); and,
- to add a new service, or to delete a service completely (100 percent of any one service).

Parent consent is voluntary, and you may withdraw (revoke) your consent at any time. Because consent for services must be in writing, your withdrawal of consent must also be in writing. If you revoke consent for all of your child's special education and related services, the school may want to meet with you to try to resolve the issue. If you still wish to revoke your consent for services, the school:

- must honor your revocation, giving you prior written notice before stopping services;
- may not try to override your revocation through mediation or due process;
- will not be considered in violation of FAPE for failure to provide special education and related services;
- is not required to have an IEP team meeting or develop an IEP for your child;
- is not required to amend (change) your child's education records to remove any mention of your child having received special education and related services because of the revocation of consent; and,
- must do another initial evaluation to determine whether your child qualifies for special education if you wish your child to be reenrolled in special education.

The law requires that if you revoke consent to a particular service or placement, the IEP team must verify in writing that stopping the service or placement will not deny your child a Free Appropriate Public Education (FAPE).

Voluntary Mediation

Mediation is a way to talk about and resolve disagreements between you and the school with the help of a trained, impartial third person.

Impartial Due Process Hearing

You may ask for a due process hearing about any matter related to the identification, evaluation or placement of your child or the provision of special education and related services. Within 15 days of receiving notice of your due process complaint, and before the start of a due process hearing, the school must hold a meeting with you and the other IEP team members to talk about the facts of the due process complaint. This gives the school a chance to resolve the dispute. This is called a **resolution session**.

Change of Placement for Disciplinary Removals for Children with Disabilities

State and federal laws have special rules that control what happens if your child breaks a school rule or does something that caused, or could have caused, an injury to themselves or someone else. These special rules say what action the school can take and what your rights are as the child's parent. The possible actions by the school and your rights in these matters are explained in the parent rights document.

Placement of Children by Parents in Private Schools When FAPE is at Issue

The school does not have to pay for the cost of education, including special education and related services for your child at a private school, if the school made FAPE available to your child, but you chose to place your child in a private school.

State Complaint Procedures

You may file a formal complaint with the Kansas State Department of Education (KSDE) if you feel that the school is not providing appropriate services for your child. A formal complaint investigation is a way to see if your child's school is following federal or state laws and regulations regarding the provision of special education and related services to children with exceptionalities. This investigation is done by KSDE.



Confidentiality and Access to Educational Records

Schools must maintain the privacy of information in your child's educational records. The school can assume both parents of a child have the right to

inspect and review their child's records unless the school has been notified in writing that a parent's rights to see the records have been taken away by a court.

Parent Rights for Gifted Services

Kansas law says that children meeting the eligibility requirements of giftedness are to receive special education services. The term **exceptional students** includes children who are gifted and children with disabilities. If your child is identified with giftedness only (does not also have a disability) you have the same rights as parents of children with disabilities, with the following exceptions:

- there are no rights under the discipline rules;
- if your child is under the age of 5, they are not eligible to receive gifted services;
- if your child is in the custody of the Department of Corrections, they are not entitled to a Free Appropriate Public Education (FAPE) protections;
- your child will not receive transition planning;
- your child does not have the same considerations for least restrictive environment (LRE) as children with disabilities, but the IEP team must make decisions based on their individual needs;
- extended school year services are not provided to your child; and,
- special education services are not compulsory (required) for your child.



Chapter 3

Education Advocates

Introduction

Parent involvement in school is important for children. A partnership between parents and school is necessary to plan and check on the individualized education programs (IEP) of children. The law recognizes that not all children have parents available. These children need someone to represent them when educational decisions are made. In those cases, the Kansas State Department of Education (KSDE) must make sure an education advocate is in place to make decisions about all special education actions and related activities. Education advocates are trained volunteers.

Kansas has more than 1,000 children with exceptionalities who need someone to represent them in special education decisions when:

- the parents are unknown;
- the court has terminated the parent rights (meaning the parents no longer have the right to make decisions for the child); or
- the parent is unavailable (e.g. whereabouts unknown, parent is unknown).

KSDE and the Department for Children and Families (DCF) have developed the Education Advocate program to meet this need. Families Together, Inc., through a contract with the KSDE coordinates the program and is responsible for:

- tracking children's whereabouts and status;
- providing training for persons who wish to be education advocates;

- taking referrals for children who need an education advocate;
- matching an education advocate to the child;
- making an official appointment of an education advocate;
- providing support for education advocates; and
- maintaining current information and data.

Who Needs an Education Advocate?

- Exceptional children from age 3 through 18 (or through age 21) who are unaccompanied homeless youth or in the custody of DCF or Department of Corrections (DOC); and,
- who are receiving special education services or need an evaluation to determine eligibility for services; and
- whose parents are unknown or unavailable, or whose parent rights have been terminated.

Rights of an Education Advocate

As an education advocate, you have the same rights as parents under IDEA. (See Chapter 2, Parent and Student Rights.) These rights include:

- receive Prior Written Notice (PWN) when a school plans a special education action;
- review all educational records about the identification, evaluation, placement, and provision of a Free Appropriate Public Education (FAPE) for the child;
- give consent or refuse consent for the school to release educational records;
- give consent or refuse consent for the school to do an evaluation, place a child in special education services, or make a substantial or material change in the placement or services for the child;
- be informed of and attend IEP meetings;
- have meetings scheduled at a time that works for the education advocate and the school;
- resolve differences through mediation, formal complaint or due process hearing; and,
- be informed if the child receives a suspension or expulsion, and use of Emergency Safety Interventions (ESI), such as seclusion or restraint.

Who is a Parent for Special Education?

Parents have many rights in special education processes. Foster and pre-adoptive parents do not have the right to make special educational decisions for a foster child in their care unless they have received training and have been appointed as the education advocate. In Kansas **parent** is defined as:

- a natural (biological) parent;
- an adoptive parent;
- a person acting as a parent;
- a legal guardian;
- an officially appointed education advocate; or
- a foster parent, if the foster parent has been appointed as the education advocate of an exceptional child.



Qualifications of an Education Advocate

Education advocates must:

- be 18 years or older;
- have knowledge and skills to represent the child;
- complete a training program offered and approved by the State Board of Education; and,
- provide three references when applying to become an education advocate.

Education advocates cannot be:

- an employee of the district required by law to provide special education services to the child;
- an employee of KSDE or any agency directly involved in providing educational services for the child;
- A DCF or DOC employee or contracted employee who is responsible for the care of the child; or
- a person with a professional or personal interest that would conflict with the child's best interests.

- follow confidentiality requirements of state and federal laws;
- use discretion in the sharing of information;
- participate in developing the child's IEP; and
- exercise other rights given to parents under IDEA and the Kansas special education law.

Canceling the Appointment of an Education Advocate

Appointments will be canceled when:

- the parent becomes available;
- the child moves to a new county;
- the child reaches 18 years old and becomes their own decision maker;
- the education advocate resigns or it is determined that the appointment needs to be canceled;
- the child is legally adopted, placed in a kinship (relative) placement, or the court appoints a legal guardian; or
- the child no longer receives special education services, does not qualify following an evaluation, or graduates.

Responsibilities of an Education Advocate

The education advocate represents the child related to the identification, evaluation, educational placement, and provision of a Free Appropriate Public Education (FAPE). An education advocate has no financial responsibility or other responsibility for the day-to-day care of the child. The education advocate must:

- protect the child's rights in the educational and decision making processes including the identification, evaluation, and placement of the child;



Education Advocate Training

Families Together has developed a training about the roles and responsibilities of education advocates. This training covers the identification, evaluation, Free Appropriate Public Education (FAPE), placement for children receiving special education services, and discipline processes under the Individuals with Disabilities Education Act (IDEA). This training is required and gives education advocates the skills they need to represent children.



Quick Tips

People who volunteer to be an education advocate may be assigned to a child they don't know. The education advocate will need to take some time learning about the child and the child's history. Here are some tips:

- Ask questions about anything you don't understand. Become familiar with the child's educational needs.
- Actively participate as the child's educational decision maker.
- Ask for a copy of and review the child's most recent evaluation report.
- Ask for a copy of and review the child's most recent IEP.
- Attend all meetings to plan and review the child's IEP.
- Participate in the development of the child's IEP and provide written consent for services when needed.
- Contact the foster parents and case manager to ask about the child's progress, needs, strengths, and what they feel needs to be addressed in the child's program.
- Meet the child. Ask questions about the child's likes and dislikes, what the child would like to see in the future program, and, if appropriate, what the child's dreams and goals are for after school.
- Learn about the child's exceptionality.
- Introduce yourself to the child's team as the child's education advocate.
- Communicate regularly with the school. Keep a file of all written and verbal contacts about the child.
- Contact Families Together, Inc., or KSDE if you need help understanding your rights or have questions about the special education process.
- Contact Families Together if your child has a change, e.g. moved, has been adopted, or parents become available.

Q&A



Do education advocates have a choice in choosing the children they represent?

Education advocates have some limited ability to choose the child. For instance, they can ask to be appointed for a child with a certain exceptionality, a specific age group, or for a child residing in their home.

Can an education advocate be assigned to represent a student over the age of 18?

In Kansas, students at age 18 have reached the age of majority, and so they are their own decision maker. If a student is a ward of the state and is in DCF or DOC custody, they could have an education advocate appointed for them if a court decides the student is unable to make his or her own decisions.

Are education advocates appointed for a child who is or may be gifted?

Yes. In Kansas, all children with exceptionalities are entitled to the appointment of an education advocate, including those who are gifted.

What should, or shouldn't, an education advocate sign?

Education advocates may be provided prior written notice and be asked to provide written consent for an evaluation, reevaluation, provision of services, substantial change in placement or material change in services. They should sign if it seems that the action proposed is right for the child. If there are questions, education advocates should ask for more information or discussion until they are comfortable with the decision.

An education advocate may be asked to provide consent for services in an IEP already written by the school team. An IEP meeting may have already been held to plan for the child's program. To participate actively in the child's IEP process, the education advocate could ask for a new meeting or take time to review information about the child before the education advocate provides consent for services in the IEP.

The education advocate shouldn't sign something they would be liable for, such as permission for school fees, field trips, etc. This type of permission should be signed by the child's contract worker, foster parent, or other person responsible for the child's care.

An education advocate may sign consent for the district to bill the child's medical card for billable services.

The education advocate may also sign for the release of educational records to parties outside of the district if he or she feels it is in the child's best interest.

Can an education advocate get more involved with the child, beyond participating in the school program?

Some volunteer education advocates choose to become more involved by visiting the child at home or going on outings together. However, the education advocate can be effective, even if the advocate isn't involved outside of education. When visiting with a child, it is advised to have another adult present.

After an education advocate is appointed, where can the advocate go for answers to questions?

The education advocate may contact the child's teacher, principal, or other school staff who work with the child. Other sources of support are Families Together, KSDE, and the child's caseworker.

What is the education advocate's role at the child's place of residence?

The education advocate has authority only to participate in decisions about the child's educational program. However, it is important to talk to all people involved with the child, especially in the home environment, to get a full picture of the child's needs. Case workers, foster parents and others need to understand the education advocate's role and to provide information to help make educational decisions for the child.

Can an education advocate visit the child's classroom?

Observing a child in the classroom may help an education advocate become familiar with the child's needs and help to monitor the child's progress in school. Education advocates should ask about visiting policies at the school. Separate appointments may be needed with other staff, such as the speech/language therapist, adaptive physical education teacher, etc.

What is the time commitment in being assigned as an education advocate?

It takes time to gather information and get to know the child. The main responsibility of an education advocate is to participate fully in developing the child's annual IEP, provide consent for education actions to ensure FAPE, and to check on the child's progress at school. The actual amount of time for each child will vary, depending on his or her needs.

For more information about the protections available to children in foster care, check out:

<https://www.ksde.org/Agency/Division-of-Learning-Services/Early-Childhood-Special-Education-and-Title-Services/Title-Services/Foster-Children>



Education Advocate Program

Families Together, Inc.

785.233.4777 or 800.264.6343

edadvocate@famielstoegetherinc.org

www.famielstoegetherinc.org



Chapter 4

General Education Interventions

Introduction

Each school must have an intervention process to address the concerns of parents or teachers about a child's behavioral, social and emotional, or learning needs. This is called **Child Find**. Screening is used for children birth to five and general education interventions (GEI) are used for kindergarten to 21. The purpose of GEI is to see what changes need to be made to the general education curriculum and environment in order for the child to be successful. Schools generally have a team of teachers and other staff who come together to go through a problem-solving process to understand the concerns and develop a plan for your child. Also, schools are to make sure that children enrolled in private schools by their parents have access to GEI. The GEI process for children in private schools should be similar to the process used in the public schools. Staff from the public and private schools will decide how this will happen.

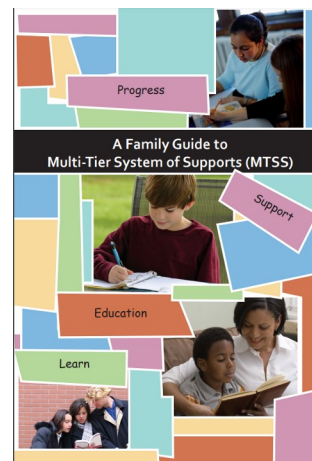
Some schools in Kansas have implemented the Kansas Multi-Tier System of Supports (MTSS) and Alignment Framework. The Kansas MTSS and Alignment model uses an academic, social, and behavioral approach to education. Interventions are

developed and provided to any child who shows a need. Data from the interventions can be used to develop effective strategies to meet the specific needs of children in the general education environment. For more information about MTSS, see *A Family Guide to a Multi-Tier System of Supports (MTSS)* at <https://famielstogetherinc.org/a-family-guide-to-multi-tier-system-of-supports-mtss/>.

How to Get Help

When you have a concern about your child's learning, behavior, or social emotional skills, you may contact your child's teacher or principal. Each school should let you know who you can contact if you have a concern about your child. This information could be in the school newspaper, fliers or brochures, or a school handbook that goes home.

Your concerns may be addressed by your child's teacher. If the interventions are not successful, schools



will have a way for making a referral to the student improvement team. The student improvement team will begin to address the concerns. You are encouraged to be part of the team and to provide information about your child.

Student Improvement Team (SIT)

The purpose of the SIT is to create an intervention plan to address your individual child's learning or behavioral challenges, monitor the plan, and make changes as needed.

The student improvement team may be made up of different people for each child. The team membership is determined by the concerns for your child and may consist of both school and community members. You are encouraged to be an active member of your child's team. The school should identify the supports available.

Schools have teams to help and support children. The team is sometimes called a student support team, student improvement team, care team, or something like that.

The team will come together on a regular basis to use a problem-solving process to make and start a plan that will address the needs of your child.

Problem-Solving

The purpose of the problem-solving process is to:

1. provide high-quality instruction and interventions matched to your child's needs;
2. look at learning over time and the level of performance; and
3. make important decisions.

The first step of the problem-solving process is to see what your child's problem is, based on how they are behaving or learning now compared to how your child should be learning or behaving. The team will collect information from people your child interacts with during the day. This could be you, teachers, other school staff, school administrators, or, in some cases, people from the community. They will look at the curriculum, instruction, environment, and your child's performance and behavior to clearly state the problem and figure out what might be the cause.

Once the problem and the possible causes have been identified, the team brainstorms specific intervention activities that are targeted to what the team thinks is

making learning or behaving difficult for your child. Interventions that are proposed by the team are to be those that have been successful in similar situations.

As the interventions are used, your child's progress is measured for success. If the interventions are not successful, the team will go back through the process to identify why the interventions were not successful and suggest new intervention activities.



Writing the Plan

As the student improvement team goes through the problem-solving process, a plan will be written. The focus of the plan is to:

- document the concerns and what might be causing them;
- focus on curriculum, instruction, environment, the classroom, and your child;
- use proven interventions;
- identify resources in the school and community that may support your child and family;
- document staff responsible for the intervention activities;
- review the success of the interventions; and,
- make changes to the plan that are needed.

Following Up and Evaluating the Plan

Your child's progress should be checked often so that changes can be made as needed. The student improvement team looks at information collected to understand progress. The team continues to go through the problem-solving process and makes changes until your child experiences success. If the interventions can be used by the general education teacher, then no further changes to the plan are needed.

