Special Education & The Law

Member of the National Disability Rights Network

This publication was prepared by the Disability Law Center of Alaska, The Protection and Advocacy System for Alaska. This publication was made possible by grants from the State of Alaska's Division of Senior and Disabilities Services, and the United States Department of Health and Human Services. The authors and publishers are solely responsible for the accuracy of the statements and interpretations in this publication.

All laws are subject to change by legislation and by court decisions.
The information is not intended to be legal advice.
It is a Public Education resource. Readers should use this guide for information, and then ask questions about their own individual needs.

Publication Date: July 2007

Table of Contents

History and Introduction 1

IDEA: Individuals with Disabilities Education Act 4

IEP: Individualized Education Program 9

Discipline 14

Dispute Resolution 17

Infants and Toddlers 20

Section 504 22

Appendix A: IDEA Disability Categories 24

Appendix B: Acronyms 26

Appendix C: Glossary 28

Appendix D: State Resources/Websites 32

Appendix E: National Resources/Websites 35

Appendix F: Sample Letters 38

Appendix G: Helpful Hints for Parents 47

Appendix H: Examples of Present Level of Educational Performance (PLEP), Annual Goals, and Short-Term Objectives 51

Appendix I: Manifestation Determination Checklist 52

Appendix J: Example of Behavior Intervention Plan 53

Appendix K: Example of a Section 504 Plan 54

Appendix L: Citations 55

HISTORY AND INTRODUCTION

The laws of our country guarantee a public education to all children. Despite these laws, for many years children with disabilities were often denied access to public education. It wasn't until the early 1970s, when parents of children with disabilities filed lawsuits in federal court, that courts began to recognize that children with disabilities were not being offered the benefits of public education. This led to the passage of several laws that specifically addressed education rights for children with disabilities.

In 1973, Section 504 of the Rehabilitation Act[1] was passed. This Act prohibited entities receiving federal funds from discriminating on the basis of disability. School districts receiving federal funds were required to provide a free appropriate public education to *all* children, including children with disabilities. Yet, despite the clear language and intent of Section 504, children with disabilities continued to be excluded from schools.

In 1974, Congress passed the Family Educational Rights and Privacy Act[2] (FERPA). This Act protects the privacy and confidentiality of student records. It also provides parental access to their child's educational records and rights regarding the amendment and destruction of these records.

In 1975, parents of children with disabilities successfully lobbied Congress to pass the Education for All Handicapped Children Act (EAHCA), which provided funding to states as an incentive to educate children with disabilities. Over the years, the EAHCA has undergone numerous revisions. In 1990, the EAHCA was revised and renamed the Individuals with Disabilities Education Act[3] (IDEA).

That same year, Congress passed the Americans with Disabilities Act[4] (ADA). The ADA protects all individuals with disabilities from discrimination based upon their disability. Under Title II of the ADA, state and local governments (including school districts) must make their programs accessible to and usable by people with disabilities. Courts have read the ADA in conjunction with Section 504 in the school setting. Schools must ensure that children with disabilities who have disabilities which impact their learning have Section 504 plans to provide them special education and accommodations in the school setting.

In 1997, Congress again made revisions to the IDEA. The most significant changes included: the increased emphasis on children with disabilities participating in the general education curriculum; the inclusion of children with disabilities in statewide achievement testing; parent participation in eligibility and placement decisions; changes in re-evaluation requirements; the addition of transition planning at age 14; and the use of voluntary mediation in dispute resolution, and changes in discipline.

In December 2004, Congress again revised the IDEA making changes to the statute. On October 13, 2006 the federal regulation changes to the IDEA were finally approved. The most significant changes include: modification to disciplinary practices; changes concerning IEP meetings; revisions to the due process hearing system; incorporation of portions of the No Child Left Behind Act; and insistence on instruction using research-based practices.

Although many children are eligible under both IDEA and Section 504, these laws will be addressed separately in this handbook. There are three basic differences between IDEA and Section 504. First, the IDEA provides funding to states for special education. Section 504 is a civil rights statute that prohibits discrimination but does not provide funds. Second, the definition of disability under Section 504 is broader and based on a person's functional limitations. The IDEA only covers children (ages birth _ 22) in certain disability categories. Finally, Section 504 does not require schools to provide the same procedural safeguards as the IDEA but does require a procedural process to challenge Section 504 decisions.

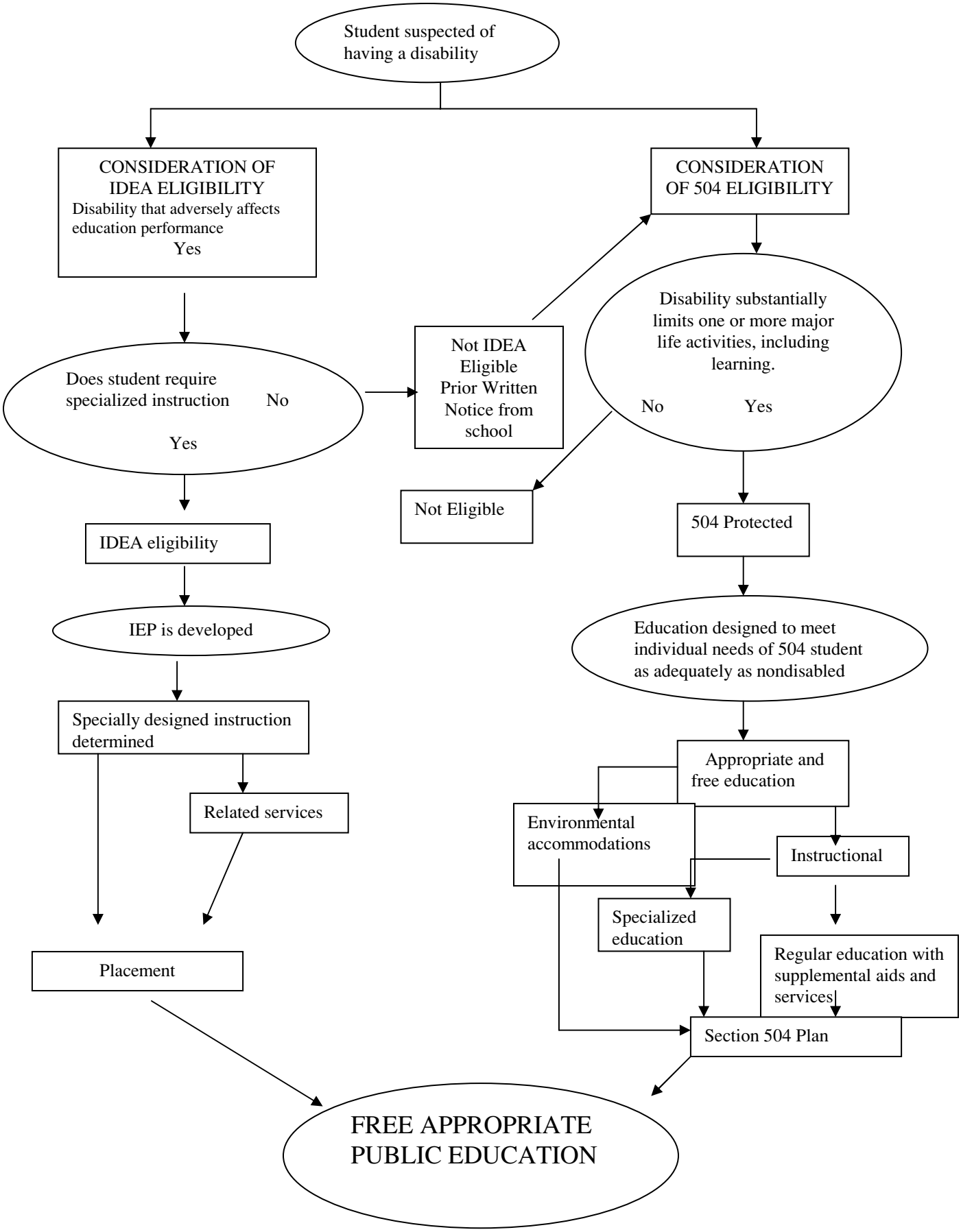
Finally, parents in Alaska should be aware that there are also state statutes and regulations that pertain to the education rights of children with disabilities. The Alaska education statutes[5] and regulations[6] provide that the State will comply with the requirements of the IDEA for children ages 3-22. The Department of Education and Early Development ("DEED") publishes a State Special Education Handbook for school districts to follow in implementing the federal and state regulations. This document is available on-line or at your local school district. Throughout this booklet, we will focus on the federal provisions; however, where Alaska law specifically addresses an issue in a manner different than federal law, we will highlight this for you.

