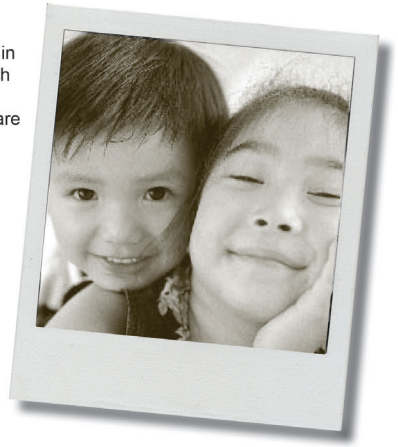
Stone Soup Group

# Alaskan Special Education PARENT HANDBOOK

# SPECIAL EDUCATION SERVICES
## AN ALASKAN FAMILY GUIDE

When it comes to special education, parents* play a vital role in ensuring children receive the best available resources to reach their full potential. By becoming familiar with the special education process, learning about the services and being aware of your rights; you will be able to make informed decisions to benefit your family. **This handbook will assist you as you navigate through the special education maze, as well as provide resources throughout your journey.**



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Whether it is acronyms or processes, there can be a lot to learn when it comes to understanding the special education system. Start with learning the basics.

2

If your child qualifies for special education services you both have certain rights and responsibilities that will help protect and guide you throughout your journey.

3

Everyone who qualifies for special education services needs to have an Individualized Education Program (IEP) with the school. Writing, implementing and reviewing the plan is a multi-step process.

4

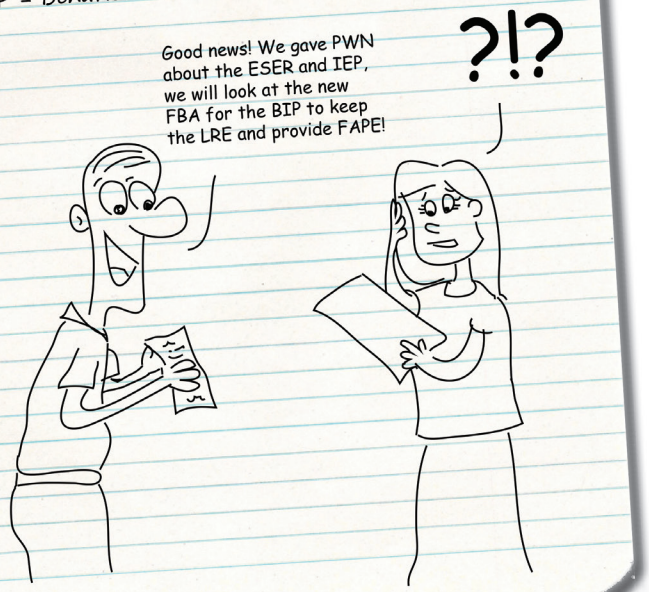
As your child grows, so does the plan. Once the plan is written there is follow-up and updates that need to take place throughout your child's time in school and beyond.

* Please note, for simplicity we will use the term "parents" throughout this handbook, however, "parents" may be other family members, foster parents or guardians caring for a child.



## What is this language?!?!

PWN = Prior Written Notice
IEP = Individualized Education Program
FAPE = Free Appropriate Public Education
IDEA = Individuals with Disabilities Education Act
ESY= Extended School Year
PLAAFP = Present Level of Academic Achievement and Functional Performance
ESER = Evaluation Summary and Eligibility Report
FBA = Functional Behavior Assessment
LRE = Least Restrictive Environment
BIP = Behavior Intervention Plan



# Educate Yourself

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It's no exaggeration when we say that you need to learn a whole new language entering into the world of special education. There is also a form and a process for everything. We have an entire section dedicated to understanding and **knowing your rights**; but this section will help you understand some of the basics:

- How a student comes to enter into the special education system in Alaska
- What kinds of services are available through the program
- Who qualifies and who doesn't

**Child Find and Referrals**
Child Find is an effort to find all children, age 3-21, who experience disabilities. By law, every school district has a responsibility to locate, identify and evaluate children in the community who are suspected of having a disability.