If the information collected shows that the interventions are not working, the team needs to see if:

1. parts of the interventions need to be changed.
2. new interventions need to be considered because what is being done is not helping your child; or,
3. the team was off base with what they thought was causing the problem and they need to revisit their thoughts on this. For example, the team thought that a reason the child misbehaved was because he wanted attention. Now they think the reason the child misbehaves is because the work is too difficult for him.

What If the Team Thinks My Child Needs Special Education and Related Services?

Each school district is to use general education interventions prior to referring a child for an initial evaluation for special education and related services. The team may suspect your child is a student with a disability when:

1. focused interventions have been used over a period of time and your child is not making progress; or
2. focused interventions have resulted in progress, but they require a high level of on-going support and the supports are beyond what is available in general education.

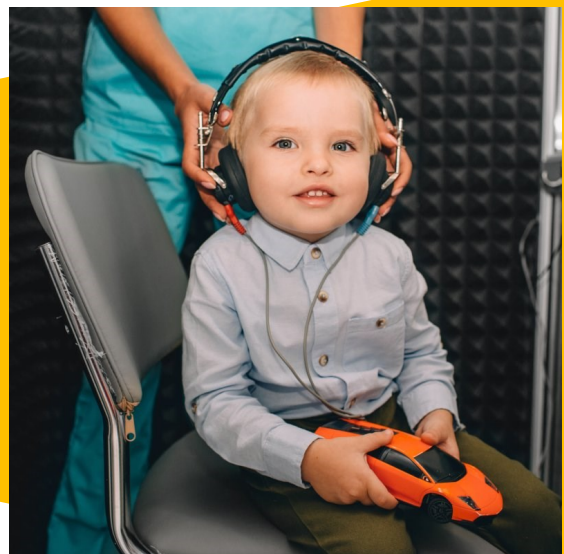
In either case, the team, which should include you, makes a referral for an initial evaluation. You must be provided with a notice that the school is proposing to conduct an initial evaluation. The school must also ask that you give your written consent for the initial evaluation. You must also be given a copy of your parent rights.

Quick Tips

If you have concerns about your child's learning, social emotional well-being or behavior:

- take your young child to a screening offered by your school district;
- talk to your child's teacher or principal and share your concerns;
- ask if your child could be considered for General Education Interventions (GEIs);
- learn what type of GEI your district uses;
- share information from outside sources like your child's doctor or therapist with the school;
- participate in the problem-solving process and in writing a plan; and,
- ask about and review the data the school is using to make decisions.

If you think your child might have a disability, write a request for an evaluation for special education and related services. (See Chapter 5 for more information about requesting an evaluation.)



Q&A



What areas will the student improvement team look at that might be affecting my child's learning?

- academic, developmental, and functional performance;
- how instruction is delivered;
- classroom and community learning environment;
- your child's characteristics;
- health concerns; and,
- other concerns by you or others.

What resources are available to the school?

You and the school should look at many possible resources from within the school (counselors, tutoring programs, peer mentoring, etc.) and from the community (mental health, support groups, community health programs, social and rehabilitation services, etc.).

How do I know how to access these resources?

Your school should let you know about who you can contact if you have a concern. They should explain what happens when a referral is made to get help for your child. This information could be in the school newspaper, fliers or brochure, or a school handbook that goes home.

How can I be part of the general education intervention (GEI) process?

You should be informed as soon as a problem arises and be involved in any classroom interventions. You should be part of the decision-making when your child is referred to the GEI process. The team should encourage you to be a participating member of the student improvement team (SIT) team.

How long will my child stay in the problem-solving process?

The amount of time the team uses the problem-solving process is based on your child's success. There must be enough time to see if the intervention is going to work. However, once it seems that general education strategies are not enough and the team suspects your child is a child with a disability, they should be referred for an initial evaluation. The data from the SIT process provides information about your child's present levels of academic achievement and functional performance.

What if I make a referral and do not want to delay the initial evaluation?

If you give consent for an initial evaluation, the evaluation team may do general education interventions as part of the evaluation to help in determining present levels of academic achievement and functional performance.

For more information about general education interventions, check out:
ksdetasn.org/mtss/kansas-multi-tier-system-of-supports-and-alignment



Chapter 5

Initial Evaluation, Reevaluation, and Eligibility

Introduction

The Individuals with Disabilities Education Act (IDEA) requires an initial evaluation to determine if your child is a child with a disability. Three ways your child can be referred for an initial evaluation is when:

- screening or general education intervention indicates your child may have an exceptionality;
- Part C Infant-Toddler program makes a referral to the school; or,
- you request an initial evaluation.

When a referral is made for an initial evaluation, you must be given a copy of your Parental Rights in Special Education. If your language is not a written language (such as sign language) the school must make sure that you understand the Parent Rights document.

The document must be written in your language.

Written Notice and Parent Consent

The school must give you prior written notice to evaluate and ask for written permission before the evaluation can be done. When you give consent for an initial evaluation, you are not giving consent for placement—only for the evaluation to be done.

If you asked for an evaluation, the school will give you a chance to meet to discuss the reasons for your concerns. Then a written notice must be mailed or personally delivered to you. You may choose to receive the notice by email if that option is available. The prior written notice for initial evaluation and request for consent must:

- provide a description of the reasons they are requesting an initial evaluation and any relevant factors;
- describe the evaluation procedures, including the kinds of tests, records or reports to be used as part of the evaluation;

- provide a description of other options considered and the reason why those options were rejected;
- inform you that you are protected by the procedural safeguards in the *Parental Rights in Special Education*, and how you can obtain a copy; and,
- give you resources to contact for help in understanding your rights.

If you give written consent for the evaluation, the school may start the evaluation immediately. If you have not given consent for the evaluation, the school should contact you to explain the need for the evaluation and answer any questions you may have. If you refuse to consent to the evaluation, the school can either: (1) accept your decision, or (2) ask for mediation or a due process hearing. The school should keep records of contacts and meetings they have had with you. If you refuse to give consent and the school decides it needs to do the evaluation the school may ask you if you want to have a mediation meeting. Mediation is voluntary for both you and the school. Mediation is paid for by the Kansas State Department of Education (KSDE). Mediation has been found to be a positive way to resolve issues. Discussions during mediation are confidential and may not be used in any later due process hearings or civil proceedings. (See Chapter 12, Resolving Disputes.)

If you request an initial evaluation and the school decides that the evaluation is not necessary, they must give written notice to you that they are refusing to do it. The school must also explain how they reached that decision. This written notice must be given to you within 15 school days from the date the school receives your request. If you disagree with the school's decision, you can ask for mediation or a due process hearing.

Initial Evaluation

You and school staff make up the evaluation team. The team must have at least one regular education teacher, one special education teacher or another specialist who knows the area of suspected exceptionality, and at least one person qualified to do individual evaluations.

The evaluation must be finished within 60 school days from the date the school receives your written consent. The timeline includes the evaluation, eligibility meeting,

and the writing and implementing of an Individualized Education Program (IEP). This timeline may not apply if the school can explain the need for a longer



period. You and the school must agree to this in writing. A school shall not be held to the timeline if you fail or refuse to make your child available for the evaluation.

If you ask for an evaluation before general education interventions (GEI) are tried, the GEI can be included in the evaluation.

The team will use many tools and strategies including record reviews, interviews, observations, tests, and reports about your child's progress in the classroom to make their decision. If your child is found eligible for special education services, the results will become a part of your child's IEP. These will be written in the present levels of academic achievement and functional performance (PLAAFP) to decide how your child will be involved in and progress in the general education curriculum. The school will provide the appropriate written notice to you. You can request that more tests be completed if you think it's important in meeting the educational needs of your child.

Eligibility

After the evaluation is completed, the evaluation team, which includes you, meets to decide if the results of the evaluation show that your child needs special education services. No one measure can be used to decide if your child is eligible. For example, an IQ test score cannot be the only source of information used to say that your child meets the requirements as an exceptional child.

You are to be part of the team making this decision. It is important that you attend the meeting to give your opinions and to advocate for what you think your child needs. You will receive a copy of the evaluation report and the documentation of determination of eligibility.

If the evaluation results show that your child is a child with an exceptionality the team must also decide what special education services are needed. Your child maybe a child with disabilities or giftedness but may not need special education services. These children may still need some extra help. They may have their needs met through accommodations through general education interventions or a Section 504 plan.

For more information about Section 504, check out:
<https://www.parentcenterhub.org/section504/>

No one person can decide if your child is eligible for special education services. If your child's learning challenges are from a lack of instruction in reading or math, or limited English ability, your child may not be eligible for special education services. In those situations, the team should suggest what other services or programs might be helpful.

Eligibility Indicators

Kansas special education law, K.A.R. 91-40-1(w), considers that your child is eligible if your child meets the requirements of one or more of the exceptionalities including:

- intellectual disability;
- hearing impairments (including deafness);
- speech or language impairments;
- visual impairments (including blindness);
- serious emotional disturbance (emotional disturbance);
- orthopedic impairments;
- autism;
- traumatic brain injury;
- other health impairments;
- specific learning disabilities;
- developmental delay ages 3-9;
- giftedness; **and**,

as a result of having an exceptionality, needs special education and related services. (K.A.R. 91-40-1(k))

Reevaluation

Your child must be reevaluated at least once every 3 years unless you and the school agree that a reevaluation is not needed. Also, a reevaluation may be conducted any time the school believes the needs of your child have changed, or you request a reevaluation. A reevaluation may not happen more than once a year unless you and the school agree that

it is necessary. The school must give you the same notice as for an initial evaluation and ask you for your written consent before doing any reevaluation. If the school tries several times to get the written consent and you do not respond, the school can go ahead with the reevaluation. If you refuse to give consent for a reevaluation, the reevaluation will not take place unless the school pursues mediation or due process to reach agreement. The procedures and requirements for a reevaluation are the same as for an initial evaluation.

Review of Existing Evaluation Data

As part of any evaluation, the IEP team can look at data that is already available. This could include evaluations and information from you, current classroom-based tests, and observations by teachers and other service providers. The team will also identify what other information, if any, is needed to decide:

- if your child has, or continues to have, an exceptionality;
- if your child needs, or continues to need special education and related services; and,
- your child's present levels of academic achievement and related developmental needs (functional performance).

The team may decide that it has enough information for the reevaluation without doing more tests. The team will provide the appropriate notice to you. You may request that more tests be conducted if you think it is needed to determine eligibility and the educational needs of your child.



Evaluations Before Change in Eligibility

The school team will reevaluate your child with an exceptionality before deciding that your child no longer needs special education services. For example, your child may meet the goals on the IEP and be doing well in the general education classroom. A reevaluation is not needed when special education services end due to graduation or because your child has reached the end of the school year in which your child turns 21.

Independent Educational Evaluation

You may ask for an independent educational evaluation (IEE) of your child at public expense if you disagree with the evaluation done by the school. When you ask for an independent evaluation at public expense, the school must provide it or begin a due process hearing to show that its evaluation is appropriate. If the final decision is that the school's evaluation is appropriate, you still have a right to an independent evaluation, but the school does not have to pay for it. The results of any independent evaluation must be considered by the school or hearing officer, or both.

When an independent evaluation is done, the same requirements for evaluations done by school staff must be followed. The people who do the evaluation must meet the qualifications required by the school for its own evaluators.

The school may limit costs for independent educational evaluations paid for by the school, if the limit is reasonable. When the cost of an independent evaluation is more than that limit, the school pays only the limited amount. However, the school may have to pay more than the limit if there is something very special that needs to be evaluated. If a hearing officer asks for an independent educational evaluation as a part of a hearing, the school pays for the evaluation.



Quick Tips

You have the right to request an evaluation for your child. It is recommended that you put this request in writing. When you request an evaluation the school has to:

1. respond to your request within 15 school days, and
2. provide their response in writing in a Prior Written Notice (PWN). The PWN should include:
 - agreement or refusal to conduct the evaluation;
 - the reasons for the agreement or refusal;
 - what records were used to reach the decision; and,
 - who you may contact for help in understanding your rights.

Here are some tips for making a written request:

1. Address your letter to your child's teacher, principal, school psychologist or the district's special education director.
2. Start with introducing yourself and your relationship to the child. Include the grade and school your child attends.
3. Clearly state why you feel your child needs to be evaluated, e.g. failing classes, behind same aged peers, difficulties staying in class or in school due to behaviors.
4. Consider using language from the Eligibility Indicators to support your request.
5. End your letter by informing the school you understand they must respond to you within 15 school days in a prior written notice and that you also understand the school district has 60 school days to evaluate your child upon your written consent.
6. Provide the school with your name and contact information.
7. Copy other school staff who are involved with your child's education such as their teacher, principal, and school psychologist.

See a sample evaluation request on page 28.

Q&A



What can the school staff do to be sure evaluations do not discriminate?

All evaluation procedures must be conducted in the language your child uses or in the way your child communicates with others. For example, if your child is from a home where English is not used, you and the school staff will decide what language your child understands the best. That is the language they use for the evaluation.

Each assessment and other materials are to be provided in the language and form most likely to provide accurate information on what your child knows and can do. Your child cannot be identified as a child with an exceptionality just because of limited ability to speak English.

What are the qualifications of the people doing the evaluation?

All assessments that are part of the evaluation must be given by a professional qualified to give and interpret that test or assessment.

What is required to be part of the initial evaluation?

The assessment must provide enough information to determine eligibility for special education and develop an IEP for your child. There must also be information related to helping your child to make progress in the general education curriculum, or for preschool children, to participate in appropriate activities. Your child should be evaluated in all areas of concern. The evaluation team will use many different tools and strategies including, record reviews, interviews, observations, tests, and your child's progress in the general education classroom.

What is the timeline for an initial evaluation?

Each evaluation must be done within 60 school days from the date the school receives written consent from you to do the evaluation. There are some situations where the timeline may be longer with your agreement and that of the school.

What if your child is not eligible for special education services?

If your child is evaluated and does not qualify for special education services, some other kinds of help may be needed. If your child has a disability that affects a major life function, like learning or concentrating, your child may be eligible for Section 504 services. Another option for additional support may be other general education interventions.

What if your child transfers to another school district during the initial evaluation?

The two school districts are to share information and to be sure that the evaluation is completed as soon as possible. You and the school should agree on a timeline for completion of the evaluation.

For more information about determining eligibility for special education services, check out::

<https://www.ksde.org/Portals/0/SES/misc/iep/EligibilityIndicators.pdf>

Sample Evaluation Request

Today's Date

Name of Principal/IEP Coordinator
Name of School
Street Address
City, State, Zip Code

Re: Your child's name

DOB: Your child's date of birth

Dear *(Principal's name)*,

My name is *(your name)* and my child, *(child's name)*, is in the in (___) grade at *(name of school)*. I am writing to formally request that *(child's name)* be evaluated for special education services, *(including related service such as speech or occupational therapy if relevant to your child)*, under the Individuals with Disabilities Education Act (IDEA).

As you may know, *(child's name)* has been struggling with *(finish the paragraph with brief summary of school struggles/outside agency findings, etc. and include a copy of any outside testing that has been done)*.

I understand that I will receive a Prior Written Notice within 15 school days of my request with your response and decision about moving forward with an evaluation. I would also appreciate any other information you have regarding the evaluation process. If you need more information, please contact me at *(your phone number)*.

Thank you very much for your help. I look forward to hearing from you soon.

Sincerely,

Your name
Street Address
City, State, Zip Code
Daytime telephone number

CC: (enter who else you sent this too)

Education Advocates should carbon copy the child's case manager and foster parents.



Chapter 6

Individualized Education Program (IEP)

Introduction

The IEP is a very important part of the Individuals with Disabilities Education Act (IDEA). The IEP is:

Individualized, focusing on the needs of each child,

Educational, making sure each child receives a Free Appropriate Public Education (FAPE), and a

Program, outlining a plan for each child's success.

You have an active role and are an equal participant in developing, reviewing, and revising the IEP for your child. The IEP lays out how they will receive a Free Appropriate Public Education (FAPE) in the least restrictive environment (LRE).



The IEP Meeting

Notification of Meeting

The school must schedule an IEP meeting at least once per year. You are to be notified in writing 10 days before the date of the IEP meeting. The notice should tell you:

- the purpose of the meeting;
- the proposed meeting date, time and place; and,
- the people the school is asking to attend the meeting and their roles.

The meeting should be scheduled for a date, time, and place that is agreed upon by you and the school. If you agree to meet on an earlier date, the school will ask you to sign that you agree to waive the 10 day notice.

You may participate in the meeting in-person, through a conference call, or video conference.