As you review this handbook, keep in mind that every individual situation requires a close case-by-case analysis of the various laws applicable to children with disabilities. We encourage you to always contact your school district as a starting point when you have a concern about your child's education. In many instances, such communication will resolve your concerns.

You should also be sure that when you encounter difficulties you request a copy of a Notice of Procedural Safeguards ("NOPS"). This is a form that the State of Alaska makes available on-line at http://www.eed.state.ak.us/tls/SPED//Handbook05/acrobat/appesec3.pdf and which is also available from your school district. The Notice of Procedural Safeguards explains your rights under the IDEA. Schools should also have such a form for Section 504. If your child is less than three years old, contact the Alaska Infant Learning Program at 907-269-8442 for an explanation of your rights.

This handbook contains endnotes with the correct legal citation for specific issues on page 55. You can use these citations to find the place in the statute or regulations and read the law yourself. You can access the federal statutes and regulations online at: http://www.wrightslaw.com/idea/law.htm
You can access Alaska's statutes and regulations online at: http://www.touchngo.com/lglcntr/#stats

Finally, if you have questions or concerns, feel free to contact our agency for assistance. We have both advocates and lawyers who are trained in special education issues and laws. There are various ways to solve disputes without actually having to "go to court," including IEP meetings, resolution sessions, and mediation. Our advocates and lawyers can assist you in these forums as well as in hearings and courts.
We look forward to working with you on behalf of children with disabilities.


Student suspected of having a disability
CONSIDERATION OF IDEA ELIGIBILITY
Disability that adversely affects education performance
Yes
CONSIDERATION OF 504 ELIGIBILITY
Does student require specialized instruction
No
Yes
Not IDEA Eligible Prior Written Notice from school
Disability substantially limits one or more major life activities, including learning.
No
Yes
Not Eligible
IDEA eligibility
504 Protected
IEP is developed
Education designed to meet individual needs of 504 student as adequately as nondisabled
Specially designed instruction determined
Appropriate and free education
Related services
Environmental accommodations
Instructional
Specialized education
Regular education with supplemental aids and services
Placement
Section 504 Plan
FREE APPROPRIATE PUBLIC EDUCATION

IDEA: INDIVIDUALS WITH DISABILITIES EDUCATION ACT

What is the IDEA? The Individuals with Disabilities Education Act[7] (IDEA) is a federal law that provides federal funds to states to educate children with disabilities. In return, the states are required to provide *all* children with a Free Appropriate Public Education (FAPE). Creators of the IDEA recognized the importance of a parent's knowledge of their child's needs to assist in creating an education plan for their child. Thus, the IDEA creates a process in which school districts must work with parents to determine the child's individual unique needs, develop a written plan to address those individual unique needs, and provide the services identified in the plan at no cost to the parent. The outcome of this process is a document called an Individualized Education Program (IEP). The IEP lists the special education and related services a child needs to receive an appropriate education.

Note: If your child is age 3 or younger, services are documented in an Individualized Family Service Plan (IFSP). For more information, see page 21 in this handbook or contact the Alaska Infant Learning Program at 907-269-8442.

What is a Free Appropriate Public Education[8] (FAPE)? The IDEA defines a free appropriate public education as special education and related services. A FAPE means special education and related services that are provided at public expense and under public supervision and "free" or without cost to the parents of a child with a disability. FAPE also means that the special education and related services have to meet the standards of the State of Alaska, and must include an appropriate preschool, elementary or secondary school. The word "appropriate" refers to education designed to meet the individual unique needs of a child with a disability.[9]

Who is eligible under IDEA? School districts are required to "seek out and find" all children (ages three through twenty-one) with disabilities who need specialized education and related services.[10] This is referred to as the "child find" requirement. School districts are required to evaluate any child they suspect may have a disability that affects his or her learning, regardless of the severity of the disability, and to determine if that child needs special education and related services. To be eligible under IDEA, a child:

1. Must have a disability that is described within one of the specified disability categories; <u>and</u>
2. The disability must adversely affect the child's ability to learn; <u>and</u>
3. The child must need specially designed instruction (special education).[11]

The disability categories[12] specified for children ages 5 through 21 in the IDEA are: mental retardation; hearing impairments, including deafness; speech or language impairments; visual impairments, including blindness; emotional disturbance; orthopedic impairments; autism; traumatic brain injury; multiple disabilities; specific learning disabilities; and other health impairments. Prior to age 9, a child may be qualified as eligible under the IDEA as "early childhood developmental delay" without specification of a disability category. ADD/ADHD is included in the list of disabilities under the other health impaired category. One of the changes to the IDEA in 2004 was to specifically include Tourette's Syndrome in the list of disabilities under the other health impaired category.[13] Children with fetal alcohol syndrome (FAS) who need special education and related services may be classified under a variety of categories under the IDEA. (See Appendix A on page 24 of this handbook for the definitions of these disability terms.)

A child does not have to fail in a course or be retained in a grade to be considered for special education and related services.[14] Under Alaska law, a child cannot be excluded from classification under the IDEA because the child is progressing from grade to grade.[15]

Children not eligible for services under IDEA may be eligible under Section 504. The school district is required to give you written information about Section 504 eligibility if they do not find your child eligible under IDEA. (See page 22 for more information on Section 504.)

What is Special Education?[16] Special education is specially designed instruction that is adapted to meet the needs of a child's disability. Special education is *not* a specific program or classroom; it is a set of services. Special education can be provided in the child's school, other schools, a home, a hospital, or an institution. Special education can include (but is not limited to): direct instruction from a special education teacher, modified classroom instruction, assisted teaching with an aide, assistive technology, behavioral intervention plans, adaptive physical education, vocational services, and transition services. Special education includes instruction in physical education. Special education can also include any of the related services.

What are Related Services?[17] Related services are supportive services necessary to assist a child with a disability to benefit from special education. These services often include transportation and other developmental or corrective services to assist a child with a disability to benefit from special education. Examples of related services include: interpreting services, speech and audiology services, physical therapy, occupational therapy, recreation therapy, psychological services for assessment and program development, orientation and mobility services. In addition, the IDEA provides for a variety of counseling services as related services including: psychological counseling, rehabilitation counseling, social work services, and parent counseling and training. The IDEA also includes school health services and school nurse services. Medical services from a licensed physician for diagnostic or evaluation purposes are also considered related services. Other services may be considered related services if required for the child to benefit from education.

What is the Least Restrictive Environment (LRE)?[18] The IDEA requires school districts to educate students with disabilities to the maximum extent possible with children who are not disabled while appropriately meeting their educational needs. The IEP team must consider, when deciding where a child will go to school, if the placement is:

- ❑ Based on the child's IEP: This means the IEP team must develop the IEP <u>before</u> making a placement decision;
- ❑ As close as possible to the child's home;
- ❑ In the same school the child would attend if not disabled;
- ❑ With non-disabled children to the maximum extent possible and still appropriate for the child;
- ❑ In the regular education environment unless an appropriate education cannot be satisfactorily achieved using supplementary aids and services.

The LRE also applies to non-academic and extra curricular activities such as lunch, recess, sports, clubs, concerts, etc.

Other School Placements.[19] Districts are responsible for locating and providing special education and related services to all eligible children with disabilities who are residents of the district.[20] This includes children in private and charter schools as well as children taught at home or in correspondence programs.

Sometimes the unique needs of a child with disabilities requires a private school placement in order for that child to receive a FAPE. In such cases, districts are required to pay for the tuition of a private school placement if the IEP team determines that placement is appropriate to meet the child's needs. Parents can request, in writing (10 days prior to such a placement), that the district pay for private school tuition when the IEP team disagrees on placement. Districts often refuse this request and the decision is decided at a due process hearing.

Children placed in residential treatment centers or psychiatric hospitals either in Alaska or outside of Alaska are entitled to be evaluated and provided a FAPE if deemed eligible for IDEA services or Section 504. In the case of children with disabilities in state custody, a special interagency agreement between the State Department of Education and Early Development, the State Department of Health and Social Services and the Department of Juvenile Justice is in place. Such placements should not be made without the informed consent of the parent(s) unless parental rights have been terminated in which case a surrogate parent must be appointed and the IEP or Section 504 process followed to determine an appropriate placement.

ELIGIBILITY AND EVALUATION

What should parents do if they think their child needs special education? If a child is having problems in school that affect his learning, the child may have an undiagnosed disability and an evaluation should be requested. It is not necessary to know exactly what kind of problem the child has or how this problem affects his education. Some examples of difficulties a child with a disability might be having include difficulty with language, writing, math, reasoning abilities, organizational skills, following directions, maintaining relationships with peers, sustaining attention, following multi-step instructions, reading comprehension, fine or gross motor tasks. Anyone can request that a child be evaluated including the child, his parent, the teacher or other professional. It is important to begin keeping records about the child's education and disability from the beginning. (See page 47 for Helpful Hints for Parents #1 on record keeping.)