Anyone – parent, teacher, student, nurse, doctor, or social worker may refer a child for a special education evaluation. As a parent, you should make a request in writing if you think your child may need additional help or have a disability. Give the request to your child's teacher or principal. If your child was involved in an Infant Learning Program you should have a meeting, before your child turns 3, regarding your Individualized Family Service Plan (IFSP) and how to transition into the school district.

## Benefits, Evaluation Procedures and Eligibility Determination

***What are the benefits to having special education?***

Your child may have access to specially designed instruction, accommodations and modifications to assist in his/her learning. Laws are in place to hold the school accountable for providing these supports.

***How do you know if your child may need special education?***

If your child is struggling and someone suspects a disability, they may be referred for special education. The school must notify parents that their child has been referred for special education and needs to be evaluated.

**Parents must give written consent before their child may be evaluated.** As a parent, you are an essential part of the team that reviews and provides information to help decide what assessments will be given. Only after the evaluation is completed, the team will make a decision about the child's eligibility and identify the educational needs of the child.

**To be eligible for special education services:**

- The child must experience a disability that meets one or more of the Alaska eligibility criteria listed below
- The child's educational performance must be adversely affected and
- The child must need specially designed instruction and/or related services

**State of Alaska Categories of Disabilities in Education:**

- Autism
- Deafness
- Deaf-Blindness
- Emotional Disturbance
- Hearing Impairment
- Specific Learning Disability
- Speech or Language Impairment
- Multiple Disabilities
- Cognitive Impairment
- Orthopedic Impairment
- Early Childhood Developmental Delay
- Other Health Impairment
- Traumatic Brain Injury
- Visual Impairment

***Why would my child be found ineligible for special education?***

Not all children who struggle have a disability; and not all children who have a disability qualify. A child may be denied if the evaluation team finds that they do not need "specially designed instruction". This means that curriculum adjustments outside of what a "typical student" would need are not necessary. If this is the case, and your child could benefit from other modifications or accommodations to better access their education (i.e. sitting in front of the class to better see the board due to vision impairment) there are options available. They may qualify for assistance through a 504 plan under the American's with Disabilities Act (ADA).

It is important to know that under ADA it is the school's responsibility to provide accomodations to access the child's education. A plan will be made, but this does not fall under special education guidelines.

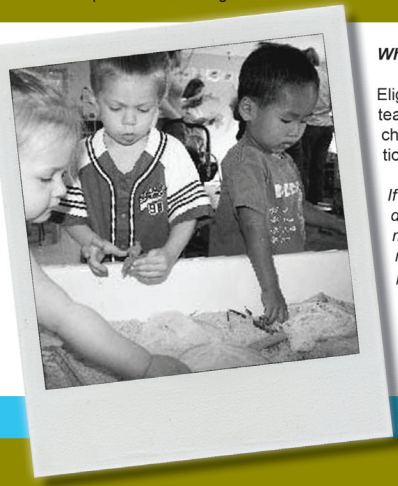
**They are doing something called "RTI"... What does this mean?**

When a school observes a student struggling, they may implement a strategic or intensive Response to Intervention (RTI). RTI's are meant to catch students early on who may need extra assistance. An RTI does not mean your child has a disability or needs special education, but it will provide instruction to fill needed gaps. RTI programs **do not replace special education** or affect the timeline for services.

**What does RTI mean for me and my child?**

- All children must receive appropriate and adequate instruction in the regular education classroom before being referred to special education.
- **The RTI process does not replace the need for a comprehensive evaluation. Parents have the right to request a comprehensive evaluation at any point.**
- When a child is participating in an RTI model, parents must be notified of the instructional strategies used, performance data collected, and the general education services that will be provided.

**More information on RTI available at:**
https://education.alaska.gov/esea/rti



***Who Determines Special Education Eligibility?***

Eligibility is determined through consensus by the parents and a team of qualified professionals. If there is a decision that your child is not eligible, they must give you written notice and information on your rights if you disagree with their decision.