IEP Team Members

The required members of the IEP team include:

- parents or the educational decision maker;
- at least one of the child's general education teachers, if the child is or may be in the general education environment;
- at least one of the child's special education teachers or providers;
- someone who understands how the evaluation results affect the instruction of the general curriculum for the child;
- a representative of the school who:
 - is qualified to provide or supervise specially designed instruction to meet the unique needs of children with exceptionalities;
 - knows about the general curriculum; and,
 - knows about the school's resources;
- at the discretion of the parents or the school, others who have knowledge or special expertise about the child, including related services personnel; and,
- child at age 14 (or earlier).

Who Else Can Come?

You or your child may invite others to attend the IEP meeting such as a job coach, therapist, school nurse, bus driver, Part C Infant-Toddler program coordinator, or paraeducator. It is a good idea for you to let the school know who is coming. If you invite these people, the school does not have to release them from their responsibilities so they can attend. You may also request written input from them.

If one of the purposes of the IEP meeting for a child is to discuss their goals after high school and the transition services needed to help them in reaching those goals, the following people must be invited:

- your child (if your child does not attend the IEP meeting, the school should be sure their preferences and interests are considered); and,
- a person from any agency likely to provide or pay for transition services.

Excusal from IEP Meeting

A required member of the IEP team can be excused from all or part of the meeting if you and the school agree in writing because:

- the member's area of the curriculum, or related services, is not being changed or discussed in the meeting; or,
- the member's area of the curriculum, or related services, is being discussed and the team member submits written input into the development of the IEP before the meeting.

Are Parents Required to Attend?

Parents are important members of the IEP team. You know your child best and can provide valuable information to the team.

The IEP meeting can be held without you if the school can show that they tried, but were unable to contact you, or you did not want to attend the meeting.

What is the Role of the General Education Teacher?

Another important member of the team is your child's general education teacher. The general education teacher assists in implementing Positive Behavioral Interventions and Supports (PBIS), supplementary aids and services, program modifications, and support for school personnel that will be provided to assist your child.

What Is Discussed?

At an IEP meeting, the team will decide:

- how your child learns best and their learning needs;
- the concerns you have for your child's education;
- the results of the initial evaluation or reevaluation;
- the academic, developmental, behavioral, and functional needs of your child;
- the services that will be provided to meet those needs;
- any lack of expected progress toward the annual goals and in the general education curriculum; and,
- other matters, as appropriate.

Changes to the IEP

Changes made to the IEP after the annual review can be made by all of the team members or, if the school and you agree, can be made by you and a representative of the school. The school will give you prior written notice of any proposed changes to the IEP. Your consent is required if the changes are:

- 25% or more increase or decrease of the duration or frequency of a service (material change in services); or,
- more than 25% of your child's school day with regard to participation in a more or less restrictive environment (substantial change in placement).

It is important to note that a change in the instructional method used to provide a service, even if the method is specified in the IEP, is not a material change in services.

You must receive a copy of the revised IEP. Changes made after the annual review do not change the annual IEP date.

The IEP Document

What Goes into My Child's IEP?

IEP forms vary from district to district. However, the required parts are listed below:

- present level of academic achievement and functional performance (PLAAFP);
- measurable annual goals, including academic and functional goals;
- benchmarks or short-term objectives if your child is taking an alternate assessment;
- a description of how your child's progress toward meeting the annual goals will be measured, and when reports will be provided to you;
- special education and related services and supplementary aids and services, including the frequency, location and duration of the services;
- transition services and postsecondary goals at age 14, or earlier if needed;
- participation in district-wide and state assessments;
- consideration of special needs for your child; and,
- an explanation of the extent, if any, to which your child will not participate with general education students in classrooms or activities.



Present Level of Academic Achievement and Functional Performance (PLAAFP)

An important part of the IEP is the present level of academic achievement and functional performance. This is a description of your child's abilities, needs and behavior and should clearly describe their current academic and non-academic strengths and needs. The present levels should include how your child's exceptionality affects their ability to participate and progress in the general education curriculum. For preschool children, a description of how their disability affects participation in age-appropriate activities should be stated. If your child is 14 or older, the present levels should include information about transition needs.

Measurable Annual Goals

Measurable annual goals are statements describing what your child will learn in the next year. Goals should:

- relate directly to the needs described in the present levels of academic achievement and functional performance;
- be something that can be reasonably accomplished within the IEP year;
- allow your child to be involved in and progress in the general education curriculum; and,
- be measurable to determine if your child is making progress.

An example of an annual goal is, "In 36 weeks, Andy will be able to count from 1 to 25 without prompts with 100% accuracy on at least 3 of 4 trials".

Benchmarks or Short-Term Objectives

Benchmarks or short-term objectives are required only if your child will take an alternate state or district-wide assessment. These can be included in the IEP if the IEP team chooses.

Benchmarks are major milestones along the way to completion of an annual goal. A benchmark is a step in the process, such as, "Andy is able to count from 1 to 10".

Short-term objectives are instructional steps to achieve measurable annual goals. They are based on a step-by-step breakdown of the measurable annual goals. They can also help the teacher

develop daily lesson plans. A short-term objective is a stepping stone toward the annual goal such as, "In 9 weeks, Andy will be able to count from 1 to 10, with prompts, with 80% accuracy on at least 3 of 4 trials".

Progress Reporting

A description of how your child is making progress toward meeting their annual goals will be provided to you. The IEP must include how often you will receive progress reports. Progress reports will allow the team to make sure that progress is being made toward the IEP goals. If progress is not being made, the team must meet to determine what in the IEP needs to change.

Special Education, Related Services and Supplementary Aids and Services

The special education services, related services, and supplementary aids and services are put into place to help your child:

- make progress toward meeting their annual goals;
- be involved in and make progress in the general education curriculum;
- participate in extracurricular and other nonacademic activities; and,
- be in the general education classroom and participate in other educational activities with other children without disabilities.





service (e.g., speech therapist or special education teacher).

Participation in the General Education Curriculum and Environment

Your child's IEP must describe the time that they will not participate in the general education environment and extracurricular and nonacademic activities.

A statement of any changes to your child's curriculum or environment must be included in the IEP. These changes might be accommodations, modifications, or supports for school personnel that will allow your child to:

- move toward completing their annual goals;
- be involved and progress in the general curriculum; and,
- participate in extracurricular and other nonacademic activities.

An **accommodation** is an aid, service or support that allows your child to participate with general education students to the maximum extent appropriate. Some examples of accommodations are extended time, frequent breaks, quiet separate settings, and preferential seating.

A **modification** is when the task is changed, sometimes a great deal, because your child is unable to do the task even with accommodations. For example, a spelling list that is half the length of the class list, only doing the odd problems on a math sheet when all problems are assigned to the rest of the class, etc.

Transition Services

When your child turns 14, or earlier, the IEP team must plan for their life and activities after graduation. The IEP must include measurable goals that relate to your child's course of study based on their individual strengths, interests, and preferences. The IEP team will also discuss what services they will need in order to meet these goals.



Special education services are individualized services that allow your child to meet their academic and functional goals. These are to be provided in the least restrictive environment appropriate for them to learn.

Related services are services needed to support your child's special education services. These can include occupational therapy, physical therapy, speech-language therapy, counseling services, orientation and mobility services, and transportation services. Parent training can also be a related service

Supplementary Aids and Services are services, aids, and other supports that are provided in the general education classroom, or other education-related setting. Some examples might be a paraeducator, an interpreter, a note-taker, brain breaks, pencil grips, or modifications to the curriculum.

Frequency, Location and Duration of Services

For each service your child is receiving, the IEP should list:

- the type of service to be given (e.g., speech therapy);
- the frequency and location (e.g., individual speech therapy, 2 times per week during reading class or in the resource room);
- the date the service will begin and end; and,
- the position of the person who will provide the

Your child is to be assessed to help see what their strengths, interests, and abilities are and to help in deciding what might be appropriate goals. The assessment should look at the following areas as they relate to your child's goals for after high school:

- educational options,
- employment opportunities, and,
- independent living skills, if appropriate.

When they are 17, the IEP must include a statement that you and your child have been informed about the rights that will transfer to your child at age 18.

Example post-secondary goal: After graduation from high school, Gavin will attend Central County Community College in the welding industry certificate program.

State and District Assessments

All students should participate in Kansas state and district-wide assessments. Any accommodations that your child may need when participating in the state or district-wide assessment must be included on the IEP.

Examples of accommodations might be that they are allowed extra time to take the test, or have someone write the answers that your child gives. These accommodations should be something that is needed for daily learning.

Kansas has two assessment options for each student:

- the general assessment with or without accommodations; and,
- the Kansas Alternate Assessment called the Dynamic Learning Map.

In order for your child to be eligible for the alternate assessment, the IEP team must decide if they meet the eligibility criteria. If your child is to take an alternate assessment the IEP must include:

- why the regular assessment is not appropriate for your child; and
- why the assessment is appropriate for your child.

Only a small number of students with disabilities will take the Kansas alternate assessment.

Special Considerations

A child may have some needs that require special attention and consideration. These needs are to be looked at by the IEP team and included in the IEP. Some special considerations are as follows:

- for behavior issues, consider strategies, including Positive Behavioral Interventions and Supports (PBIS);
- for a child with limited English proficiency, consider the language needs as they relate to the child's IEP;
- for a child who is blind or visually impaired, provide for instruction in Braille;
- for a child who is deaf or hard of hearing, consider the child's language and communication needs.



Graduation

When your child is in high school, the IEP team should talk about when they will graduate. Most students will graduate with their class; however, there are some students with disabilities that may attend school until the end of the school year in which they reach the age of 21. These plans for graduation or completion of the program are closely tied to the transition plan in the IEP.

Implementing the IEP

As a member of the IEP team, you will be asked to sign the IEP to indicate your attendance at the meeting. Once the IEP has been developed, the school will provide you with a prior written notice (PWN) and ask you to provide written consent to begin providing the services on the IEP. The school cannot begin services until you give consent for the services the very first time. After the first provision of services, your consent is required only if there is a change of:

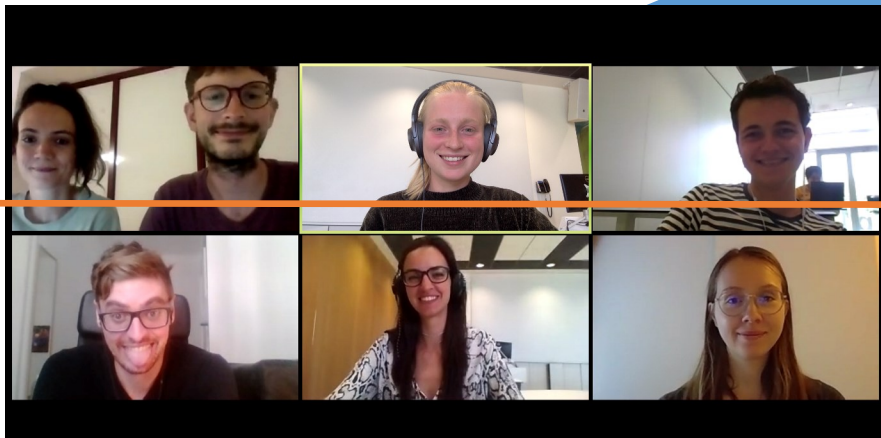
- 25% or more increase, or decrease, of the duration or frequency of a service (material change in services); or,
- more than 25% of your child's school day, with regard to participation, in a more or less restrictive environment (substantial change in placement).

Quick Tips

- As a valuable member of the IEP team, you can call a meeting at any time during the school year. A meeting should be requested in writing or email along with a brief description of the concerns that you would like to discuss.
- Before the IEP meeting you can request a copy of the agenda, if there is one, the draft copy of the IEP that is being proposed, and a copy of any testing, evaluation, or reevaluation reports.
- There should be a direct link between PLAAFP and the goals, supports, aides, and services needed to support your child in reaching their goals.
- Assistive technology can range from low technologies such as a graphic organizer, audible books and smart phone apps, to high technologies such as cutting-edge software.
- Resources for staff are often an overlooked section of the IEP. This can be as simple as 15 minutes a semester for the general education teacher and paras to review the IEP with the special education staff, or as complicated as learning American Sign Language (ASL).



Q&A



What if we transfer to another school district during the school year?

The new school will get copies of the records from the old school as soon as possible. The new school will provide the services on the IEP as closely as they can until the new IEP team can meet. The school may ask you for consent to conduct a reevaluation.

What if English is not my first language?

In order to help you understand what is being proposed for your child during the IEP meeting, the school should provide an interpreter in your first language.

Where do I get the information to describe my child's present levels of academic achievement and functional performance (PLAAFP)?

Information can be gathered from many different sources including data gathered during the general education interventions, evaluations by the teacher and others working with your child during the school year, and from you. This can be school, state, or district assessments, classroom assignments, and observations made by staff at school, you at home, and any other input that is helpful.

How can I be involved in the IEP meeting when I work during the day?

The IEP team, of which you are a part, should make every effort to have the meeting at a time everyone can attend. Meetings can be held before you go to work in the morning or at lunch time. Participants can also attend by phone or video conference.

How are my concerns for my child included in the IEP?

The IEP team is to ask for and discuss any concerns or information that you have about your child's learning needs. These might include positive traits that your child has, outside medical information, or certain phrases that are used at home to help promote consistency between school and home.

My child has been diagnosed by a medical professional. Why didn't they qualify for an IEP?

An IEP is an Individualized Education Program to provide a free and appropriate public education. The school's evaluation is to determine if your child has a disability or an exceptionality that requires specialized instruction for them to receive their education. This specialized instruction is above and beyond what other general education students need in order to receive the same education.



Chapter 7

Special Education & Related Services

Introduction

One of the most important things the Individualized Education Program (IEP) team must do is decide what special education and related services your child needs and include them in the IEP. The services are to help your child:

- make progress on the goals in the IEP;
- take part and make progress in the general education curriculum and environment, or appropriate activities for children ages 3-5; and,
- take part in the same classroom with students without disabilities as much as possible.

Each student with an exceptionality must receive a **Free Appropriate Public Education (FAPE)**. This means that your child will receive special education and related services that:

- are provided by the public schools, under public school supervision and direction, and with no cost to the parents;
- meet the standards of the state education agency;

- include preschool, elementary school, or secondary school education; and,
- are provided according to an IEP that meets the requirements of the law.

The services your child will receive are based on their individual needs. This chapter discusses the following services:

- special education services;
- related services;
- supplementary aids and services;
- assistive technology devices;
- assistive technology services;
- transition services;
- extended school year services; and,
- private school services.

Special Education

According to IDEA, the term **special education** means specially designed instruction, at no cost to parents, to meet the individual needs of a student with an exceptionality, including:

- instruction that happens in the classroom, in the home, in hospitals and institutions, in other settings; and,
- instruction in physical education.

Special education includes:

- speech-language pathology services, occupational and physical therapy if the service is considered special education rather than a related service under Kansas State standards;
- travel training; and,
- vocational education.

services are based on your child's individual needs and abilities, and should reasonably encourage their educational success.

Physical education means the development of:

- physical and motor fitness;
- important motor skills and patterns;
- skills in aquatics, dance, individual and group games and sports; and,
- special physical education, adapted physical education, movement education, and motor development.

Specially designed instruction means changing, as appropriate to the needs of your child, the content, way of approaching, or delivery of instruction to:

- meet the individual needs of your child that are related to their disability; and,
- ensure your child's access to the general education curriculum so they can meet the educational standards of the school district that apply to all students.

Travel training means providing instruction, as appropriate, to children with disabilities who would benefit from this instruction, to help them to:

- develop an awareness of the environment they live in; and,
- learn the skills needed to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

Vocational education means:

- organized educational programs that directly help to prepare students for paid or unpaid employment, or for additional preparation for a career that won't require a degree; and,
- technical education.

Related Services

Related services are the developmental, corrective, and supportive services needed to help a student with an exceptionality get the most from special education services. The IEP team looks at your child's goals to decide what services and supports are needed to help your child reach their goals. The term related services include, but are not limited to:

- speech-language pathology;
- audiology services;
- psychological services;
- physical and occupational therapy;
- social work services;
- counseling services, including rehabilitation counseling;
- orientation and mobility services;
- interpreting services;
- school nurse services;
- counseling services;
- parent training;
- transportation, needed so that your child can participate in special education and related services at school or other places in the community. It may include travel to and from school, travel in and around school buildings, and specialized equipment, such as lifts and ramps;
- medical services (for diagnostic and evaluation purposes only) that may be required to help a child with a disability to benefit from special education; and,
- the early identification and assessment of children with a disability.