Your request for an evaluation needs to be in writing to the special education teacher or the principal of your child's school. You should keep a copy of this letter, making note of who received it and the date. (See page 38 for sample letter #1: Request for Evaluation.) Upon receiving the request for evaluation, the school district must send you a written notice of what they propose to do[21] and a copy of your rights.[22] (See page 47 for Helpful Hints for Parents #2 regarding proper notice.) **Be sure to take the time to read through these rights.** Being able to get the services your child needs depends upon your understanding and exercising these rights. If you do not understand these rights, call the Disability Law Center of Alaska for assistance.

At this point, the school district must determine if your child needs an evaluation. The school district should send you a written notice stating whether or not it has decided to evaluate your child.[23] If the school district refuses to conduct an evaluation, this notice must specify the reason for denying

the evaluation and your rights to appeal this decision.[24] If the school district does not respond, call an advocate for help.

What is an Evaluation?[25] The purpose of an evaluation is to determine if a child meets the eligibility criteria under IDEA or Section 504. The evaluation should be thorough enough to give the team sufficient information to determine eligibility and design the child's educational program. As previously mentioned, parents or teachers can request an evaluation.

The first time a child is evaluated is called the "initial evaluation".[26] The school district is required to obtain written permission from a parent before evaluating the child.[27] Parents should always request an evaluation in writing and consent for evaluation should be given in the letter requesting the evaluation. This will enable the school to begin the evaluation process immediately. School district staff should also arrange a meeting with you to discuss what evaluations they are planning to give to your child. Alaska state law requires the school district to evaluate a child, determine eligibility, develop an IEP and begin providing services within 45 *school days* after obtaining the parent's consent to evaluate.[28] IDEA 2004 provides that an evaluation must be completed within 60 calendar days.[29] The school should complete the evaluation in the shortest time frame described above.

When the school district decides to evaluate a child, it will begin gathering information from the child's parents and teachers. The school district should gather information from a variety of sources to gain a clear picture of the child's strengths, needs, interests, behavior, learning style, health issues and any other relevant information. The IDEA requires school districts to evaluate <u>all</u> of the child's needs related to their disability, including social and behavioral needs, regardless of the IDEA categories a child fits into.[30] Evaluations should provide meaningful information on your child's educational needs and not be used just to determine eligibility. The goal of an evaluation is to determine:

- ❑ If the child meets the eligibility criteria under IDEA or Section 504 (that is, the child has a disability that is interfering with his learning); and
- ❑ To provide information that directly assists the IEP team in determining the educational needs of the child.[31]

The school psychologist will usually do some formal testing. This testing must assess the specific areas of the child's education needs and not just provide information on their IQ. All evaluations must take into account the child's primary language and ethnic background so the testing will not be culturally biased.[32] It should also take into account your child's disability and make appropriate accommodations so the results will provide an accurate picture of the child's abilities as well as the areas of need. For children suspected of having specific learning disabilities, there are special additional procedures that must be utilized.[33]

When all the information has been gathered, the school district will set up an eligibility determination meeting to decide if you child is eligible for special education.[34] School districts are required to include parents in this meeting. Your child's teacher, a person knowledgeable about your child's disability, and a person trained to interpret the evaluations given to your child must also attend this meeting.[35] It is a good idea to review your child's school records and evaluations before any meeting.[36] (See page 47 for Helpful Hints for Parents #3 and page 39 for sample letter #2 on requesting records.)

Is the school district required to evaluate a child more than once?[37] The IDEA requires a child's evaluation data be reviewed at least every three years. The IEP team can review all the information and data on the child and decide if more information is needed to determine:

1. Does the child continue to have a disability that requires special education and related services?
2. What are the child's present levels of educational performance and current educational needs?
3. Are the special education and related services the child is receiving helping meet the child's IEP goals and promote participation in the general curriculum?
4. Is the child having difficulty in school during academic or non-academic times?

If the IEP team is unable to address these concerns with the information it has, then the school district must conduct a re-evaluation of the child to gather this information.

The child may also be re-evaluated at any time if the parent or the child's teacher requests a re-evaluation.[38] School districts are not required to re-evaluate a child more than one time per year unless both the parents and the school district agree it is necessary.[39]

The school district is required to send written notice to the parent if they decide not to provide a re-evaluation. This notice should also include information about the parent's right to request a re-evaluation if the district determines it will not conduct one. At this point, if the parent requests a re-evaluation regarding an eligibility decision, the school district must conduct the re-evaluation.[40] (See page 40 for sample letter #3: Request for Re-evaluation.)

What if you disagree with an evaluation? As a parent, if you disagree with an evaluation done by the school district, your child is entitled to an independent educational evaluation[41] (IEE) at the school district's expense for each evaluation the district conducted. (See page 41 for sample letter #4: Request for an Independent Evaluation.) The independent evaluation must be conducted by a professional of the parent's choice, who is not an employee of the school district <u>and</u> who has the same qualifications of the district's evaluator. The school district is required to provide parents with a list of qualified evaluators. A parent may choose one of these or another qualified evaluator.

The independent evaluation must follow the same criteria as the school district's evaluation. For example, if the school district's evaluation included classroom observation, then the independent evaluation must also include it. (See page 48 for Helpful Hints for Parents #4 on getting the results you want from an independent evaluation.) The school district may only put a limit on the cost of independent evaluations to eliminate <u>excessive</u> fees by evaluators. The school district may ask a parent's reason for objecting to a public evaluation, but a parent is not required to provide an explanation in order to obtain an Independent Educational Evaluation.

The school district must pay for an independent educational evaluation without delay or it must initiate a due process hearing to prove its evaluation is appropriate. If the school district wins the hearing, a parent can still obtain an independent evaluation but the parent must pay for it. It is important to note that school districts rarely ask for a hearing over an independent evaluation because the cost of a hearing usually exceeds the cost of the evaluation. A hearing officer can also order the district to provide an independent educational evaluation.

IEP: INDIVIDUALIZED EDUCATION PROGRAM

What is an Individualized Education Program (IEP)?[42] The IDEA outlines a process in which the school district must work with a parent to determine the child's educational needs. The outcome of this process is a written Individualized Education Program or IEP. It lists the special education and related services a child needs to receive an appropriate education. The IEP should be tailored to meet the unique needs of the child.[43] Everything the child needs must be specifically listed in the IEP. The school district is not obligated to provide services or accommodations not written into the IEP.

During the IEP meeting, a parent should be treated as an equal partner in designing the child's educational plan. To assist the parent in this process, school districts need to provide all records and information requested by the parent *before* the IEP meeting so that the parent can participate as a knowledgeable partner. (See page 48 for other Helpful Hints for Parents #5 for preparing for an IEP meeting.) School personnel can present a draft IEP for the meeting but they must allow changes to the draft. Parents can also come to the meeting with their suggestions for their child's educational program. The IEP should be completed with input from all members of the team.

After the IEP is developed, the team must decide where the child will be educated. This is called a placement decision.[44] All placement decisions must be based on the child's IEP. The first placement the IEP team must consider is the classroom the child would be in if he did not have a disability. In considering this classroom placement, the team must provide enough services and supports to allow the child to acquire an appropriate education. The IEP team can only consider other settings for all or part of the school day if this classroom is not appropriate for the child.[45] Prior written notice is required any time a school district proposes to change a child's placement.

An IEP must be based on the individual needs of the child, not on the programs the school district has available. Thus, a school district violates the IDEA if it writes an IEP to fit a placement it has already selected from the current district programs. This often happens when a school district selects a placement based on your child's "label" or disability (*e.g.*, a child with Down Syndrome is automatically placed in the school district's program for children who are mentally retarded).

Scheduling an IEP meeting. The IEP meeting should be scheduled at a time and place upon which the parents and the school both agree.[46] The school must give the parent enough notice to assure attendance. Parents can also attend meetings by telephone if necessary, but it is best to arrange a meeting time making attendance in person possible.

Under Alaska law, the child's school must provide notice about the IEP meeting. This notice must include a list of the people who will be at the meeting, the purpose of the meeting, as well as the time and date of the meeting.[47] The IEP meeting should be at a mutually agreed upon time and place so that everyone can attend. A parent should receive notice of the IEP meeting in enough time to review the child's educational records and be prepared for the meeting. Ten days is generally considered to be a reasonable amount time.