*If you disagree with the evaluation you can ask for an Independent Educational Evaluation (IEE) at district expense or parents may choose to have testing done at their expense. The district must consider these test results in planning a special education plan for the child.*

Additional information and resources can be found at: wrightslaw.com or the Alaska Special Education Handbook

## Know Your Rights!

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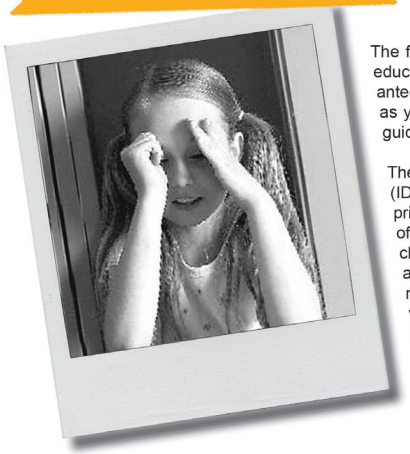


The first thing to understand is that if your child qualifies for special education services **you have certain rights**. These rights are guaranteed under federal law and protect children with disabilities, as well as you as a parent. Familiarizing yourself with your rights will help guide you and your family throughout the special education process.

The law, known as the Individuals with Disabilities Education Act (IDEA), states that students with disabilities will receive free appropriate public education (FAPE). IDEA recognizes the importance of involving parents and incorporating their knowledge of their child's needs to assist in creating an IEP for their child. Parents and schools must work in partnership to determine the child's needs, develop a written plan to address those needs, and provide the supports and services identified in the plan at no cost to the parent. This document is called an Individualized Education Program. The local school district can provide parents with additional information regarding the eligibility requirements for each disability. For more information on your rights visit:
www.parentcenterhub.org

### Prior Written Notice

**The school district must give the parent Prior Written Notice when:**

- Identifying a child as a child with a disability, or change your child's eligibility from one disability category to another;
- Evaluating or re-evaluating your child to determine if he/she experiences a disability;
- Developing an IEP for your child, or changing your child's IEP; or
- Placing your child in a special education program, or changing your child's special education placement;
- Changing or destroying information in district files that personally identifies your child;
- Determining whether your child's disability was the reason for behavior that causes possible change of placement; or
- Ceasing all special education programming (including graduation)

The notice must be written in parents' native language and be easily understood. You have the right to have the notice translated orally or provided by other means such as email.



# The Process

## What happens when...

**IEP Participation**
If everyone agrees with the determination of the evaluation, the team will move forward with writing an Individualized Education Program (IEP) within 30 days.

**You and the school may invite others who are involved with the child to the IEP meeting. Common examples are: a family friend, an advocate, such as a Stone Soup Group Parent Navigator, a service provider or an interpreter.** *If requested, interpreters must be provided by the school.* Inform the school if you are inviting a guest. Guests may attend via conference call.

The district has an obligation to be sure that one, or both, of the parents are at each meeting, or are given the chance to be at the meeting. As a parent, you must be given enough notice to plan to attend the meeting. The meeting must be at a convenient time and place for you. If you cannot be at the meeting, the school must allow you to add your ideas by phone, in a letter, or reschedule the meeting, if needed. However, if you do not show, or contact the school and all accommodations have been made, they may proceed without you.

**Dispute Resolutions**
If in the process of writing or implementing the IEP you have concerns about your child's special education services there are steps that can be taken to problem solve. First, as a parent you need to voice your concerns and **put them in writing**. Give them to the teacher, principal or district representative. Allow time for the school to implement your suggestions and make adjustments accordingly.

If your concerns have not been addressed, **you have the right to request mediation, IEP facilitation, file a complaint or request a due process hearing.** Mediation is a free, voluntary service in which an impartial third party will help both parties come to a resolution. IEP facilitation brings in an impartial third party solely for the purpose of writing an IEP. An administrative complaint should be filed if you feel the school has violated IDEA preventing your child from receiving FAPE. This is done through the department of education and once this is filed there will be an investigation within 60 days. You may also request Due Process Hearing where you will have an opportunity to present your concerns to an impartial hearing officer. This is a more involved process and these results are considered final (unless either party decides to appeal to state or federal court).