There is an important difference between medical services and school nurse/health services. Medical services are services that must be provided by a doctor. Services that require the skills of a medical doctor are related services only if they are performed for diagnostic (testing) or evaluation purposes. School nurse services are provided by a school nurse or other qualified person and are given to help a child be able to take part in special education and related services.

Supplementary Aids and Services

In addition to related services, some students may need additional help to support their learning. These supplementary aids and services (also referred to as accommodations) may include aids, services, and other supports that are provided in general education settings to allow children with disabilities to be educated with children without disabilities to the maximum extent appropriate. Examples of these services might include a para, a sign language interpreter, a job coach, or a bi-lingual translator.

Assistive Technology Devices and Services

Most of us think of assistive technology as equipment of some kind, usually something like a wheelchair or a computer-based communication device. Most assistive technology devices are fairly simple and inexpensive. The definition of an assistive technology device in IDEA is very broad.

The term *assistive technology device* means any item, piece of equipment, or product, whether bought directly off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability.

Assistive technology device does not include a medical device that is surgically implanted, such as a cochlear implant.

The definition of assistive technology service is also very general. The term *assistive technology service* means any service that directly assists a child with a disability in the selection, addition, or use of an assistive technology device. This may include:

- the evaluation of the needs of a child, including a functional evaluation in their customary environment;

- the purchasing, leasing, or acquiring of a assistive technology device by a child;
- selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of devices;
- coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- training or technical assistance for a child, or family members; and,
- training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services.

To decide what kinds of devices or services might be helpful for your child in school, home, work, or the community, it is important to conduct an assistive technology evaluation. The team may list an assistive technology evaluation as a service on the IEP.



Transition Services

Transitions are a part of the educational experience for all students. Your child will move from infant-toddler to preschool, to kindergarten, to elementary school, middle school, and high school. There may be some transitions in between, especially if your family moves from one area to another. Both you and the school need to be aware if your child needs some special help to make these transitions go smoothly and without a disruption of services.

The transition services required to be included in the IEP refer to those provided to your child to prepare them for life after leaving high school. When your child is age 14, the IEP team has to talk about their future. What kind of classes should they take? What activities are of interest to your child and in what community-based activities do they want to participate? (See Chapter 10, Transition.)

Extended School Year Services

In order to ensure that all students with a disability learn and make progress in the general education curriculum and functional activities, it is important that they are able to maintain what they have learned. The IEP team should look at any number of factors (such as the severity of the disability, health factors, and behavior) to determine what progress your child might lose over a school break. The IEP team may require services to be provided during these times.

Extended school year services means special education and related services that are provided to a student with a disability under the following conditions:

- beyond the school term provided to nondisabled children;
- in accordance with the child's IEP; and,
- at no cost to the parents of the child.

The school cannot limit extended school year services to certain categories of disabilities or limit the type, amount, or length of time of the services.



Services for Students Placed by Their Parents in Private Schools

The local school district is required to carry out child find activities to locate (screen) and identify (evaluate) children attending the private schools in their district. Kansas law requires that students in private schools receive a Free Appropriate Public Education (FAPE) if the parent requests all the services identified by the IEP team as needed by the child. Parents of students in private schools have a choice to access all or part of the services identified.

The local school district first uses the required amount of federal funds to provide IEP services to children attending private schools in their district. When those funds have been used, a child may continue to be served by the district where the child lives.

Services can be provided at the private school or children may be transported to the public school or community setting to receive services. How and where services are provided are determined by the school in consultation with representatives of the private schools and the parents of students with disabilities in private schools.

Timelines for Implementing Services

In most cases, services on the IEP should be in place within 60 school days from the date the school received written consent from you, the parent, to do an evaluation.

Special education services for each child will look different because not every child needs the same thing. The IEP will include how much time will be given to each service. The amount of time must be:

- appropriate to the specific service and needs of your child; and,
- stated in the IEP so that it is clear to all IEP team members including you, service providers, and administrators.

Conclusion

One of the purposes of the law is to ensure that all children with exceptionalities have access to a Free Appropriate Public Education (FAPE) with special education and related services designed to meet their unique needs. These services must prepare them for further education, employment, and independent living. The IEP team must carefully consider what services are necessary for your child so that they can learn and progress in reaching their goals. If your child is not making meaningful progress, it is possible to change their program any time. You or school staff may call for the IEP team to meet again to review and, if necessary, revise the IEP so that the needs of your child are addressed.



Quick Tips

All special education, related services, supplementary aids and services, accommodations, and modifications listed in an IEP must identify the **frequency, location and duration** of the service.

When is the service going to be provided (**frequency**)?

- Frequency can be based on certain situations - like during testing, during independent work time, etc.
- Frequency can also be a set time, like daily, weekly, monthly. Many times you will see services like speech-language or physical therapy (PT) listed as weekly or bi-weekly services, depending on your child's needs and goals.

Where is the service going to be provided (**location**)?

- Examples of location would be general education classroom, special education classroom, in the hallway, on the bus, etc.
- The IEP team should consider if the accommodation or service is needed in all locations, or a specific location.

How long is the service going to be provided (**duration**)?

- Duration can be identified using minutes, or by time block and assignment type. For example, your child may receive PT two times a week (frequency) for 20 minutes (duration). Or, your child may need access to a speech-to-text device for the length of an assignment (duration).

Remember, special education and related services have to be individualized based on your child's current identified needs!

Q&A



Could a school be required to provide a computer or other assistive technology for a child with a disability in order to allow that child to remain in the least restrictive environment?

Yes. Depending on the individual situation, if an assistive technology evaluation showed that your child needs an assistive technology device (e.g., software, computer, writing aids, prone stander, etc.) to remain in the least restrictive environment, the IEP team would list that service on the IEP, and the school must provide it or make sure that it is provided.

Can special education paraeducators provide services to children outside of the classroom? For example, can they assist during recess, lunch, and other school activities?

Yes. The IEP team determines and addresses the needs of your child during nonacademic and extracurricular activities, as appropriate. If paraeducator services are needed at recess, lunch, club activities, and other times identified by the IEP team, they would be included on your child's IEP.

Is secondary transition considered services or activities?

Secondary transition can include both special education and related services and activities. Transition services are defined as a coordinated set of activities that is focused on improving the academic and functional achievement of your child to help with their movement from school to post school activities. Transition services that are special education and related services require a start date and specified frequency, location, and duration of those services or modifications.

Do special education and related services missed due to events beyond the control of the school (e.g., school closure due to weather, mandatory emergency drills, pandemic, or absence of the child) have to be made up at a later date?

The IEP team has to consider the services needed for your child to address IEP goals, access the general education curriculum, and participate in extracurricular and nonacademic activities. Because of this, the team should also discuss what is to be done when services are missed. For example, if a child with learning disabilities needs help taking tests, that service isn't needed if the school is closed. However, if regular, ongoing physical therapy is needed to maintain mobility, the team has to find a way for the service to be provided if school is closed. Another consideration for the IEP team is whether a number of missed services would mean a denial of FAPE. Again, the team would create a plan for those circumstances.



Chapter 8

Least Restrictive Environment

Introduction

When deciding where the services on the IEP should be delivered, the IEP team will always start by thinking about how a child's goals can be met in the general education classroom. What special education services, related services, or supplementary aids and services will it take for that to happen? Some examples might include a modification to the classroom, more training for the teacher, assistive technology, or small group instruction.

Your child's team will consider a different setting if there is proof that, even with the use of supplemental aids and services, education in the general education classroom cannot be successful. No matter the educational setting your child is in, they will continue to work in and progress in the general education curriculum with high expectations. If the least restrictive environment is not the general education setting, the IEP should include supports and services that make it so your child can move back to a more inclusive, less restrictive setting in the future.

All children are general education students. Special education is not a place but rather specially designed instruction designed to meet the individual needs of children who have disabilities.

What is the Least Restrictive Environment?

The least restrictive environment (LRE) means, that to the maximum extent appropriate, a child with a disability is educated with children who are not disabled. A child is only taken out of the general education classroom when supplementary aids and services do not meet the needs of the child and they cannot make progress in general education curriculum or toward the IEP goals.

When developing your child's IEP, your IEP team must include a statement of the program modifications and supports that will be provided for school personnel and for your child so that they can:

- take steps to reaching the annual goals;
- be involved and progress in the general curriculum;
- participate in extracurricular and other nonacademic activities; and,
- be educated and participate with children with and without disabilities.

Your child's IEP must also include a statement of how much time, if any, they will not participate with children without disabilities. This means in the general education classroom and in extracurricular and other nonacademic activities.

Your IEP team will decide where your child will receive services. Schools are required to have your participation in all decisions concerning the educational placement of your child.

Considerations for Educational Placement

When deciding the least restrictive environment, your IEP team must consider several requirements from the Individuals with Disabilities Education Act (IDEA). The educational placement for your child is to:

- be decided at least every year;
- be based on your child's IEP;
- be as close as possible to your child's home; and,
- consider and document any potential harmful effect on your child or on the quality of services needed.

Unless the IEP team determines some other placement, services are to:

- be provided in the school that your child would attend if they didn't have a disability;
- be provided in the general education classroom;
- include supplementary aids and services to support your child in the general education classroom, during nonacademic and extracurricular activities, including meals, recess, and other school activities; and,
- be provided with children without disabilities as much as possible.

The Continuum of Placements

The decision about your child's placement is to be made by looking at their individual needs and how the services on the IEP can be provided in your child's general education class with other children who are not disabled.

Your child is unique. The district or cooperative needs to make sure that whatever placement setting is needed is made available to your child. This may include settings such as: special education instruction in the general education classroom, instruction in separate classes, special schools, home instruction, and instruction in hospitals and institutions. The school must provide for supplementary services such as a resource room or a teacher coming to give your child instruction in the general education classroom.

If it is appropriate for your child to receive services in another building, it must be:

- comparable to those for children without disabilities; and,
- appropriate to the age of the child and the instructional program being provided.

Placement vs. Location

The placement (setting) is a description of the environment where your child will receive services. The IEP team decides which placement along the continuum meets your child's needs. The actual location (classroom or school) of the services may change or be determined by the school or cooperative. In some cases, your child may be sent to a school other than the school they would attend if they didn't have a disability.



LRE for Preschool

Many school districts do not offer general education preschool programs for children without disabilities. The law allows schools to use a variety of options to meet the LRE requirements for preschool age children. These may be community-based preschool programs such as a Head Start program or a childcare center where your child may be attending already. For districts that have a 4-year-old at-risk program or other preschool program, your child could be included in these programs. This decision is made by the IEP team and is based on your child's needs.

LRE for Secondary Transition

When your child reaches age 14, the IEP must begin to address the needs of your child related to employment, training, education, and independent living skills. The team may decide that the most appropriate setting for the services to be provided would be in the community where your child can learn on-the-job skills. One support might be a job coach to go with your child in the community setting. The community setting would be considered the least restrictive environment for your child.

Private School Placement

If the IEP team decides the most appropriate placement for your child is in a private school, the public school district must make sure your child receives the special education and related services included in their IEP. Those services are provided at no cost to you. Your IEP team and someone from the private school will be part of each IEP meeting.

The district needs to make sure that the education provided meets the standards that apply to other children with disabilities and that you and your child continue to have all the same rights of other children with disabilities and their parents.

Enrolled in Private School by the Parent

You have the right to request services from the school district of your residence. Services may be provided at the private school, or your child may be transported to the public school or community setting to receive services. Children in private schools are to receive special education services in the least restrictive environment as much as possible.

Quick Tips

- Your child is a general education student first and has the right to be in general education.
- You have the right to help make placement decisions for your child with a disability.
 - ◆ Share your vision of what you want for your child.
 - ◆ Explore accommodations and supplementary aids and services that can be used in the general education setting.
 - ◆ If your child has services outside of the general education setting, ask how your child will participate in general education and interact with their same-age peers.
 - ◆ Make sure that accommodations, supplementary aids and services that your child needs to participate in extra-curricular and nonacademic activities are part of the IEP.
- Least restrictive environment is different for every child.
- Least restrictive environment needs to be considered every year at the IEP meeting.
- The placement that the IEP team determines to be the least restrictive environment is a type of setting in relationship to general education. It does not guarantee a particular classroom, building, or teacher.

Conclusion

Years of research have shown how to include children with disabilities of all ages more successfully in general education settings. This research has guided what teachers and administrators need to know about modifications and accommodations, outcomes of including children with disabilities, and support systems to strengthen inclusive practices.

In their Policy Statement on LRE, the Federal Office of Special Education Programs (OSEP) has identified practices for schools in carrying out the LRE principle. Program options in general education environments are available at local neighborhood schools. These practices include:

- 1) Special education programs, as much as possible, and appropriate to children's needs, are in the district's schools and located throughout the district.
- 2) The physical location of the child encourages social interaction with children without disabilities.
- 3) Children with disabilities have equal access to all general education activities, programs, and facilities at school and participate in those activities as appropriate to their needs.
- 4) Administrative policies and procedures encourage close cooperation of all school personnel so there is social interaction between children with disabilities and children without disabilities.

- 5) Administrative policies and procedures allow children with disabilities as much access as possible to appropriate general education academic programs. School personnel are given the necessary support to be sure the child can succeed.
- 6) Long-range plans and commitments for children with disabilities to be in the district's schools are made to avoid changing where programs or services are offered.
- 7) Through long-range commitments to be in the district's schools, children with disabilities have a chance to develop and maintain continuing relationships with children without disabilities.



Q&A

What if my child needs adaptations or modifications to the instruction in the general education class to benefit academically?

The fact that children with disabilities will learn differently from their peers in the general education classroom does not justify removal from that environment. The IEP team is to consider whether your child's IEP goals could be met in the classroom by changing the curriculum, or by providing supplementary aids and services. Your child may require and has the right to curriculum changes so they may benefit from being in the general education class.



What are supplementary aids and services that would help my child in the general education classroom?

Your IEP team should consider a range of supplementary aids and services. What supplementary aids and services are needed are made on an individual basis. Some aids and services which have been successful include, but are not limited to:

- modifications to the grade level curriculum;
- assistance of a special education teacher;
- training for the regular education teacher;
- use of computer-assisted devices;
- providing note takers; and,
- the use of a resource room.

All supplementary aids and services must be listed on your child's IEP, and must include the frequency, duration and location.

Is there anything that the district may not consider in deciding LRE?

The district may not make placement decisions based on such things as the category of your child's disability, severity of the disability, the choices available for placement, the availability of educational or related services, space available, or administrative convenience.

If my child is not in a general education classroom, does the district have any other LRE responsibilities?

Even if your child is not in a general education classroom, the school district must still find ways for them to be with children without disabilities as much as possible. Where a placement other than a general education classroom is recommended by the IEP team, the notice form and request for your consent must list other placement ideas that were considered and the reasons why those were rejected. Also, your IEP team must write in the IEP the reasons for this more restrictive placement. Your child's placement is to be reviewed each year for possible placement in a less restrictive environment.

If my child is not included in the general education classroom, can they be in other school programs?

Yes. The law is clear that children with disabilities have the right to an equal opportunity to participate in nonacademic and extracurricular services and activities. School districts must provide these activities in a way that gives your child an equal opportunity to participate. Such services and activities include:

- lunch;
- recess;
- counseling services;
- athletics;
- transportation;
- health services;
- recreational activities;
- special interest groups or clubs; and,
- employment opportunities.



Can the nature or severity of my child's disability be used to justify a segregated educational setting?

Although the nature or severity of your child's disability cannot be the sole reason for the placement decision, it is a consideration in removing your child from the general education class, particularly if your child is disruptive to the other children in the classroom. However, total removal may not be needed. The school district should still provide time for your child to be with children without disabilities.

Should the general education staff cooperate in providing children with opportunities for being included?

Your IEP team lists the supplementary aids and services in the IEP that are needed to be sure your child can participate in the general education classroom. Some examples are:

- special seating arrangements;
- curriculum changes;
- paraeducators to support your child;
- adaptive equipment; and,
- accommodations on tests based on your child's individual needs.

These ideas can be used in any class, including classes like physical education, art, music, and vocational education. The IEP is binding for the school district. That means it applies to both special and general education teachers.