Who should be at an IEP meeting?[48] IEPs must be developed by the child's IEP team. This team must include:

- ❑ The parent (or legal guardian);
- ❑ The child (if appropriate and at the discretion of the parents);
- ❑ A special education teacher;
- ❑ A regular education teacher;
- ❑ A school district representative knowledgeable about, and who can commit, school district resources; and
- ❑ An individual who can interpret the evaluation results.

The district may also invite related services providers or other school staff who may need to participate in the IEP meeting. Districts are allowed to decide which staff attend IEP meetings.[49] Parents are allowed to invite professionals or other people they feel will be helpful in developing an appropriate IEP for their child.

The IDEA 2004 permits parents and school staff to agree that an IEP team member can be excused from attending the whole or part of an IEP team meeting.[50] If the parent and the school district agree that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being discussed in the meeting, they must put this agreement in writing. If the absent IEP team member's area is going to be discussed at the meeting, then they must provide their input in writing prior to the meeting. However, Alaska law has not been modified on this point and Alaska law still requires that an IEP can only be modified in a legally constituted IEP team meeting.[51]

How is an IEP created?[52] An IEP is created during a meeting in which the IEP team discusses the child's needs and how the school district can meet those needs. (See page 49 for Helpful Hints for Parents #6 on participating in an IEP meeting). An IEP meeting should begin with a review of the progress made on last year's IEP, how the child is doing in the school environment and a summary of any new evaluation results. This discussion should include a summary of the child's strengths and needs. The parent should have a clear picture of how the child is functioning in the school setting at this point.

Based upon this information, the team should set the next year's annual goals that meet the child's educational needs. Next, the IEP team will list the specialized education, related services, and supplementary aids the school district will provide for the child. The IEP must also specify the dates these services will begin and end. Finally, the IEP team must address the issues of how often the child will be in the regular education setting, how the child will participate in statewide testing and, starting at age 16 (sooner if necessary), the services needed to help the child transition into adult life.

At the end of the meeting, everyone who participated in the meeting will be asked to sign the IEP. A parent's signature on the IEP indicates participation in the development of the IEP. If a parent disagrees with the IEP, "disagree" should be written by the signature and in the parent comment box. (See page 17 for what to do when you disagree with the school.) Parts of the IEP agreed with can be implemented while disagreements on other parts of the IEP are worked out. (See page 49 for Helpful Hints for Parents #7 about what to do after an IEP meeting.) Each part of the IEP is described in greater detail in the following paragraphs.

Present Level of Academic Achievement and Functional Performance.[53] The IEP should begin with a summary of how the child's disability affects his education including both the academic areas (math, reading, writing, communication, etc.) and non-academic areas (behavior, socialization, eating, sitting, dressing, using the bathroom, etc.) The IEP must address all the areas in which the child's disability affects his education, not just the areas under the IDEA eligibility categories[54] (*e.g.*, the child is found eligible because of an orthopedic impairment but also has reading problems --the school district must address both areas).

The information in this section should have a direct relationship to the rest of the IEP. For example, if the child has a problem with reading, then goals and objectives should address reading. It is important to list in this section any behavior problems a child may have so that goals and objectives can be written to address those issues. This section should also include an explanation of any relevant evaluations. Evaluation results, including standardized test results, should be explained in narrative form, not as a list of test scores. All the information in this section should be written in objective, measurable terms and be based on evaluation results or last year's progress on goals and objectives.

Annual Goals.[55] The annual goals in an IEP should describe what the child can reasonably be expected to accomplish in the next twelve months. They should correspond to the needs listed for the child in the present levels of performance section. These goals are broken down into smaller steps called short-term objectives which should lead to accomplishment of the annual goal.

Short-term Objectives or Benchmarks.[56] Short-term objectives, also called benchmarks, are the milestones for measuring the child's progress. IDEA 2004 requires a description of benchmarks or short-term objectives only for children with disabilities who take alternate assessments.[57] Alaska law still requires short-term objectives for all children with disabilities.[58] They should be objective, measurable steps to achieving the annual goals. This section should include information on how each objective will be measured, who is responsible for implementing each objective, and how a parent will be informed of the child's progress on a regular basis. The school district is required to inform parents of the child's progress at least as often as regular education parents are informed. Parents may request that daily notebooks or weekly progress sheets be sent home with their children.[59] (See page 51 Appendix H for information on Present Levels, Annual Goals and Short-Term Objectives.)

Special Education.[60] Every IEP is required to contain a description of all the specialized educational services to be provided by the school district. It should list everything a child needs to advance toward IEP goals and to progress in the general curriculum. These services should also assist a child to participate in academic and non-academic activities with non-disabled students as much as possible. IDEA 2004 requires districts to use special education instruction that is based on scientifically-based, peer-reviewed research.

Related Services.[61] The IEP should contain a statement of the specific services a child needs to benefit from special education. This should include a description of how often services will occur and who will provide these services (*e.g.*, physical therapy three times per week for 30 minutes per session by a licensed physical therapist; or daily note-taking provided in English and social studies periods by special education aide). School districts are required to provide all services needed by a child, **not** just the services the school district has available.

Supplementary Aids and Services[62] Supplementary aids and services means aids, services and other supports provided in regular education classes or other education-related settings to enable a child with a disability to be educated with non-disabled children to the maximum extent appropriate.

What is Extended School Year?[63] Extended school year (ESY) means a child's IEP services are extended beyond the normal school year, typically during the summer and during long school breaks. ESY is to be determined at an IEP team meeting and be based on the child's unique needs like all other services. ESY cannot be limited to particular categories of disability or unilaterally limit the type, amount or duration of services. The Alaska Special Education Handbook states a child may be eligible for extended school year services for any of the following reasons:

1. The child has a critical skill that is in the process of emerging (emerging skill).
2. The child might lose skills learned and be unable to quickly regain those skills when school begins again (regression/recoupment). Note: Actual regression is not required.
3. The child is learning a critical skill that would allow them to function as independently as possible and this skill would be lost without ESY services (self-sufficiency).

ESY service determinations should be addressed by the IEP team in January or February to allow the parents time to pursue their due process rights in case of disagreement. ESY services must be based on the individual needs of a child, not on the summer programs the school district has available. (See page 49-50 for Helpful Hints for Parents #8 for extended school year.)

What is Assistive Technology?[64] Assistive technology (AT) is a device or service used to improve the capabilities of a child with a disability to function in school. Devices can include communication equipment, computer equipment, voice recognition programs, closed captioned television sets, tape recorders for note taking, TTYs, or any other piece of technology the IEP team determines the child needs. Assistive technology services include modifications to equipment and training for the child, staff, and family as needed. Parents who think technology of some kind can help their child may request an evaluation for Assistive Technology. (See page 39 for a sample letter #1: requesting an evaluation.)

Least Restrictive Environment[65] **(LRE)**. The IDEA requires children be educated to the maximum extent possible with children who are not disabled. This is called the Least Restrictive Environment provision. A child should be provided enough services and supports to allow participation in academic and non-academic activities with non-disabled students as much as possible. The IEP must include a statement of the amount of time a child will spend with non-disabled peers in the regular education setting.

Should a child with a disability be included in statewide testing?[66] IDEA requires that all children with disabilities be included in statewide testing. IEPs are required to include an explanation regarding the extent of a child's participation in statewide tests including the Alaska High School Graduation Qualifying Examination. The statewide testing occurs in third grade through tenth grade. Students who do not pass the Alaska High School Graduation Qualifying Examination will receive a certificate of attendance, not a high school diploma. Students can begin taking the graduation examination in the 10th grade.

All testing must take into account the child's primary language and ethnic background so that the testing will not be culturally biased. It should also take into account the child's disability and make appropriate

accommodations so the results will provide an accurate picture of the child's academic ability. It is important to be aware of any special accommodations the child may need to effectively participate in these tests. All test accommodations must be listed on the child's IEP. If it is not appropriate for the child to take these tests, the IEP must include a statement of why the child will not participate, and what alternative test will be administered. This is an IEP team decision and the parent needs to be part of making this decision.

What are Transition Services?[67] Transition services are a coordinated set of activities that address a child's transition from school to the adult world. Transition plans must begin at age 16 unless the IEP team determines it is appropriate to begin at a younger age. The starting point to determine transition services should be a transition evaluation. The focus of transition services is usually based on the results of a transition evaluation to determine the child's needs in five key areas: post-secondary education, vocational education, integrated employment, continuing and adult education, adult services, independent living, or community participation.

At age 16, the school district must provide transition services, which can include instruction as well as actual life experiences. The IEP must also contain a description of transition services and specify whether the school district or another agency will be providing those services.