All dispute resolution procedures must be held within a "reasonable amount of time" after being requested. For an exact timeline and more specifics on which course of action may be right for you refer to the Notice of Procedural Safeguards Handbook given to you at your IEP team meeting. ASD's can be found at:
www.asdk12.org/sped/handbook.

Other resources available at:
- Alaska Department of Education and Early Development
- Disability Law Center
- Governor's Council on Disabilities and Special Education

### Additional Assistance

You can find more information or assistance with each of these scenarios in the Procedural Safeguards Handbook or by contacting a Stone Soup Group Parent Navigator.
stonesoupgroup.org

# Create the IEP 3

Every child with a disability who needs special education must have a written Individualized Education Program (IEP). The IEP describes all the services needed for the child's special education program.

The team that will work to implement this program is called the "IEP team". This team is critical to the success of your child's education and **you, as a parent, are central to the team**. There are things that only you know about your child.

The team must include the following people:

- The parent or guardian
- The child (if appropriate)
- The Special Education teacher
- The Regular Education teacher
- A School District Representative who can commit to school district resources
- Evaluators and therapists (as appropriate)
- Other professionals or individuals invited by the parents or the district, who may be helpful in developing an appropriate IEP (optional)

Once the team is formed you will convene to discuss what related services are required to assist your child in their educational success. If a team member will not be present the parent must be notified, and only the parent has the ability to excuse their absence.

***Related services*** *help children benefit from their special education by providing extra support in needed areas, such as speaking or moving.*

*Related services can include, but are not limited to:*

- Speech-language pathology and audiology services
- Interpreting services
- Psychological services
- Transportation services
- Physical and occupational therapy
- Counseling services
- Orientation and mobility services
- Parent counseling and training

**IEP Tip**

***Do it in writing! Keep it in writing!***
*When you call the school or agency, write down the date and time of the call, who you talk with and what the conversation is about. Keep track of: the person's name, their phone number, dates of IEP meetings, and who agrees to what.*

*It's important to keep good notes and keep a copy of all paperwork, including letters, reports and consent forms. Using a binder system or other document holder is helpful. A Paper Trail Notebook is an organizational tool provided by Stone Soup Group to help you start this process.*

The school has a responsibility to provide these services in the Least Restrictive Environment (LRE). This means that the school district must have choices available for the child's placement or location for where special education services are provided. These may include one, or a combination of the following:

- Regular classroom with additional support services
- Regular classroom with direct services from special education personnel
- Regular educational environment with special education itinerant or resource support
- Regular education environment with self-contained classroom support
- Full time instruction in a separate day school
- Home or hospital instruction
- Institutional services