The IEP team must include at least one of your child's general education teachers. The general education teacher must help write the IEP. This would mean helping to decide appropriate Positive Behavioral Interventions and Supports (PBIS) and supports for school staff in providing the supplementary aids and services and program modifications. The general education teacher must also help review and revise the IEP. The IEP team should also have a school person who knows about the general education curriculum and what resources are available in the district.



Chapter 9

Early Childhood

Introduction

Early identification and early intervention for young children with disabilities are extremely important. The Individuals with Disabilities Education Act (IDEA) requires services be provided to young children beginning at birth through age 5, in the 1986 reauthorization of the law. The Kansas State Department of Education (KSDE) mandates early childhood special education services (ECSE) through the public schools for children beginning at age 3. The Kansas Department of Health and Environment (KDHE) provides early intervention services to children beginning at birth through age 2, through the Part C Infant-Toddler Services program. The public preschool programs work closely with the Infant-Toddler programs to ensure a smooth transition for young children and their families between service delivery systems.

Early Childhood Screenings

The law requires that all schools locate, identify, and provide services to children with a disability or developmental delay beginning at age 3. Schools must make public announcements of screening availability for children. Young children's needs should be identified as soon as possible so that early intervention may be provided. This process is called Child Find. Screenings may include observations, instruments, measures, and techniques that indicate potential developmental delays in the areas of social-emotional development, communication, cognitive development, self-help, adaptive behavior, and physical development.

In Kansas, early childhood screenings are often provided for children from birth to age 5 through partnership with providers in the Part C Infant-Toddler Services program, Medicaid, Head Start, Parents as Teachers, and other early childhood

providers. If your child has been screened by one agency, the results can be shared and the school team may not need to screen your child again.

No child should have to wait more than 30 calendar days for a screening. Additionally, children who have participated in the Part C Infant-Toddler program are not required to participate in the screening process before conducting an initial evaluation.

Referral for Initial Evaluation

Preschool-aged children may be referred to the school for an initial evaluation when:

- screening shows a concern in one or more of the developmental areas;
- the Part C Infant-Toddler program believes the child continues to need special education services; or,
- parents have a concern about their child's development.

If you have a concern about your child's development, you should contact the school or district office, or talk to your child's teacher and request your child be screened or referred for an initial evaluation.

Preschool Special Education Services for Children Ages 3-5

The IDEA includes services for children with disabilities from 3 through 5 years of age. In Kansas, children ages 3 through 5 (and may include 2-year-olds who will be turning 3 during the school year) must first be evaluated. After the evaluation, the team members review the information about how your child is developing in the following areas:

- cognitive development (e.g., thinking and learning);
- adaptive development (e.g., eating, dressing, toileting)
- communication (e.g., language skills, hearing, speaking);
- motor development (e.g., physical development, large and small muscle development);
- social-emotional development (e.g. relating with adults and other children).

Your child is eligible for early childhood special education (ECSE) services if team members agree the information from the evaluation shows your child

meets one of the disability categories. Or, if your child has a significant delay in one or more areas of development, and needs special education and related services to learn and be part of the general education classroom.

A child will be eligible for special education services under one or more of the 13 IDEA categories. These categories are not "labels" and should not be used to determine the services provided to meet a child's individualized needs. Categories simply provide general descriptions of a child's potential needs.

Placement

Special education services for preschool children should be provided in settings where your child would naturally be during the day and where they can learn and make progress. Services for young children are to be provided in the least restrictive environment. As much as possible, young children should be with same age peers without disabilities. This could be in the home, a preschool program your child is already attending, a school-based program, Head Start, childcare, community or church preschool, mother's-day-out program, or play group. The team talks about your individual child's needs and the type of services and settings that best fits those needs.

Role of Parents

Parents are actively involved in this decision-making process. Your permission is required to send information about your child from the Part C Infant-Toddler Services, and other programs or providers, to the school district and to share records with the school. Written consent is required to have your child evaluated. When the eligibility meeting is held, you must be invited. If your child is found to be eligible for services, you are a part of the team that writes the plan for special education services. And finally, you are a part of the placement team, and your consent is required for the placement of your child into special education services at age 3, or whenever they are determined to be eligible. You play an important role as the one who knows your child best.

Transition at Age 3

When your child is receiving services from a Part C Infant-Toddler program, you and staff from the Part C Infant-Toddler program meet with staff from the preschool program to develop a transition plan. The transition plan should make it clear what will happen, who is responsible, and when services will stop in one program and start in the other program. The activities will include:

- requesting parental consent for sharing information between programs;
- providing prior written notice and requesting written parental consent before the school can conduct an initial evaluation from the school;
- providing you with a copy of your parental rights;
- if you have given consent, conducting an initial evaluation to see if your child is eligible for ECSE services; and,
- other activities to help make the move from one program to the other as smooth as possible for your child.

You must be provided with prior written notice and be asked to give consent for the initial evaluation. If parent consent has been obtained, the preschool staff will do an initial evaluation to see if your child is eligible for ECSE services

(Part B). If your child is eligible for special education services, the team will write a plan for the child. This plan must be in place by your child's 3rd birthday. The team may use an Individualized Family Service Plan (IFSP) as they did in Infant-Toddler Services or an Individualized Education Program (IEP) like school-aged children have. Your consent is required for your child's initial services

and placement (where the services will take place). If you request, the school must invite staff from the Part C Infant-Toddler program to attend the initial IEP meeting.



IFSP or IEP

An IFSP may be used for a preschool age child if the team (you and the school) agrees. If the team wants to use an IFSP, you must be informed of the differences between an IFSP and an IEP, and give your written consent.

While there are many similarities between early intervention and early childhood special education programs, there are some important differences that may be helpful to know. Infant-Toddler (Part C) Services are family-centered, while Early Childhood Special Education (Part B) services are child-centered. This means that the Individualized Family Service Plan (IFSP) is based on the needs of the child as well as the needs of the family. When a child transitions into special education services, the Individualized Education Program (IEP) focuses only on the child's needs. Both programs are intended to serve the child in a very individualized way.

Kindergarten Transition

Children are eligible for kindergarten when they are 5 years of age by August 31. The kindergarten classroom is usually the best placement for your child so that they can be with same age peers. The year before your child's 5th birthday, the team will want to meet to discuss how your child is developing and how they can be part of the kindergarten classroom. The kindergarten teacher should be invited to these meetings so the teacher can get to know your child and be ready for them to attend in the fall.

General Education Teacher at the IEP Meeting

The role of the general education teacher is to provide information about the general education curriculum and assist in determining appropriate positive behavioral interventions and supports (PBIS), and other strategies; and decide which supplementary aids and services, program modifications, and support for school personnel might be needed. If your child is, or may be, attending a school based preschool program, such as a 4-year old at-risk program, the school will invite the preschool teacher. The teacher is required to attend the IEP meeting unless you provide written consent to excuse the teacher from the IEP meeting. If your preschool age child is attending and receiving special education services in a general education community-based preschool program, the school will invite the teacher of that program to attend the IEP meeting. The school should try several different ways to encourage attendance of the preschool teacher. The school can hold the IEP meeting without the community-based preschool teacher but should be able to show that it tried to reach the teacher, but the teacher did not attend.

Quick Tips

Remember, you are the expert when it comes to your child. As such, your input is extremely valuable when it comes to discussing and developing your child's educational plan. When you start this process, consider these questions:

- What do we dream for our child?
- What are the things that our child loves?
- What does our child need right now to grow and develop?
- With whom do we want our child to play and learn?
- Where would our child be if he or she didn't have a developmental delay or disability?

Questions like these help to ensure that your child's plan reflects them as an individual.



Q&A

What options should we consider if our child is not eligible for special education services?

- Head Start
- Community preschools and child care centers
- Community recreation programs
- Library story hours
- Moms' morning out programs
- Cooperative play groups



If your child is not eligible for special education services, speak with your service providers about alternate placements. They can help your family find other community resources and options.

Who attends the transition meeting?

- Your family
- Family Services Coordinator
- Friends or relatives invited by you, the family
- Infant -Toddler Services staff
- Early Childhood Special Education staff
- Your home visitor from Early Head Start or Parents As Teachers, preschool teacher, or your child care provider

Can an initial evaluation consist of only existing data?

Yes. When conducting initial evaluations on young children transitioning from infant-toddler to education services, evaluation teams are encouraged to review and use existing assessment data, progress monitoring, and other information presented in the IFSP. Often, the information presented may be useful in determining if your child has a disability, whether your child needs special education and related services, and the nature and extent of the special education and related services that your child needs. If suggested services will be a significant change from what was provided in the IFSP, they may need to do further tests or gather additional information to identify your child's present levels of academic achievement and functional performance.



Chapter 10

Transition to Adulthood: Planning for Your Child's Future

Introduction

When your child is 14 years old or younger, the IEP team will begin talking about transition to adulthood. You and your child are important members of the IEP team that will begin to focus on what your child needs to learn to reach their goals for after high school.

Students who are served only under gifted do not receive transition services.

This can be an exciting and overwhelming time. The focus of the IEP will be on helping your child learn skills they need to be successful. These are skills needed on a job, at postsecondary education or training, and those needed to live in the community.

As part of the IEP team, parents should advocate for transition planning to start at an early age. It is important that services in the IEP support your child living, working, and being a part of their community.

The Most Important Team Member

Your child is the most important member of their IEP team. The IEP team should work to help your child be a part of the planning when they are in elementary school. Beginning at age 14, your child must be invited to attend their IEP meeting, any time the team is talking about their goals for after high school or services they need to reach these goals. If your child does not attend the IEP meeting, the school must make sure that their likes, dislikes, and interests are a part of the planning.

The IEP team must focus on:

- who your child is now;
- what they want to do after high school; and,
- the services and activities they need to reach their goals for after high school.

IDEA Defines Transition

The Individuals with Disabilities Education Act (IDEA) defines transition services as a coordinated set of activities that are:

- designed within a results-oriented process;
- focused on improving the academic and functional achievement of the child with a disability; and,
- intended to facilitate the child's movement from school to post-school activities.

What does this mean and why is it important for you to know? As the IEP team writes the IEP, the focus must be on providing your child with the supports and services they need to live and work in their community.

Step 1 - The Transition Assessment

The first step in planning for the transition to adulthood is to know who your child is now and what they want to do after high school. Planning should start with the team answering these questions:

- What are your child's unique strengths, talents, likes, dislikes, and interests?
- What does your child struggle with daily?
- What supports help your child be successful at school, home, and in the community?
- What does your child need or want to learn?
- What does your child want to do in life, now, and in the future?
- What does your child want to do after high school (e.g., continued education or training, employment, military service, adult education, etc.)?
- Where and how does your child want to live (e.g., dorm, apartment, family home) and what support will they need)?
- How does your child want to be a part of their community (e.g., activities, transportation, volunteer, recreation, etc.)?

It is important to identify skills your child needs for employment and to be a part of their community. These skills can include how to speak up for

themselves, work as part of a team, understand their disability, and control emotions.

This step in the transition process is called the Transition Assessment. Transition assessments must be age appropriate. These services are used to identify your child's strengths, interests, skills, and what they want to do after high school.

In Kansas, a transition assessment must be done before your child turns 14. Age-appropriate transition assessments must focus on:

- employment;
- education and training; and,
- independent living skills (when appropriate).

Transition assessments can be done using formal (standardized) evaluations/tests or by informal ways such as by observing your child at school, in the community, and on a job site. Assessments can be done by interviewing you, your child, and others.

The age appropriate transition assessment should identify your child's strengths, needs, and interests in these areas:

- academics;
- employment;
- independent living;
- being a part of their community;
- recreation and leisure;



- relationships (social emotional); and,
- soft skills (for example: working as part of a team, following a schedule, communicating, following directions).

The transition assessment must be updated every year.

Step 2 - Identify What Your Child Wants to Do After High School: Postsecondary Goals

The next step is to use the information from the transition assessment to identify your child's goals for their life after high school.

Your child's goals for after high school are called postsecondary goals. Your child's postsecondary goals are developed based on what they want to do after high school and what education or training is needed reach these goals. Postsecondary are based upon age-appropriate transition assessments and must reflect your child's needs, strengths, preferences, and interests—what he or she wants to do.

The postsecondary goals must be measurable and identify what your child will achieve after high school including:

- the type of employment your child wants after high school;
- the education or training your child will need or want after high school; and,
- the independent living skills your child will need (when appropriate).

Postsecondary goals identify your child's vision for adult life. The IEP will continue to include annual goals. The annual goals will focus on skills your child needs to reach their postsecondary goals.

At age 14 or younger, the IEP must include measurable postsecondary goals in the areas of:

1. Employment

Examples:

- After high school, Toni will work as a welder.
- After exiting 18-21services, Sean will work a local apple orchard.

Quick Tips

Transition Considerations Checklist

- Has an age appropriate transition assessment been done and updated each year starting at age 14 or younger?
- Have your child's strengths and interests been identified and used to create postsecondary goals?
- Does the IEP include postsecondary goals in employment and education/training?
- Does the IEP include skills your child needs to learn to reach their postsecondary goals?
- Will the courses of study contribute to meeting your child's postsecondary goals?
- For students whose curriculum is significantly modified, do you know how they will obtain credits needed to graduate?
- Is learning self-advocacy skills a part of the IEP?
- If needed, is learning functional skills (for example: managing money, shopping, using public transportation, and knowing how to be safe at home and in the community) a part of the IEP?
- Can your child explain their disability? Does your child know when it is appropriate to disclose and talk about their disability?
- Have you and your child started working with professionals from community agencies who will be providing services now and after your child leaves high school?
- If your child uses assistive technology, have arrangements been made to ensure that the device will be available after high school?
- At age 17, did your child receive notice of the rights that transfer to them at age 18?
- Did the IEP team discuss Vocational Rehabilitation (VR) services two years prior to your child leaving high school?

2. Training/Education

Examples:

- After exiting 18-21 services, Cody will enroll in a vocational training program to gain culinary skills.
- After graduating, Susan will attend KU to pursue a teaching career.

3. Independent living (when appropriate)

Examples:

- After exiting 18-21 services, Mary will take public transportation to and from her job at a daycare.
- After graduating, Levi will advocate for the accommodations he needs while on the job and attending community college.

Step 3 - Identify Services & Supports Your Child Needs to Reach Their Postsecondary Goals: Transition Services

The next step in the transition to adulthood process is to identify experiences and activities to prepare your child for a successful transition to life after high school. These services and supports are called transition services. Transition services include activities, strategies, and services needed to support your child in achieving their postsecondary goals.



It is important to note that Kansas has an **Employment First** law. In the school setting, this means *competitive, integrated* employment must be the first option to consider in the transition planning process for the student. *Competitive* means wages above minimum wage and similar to what anyone would be paid for such a job. *Integrated* means the job site looks like typical jobs in Kansas, and people with disabilities are not segregated (not sheltered workshops where it is mostly, or only people, with disabilities employed).

The classes your child will take are part of the transition services, starting at age 14 or younger. These are classes (courses of study) that will help your child reach their postsecondary goals. They are based on your child's strengths, interests, likes and dislikes, such as taking advanced placement courses or vocational education courses like welding, auto mechanics, family and consumer science, or early childhood development.

Some children are not able to gain credits without significant modifications to the curriculum. For these children, the IEP team determines how they will receive credits. All Kansas children who have the required credits, graduate with a regular education diploma.

Transition services also include:

- Instruction your child needs to be successful in their classes and gain the skills they will need after high school;
- Related services your child will need to benefit from special education while in high school. This can also include identifying services your child will need after high school. Examples include social skills groups, occupational therapy, behavioral therapy, and speech therapy;
- Opportunities to learn skills in the community. Examples include work experiences, on the job training, banking, transportation, shopping, and recreation activities;
- Employment or other adult living activities your child needs to reach their postsecondary goals;

- Learning daily living skills . These are skills that adults do every day. Examples include preparing meals, budgeting, self-care, staying healthy, self-advocating, working with others, making doctors' appointments, understanding their disability, and time management; and,
- Functional vocational evaluations are used when the team needs more information about your child's job interests and skills.

The IEP will include information about each transition service (activity):

- what is the activity;
- who is responsible for making sure it happens;
- when will it happen;
- where will it happen (in the school, community, on the job site); and,
- how it will help to motivate your child to graduate and reach their goals.

Step 4 - Identify Others Who Can Help

The next step is to decide if there are other people or agencies that can help your child reach their postsecondary goals.

At age 16, or younger, if determined appropriate by the IEP team, the IEP must include a statement of the interagency responsibilities or needed linkages.