These services must be based on individual needs, taking into account the student's preferences and interests.[68] If appropriate and with parental consent, a student of transition age should be included in the IEP meeting to help the team understand the student's preferences and interests. A child should not be placed in a vocational program solely because that is the vocational program the school district has available. Transition services can include:

- ❑ A functional vocational evaluation, interest survey, and vocational aptitude test;
- ❑ Instruction, including post-secondary education, vocational training or adult education;
- ❑ Work experiences, including integrated employment or supported employment; and
- ❑ Community experiences such as daily living skills, independent living skills and community participation.

The IDEA requires school districts to invite professionals or other people they feel will be helpful in developing an appropriate transition plan for the child to IEP meetings. Districts are required to provide services to children who have not received a regular diploma through age 21. From age 18 through age 21, transition services should be the main focus of a child's IEP. At this point, services generally consist of actual life experiences in both work and adult living that are appropriate for the child. (See page 50 for Helpful Hints for Parents #9 on transition planning.)

How often can a child's IEP be changed?[69] Under Alaska state law, an IEP can only be changed at an IEP meeting.[70] IDEA 2004 allows IEPs to be changed without an IEP meeting if an annual IEP meeting has been held and the parent consents to the changes in writing. The district must then ensure that the IEP team members and staff working with the child are informed of the changes. Parents should request a copy of the IEP with the changes incorporated. The IDEA requires a child's IEP be reviewed at least once a year, however, IEP meetings should be held as often as necessary to address a child's needs. Anyone on the IEP team can request an IEP meeting. A parent should request an IEP meeting in writing. (See page 42 for sample letter #5: Request for an IEP Meeting.) A copy of this letter should be kept, making note of the date sent and who received it. It is a good idea to schedule your child's

annual IEP meeting in the spring when the teacher and staff who know the child best can attend. If your child requires extended school year (ESY) services, an IEP meeting should be requested in January or February so the team will have enough time to plan for services to continue through the summer.

What happens to student's IEPs when they move to a new school district?[71] Students with IEPs who move into a new district or to a new state, must be provided the services on their IEP or comparable services by the new district until the new district holds an IEP meeting.

DISCIPLINE [72]

What if a child with a disability gets into trouble at school and is suspended or expelled? Like other students, children with disabilities can be suspended or expelled. However, there are special rules the school district must follow when disciplining children with disabilities. These protections were put into the IDEA to prevent schools from suspending or expelling students without considering the effects of the child's disability.

There is often a lot of confusion when a child is suspended. Parents should immediately contact the Disability Law Center for assistance to help in understanding their rights. Some school districts have parent or student handbooks that include a section regarding what to do if a child with a disability is suspended. Parents should get a copy of the handbook, read it and become familiar with the rights a child has under the district's special education disciplinary process. Parents need to know they have the right to a special education due process hearing if they disagree with the manifestation determination or a change in the placement of their child resulting from a disciplinary action.[73] Parents who know their rights may prevent their child from being suspended or expelled.

On the same day the school district decides to suspend/expel or change the placement of a child for 10 or more school days, the school district is required by law to inform the parent, either in writing or by phone, of its action.[74] This notice should include information about what the child has done and what the school district is planning to do. It must also include information about parent's procedural rights, including the right to appeal the disciplinary action.

Suspensions lasting 10 school days or less. A child with a disability may be suspended and not receive educational services for up to 10 school days during a school year. The 10 school days could occur either consecutively (*e.g.*, for a single infraction) or separately (*e.g.*, for multiple minor infractions) during the year. However, if a child is subjected to shorter, separate suspensions for similar behaviors this may be considered a pattern of removal[75] by the school district that is inappropriate. Parents should contact an advocate if this is happening to their child.

If a child is being suspended frequently, parents should request an IEP meeting to discuss the behaviors with the team. Some issues to discuss are whether or not the child needs a re-evaluation, a functional behavioral assessment and a positive behavior intervention plan. Changes to the IEP goals and objectives should also be discussed.

Suspensions lasting more than 10 school days. <u>On or before the 10th school day</u> of suspension in a school year,[76] the IEP team must meet to conduct a functional behavior assessment and prepare a positive behavior intervention plan. If the child already has these in place, then the IEP team must

review and update them. These rules apply to all disciplinary actions resulting in a removal of 10 or more school days in a school year **except** those offenses involving weapons or illegal drugs, or when a hearing officer decides the child is dangerous.

What if a child is involved in an incident that includes a weapon, drugs or serious bodily injury?[77] If a child is involved in an incident with a weapon, drugs or serious bodily injury, school personnel can place the child in an appropriate Interim Alternative Education Setting (IAES) for no more than 45 school days. (See page 28-31 for definition of weapon, drugs and serious bodily injury) The interim alternative educational setting must be determined by the IEP team[78] and can be any place where the child receives the educational services and modifications described in his/her current IEP that will enable the child to meet the goals set out in that IEP and progress in the general curriculum. The IAES can be in another classroom, school, home, at the public library, etc. The IEP team must base their decision regarding IEP services and placement on the student's individual needs not on the programs they have available for suspended or expelled students. The school district is required to maintain a continuum of alternative placements for students who cannot be educated in their regular placement. Since suspensions of more than 10 school days are considered a change of placement, the IEP team must meet to conduct a manifestation determination.[79]

What is a Manifestation Determination?[80] If a suspension will last for more than 10 consecutive school days or a pattern of 10 cumulative school days, the IEP team must meet to determine whether the behavior resulting in the disciplinary action is a manifestation (or result) of the child's disability. Again, the decision made at this meeting will determine whether or not the child will be suspended or expelled. It is critical that parents attend this meeting and document any disagreements or concerns they have. The checklist on page 52 can be useful in a manifestation determination meeting.

The IEP team must answer the following questions to determine the relationship between the behavior in question and the child's disability:

1. Considering the behavior subject to discipline, was the behavior caused by or have a direct and substantial relationship to the student's disability?
2. Was the behavior the direct result of the district's failure to implement the IEP?

If the IEP team decides the behavior is a manifestation of the child's disability, then the child cannot be suspended or expelled. The district must hold an IEP meeting to address the child's behavior and create a behavioral intervention plan. The child must be returned to their current educational placement unless the IEP team, including the parents, agrees otherwise.

If the IEP team decides the behavior was not a manifestation of the child's disability, then it may suspend or expel the child, but the school district must continue to provide the child with an appropriate education after the 10th day of suspension. This appropriate education must enable the child to progress in the general curriculum and appropriately advance toward achieving the goals set out in the IEP.[81] If the school wants to reduce the type or amount of services to the child, it must do so through an IEP meeting. The IEP team must make this determination based on the student's individual needs not on the programs the district offers for suspended or expelled students. If there is a disagreement regarding the changes in IEP services, parents have the right to file for a due process hearing to keep their child in the current placement.[82] The school district is required to provide a continuum of alternative placements for students who cannot be in the regular classroom.[83]

What is a Functional Behavioral Assessment?[84] The IEP team meets to gather information on a child's disability and the behavior that has resulted in the disciplinary action to help determine the reason for the behavior. This is called a Functional Behavioral Assessment (FBA). This information should include a specific description of the behavior, information about the duration, frequency, and the intensity of the behavior, the antecedents of the behavior (what happened before), the intervention the school used during the behavior, the consequences resulting from the behavior (what happened after). It should also include a list of possible reasons for the behavior including environmental factors and possible health for medical issues that might be related. The school district should also look at prior incidents involving the child for a pattern of reoccurring behaviors. Information can be gathered from direct observation, interviews, evaluations, behavior data sheets and school records.

The IEP team may also request additional evaluations if they do not have enough information about how this behavior relates to the child's disability. When the functional behavioral assessment is complete, the school district must call an IEP meeting to review this information and identify positive ways to modify the behavior. As a member of the IEP team, parents must be included in this meeting. FBAs are required when a child is suspended for more than 10 consecutive days in a school year or, the removal from school constitutes a change of placement or for weapons/drug/serious bodily injury offense.

What is a Positive Behavior Intervention Plan?[85] When a student is suspended for more than 10 days in a school year, the IEP team must create a Positive Behavior Intervention Plan (BIP). This plan should not be punitive but rather focus on positive behavioral interventions and supports. This plan needs to include a specific description of the target behaviors as well as positive strategies and supports designed to decrease the unwanted behaviors and increase replacement behaviors. A good behavior intervention plan includes information from a functional behavioral assessment (FBA), a specific description of the behavior, behavior intervention strategies, positive replacement behaviors, a strategy for data collection, a plan to phase out the intervention techniques, specific dates to review the success of the plan, a statement of how the plan will be implemented outside of the school setting and a statement of how the plan relates to IEP goals. (See page 53 for behavior plan example and examples of positive behavior intervention strategies.) Positive intervention strategies can include changes in the classroom environment, teaching positive coping strategies, providing frequent feedback regarding behavior, establishing a routine, using a point system with rewards, role playing, problem solving, frequent praise of appropriate behaviors, teaching social skills or other positive interventions that will modify the child's behaviors.