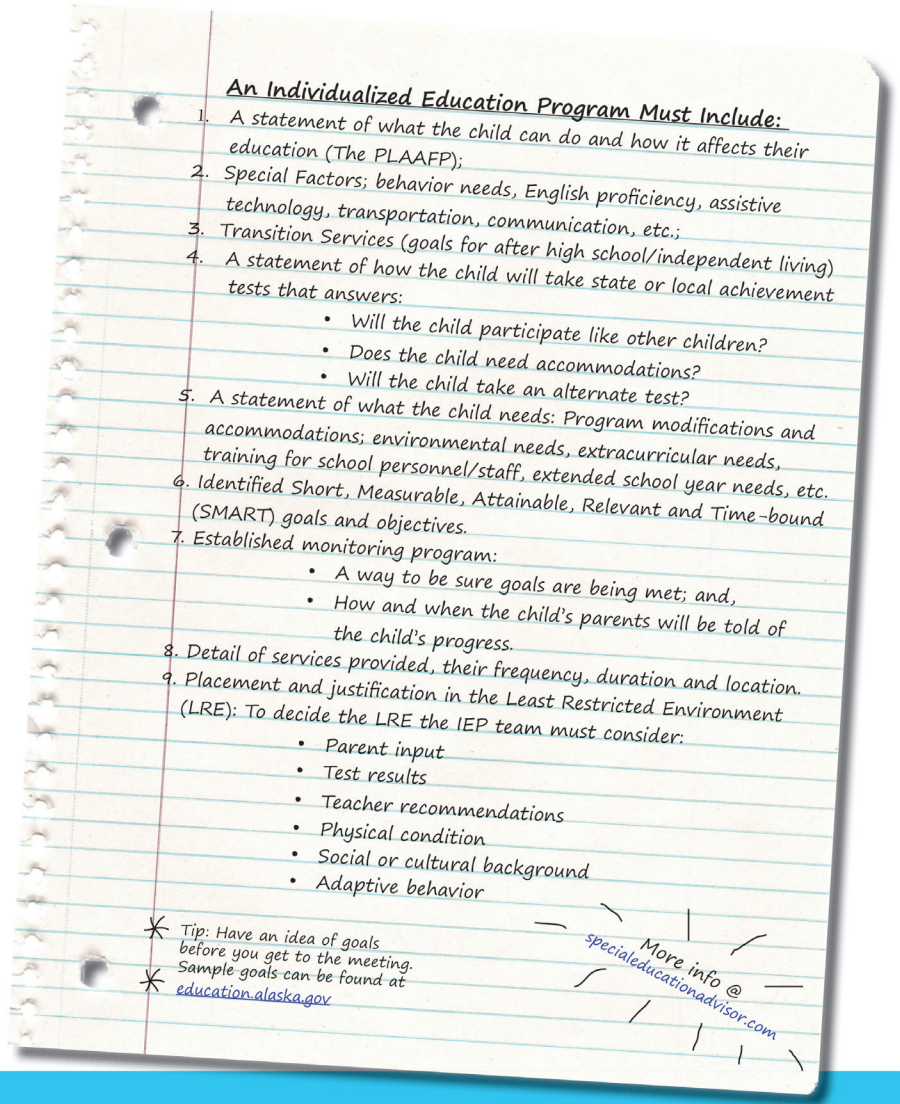
A child with disabilities must be in regular classes or programs as much as possible with peers. Unless stated in the IEP, the child must attend the school he/she would attend if not receiving special education.

Make sure to ask about any other forms of support that may be applicable. Accommodations such as Extended School Year (ESY) may be available.

Each child's placement must be:

- Reviewed at least once a year
- Based on the IEP
- As close as possible to the child's home

**For additional assistance with IEPs contact Stone Soup Group or Links if you are in the Mat-Su area.**



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## What Comes Next

**Maintaining the IEP**
Amendments to your child's IEP can be made continuously throughout the year. Parents are an important part of making changes and there are specific procedures the school needs to follow when these happen. At least once a year your IEP team will review your child's Present Level of Academic Achievement and Functional Performance (PLAAFP). At this time you will go over the IEP goals, write new ones and address any concerns that may have come up in the last year.

At least once every three years your child will go through a reevaluation to determine if special education services continue to be needed, and if so, what areas of need exist.

**Transitioning out of school**
The school has a responsibility to help your child transition into life after school. When children reach 16 years of age, or will turn 16 before the end of the school year, the IEP must include transition services. Transition services may be provided earlier if the IEP team decides it is necessary. Transition services help a child move successfully from school to post-school activities. This may include further education, vocational training, employment, adult education, adult services, life skills, independent living, or community activities.

The areas of needed services include:

- Employment
- Instruction
- Related services
- Community experiences
- Post-school adult living activities
- Daily living skills (if appropriate)
- Functional vocational assessment (if appropriate)

The IEP must also include what services other agencies will provide for the child if necessary. When transition services are being addressed in the IEP team meeting, the student must be invited to participate in the meeting starting at age 16 but may attend before that. Additional transition resources can be found through the State of Alaska Division of Vocational Rehabilitation at labor.state.ak.us/dvr/transition.htm.