Schools are responsible for bringing in representatives from other agencies that can pay for or provide services your child needs. Examples of agencies include Vocational Rehabilitation (VR) Services, Independent Living Center (ILC), Benefits Specialist, Community Mental Health Center (CMHC), Community Developmental Disabilities Organization (CDDO), Medicaid Managed Care Organization, postsecondary education, or others to be part of the planning .

Examples of interagency linkages and services they can provide:

- Pre-Employment Transition Services (Pre-ETS), through VR, are designed to provide job exploration, counseling, and other services to help young people prepare for employment. Students who have disabilities are eligible for Pre-ETS beginning at age 14. Parents should request that a Pre-ETS counselor attend the IEP meeting.

- VR provides direct and indirect services to youth with disabilities as they transition from school to work. They offer services and supports for individuals with disabilities to help them gain skills needed for getting and keeping a job, including helping pay for postsecondary education. VR can begin working with a student as early as age 14.



A student can receive services through Vocational Rehabilitation (VR) and Pre-ETS at the same time.

The school must get parent's written consent (or your child's consent if they are 18 or older) before inviting any outside agency to an IEP meeting. The IEP meeting notice must identify the individuals from other agencies who have been invited to attend the meeting. If an agency does not provide the services that have been listed in the IEP, the school must find other ways to meet the transition objectives for your child.

The IEP must document how often (frequency), how long (duration), and where (location) for each transition service that meets definition of a special education or related service.

Examples :

During the first semester, Torri will receive transportation to visit the welding certification program at Happy Valley Community College.

- Frequency: once during first semester
- Location: school vehicle
- Duration: from the high school to HVCC, and back

Amanda will receive individual counseling from the school social worker to develop her self-advocacy skills.

- Frequency: one session each week for the second quarter of school
- Location: school counselor's office
- Duration: one class period each session

Step 5 - Identify Where Your Child Will Learn the Skills Needed to Reach Their Postsecondary Goals: Least Restrictive Environment

Where does the transition age child (age 14-21) learn the skills needed to achieve their postsecondary goals?

- in the school
- in the community

The IEP team may decide that the most appropriate setting for your child to learn skills is in the community. These skills can include on-the-job training, shopping, using transportation, social skills, developing independence, overcoming sensory challenges, etc. Your child may need a job coach to accompany them in the community. When your child needs to learn skills outside of the school building, the community setting is the least restrictive environment and should be identified in their IEP.



Turning 18

One year before the age of majority, the law requires the school to notify you of the rights that transfer to them. In Kansas, this is 18 years of age. This notification should be in a form that your child can understand.

This is an important event in the life of your child. Under state law, when your child reaches 18, they are presumed to be capable of making decisions for themselves. This includes educational decisions.

This does not mean that you cannot continue to be involved in your child's education. It just means that, by law, schools must respect the educational decisions your child makes, unless they have been determined to be incapable of making decisions by a court.

The rights that will transfer from you to your child include:

- notification of meetings;
- notification and consent for evaluation;
- consent for participants who attend IEP meetings; and,
- consent for services in the IEP.

If you are concerned that your child is not able to make important life decisions without support, you should visit with the school about supported decision making, other alternatives to guardianship and guardianship.

Ways to Help Prepare Your Child to Understand Their Rights

- Help your child understand their disability and learn to advocate for themselves.
- Explain to your child why they receive special education services.
- Provide your child with opportunities to lead and/or participate in their IEP meetings.
- Explain to your child the type and purpose of all evaluations.
- Include a self-advocacy goal in the IEP.

18-21 Services

Children are eligible for special education until they graduate with a regular diploma or the end of the school year in which they turn 21.



The schools are not required to conduct any new tests or evaluations before writing the SOP.

The IEP team should discuss what needs to be included in your child's Summary of Performance prior to termination of special education services.

Summary of Performance Checklist

Does your child's summary of performance include accurate and understandable descriptions of:

- academic achievement;
- functional performance, including independent living abilities;
- recommendations that will help the student to meet postsecondary education, training, employment and independent living goals; and,
- documentation required to identify the student as a person with a disability under federal laws such as the Americans with Disabilities Act.

Step 6 - Leaving High School: Summary of Performance

When your child graduates, or at the end of the school year when they turn 21 (whichever occurs first), the school must provide your child with a document that includes an overview of your child's strengths, needs, academic skills and postsecondary goals. This document is called a Summary of Performance (SOP).

The SOP needs to include recommendations on how to help your child achieve their postsecondary goals. It is best to begin developing the SOP as early as possible. This can be done by having your child create a portfolio.

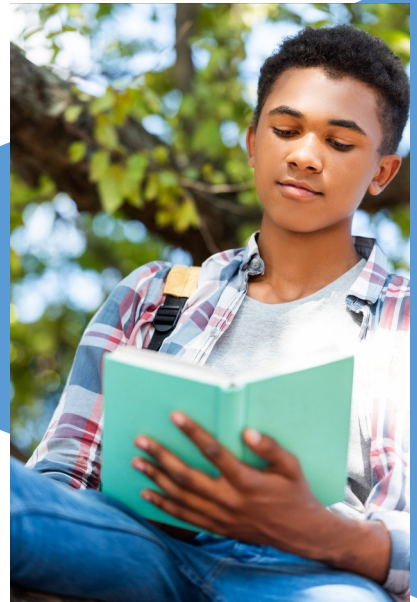
The summary should include documentation of your child's disability. This includes documentation needed to identify your child as a person with a disability under federal laws such as the Americans with Disabilities Act.

The SOP does not qualify your child for adult services. It can help in supporting your child's eligibility for reasonable accommodations and supports after high school. The SOP helps your child access needed supports and services after high school, such as higher education, access social security, and Vocational Rehabilitation.

Your child may need accommodations after high school on a job or in postsecondary education. The SOP could be used to help your child get these accommodations.

You and your child should check with the disability services office at postsecondary schools and adult service agencies, to find out what information is needed to qualify for supports and services.

Q&A



How does the IEP team determine what transition services my child needs?

Transition planning begins with a transition assessment, which is completed before your child's 14th birthday. The transition assessment is used to determine what a student will need to learn to transition to adulthood successfully. The transition assessment will identify your child's strengths, interests, needs and what they want to do after high school (their postsecondary goals).

What are measurable postsecondary goals? How are they different from annual goals?

Measurable postsecondary goals measure what will happen after your child leaves high school. Annual goal describes a skill your child must learn by the end of the IEP year. Measurable postsecondary goals must be developed that address the areas of:

- training/education;
- employment; and,
- when appropriate, independent living.

The measurable postsecondary goals guide the planning that occurs during the development of the IEP.

What are transition services?

Transition Services include activities, strategies, and/or services needed to support your child in achieving their measurable postsecondary goals.

If my child with a disability is 18 or older and is still eligible for special education and related services, can a school district require my child to participate in an "18-to-21 program", or must their IEP team individually determine the educational placement, services and supports that are appropriate for my child?

If your child remains eligible for special education, they continue to be a "child with a disability" as defined in IDEA. Your child continues to have all the rights of a child with a disability, including the right to be educated in the least restrictive environment and to continue to participate in the general curriculum.

The special education and related services within your child's IEP must be individually determined and designed to enable them to make appropriate progress in the general education curriculum and towards reaching the IEP goals.

When should agencies be invited to an IEP meeting?

Individuals from agencies outside of school must be invited to the IEP meeting starting when your child is 16, if they will be providing or paying for transition services. Your consent (or your child's consent if they are 18 or older) is required before they can be invited to the IEP meeting. These agencies can provide important supports and services to help your child transition to adulthood.



Chapter 11

Discipline

Introduction

There are rules for schools to use when they discipline children with disabilities receiving special education services. The rules regarding student discipline are difficult to understand. If your child is suspended or expelled, seek help from a resource such as your teacher, principal, Families Together, or the Kansas State Department of Education.

In this chapter, the term *discipline* refers only to suspensions, expulsions, or other removals of students for disciplinary reasons.

Disciplinary Actions of 10 School Days or Less

A child with a disability, who has an IEP, can be disciplined like any other student for 10 school days or less if they break school rules. All schools in Kansas have a code of conduct, or school rules. Usually there is a handbook or some other list of school rules that is

handed out at enrollment or when students come to school in the fall. Parents, students, educators, and administrators need to know the rules. Your child should follow the rules, just like other students in school.

Disciplinary Actions Beyond 10 Days

If your child's disciplinary action goes over 10 school days in the same school year, their IEP team must decide on appropriate services for your child to:

School day means any day, including a **partial day** that children are in attendance at **school** for instructional purposes. For removals, any part of a school day counts as a full school day.

1. continue to participate and progress in the general education curriculum, although in another setting; and,
2. progress toward meeting the goals in their IEP

If your child has been suspended for 10 school days in the same school year, they can be removed again. If the current removal is not for more than 10 days in a row and is not a change of placement, then the school administrator, the director of special education, and at least one of your child's special education teachers, will decide what services are needed.

School officials must tell you immediately if they want to:

1. suspend your child from school for more than 10 school days in a row; or,
2. have your child's educational setting changed to an interim alternative educational setting for up to 45 school days for bringing a weapon or drug, or for causing serious bodily injury to another person.

When deciding whether to change the placement of a child with a disability, school personnel can consider any unique circumstances on a case-by-case basis.

What is a change in placement for disciplinary actions?

A change in placement occurs when:

1. Your child is removed for more than 10 consecutive days; or,
2. Your child is removed for more than 10 total school days and the removal is a change in placement because of things such as:
 - a. length of each removal;
 - b. total amount of time removed; or,
 - c. how close to each other the removals are.

Manifestation Determination Review

Within 10 school days from the beginning of a disciplinary action that is a change in placement, your child's IEP team must meet to decide if the behavior was:

- caused by, or had a direct and substantial relationship to your child's disability; or,



- if the conduct was the direct result of the school's failure to implement your child's IEP, including the behavior intervention plan.

This is known as a manifestation determination review (MDR). In making this determination, the IEP team will look at:

- your child's IEP;
- your child's behavior intervention plan (if any);
- teacher observations; and,
- information provided by you.

Your child is returned to the setting in the IEP if the team finds that their behavior was caused by, or had a direct and substantial relationship to, their disability. They can also be returned if your child's conduct happened because the school failed to follow their IEP. Your child could go to another setting if: 1) they are placed in an interim alternative educational setting due to a special circumstance or, 2) you agree to a new placement.

If your child does not have a behavior intervention plan (BIP), the IEP team must conduct a functional behavioral assessment (FBA) and start using a behavioral intervention plan. If your child already has a BIP, the IEP team must make changes that try to prevent the behavior from happening again.

If the team finds that your child's behavior was not related to their disability, the same disciplinary actions can be used on your child as those used on a child without disabilities, including expulsion. If your child is expelled from school, they must continue to receive educational services that allow them:

1. to continue to participate and progress in the general education curriculum, although in another setting; and,

2. progress toward meeting the goals in their IEP.

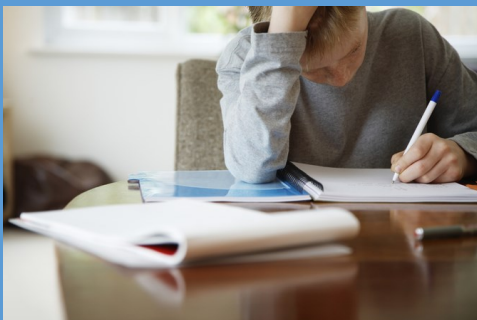
Additionally, a functional behavioral assessment should be conducted, and a behavior intervention plan developed if your child's IEP team thinks it is needed.

Special Circumstances

Certain serious behaviors can lead to your child being moved to an interim alternative educational setting (IAES) for up to 45 school days even if the conduct is related to your child's disability. Removing your child for these offenses does not require your consent or agreement, nor does it require any involvement by a hearing officer or other impartial third party. These offenses are if your child:

1. carries a weapon to or has a weapon at school, on school grounds, or at a school function;
2. has or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school, on school grounds, or at a school function (tobacco and alcohol are not illegal drugs under this definition);
3. has caused serious bodily injury upon another person while at school, on school grounds, or at a school event.

Also, if the school believes that returning your child to the setting in their IEP would be highly likely to result in injury to your child or others, the school may ask for an expedited due process hearing. The special education due process hearing officer could order your child to a 45-school day IAES. The burden of proof is on the school to justify such a removal.



Appeal by the Parent

You have the right to challenge any decisions made regarding the 45-school day IAES or the outcome of the manifestation determination by asking for a due process hearing. The hearing must be held within 20 school days of the date requested and the hearing officer must make the decision within 10 school days after the hearing. During the appeal process, your child remains in the IAES unless you and the school agree to something else.

Students Not Yet Eligible

The protections available to children with disabilities who are already receiving special education services may also be available to children who do not have an IEP yet. These circumstances may apply to any child if, before the behavior that resulted in disciplinary action:

- you had expressed concern in writing to school staff, or to a teacher of your child, that your child may be in need of special education;
- you had requested an evaluation; or,
- your child's teacher or other school staff had expressed concerns about a pattern of behavior that might call for an evaluation.

There are times when the above circumstances wouldn't apply.

They include:

- if you had not allowed an evaluation of your child or had refused special education services that had been offered; or,
- your child had been evaluated and was not found eligible for special education.

If you request an evaluation of your child during the time of the suspension or expulsion, the school must complete the evaluation sooner than usual. During the evaluation, your child stays in the disciplinary setting.

Examples

Several different examples are provided to help you better understand disciplinary rules.

Example 1. Your child with a disability does something that is against the school rules. The school is thinking about suspending your child for 5 days. Your child has not been suspended during the school year yet.

In this example, the school may suspend your child, if this discipline is the same as for students without disabilities. If your child is suspended, the school must follow all rules in federal and state laws. During the suspension, the school is not required to provide special education services to your child. The IEP team should review this carefully. Changes to your child's program may be needed.



Example 2. Your child with a disability breaks a school rule. The school is thinking about suspending your child for 5 days. Your child has already been suspended twice before, each time for 3 days, during this school year. That means the total number of days of suspension would be more than 10 for the same school year.

In this example, the school may suspend your child. School staff must determine what educational services, if any, your child needs to continue to participate in the regular education curriculum and to progress toward meeting the goals in the IEP.

Example 3. Your child with a disability breaks a school rule. The principal plans to suspend your child for 15 days.

In this example, the discipline the school wants is a change of placement according to IDEA. This means that the school must notify you of that decision, and a give you a copy of your parental rights.

When the school wants to suspend your child and the total number of days of the suspension is more than 10

school days, the school must hold a manifestation determination review. The meeting must be held no more than 10 school days after the date when the school decided to discipline your child.

If your child's behavior was found to be caused by or had a direct and substantial relationship to their disability, or that your child's behavior was the direct result of the school's failure to follow the IEP, your child is returned to the education setting in the IEP unless you agree to a new placement.

If the behavior was a result of the student's disability and the student does not have a behavior intervention plan (BIP), the IEP team must conduct a functional behavioral assessment (FBA) and implement a BIP. If your child already has a BIP, the IEP team must meet to review the plan and how it was used, and make changes to address the behavior.

If the IEP team decides the behavior was not related to your child's disability, then the school may suspend your child. They must notify you and provide you with a copy of your parent rights. If you disagree with the outcome of the MDR, you have the right to appeal by asking for a due process hearing as soon as possible. Your child will stay in the disciplinary placement until the due process hearing officer makes a decision. The IEP team will determine what services your child will need in the disciplinary setting to make sure they can continue to progress in the general curriculum, although in another setting, and to progress toward meeting their IEP goals. Your child will also receive, if appropriate, a functional behavioral assessment and a behavior intervention plan.



Example 4. Your child with a disability takes a weapon to school or a school function (or your child knowingly has or uses illegal drugs or sells or tries to sell a controlled substance while at school, or a school function, or your child inflicts serious bodily injury on another person). The school decides how to discipline your child.

In this example, the school's proposed discipline may include sending your child to an interim alternative educational setting for up to 45 school days. This is a change of placement under IDEA. The school must notify you of the disciplinary action considered and your parent rights. The school would follow the same procedures as in Example 3 except that your child is not returned to the IEP placement upon a determination that the behavior was a manifestation of your child's disability.

- If you ask for a due process hearing to challenge the manifestation determination or change of placement, your child stays in the interim alternative education placement until the due process hearing officer makes a decision, or until the 45 school days is up, whichever is first, unless you and school agree to something different.
- If you don't request a due process hearing, your child stays in the interim alternative educational setting for 45 school days.