What should parents do if they disagree with the change of placement or the manifestation determination? If parents disagree with any decision regarding a manifestation determination or the change of placement due to the disciplinary action by the school, they have the right to an expedited hearing to resolve the issue.[86] Remember that during a hearing the child will stay in the current educational setting, except for disciplinary actions relating to weapons, drugs or serious bodily injury. In these latter cases, the child will stay in the IAES until the hearing is completed or for 45 school days, whichever occurs first unless the parents and school agree on an alternate setting.

The child may also be placed in an IAES for up to 45 calendar days if a hearing officer determines that maintaining the child's current placement is substantially likely to result in injury to the child or to others.[87] In this case, the school district must provide "substantial evidence" that maintaining the current placement is substantially likely to result in injury to the child or to others. The hearing officer

must also consider whether the school made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services.[88]

DISPUTE RESOLUTION

What can be done when parents disagree with their child's school? Parents who disagree with the school district regarding their child's eligibility for special education, evaluations, IEP, placement or discipline have many options for resolving the situation. These include:

- ❑ Requesting an IEP meeting;
- ❑ Writing a letter of disagreement to the school district's Director of Special Education;
- ❑ Requesting mediation with the school district;
- ❑ Filing a complaint with the Alaska Department of Education and Early Development;
- ❑ Filing a complaint with the Office for Civil Rights; and
- ❑ Requesting a due process hearing.

The first option of dispute resolution parents should try is to request an IEP meeting to discuss any concerns. If an IEP meeting does not resolve the disagreement, a letter should be written to the school and/or Special Education Director specifying the disagreement. (See page 43 for an example of a disagreement letter). If this does not resolve the issues, parents should carefully consider how quickly a solution to the problem is needed as well as how much time and energy they are willing to invest in getting the desired solution. Parents can also contact an advocate to discuss what dispute resolution options are most appropriate to resolve the problem.

What is Mediation?[89] Mediation is a voluntary process in which the parents and school district staff meet with an impartial mediator who assists them in resolving their differences. It is a good idea to try mediation if one is unable to resolve a disagreement with the school district. It is generally the quickest and most positive way to solve the problem.

A request for mediation can be made to the Alaska Special Education Mediation Services, our state mediation service. To request mediation, contact Dave Thomas at Alaska Special Education Mediation Services (call: 1 (800) 580-2209 or email to thomaswf@centurytel.net). The Department of Education contracts with Alaska Special Education Mediation Services to provide two impartial mediators who are not employees of a school district and are trained in dispute resolution. Mediation is provided at no cost to the parents or the school district.

During mediation, the mediators act as facilitators. They help the parents and the school district come to a mutual understanding. Mediators can only assist the parties in resolving their differences and creating a solution. They are not allowed to make decisions regarding the issues. Parents should try to have an advocate attend the mediation session with them. School districts usually have two to three staff attend the mediation. Generally, attorneys are not involved in the mediation session.

If the parties are able to resolve their differences through mediation, the mediators put the agreement in writing. It is a good idea to include as part of this agreement that the mediated issues will be incorporated into the IEP. The agreement should also include a beginning and ending date. If a parent is unhappy with the mediation at any point, the mediation can be discontinued and they can request

a due process hearing. School districts may not use mediation as a means of delaying the right to a hearing. Parents can seek enforcement of mediation agreements by filing for a due process hearing or by filing an action in court.

When should a complaint be filed with the Department of Education & Early Development?[90] A complaint should be filed with the Alaska Department of Education and Early Development (DEED) when parents believe their child's rights under IDEA have been violated. DEED does not accept complaints alleging violations under Section 504. Examples of IDEA violations include when a child's school district: fails to provide the services listed on the child's IEP; refuses to provide parents with their child's school records; or any other violation of the IDEA. If a due process hearing has been requested, DEED will not investigate any issue(s) raised in the due process hearing. DEED will only investigate incidents that occurred within one year of the date of the alleged violation unless the violation is continuing or parents are requesting compensatory services for a violation that occurred not more than three years prior to the date the DEED receives the complaint.

Complaints to DEED must be in writing (See page 44 for an example of a DEED Complaint.) Complaints should include a statement of the relevant facts of the situation, such as:

- ❑ Dates of incidents;
- ❑ Times and dates of meetings;
- ❑ Who was at the meetings and summaries of meetings;
- ❑ What has been done to try to resolve the conflict; and
- ❑ A proposed solution to the problem.

Parents must remember to keep a copy of the complaint for their records. DEED will assign an independent investigator to look into the complaint. The investigator should contact the parents and the school district for additional information. They must complete their investigation within 60 days of receiving the complaint and issue a report of their findings. This report should address each allegation made against the school district separately and list the reasons for each decision. The complaint investigator can order corrective actions for the district. The school district must comply with the investigator's findings. Parents can appeal complaint decisions by filing for a due process hearing or an appeal in court.

If the DEED decides it will not investigate a complaint, or if the school district does not comply with the corrective actions in the investigator's report, the Disability Law Center should be contacted.

When should a complaint be filed with the Office for Civil Rights?[91] If a child has a 504 Plan or IEP and parents believe the school is violating their child's rights, they may file a complaint with the Office for Civil Rights (OCR). A complaint to the OCR should be made when the school district is discriminating against a child because of their disability. Examples of discrimination include: exclusion from classes or extra curricular activities because of a child's disability; when any part of the school building is not accessible to a child; when children are placed in certain programs based on their disability not on their individual needs; or any other form of discrimination based upon a child's disability. This discrimination must have occurred within 180 days from the date of the complaint (the deadline may be extended if the discrimination is continuing; however, a complaint should be filed as soon as possible).

To file an OCR complaint, you must fill out a form provided by the Office for Civil Rights (See page 45 on where to find an OCR complaint form.) An investigator will then gather information and review the case. If they find sufficient reason to investigate, they will arrange a meeting (usually by telephone) with the individual filing the complaint and the school district. OCR will attempt to resolve the conflict and write up an agreement. School districts are required by law to comply with this agreement.

It is important to note that one cannot file for a due process hearing if involved in an OCR complaint, nor will OCR accept a complaint if one has filed a request for a due process hearing. School districts are forbidden from intimidating, threatening, or coercing anyone who has filed a complaint with OCR.

When should a Due Process Hearing Request be filed?[92] Parents have the right to request a due process hearing if they disagree with the school district regarding their child's identification, evaluation, IEP services or placement. Parents may also request a hearing if the school district refuses to identify, evaluate, change the child's IEP or placement. The right to an expedited hearing exists for issues involving discipline.[93] A due process hearing must be requested within one year of the date of the alleged violation that forms the basis for the hearing.[94]

A due process hearing is a legal proceeding where parents and school district officials present their case to an impartial hearing officer. Due process hearings are similar to court cases, as there is a need to present evidence and call witnesses. The school district will have an attorney and parents should consider having one also. The school district should provide you with a list of free or low cost attorneys. IDEA 2004 includes a provision that allows school districts to obtain attorneys fees for any hearings in which the district prevails and the parent's case was frivolous or unreasonable. Thus it is a good idea to consult an attorney before filing for a due process hearing.

It is important to remember that, with some exceptions, a child will stay in the educational placement they were in from the time a hearing is requested until the issue is resolved. This is called "stay put".[95] A stay-put placement can only be changed if both parties agree to an interim placement. If parents do not like their child's current placement, this is an important point to consider before filing for a due process hearing. Here are additional things to consider before filing for a due process hearing:

- ❑ Has the issue been discussed with the IEP team?
- ❑ Has the concern been documented in writing? (letters to the IEP team, Special Education Director, etc.)
- ❑ Have attempts been made to resolve this issue with the district's Director of Special Education?
- ❑ Has the option of mediation been considered to resolve the issue?
- ❑ Is this an issue for the Alaska Department of Education (DEED) or the Office for Civil Rights?
- ❑ The time it will take for the issue to be resolved. (Hearings and subsequent court proceedings can take years to resolve.)
- ❑ Is it desired that the child stay in the current educational placement until this issue is resolved?

Parents should get a copy of all the records from the school. These records should include: education records and evaluations, independent evaluations, copies of parent's letters to the school, copies of all correspondence parents received from the school, any additional records regarding the child's disability or the issue, etc. (See page 39 for an example of a letter requesting records.)