**Transition Tip:**

*In Alaska, individuals are considered adults at the age of 18. This means, at that time, your child will be given all the rights of an adult including the right to make decisions about their education.*

*As a parent, consider planning ahead. Look into guardianship and getting legal and financial advice if you plan to continue to make decisions for your child after age 18. Note: This process can take up to 3 months!*

# Frequently Asked QUESTIONS

**Q: What can I do to best prepare for my child's IEP?**

A: There are a number of ways you can prepare, before each meeting we recommend the following: review any previous/current IEPs, make a list of things you would like to discuss during the meeting (be sure to include both strengths and areas of concern), request a draft IEP before the meeting, review the procedural safeguards and bring support! Remember you don't have to do this alone!

**Q: Do you have any advice for the IEP meeting itself?**

A: If you are asking the question, you are already being an active participant. Don't lose that. Share your concerns and successes with the team, ask for clarification if you don't understand something, and if needed, ask for a break or to reschedule. If you notice something has not been added or addressed, submit your concerns in writing, and remember, IEPs can be changed as needed.

**Q: How do I write a letter to the school? Is there a format?**

A: No. There is not a specific format, however, there are sample letters available on the Alaska Disability Law Center website. Check these out for guidance found in publications at dlcak.org.

**Q: Do I need to do follow up to the meeting?**

A: It is always good to keep in contact with the school. Once the IEP is signed, make sure you receive a final copy and all your items of importance were noted on the document. Continue to check in on the progress of your child by speaking with teachers and members of the team as the school year goes on. Share any new reports, diagnosis if they come up. And remember, you can ask for another meeting at any time if you feel it is necessary.

**Q: What should I do if the school and I don't agree on how the IEP is being implemented?**

A: Start by putting all your concerns in writing and calling an IEP meeting. Be prepared with possible solutions to your issue. Give the school an opportunity to make adjustments. If they do not, review your rights and continue with standard dispute procedures such as mediation and due process hearings (see page 6).

**Q: What additional resources should I be aware of in the community?**

**A:** Stone Soup Group is always available to help connect you with resources. There are also many links to resources throughout this handbook but here are a few essentials for Alaska.

**State of Alaska Department of Education and Early Development**
801 West 10th Street, Suite 200
Juneau, AK 99811-0500
Phone: 907-465-8693
education.alaska.gov/TLS/SPED

**Disability Law Center**
3330 Arctic Blvd., Suite 103
Anchorage, AK 99503
akpa@dlcak.org
Phone: 907-565-1002 / 800-478-1234
www.dlcak.org

**Special Education Services Alaska**
3501 Denali St., Suite 101
Anchorage, AK 99503
Phone: 907-334-1300 / 877-890-9269
www.sesa.org

**Governor's Council on Disabilities & Special Education**
3601 C Street, Suite 740
Anchorage, AK 99503
Phone: 907-269-8990 / 888-269-8990
dhss.alaska.gov/gcdse

## *Expectations Throughout the Alaskan Special Education Process*

| | |
|---|---|
| 90 Days before child's 3rd birthday | Transition meeting from an Individual Family Service Plan (IFSP) to an IEP needs to take place. |
| Days 1 - 90 | The school receives parental consent in writing for an evaluation and now has 90 calendar days to evaluate, determine eligibility & start services. |
| 30 days after eligibility review | If the child is eligible, an IEP meeting must occur within 30 days of the eligibility decision. |
| Between the eligibility decision and IEP | A parent must receive notice of an IEP meeting within "a reasonable amount of time" to attend the meeting. |
| Day of the IEP meeting | The meeting is held with all required team members. |
| Between the IEP and 1 year review | A parent can revoke consent for special education services at any time. Or request additional meetings to discuss progress or changes. |
| 1 year after the IEP | A review of the IEP occurs at least once a year. Additional meetings can be held at the request of a parent or team member and modifications can be made at any time. There is no limit to how many meetings can be called a year. |
| 3 years after the IEP | An eligibility review occurs at least every three years and requires another evaluation. |
| Modification of the IEP | After the parent requests a modification of the IEP the school district must respond "within a reasonable amount of time". |


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**www.stonesoupgroup.org**

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