At the end of 45 school days, the IEP team may recommend that your child go back to the previous placement. The IEP team may also recommend another change of placement after the 45 school days. If you agree to the new change of placement, it may start immediately. If you disagree with the new placement, you have a right to refuse to give consent for the change. If you refuse to consent to the school's proposed change of placement, the school may ask for a due process hearing. During the time the school is asking for a change in placement, your child stays in the placement where they were before the interim alternative educational setting.



Quick Tips

If your child struggles with behavior at school, consider:

1. **Focusing on prevention.** Preventing behaviors is easier than reacting to them in the moment. Know your child's triggers (what causes the behavior to occur) and intervene then.
2. **Requesting a functional behavioral assessment (FBA).** This tells the team what the purpose of the behavior is, where it occurs and doesn't occur, guides decision-making, and leads to possible ways to help with the behaviors.
3. **Writing a behavioral intervention plan (BIP).** Effective BIPs should focus on one or two problem behaviors at a time and include:
 - interventions that serve the function or purpose of the behavior
 - an order of strategies for others to use when the behavior is exhibited
 - opportunities for self-regulation and management
 - instruction and practice for expected behaviors
 - rewards and consequences that are meaningful to your child.
4. **Tracking** discipline reports, in-school and out of school suspensions, and incidents when Emergency Safety Interventions (ESI) were used.
5. **Asking for an IEP team meeting** if your child's behaviors are not improving.

Q&A



What is the definition of a suspension?

Suspension means that your child's educational services are stopped, either on a short-term or long-term basis.

What due process rights do all children have when they are suspended?

Your child must be told of the reasons for the proposed suspension and given a chance to explain what caused the suspension. You should also be given prompt notice of the suspension and the reason for it. Your child, or you, may appeal the suspension to your local Board of Education. The appeal only applies to long-term suspension or expulsion.

What is the definition of an extended term (long-term) suspension or expulsion for students with disabilities?

Long-term suspension usually means when educational services are stopped for more than 10 school days in a row. Under IDEA, after the first 10 days, educational services for students with disabilities must be provided during long-term suspension. The law says the school must still provide the student with a Free Appropriate Public Education (FAPE) during a long-term suspension. This would include transportation and other related services if the IEP team agrees they are needed.

Can my child be removed to an interim alternative educational setting for dangerous behavior?

Yes. A hearing officer may order a change in placement to an interim alternative educational setting for up to 45 school days for very dangerous behavior if the hearing officer:

- decides that the school has proved that keeping the child in the current placement is very likely to result in injury to self or others; or,
- decides that the interim alternative educational setting meets the requirements in IDEA.

May I appeal the hearing officer's decision?

Yes. You may appeal the hearing officer's decision to the state review officer. Your child would remain in the interim alternative educational setting during the first 45 school days. They would be returned to the original IEP setting unless the school seeks another order from a hearing officer for an additional 45 school days in the interim alternative educational setting, or the school and the parent agree on a different placement.

May the school appeal the decision?

Yes. The school may also appeal the decision to the state review officer.

Should law enforcement officials be told of criminal activity of my child with a disability?

IDEA does not prevent the school or another agency from reporting criminal acts committed by a student with a disability. School officials should follow state and federal laws for required reporting. When the school or another agency reports a crime committed by your child with a disability, copies of their special education and disciplinary records are sent to the authorities.

What is a *controlled substance*?

A *controlled substance* means a drug or other substance identified under schedules I, II, III, IV or V in section 202(c) of the Controlled Substances Act (21U.S.C. §12(c)). This is a federal law. Controlled substances are medications that can cause dependence, and have restrictions on how they can be filled and refilled. Some examples are opioid pain medications, ADHD and sleep medications, steroids, and cough suppressants.

What is an *illegal drug*?

An *illegal drug* means a controlled substance; but does not include a substance that is legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provisions of federal law. Tobacco products and alcohol are not considered illegal drugs.

What is a *weapon*?

A *weapon* has the meaning given the term *dangerous weapon* under paragraph (2) of the first subsection (g) of section 930 of Title 18, United States Code. This federal law defines a weapon as "any weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that this term does not include a pocketknife with a blade of less than 2.5 inches in length." This is the definition of a weapon for special education purposes. The Weapons Free School Act has a different definition.

What is *serious bodily injury*?

Serious bodily injury means bodily injury which involves:

- a substantial risk of death;
- extreme physical pain;
- protracted and obvious disfigurement; or,
- protracted loss of impairment of the function of a bodily member, organ, or mental faculty.

Discipline Chart

PROCEDURES FOR DISCIPLINARY VIOLATIONS FOR CODE OF STUDENT CONDUCT INCLUDING WEAPONS, DRUGS, SERIOUS BODILY INJURY

Length of Removal	Services Required	IEP Meeting Required	Services Determined By Whom	If Challenged, Stay Put
1. Short term removals, not exceeding 10 consecutive school days, and not cumulating to more than 10 school days. 34 C.F.R. 300.530(b)	None 34 C.F.R.300.530(d)(3)	No	n/a	n/a
2. All short term removals which include or are subsequent to the 11th cumulative day (but do not constitute a change of placement)	Beginning on the 11th cumulative day, services necessary to enable the child to: 1) Participate in the general education curriculum (although in another setting); and 2) Progress toward meeting the goals in the IEP 34 C.F.R.300.530(d)(4)	No. No manifestation determination is required. 34 C.F.R. 300.530(e) – Also see row 3 if long term suspension/expulsion is anticipated.	School officials, (General. Ed. Administrator, Director. of Sp. Ed. and the child's Sp. Ed teacher). 34 C.F.R. 300.530(d)(4). K.A.R. 91-40-33(b) and 91-40-36(a)	n/a
3. 1) A removal for more than 10 consecutive days, or 2) another removal that cumulates to more than 10 school days, and shows a pattern of removal constituting a change of placement. 34 C.F.R. 300.536(a)(1) (2) and 300.530(c)	Same as above except that services begin immediately. 34 C.F.R.300.530(d)(5)	Yes, to: 1) Make a manifestation determination (Notice of action and Parent Rights immediately, and meeting within 10 school days. 34 C.F.R. 300.530(e), (h); and 2) If the behavior is a manifestation of the disability, (a) develop a FBA and BIP, or review existing BIP, and make any changes needed to address behavior and (b) return student to IEP placement unless parent and school agree otherwise. 34 C.F.R. 300.530(f)	IEP Team determines services and place where the services will be provided. 34 C.F.R. 300.530(d)(5) and 300.531 Parental consent is not required for this change in placement. K.A.R. 91-40-27(a)(3)	Disciplinary Placement. 34 C.F.R. 300.533
4. 45 school day alternative educational setting (IAES) (weapons, drugs, serious bodily injury	Same as above, but services begin immediately. 34 C.F.R. 300.350(d)(1)	Yes to: 1) Make manifestation determination; 2) Determine IAES setting and services, regardless of manifestation determination; 3) Determine if FBA and BIP are appropriate; 4) Provide notice of action and parents' rights to parents. 34 C.F.R. 300.530(d)(1), (d)(5) and 300.531	Same as directly above	Disciplinary placement 34 C.F.R. 300.533
5. 45 school day alternative educational setting (IAES) ordered by H.O. (dangerous behavior) 34 C.F.R. 300.532(a),(b)	Same as above.	Yes to: 1) Propose IAES services (K.A.R. 91-40-36(d)(l)), and 2) Determine if FBA and BIP are appropriate.	Services determined by the hearing officer. K.A.R. 91-40-36(d)(2)	Disciplinary placement 34 C.F.R. 300.533



Chapter 12

Resolving Disputes

Introduction

Special education laws and regulations include many important rights for parents. Among these, is the right to be a part of the team of persons who will develop your child's individualized education program (IEP).

As part of your child's IEP team, you have the opportunity to:

- provide input to the team;
- make proposals regarding services and placement; and,
- give or deny consent when the team proposes an initial placement, a material change of services or a substantial change of placement.

The process for developing your child's IEP sometimes includes differences of opinions, which can lead to disagreements among team members. At times these disagreements may become intense and result in deep frustrations, misunderstandings and hard feelings for all involved. When this happens, the IEP team (which includes you) is encouraged to continue to work toward resolving

their differences.

However, when multiple attempts have been made to resolve disagreements without success, you should know there are other more formal options available to you.

The special education laws and regulations provide three formal dispute resolution processes for use by parents. These are:

- **Mediation** where a mediator is assigned by the Special Education Services Team at the Kansas State Department of Education (KSDE) to guide the discussion between you and the school district;
- **Formal Complaint** where a formal complaint form is submitted to the Special Education Services Team at KSDE alleging that the school has violated a special education law or regulation; and,
- **Due Process Hearing** where a due process complaint is sent by you or the school to the other party and KSDE. A hearing is set where the party who submits the complaint has the burden of proof and presents it to the due process hearing officer appointed by KSDE.

Mediation

Initiating Mediation

Mediation of special education disputes is available at no cost to school districts and parents of children with disabilities. However, mediation is voluntary on the part of both you and the school district.

Therefore, the first step is to ask the other party if they are willing to mediate the disputed issues.

If the other party is willing to mediate, the second step is to complete three mediation forms. The forms, (which are available from the school district special education office or at the KSDE website) to be completed by both parties are:

- 1. Agreement to Mediate:** This form indicates that both parties: (a) understand mediation is voluntary; (b) agree to enter into mediation; (c) agree to abide by the procedures and guidelines for special education mediation; (d) agree not to record (electronically or otherwise) a mediation session; (e) agree the mediator will not make decisions regarding the disputed issues; and (f) understand agreements must be in writing and are legally binding and enforceable in a state or federal court;
- 2. Confidentiality Pledge:** This form indicates that both parties: (a) understand and agree that discussions are confidential; (b) agree not to call the mediator or anyone associated with the mediator as a witness in any proceeding regarding the mediated dispute; (c) agree not to subpoena or demand the production of any information of the mediator; and, (d) agree that if a party does subpoena a mediator or the mediator's records, the mediator will contest the subpoena and the requesting party agrees to reimburse the mediator for all expenses related to contesting the subpoena, including attorney fees plus the mediator's hourly rate; and,
- 3. Request for Mediation:** This form includes contact information for use by the mediator. The contact information consists of the name, address, and phone number of the parties, the name and birth date of the child and whether or not a due process hearing has also been requested. This form also asks the parties to agree on some preferred dates seven to ten days

out for which they are both available to mediate. If a mediation session is needed more quickly, the parties may request an earlier date by telephone and send the mediation forms to KSDE electronically.



Scheduling Mediation

When KSDE receives a request for a special education mediation, the mediation coordinator immediately appoints a mediator. The mediator notifies both parties and arranges a location that should be acceptable to everyone. Locations might include the public library, a county court house, or other public building. In some cases where neutral sites are not readily available, unless you object, mediations are held on school property.

Participants in Mediation

Mediation is a somewhat informal process. You and the school personnel are, of course, the main participants. Generally, the likelihood of reaching an agreement is greater when the number of participants is kept to a minimum. However, if either or both sides want an outside advocate involved, they may invite them to join.

If you are unable to participate fully, and need help to do so (because of reasons such as not speaking English or having a disability), you may ask another person, such as an advocate, relative or friend to attend the mediation. In addition, KSDE will provide an interpreter at a mediation session for anyone who requests one.

In Kansas, attorneys are allowed to participate in special education mediations. However, mediations generally prove to be more successful when the parties work on their own, without attorneys present.

Mediation Process

Although mediation is informal, it has structure with a beginning, middle, and end. The mediator will guide the parties through the steps in the process.

Mediators use a variety of techniques. A mediation conference usually has the following six steps:

1. *Introduction/Opening Statement* by the mediator;
2. *Discovering* issues in which each party has an uninterrupted statement of the issue(s) in disagreement;
3. *Collaboration* in which the mediator helps everyone discuss their feelings and concerns, and identify areas of agreement as well as possible solutions;
4. *Caucusing* in which the mediator meets individually with each person to further clarify their concerns and possible solutions;
5. *Re-convening* the joint session; and,
6. *Concluding* the mediation with resolution.

Note: If caucusing is not used, Steps 4 and 5 are usually replaced with a Group Meeting to clarify concerns and identify possible solutions.

The goal of mediation is to reach an agreement that is workable for all. If issues prove to be unsolvable, the mediator will declare that an agreement cannot be reached and the mediation will be stopped.

At the end of mediation, the mediator sends a report to the mediation coordinator at the Kansas State Department of Education.

Length of Mediation Sessions

Many mediation sessions have been successfully completed in half a day. The mediator will determine whether progress is being made or whether additional time is needed.

Benefits of Mediation

The use of mediation can have the following benefits over a formal complaint or due process hearing:

- mediation uses the strengths of everyone to solve problems;
- because it is voluntary throughout the process, mediation is a safe way to offer and consider alternatives;
- mediation can be less stressful;
- mediation is less time consuming;

- if an agreement is reached, it is written and committed to by the parties, themselves, rather than ordered by a hearing officer or the KSDE; and,
- a negotiated agreement may help with future positive relationships.

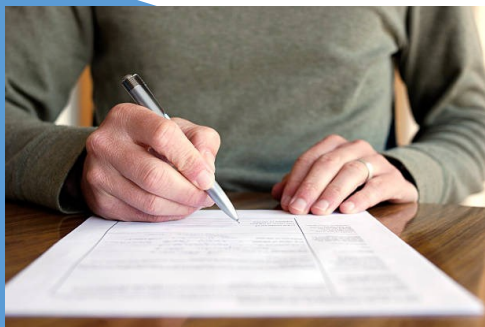


Formal Complaint

Filing a Formal Complaint

Any individual or organization may file a formal complaint with the state department of education if they believe that a local school district is not following the requirements of special education laws and regulations. A formal complaint must be in writing and signed by the person or organization making the complaint. It must state that the school district or other agency has not followed the requirements of: (a) the IDEA; (b) the Kansas Special Education for Exceptional Children Act; or, (c) federal and/or state special education regulations. Other requirements are:

- the name, address, and telephone number of the person filing the complaint, the school it is against, and the child involved;
- applicable law(s) or regulation(s), if known;
- a statement that efforts have been made to clarify the concern(s) with local school officials;
- a statement of the proposed resolution of each concern; and,
- the signature of the person filing the complaint.



Investigating the Complaint

The Special Education Services Team must resolve a formal complaint within 30 calendar days from the date the complaint is received in the office, unless exceptional circumstances exist.

After a formal complaint is received, an investigator will be appointed by KSDE to investigate the complaint. The investigator will contact the parents and relevant school personnel, review all relevant records and documents, and determine whether or not the facts stated in the complaint are correct and, if so, whether or not there is a violation of the requirements of special education laws or regulations. A report will then be issued with findings and conclusions regarding the complaint. A copy of the report is sent to the school district and to the parents. If the investigator determines that a violation of special education laws or regulations has been substantiated, the report will include a corrective action(s) that the school must take.

Following Up on the Complaint

If the report requires corrective action(s), the school must, within 10 calendar days of the date of the report, send to the Director of Special Education Services one of the following:

- a statement indicating that it accepts the required action(s) specified in the report;
- a written request for more time to complete the required action(s), with reasons for this request; or,
- a written notice of appeal.

When corrective action has been completed, the Kansas State Department of Education will confirm the completion by notifying the school district in writing that the corrective action has been completed. A copy of the completion notice will also be sent to the parents.

Appealing the Decision

Either the school district or the person making the complaint may appeal the findings or conclusions in the report. To enter an appeal, a party must send a written notice of appeal within 10 calendar days from the date of the final report. The appeal must be sent to the Kansas Commissioner of Education at KSDE.

Due Process Hearing

Defining the Due Process Hearing

When you and school personnel disagree about your child's special education program, you should try to resolve differences informally through IEP meetings, or other negotiations, including mediation. A due process hearing is very much like a trial. Each party presents its evidence and the other side has an opportunity to object to the evidence presented and to cross examine the witnesses of the other party. This is a very adversarial process and can often result in severely damaged relationships. Therefore, it is recommended that a due process hearing be considered only as a last resort, when all other avenues of resolution have been exhausted.

Timelines for a Due Process Hearing

Within 15 days of receiving notice of your due process complaint, and prior to the initiation of a due process hearing, the school must convene a meeting with you and IEP team members to discuss the facts of the due process complaint, so that the school has an opportunity to resolve the dispute.