Parents can request a hearing by filling out a hearing request form provided by the school district or by writing a letter. (See page 46 for information on how to request a sample form for a Due Process Hearing). In any case, the hearing must be requested in writing. The request must include the following information:

1. The name of the child;
2. Parents' address;
3. The name and address of the child's school;
4. A description of the problem; and
5. The proposed resolution of the problem.

Parents should remember to keep a copy of this letter or form, making a note on who received it and the date. If the request is mailed, it should be sent by certified mail with a "return receipt" requested from the post office.

Districts must respond to the parents request for a hearing by sending written notice addressing each of the issues in the hearing request within 10 days.[96] The district must also schedule a resolution meeting[97] within 15 days of receiving a hearing request. The purpose of this meeting is to attempt to resolve the hearing issues. The district may not have an attorney present at the resolution meeting unless the parents have an attorney present.

Soon after a hearing is requested, DEED will appoint a hearing officer. Each party can decline one hearing officer without stating a reason. Before selecting a hearing officer, parents should contact other parents and advocates for referrals, ask for the resume of the hearing officer, and review previous decisions from the proposed hearing officer. Hearing officer decisions should be available from the Department of Education and Early Development.

The hearing should be held at a time and a place that is convenient for both parties. Parents can decide if the hearing will be closed or open to the public. A written decision from the hearing officer must be sent within 45 days after a resolution meeting is held, unless an extension was granted during the hearing. If either party is unhappy with the decision of the hearing officer, they may file an appeal in federal or state court.

INFANTS AND TODDLERS[98]

What about infants and toddlers with disabilities? The IDEA requires states to provide services to children with disabilities who are not yet school age (birth to age 5). As previously noted, the IDEA provides that children ages 3 to 5 who are diagnosed with a developmental delay are eligible for preschool services through the school district.[99] They must have an IEP and receive all the same services as school-age children.[100] (See Appendix A on page 24 for the definition of developmental delay). The services for children under the age of 3 are provided through the Infant Learning Programs (ILP). These programs are family centered which differs from the other parts of the IDEA which focus on the individual needs of the child with the disability. These programs are described in detail in the following paragraphs.

Infants and toddlers under the age of 3 are also eligible for educational services. Under Part C of the IDEA[101], there is an early intervention program for children under the age of 3 who have disabilities that are likely to result in a developmental delay. These services are usually provided in the child's home by the Infant Learning Program (ILP). (See Appendix D on page 33 for the ILP's contact information) Early intervention services can include: special instruction, speech and language services, occupational therapy, physical therapy, vision services, transportation, and assistive technology. They can also include services to support the family such as family training and counseling as well as social work services.

To be eligible for early intervention services, a child must have a developmental delay (or disability), or be at risk of experiencing developmental delay (or disability) if early intervention services are not provided.[102] ILP services are prioritized based on the severity of the child's developmental delay or disability. A child who has a severe developmental delay or a severe sensory impairment must be offered services without delay if there is an Infant Learning Program in the region.[103] For a child over one-year of age, a severe delay is defined as a six-month delay in at least two of the developmental areas tested.[104] For children under one-year of age, they need to have a developmental delay which is 50% below the norm in 2 or more areas.

Identification and Evaluation in ILP. Parents may refer their child for an evaluation. For service providers who identify a child, the state must provide an effective method to ensure referrals for evaluation are made within two days. A referred child must be evaluated within 45 days by appropriate qualified personnel who are trained to utilize appropriate methods and procedures. The child must be appropriately evaluated in each of the following five developmental areas:[105]

- ❑ Cognitive;
- ❑ Physical, including vision and hearing;
- ❑ Communication;
- ❑ Social or emotional; and
- ❑ Adaptive development.

Individualized Family Service Plans (IFSPs). In addition to a child's evaluation discussed above, the support a family needs to assist with the child's disability will also be assessed. This information will be written in an Individualized Family Service Plan (IFSP) created by the family and the service providers[106.] The IFSP should contain a statement of the child's current level of development, information on the family's resources and supports, goals, a description of the services the child needs, dates of when the services will begin and end, who the service coordinator shall be, and information on transitioning to school. The IFSP must be reviewed every six months to make any modifications or revisions, as needed. All children in the Infant Learning Program who will continue to need services must be transitioned into the preschool program and have an IEP by the child's third birthday.[107]

Procedural Safeguards. Any time an ILP proposes (or refuses) to initiate or change the identification, evaluation, or placement of the child or the provision of appropriate services, parents have a right to a variety of procedural safeguards including: examining records, mediation, due process with advice by counsel, a state complaint, and appeal to court.[108] During any proceeding or appeal, unless agreed otherwise, the child must continue to receive the appropriate early intervention services currently being provided.[109] If a complaint relates to an application for initial services, the child and family will receive the services that are not in dispute.[110]

SECTION 504

What if a child doesn't qualify for Special Education under the IDEA? Section 504 of the Rehabilitation Act,[111] passed in 1973, is a civil rights law designed to prohibit any recipient of federal funds (including school districts) from discriminating on the basis of disability. Section 504 ensures that school districts create a set of policies and procedures to enable students with disabilities to receive an appropriate public education. Section 504 can be a powerful tool for parents whose children do not fall into any of the categories listed in the IDEA.

Eligibility under Section 504. A child is a "qualified handicapped person" if the child has a physical or mental impairment that substantially limits one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.[112] Examples of children who are not IDEA eligible but who could be eligible under Section 504 include a child with epilepsy or AIDS, a child with ADD/ADHD, a child with diabetes or a learning disability not significant enough to require special education. All children eligible under IDEA are also eligible under Section 504 and the ADA.

Section 504 requires school districts to seek out and find children with disabilities[113], evaluate their needs and provide them with an educational plan to meet their needs.[114] The school district is required to gather information from a variety of sources including child's teacher, observation and formal evaluations. These formal evaluations must be designed to assess the specific areas of the child's education needs and not just provide information on their IQ. All evaluations must take into account the child's primary language and ethnic background so that the testing will not be culturally biased. It should also take into account the child's disability and make appropriate accommodations so the results will provide an accurate picture of the child's abilities as well as the areas of need. Section 504 also requires an evaluation before making a significant change in the student's placement.

Once all the information has been gathered, a group of people who are knowledgeable about the child will meet to decide if the child is eligible under Section 504 and whether accommodations or special education may be necessary. If so, they will create a Section 504 plan for the student.[115] (For an example of a Section 504 plan, see page 54) This plan may include regular education, special education and related services designed to meet the unique needs of the child as adequately as the needs of a non-disabled child are met.[116] This also means that all students should have equal access to non-academic and extra curricular activities.[117] Section 504 prohibits schools from segregating students with disabilities in separate classrooms or buildings because of their disabilities. Section 504 requires school districts to educate students with disabilities to the maximum extent possible with non-disabled students unless an appropriate education cannot be satisfactorily achieved using supplementary aids and services. It also requires schools to place students with disabilities in the school that is as close to their home as possible.

Although Section 504 does not have regulations that address discipline issues, Section 504 entitles public school students to discipline protections similar to those under IDEA. Under Section 504, long-term suspensions of more than 10 days and in some cases, cumulative short-term suspensions exceeding 10 days are a significant change in placement.[118] Before implementing a significant change in placement, the school must conduct a re-evaluation, and to determine whether the misbehavior is a manifestation

of a disabling condition. If the behavior is related to the disability, the student may not be subjected to a significant change of placement. If the behavior is not related to the disability, the student may be suspended or expelled. When a Section 504 student has repeated or serious behaviors the school must develop an individual behavioral intervention plan.

APPENDIX A: IDEA DISABILITY CATEGORIES[119]

For a child to be eligible for special education under IDEA, they must have one of the following disabilities that adversely affects their educational performance and requires specially designed instruction.

Autism means a child who has a developmental disability that significantly affects verbal and nonverbal communication and social interaction, generally evident before age 3. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

Deaf-blindness means a child who has a combination of hearing and visual impairments that causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or blindness.

Deafness means a child who has a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification.

Developmental Delay (DD) means a child between the ages of 3 and 9 years old, who has a delay in physical development, cognitive development, communication, social or emotional development or adaptive development.

Emotional Disturbance (ED) means a child who has one or more of the following characteristics over a long period of time and to a marked degree: inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; a tendency to develop physical symptoms or fears associated with personal or school problems.

Hearing Impairment means a child who has impairment in hearing, whether permanent or fluctuating which adversely affects their educational performance.

Mental Retardation (MR) means a child who has a significantly below average general intellectual functioning (IQ) with deficits in adaptive behavior and manifested during the developmental period.

