Advocacy for Children
Using the Individuals with Disabilities Education Act

Barbara Raimondo, J.D.
National Association of the Deaf
EHDI National Conference
February 2008
Part C – Infant & Toddler Program Services

Services

- family training, counseling, home visits
- special instruction
- speech-language pathology and audiology
- sign language and cued language services
- vision services
- assistive technology devices and services
- other services
Individualized Family Services Plan (IFSP)

- outlines services
- based on information about child and family
- written by the multidisciplinary team
- designed to meet the developmental needs of the child and the needs of the family to support the child
Before IFSP is written:

- multidisciplinary assessment of child
- identification of appropriate services
- assessment
  - cognitive development,
  - physical development, including vision and hearing,
  - communication development,
  - social or emotional development, and
  - adaptive development.
- family resources, priorities, and concerns
- supports and services to help family meet child's needs
IFSP must contain:

- child’s present level of development
- family’s resources, priorities, and concerns
- major outcomes expected
- specific early intervention services necessary
- natural environments/justification
- dates of start and duration of services
- service coordinator
- transition to Part B
Part C Proposed Regulations

- Sign language and cued language services
- Teachers of the deaf as special educators
- Referral timeline
- Native language
- Cochlear implant optimization
- Qualified individuals with disabilities
IDEA Part B

- Free Appropriate Public Education (FAPE)
- Appropriate evaluation
- Individualized Education Program (IEP)
- Least Restrictive Environment
- Parent/student participation in making decisions
- Procedural safeguards
The Four IEP Questions

- What are the child’s present levels of performance?
- What are the child’s goals?
- What is needed to help the child achieve those goals?
- What setting(s) will help the child achieve those goals?
Development of IEP

- Child’s strengths
- Parent’s concerns for enhancing education
- Evaluation results
- Academic, developmental, and functional needs of the child
Special Factors

- Behavior
- Limited English proficiency
- Blind or visually impaired
- Deaf or hard of hearing
  - Language and communication needs
  - Opportunities for direct communications - peers, professionals - child’s language and mode
  - Academic level
  - Full range of needs/direct instruction
- Assistive technology
Present Levels of Performance

- Various assessment tools and strategies
- Functional, developmental, academic areas
- Parent observations
- “Technically sound” instruments
- No racially or culturally discriminatory tests
- Language and form most likely to yield accurate information
- Trained and knowledgeable personnel
Present Levels (con’t)

- Howard performs at the 3.2 grade level on the OneTwoThree Math Evaluation.
- David reads at the fifth grade level as measured by the ABC Reading Evaluation.
- Lee turns in her assignments on time 60 percent of the time.
What are the Child’s Goals?

- How the disability affects progress in general education curriculum
- Measurable annual goals, including academic and functional goals
- Other educational needs resulting from the disability
- Age 16 - postsecondary goals
Goals (con’t)

- By June ‘07 Howard will perform at the 4.2 grade level on the OneTwoThree Math Evaluation.
- David will read at the sixth grade level as determined by the ABC Reading Evaluation.
- Lee will turn in her assignments on time 95 percent of the time.
What Services are Needed to Achieve IEP Goals?

- Special education - specially designed instruction to meet the unique needs of the child
- Related services - services that allow a child to benefit from special education
  - Audiology
  - Counseling
  - Interpreting
  - Parent counseling and training
  - Psychological services
  - Speech-language pathology
  - Transportation
Services (con’t)

- Supplementary aids and services - allow children to be educated with nondisabled children
- To the child or on behalf of the child
- Program modifications or supports for personnel
- Assessment accommodations and determination of which is the appropriate assessment
- Scientifically based/peer reviewed
Where Should the Child be Placed?

- Based on IEP
- Least Restrictive Environment
  - Maximum extent appropriate
  - Children with disabilities to be educated with nondisabled children
  - Removal from regular education environment only when education cannot be achieved satisfactorily
  - Nature and severity of disability
  - Supplementary aids and services
- Parents part of the group that decides placement
Procedural Safeguards

- Right to examine all records relating to child and participate in meetings
- Right to obtain an independent educational evaluation of child
- Prior written notice if school proposes change in child’s identification, evaluation, placement
Procedural Safeguards (con’t)

- Disagreement?
  - Try to solve problem within school
  - Mediation
  - Due process hearing (resolution session)
  - Appeal to State education agency
  - Appeal to court
Thanks for your attention!

Barbara Raimondo, Esq.
National Association of the Deaf