One important timeline is the timeline for selecting a hearing officer and another important timeline is the time in which each party must complete certain activities. A detailed list of these timelines can be found in the Process Handbook, Chapter 12 on the KSDE website.



Your Rights in a Due Process Hearing

Some of the most important rights of parents are your right to:

- Ask for an impartial due process hearing regarding any matter related to identification, evaluation, or placement of your child, or to question the school's provision of services.
- Be advised of any free or low-cost legal and other relevant services available in the area.
- Have the hearing conducted by a hearing officer who does not work for the school, is not involved in the child's education, and doesn't have any personal or professional interest in the hearing.
- Have an attorney during the hearing, and be accompanied by persons with special knowledge or training in special education.
- Have the hearing open or closed to the public.
- Have a record of the hearing.
- Present evidence, confront and cross-examine witnesses.
- Ask the hearing officer to not allow any evidence at the hearing that has not been disclosed to you at least 5 calendar days before the hearing.
- Receive a copy of the written decision mailed within 10 days after the close of the due process hearing.
- Have a hearing at a time reasonably convenient for you and the school.
- Have your child stay in the current educational placement specified by the child's IEP during the hearing, unless you and school agree otherwise (there are exceptions to this provision related to behavior that might result in injury, a manifestation determination or a disciplinary placement).

Appealing the Decision

Either party to a due process hearing may appeal the decision to a state review officer by filing a written notice of appeal with the Commissioner of Education at KSDE within 30 calendar days after the date of the postmark on the hearing officer's written notice of the results of the hearing.

Quick Tips

- Fees of the mediator for special education disputes are paid by the Special Education Services Team of KSDE. These costs are not the responsibility of you or the school district or special education cooperative.
- Keep a folder with all communication in it. When you have conversations in the hall or at your teacher conferences, send an email reviewing what was discussed.
- The Process Handbook on the KSDE website has a dedicated chapter for mediation, formal complaints and due process. These are great resources to learn more about each process.



Q&A



How can I prepare for mediation?

Some ways to prepare for mediation include: preparing a short statement for the opening session; gathering and organizing all documents related to the dispute; making a list of questions you want to ask and specific items that need to be addressed; have some solutions to suggest to resolve the dispute; and, decide if there is anyone you want to bring to the mediation.

How long does mediation take?

Many mediation sessions have been successfully completed in a half day. The mediator will determine whether progress is being made or whether additional time is needed for resolution.

How long does the investigation of a formal complaint take?

Unless there are exceptional circumstances, the complaint must be investigated and a report written with the findings of the complaint investigator within 30 calendar days of the date the complaint was received at the KSDE. Upon completion of a written report, you or the school have 10 calendar days from the date of the report to accept the decision or file an appeal. An appeal shall be considered filed on the date the notice of appeal is received in the KSDE Special Education and Title Services office.

Who can file a formal complaint?

Anyone who suspects that the proper legal procedures were not followed or implemented may file a formal complaint with KSDE. This would include, but is not limited to, parents, parent advocates, the student if age 18, grandparents, foster parents, an individual, or an organization. In addition, it may be that in unusual circumstances, a member of the school team could file a formal complaint.

May the parents or the school district ask that their request for a special education due process hearing be withdrawn or dismissed?

Yes. A party that has filed for a special education due process hearing may, subsequently, request the action be dismissed.

Do I have to choose one dispute resolution option?

No. You may file a formal complaint before, at the same time, or after filing for a due process hearing. However, if the issue is the same, a formal complaint investigation will be suspended until due process is resolved.

To request mediation or due process or to file a formal complaint, contact:

Kansas State Department of Education
Early Childhood, Special Education, and Titles Services Team
900 SW Jackson
Topeka KS 66612
1-800-203-9462 (Kansas Residents Only) or
1-785-291-3097
specialeducation@ksde.org



Charting the LifeCourse Framework

Introduction

The Charting the LifeCourse Framework is a person-centered way of looking at a situation. LifeCourse tools can be used to solve problems and conflicts, brainstorm ideas and goals, identify gaps in needed supports, and work towards a vision of a good life. The core belief of the LifeCourse Framework is that all people have the right to live, love, work, and play, and pursue their own life aspirations. There are several LifeCourse tools that can be used in any situation, and across the lifespan, so no matter how old your child is, you can find a tool that will help you. Sometimes as parents, it can be hard to put into words our concerns and thoughts. Using the LifeCourse tools can help you prepare for an IEP team meeting, so you have a clear picture of what your child's team should be working toward.

Trajectory

The LifeCourse Trajectory is one of the core tools of the framework. Its purpose is to show what our hopes and goals are, what we don't want included in our future, and what has worked or not worked in the past. The trajectory is great if you are having some communication struggles with the school team, or if you are talking about transition. It will be easier to make sure the IEP goals are supporting your child if everyone on the team knows the end goal.

Integrated Supports Star

The LifeCourse Integrated Supports Star is a way of identifying what services and supports available to a family or child. We don't often think of the community's role when we're developing an IEP, but when you think about some of the skills that a child is working on, there are a lot of supplementary things that exist outside the school setting that might help them practice and progress. None of us exist in one setting. We have roles in our families, our communities, our jobs, etc. The Integrated Star is great to fill out as a team. Each member might have different ideas about supports that exist, and who in the individual's life might provide that support.

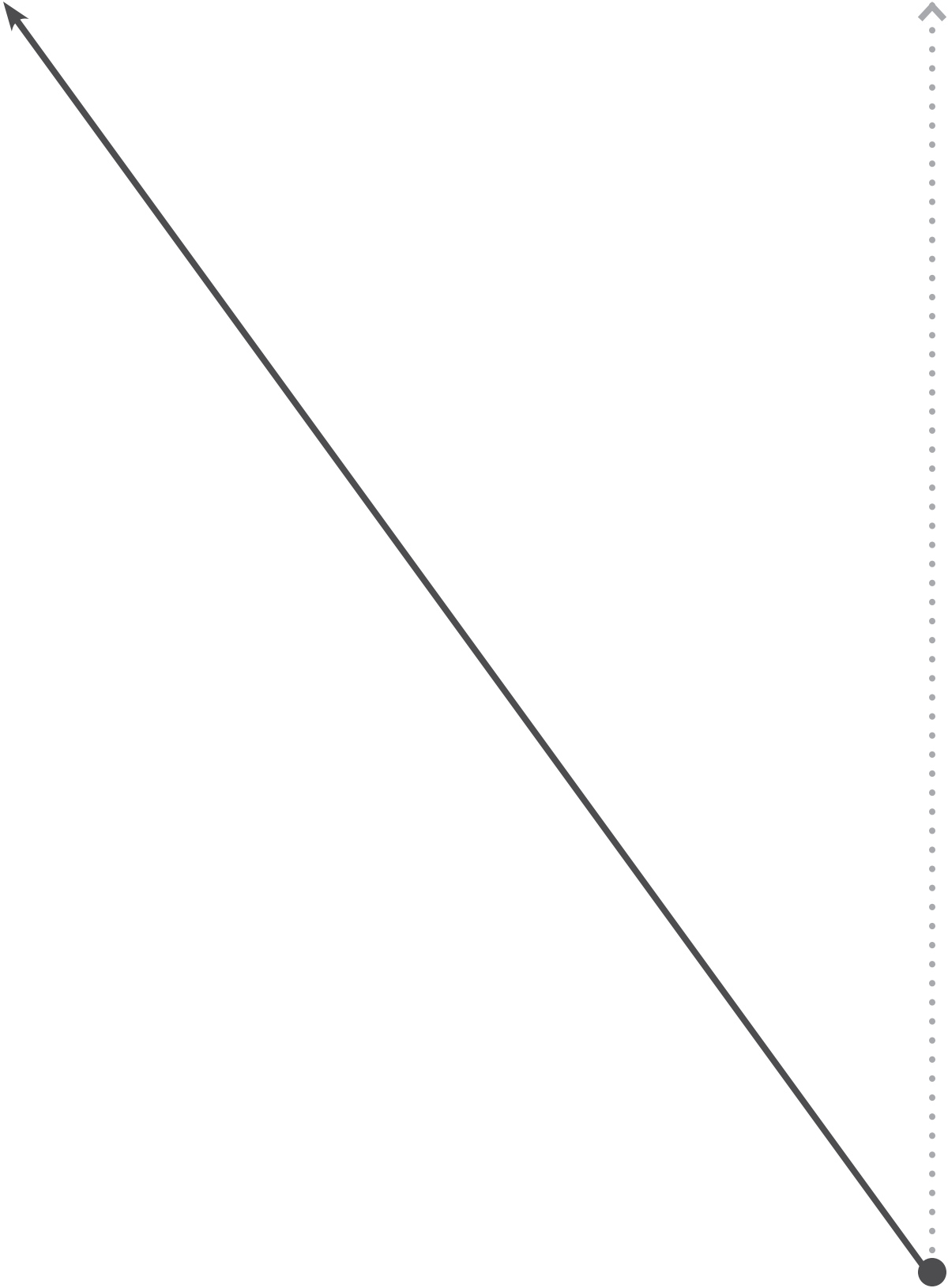
Domain Vison

The LifeCourse Life Domains tool is a way to help refine our focus and prioritize areas as we develop IEP goals and supports. Depending on the age of your child, each domain has prompting questions for you to consider. These questions might be things you've already had in mind, or they could be things you've never thought about before. You can jot down ideas for each question, and then assign a priority level for each domain. Some people number these from 1 through 8, but others might have several domains that are equally important and label them as such. There's no wrong way!



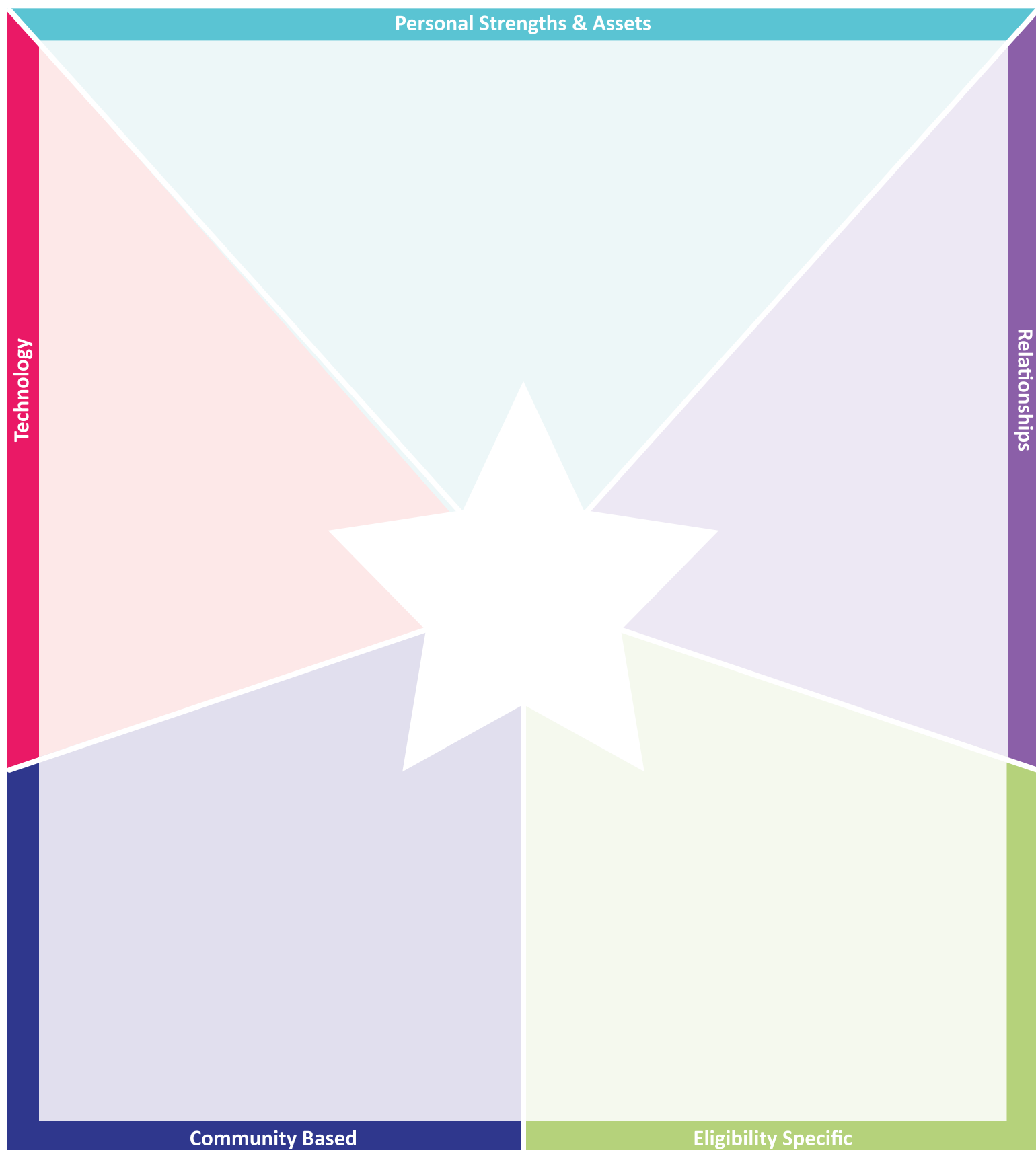
Vision for What I Want

What I Don't Want





INTEGRATED SUPPORTS STAR





LIFE DOMAIN VISION TOOL | PERSON CENTERED

Name of Person Completing: _____

Date: _____

On Behalf of: _____

LIFE DOMAIN	DESCRIPTION	MY VISION FOR MY FUTURE	PRIORITY
	Daily Life & Employment: What do I think I will do or want to do during the day in my adult life? What kind of job or career would I like?		
	Community Living: Where would I like to live in my adult life? Will I live alone or with someone else?		
	Social & Spirituality: How will I connect with spiritual and leisure activities, and have friendships and relationships in my adult life?		
	Healthy Living: How will I live a healthy lifestyle and manage health care supports in my adult life?		
	Safety & Security: How will I stay safe from financial, emotional, physical or sexual harm in my adult life?		
	Advocacy & Engagement: What kind of valued roles and responsibilities do I or will I have, and how can I have control of how my own life is lived?		
	Supports for Family: How do I want my family to still be involved and engaged in my adult life?		
	Supports & Services: What support will I need to live as independently as possible in my adult life, and where will my supports come from?		



Helpful Websites

Kansas State Resources

Families Together, Inc.—Familiestogetherinc.org

Kansas State Department of Education—<https://www.ksde.org/Agency/Division-of-Learning-Services/Special-Education-and-Title-Services/Special-Education/Special-Education-Resources-for-Families-and-Educators>

Special Education Advisory Council—<https://www.ksde.org/Agency/Division-of-Learning-Services/Special-Education-and-Title-Services/Special-Education/Special-Education-Advisory-Council>

Infant-Toddler Services—ksits.org/

Kansas Inservice Training System—<http://kskits.org/>

Kansas Interagency Coordinating Council—<https://www.kansasicc.org/>

Disability Rights Center (DRC)—<https://www.drckansas.org/>

Kansas Technical Assistance System Network (TASN)—<https://www.ksdetasn.org/>

Emergency Safety Interventions—<https://www.ksdetasn.org/resources/390>

Homelessness—<https://www.ksde.org/Agency/Division-of-Learning-Services/Special-Education-and-Title-Services/Title-Services/Educating-Homeless-Children-and-Youth>

Assistive Technology—<https://atk.ku.edu/>

Federal and National Resources

Individuals with Disabilities Education Act (IDEA)—<https://sites.ed.gov/idea/>

Center for Parent Information and Resources—<https://www.parentcenterhub.org/>

Family Voices—<https://familyvoices.org/>

Section 504—<https://www.parentcenterhub.org/section504/>

Center for Appropriate Dispute Resolution in Special Education (CADRE) —<https://www.cadeworks.org/>

RAISE—<https://www.raisecenter.org/>





Assisting Parents and Their Sons and Daughters with Disabilities

Families Together, Inc. is here to assist you whether you are just starting out or experiencing a challenge along the way. We provide assistance regarding early intervention, education, health care, transitions, and community resources to support the academic, behavioral, social, emotional, and mental well being of children, youth, and families.

Connect with us:

Topeka	(800) 264-6343 or (785)-233-4777	topeka@familestogetherinc.org
Wichita	(888) 815-6364 or (316) 945-7747	wichita@familiestogetherinc.org
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