Multiple Disabilities means a child who has two or more disabling conditions which in combination causes such severe educational needs that the child requires intensive programming and cannot be accommodated in special education programs solely for one of the impairments.

Orthopedic Impairments means a child who has an orthopedic impairment due to congenital anomaly, disease or other causes.

Other Health Impairments (OHI) means a child who has a chronic or acute health problem that results in limited strength, vitality or alertness including but not limited to: asthma, ADD/ADHD, diabetes, epilepsy, heart condition, hemophilia, leukemia, nephritis, rheumatic fever, Tourette syndrome and sickle cell anemia.

Specific Learning Disability (SLD/LD) means a child who has a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations, including such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

Speech or Language Impairment means a child who has a communication disorder such as stuttering, impaired articulation, language impairment, and/or voice impairment.

Traumatic Brain Injury (TBI) means a child who has acquired an injury to the brain caused by an external physical force resulting in total or partial functional disability and/or psychosocial impairment that adversely affects educational performance. This includes a child who has an open or closed head injury that results in an impairment in one or more of the following areas: cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical function, information processing, and speech.

Visual Impairment means a child who has a visual impairment, which even with correction adversely affects the student's educational performance; includes children who are partially sighted or blind.

APPENDIX B: ACRONYMS

504	Section 504 of the Rehabilitation Act of 1973
ADA	Americans with Disabilities Act
ADHD/ADD	Attention Deficit Hyperactivity Disorder/Attention Deficit Disorder
AT	Assistive Technology
BIP	Behavior Intervention Plan
DEED	Department of Education and Early Development
DVR	Division of Vocational Rehabilitation
ED/SED	Emotional Disturbance/Serious Emotional Disturbance
EAHCA	Education for All Handicapped Children Act, PL 94-142
ESY	Extended School Year
FAPE	Free Appropriate Public Education
FBA	Functional Behavior Assessment
IAES	Interim Alternative Educational Setting
IDEA	Individuals with Disabilities Education Act
IEE	Independent Education Evaluation
IEP	Individualized Education Program
IFSP	Individual Family Service Plan
ILP	Infant Learning Program
LD/SLD	Learning Disability/Specific Learning Disability
LRE	Least Restrictive Environment
MD	Multiple Disabilities
MDT	Multi-Disciplinary Team
MR	Mental Retardation

OCR	Office for Civil Rights
OHI	Other Health Impairment
OI	Orthopedic Impairment
OT	Occupational Therapy
P.L. 94-142	The Education of Handicapped Amendments of 1986
PLEP	Present Level of Educational Performance
PT	Physical Therapist
RTI	Response to Intervention
SBI	Serious Bodily Injury
SESA	Special Education Service Agency
SI	Speech Impairment
SLP	Speech and Language Professional/Therapist
STO	Short-Term Objective
TBI	Traumatic Brain Injury
VI	Visual Impairment

APPENDIX C: GLOSSARY

Annual Goals describe what your child can reasonably be expected to accomplish in the next 12 months.

Americans with Disabilities Act is a civil rights law passed in 1990 that prohibits schools from discriminating against individuals with disabilities.

Assistive Technology is a device or service used to improve the capabilities of a child with a disability to function in school.

Behavior Intervention Plan is a positive behavior intervention plan (also called BIP) created by the IEP team to modify a child's behavior to enable the child to gain educational benefit.

Benchmarks, also called short-term objectives, are objective, measurable steps that gauge a child's progress towards achieving their annual goals.

Child Find is the obligation of the State and Local Education Agencies to "seek out and find" all children with disabilities in their jurisdiction.

Department of Education and Early Development is the state agency responsible for ensuring that school districts comply with state and federal regulations.

Division of Vocational Rehabilitation is a state agency responsible for providing vocational services to students with disabilities in transition as well as adults with disabilities.

Drugs include illegal drugs and/or controlled substances that are knowingly in the possession of the student.

Due Process Hearing is a legal proceeding where parents and school districts present their case to an impartial hearing officer.

Expulsion is when a child is removed from school for at least one year due to a disciplinary action.

Extended School Year is when a child's IEP services are extended beyond the normal school year including summer break, spring break and other holidays.

Evaluation is when the school district gathers information to determine if your child has a disability that interferes with their learning, if they need specially designed instruction, and to identify their educational needs.

Free Appropriate Public Education is education provided to all children with disabilities, which meets their individual needs at no cost to the parents.

Functional Behavioral Assessment is when a child's IEP or 504 team gathers information on a child and their behavior to determine the reason for that behavior.

Individualized Education Program is an education plan tailored to meet the needs of a child with a disability that lists the special education and related services the child needs to receive an appropriate education.

IEP Team is the people who work together to develop the IEP, including the child (if appropriate), the parent, regular and special education teachers, a school district representative, and evaluators or therapists as appropriate.

Independent Education Evaluation is an educational evaluation paid for by the school district conducted by a qualified professional who not employed by the district.

Individuals with Disabilities Education Act is a federal law that provides federal funds to states who educate children with disabilities.

Individualized Family Service Plan is a service plan of early intervention services tailored to meet the needs of a child with a disability under the age of 3.

Infant Learning Program is a state agency that provides early intervention services to children with disabilities under the age of 3.

Initial Evaluation is when a child is first evaluated to see if they have a disability that is interfering with their learning and requires specially designed instruction.

Interim Alternative Educational Setting is any place where a child who has been involved in an incident with a weapon, drugs or serious bodily injury receives the educational services listed on their IEP for up to 45 school days.

Least Restrictive Environment is an IDEA mandate that requires schools to educate students with disabilities to the maximum extent appropriate with non-disabled students while appropriately meeting their educational needs.

Location is the place where your child is going to school including the school, classroom and teacher.

Manifestation Determination is a decision made by the IEP Team as to whether a behavior is related to a child's disability.

Mediation is a voluntary process in which parents and school staff use an impartial mediator to assist in resolving their dispute.

Office for Civil Rights is the federal agency responsible for ensuring that school districts comply with federal laws regarding discrimination.

Placement refers to a level of services the district provides to a student with disabilities such as intensive needs classroom, resource room or special school.

Present Level of Performance is a summary of how a child's disability affects their education including academic achievement and non-academic or functional areas.

Related Services are therapies and support services required to assist a child with a disability to benefit from special education.

Resolution Meeting is a meeting between the parents and the school district, after a hearing has been filed, to try settle the dispute.

Response to Intervention is the progress a student makes in response to appropriate instruction that is scientifically and research based.

Section 504 is the section of the Rehabilitation Act 1973 that specifically prohibits discrimination by schools that receive federal funds.

504 Plan is an educational plan designed to meet the needs of a child with a disability that is eligible under Section 504.

Serious Bodily Injury means bodily injury which involves a substantial risk of death; extreme physical pain; obvious disfigurement; or loss or impairment of the function of a bodily member, organ, or mental faculty.

Short-Term Objectives, also called benchmarks, are objective, measurable steps that gauge a child's progress towards achieving their annual goals.

Special Education is specially designed instruction that meets the unique needs of a child with a disability. It is *not* a specific program or classroom.

Special Education Service Agency (SESA) is a state agency that provides trained staff who travel around Alaska to provide assistance to students in special education and their teachers.

Stay Put is the educational placement a child is in when the parents file for a due process hearing or file a case in court. Typically, it is the last agreed upon placement unless the parties agree to an interim placement. The child must remain in this placement until the hearing issue is resolved.

Supplementary aids and services means aids, services, and other supports provided in education related settings (including regular education classes) to enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate.

Supported Employment is employment for people with disabilities in the community which requires support services for them to be successful.

Suspension is when a child is removed from school for behavior or as a result of a disciplinary action.

Transition Services are a set of coordinated activities that address a child's transition out of school and into the adult world beginning at age 16.

Transportation includes transportation to and from school, in and around school buildings, between schools, or any equipment needed to provide this transportation.

Vocational Education can be both vocational instruction and actual employment experiences that prepare a child with a disability to become employed in the community.

Weapon means a weapon or device used for or readily capable of causing death or serious bodily injury except a pocketknife with a blade less than 2½ inches.

APPENDIX D: ALASKA STATE RESOURCES & WEBSITES

There are many Alaskan resources and websites with disability information and special education. This is a small list to get you started. For information on specific disabilities contact the Special Education Service Agency (SESA) and Stone Soup Group.

Access Alaska
This statewide program assists Alaskans with disabilities to live independently in the community of their choice. Website provides information on disability issues, Access Alaska services, the Alaska Resource Manual, the ADA Partner's Project and links to other sites.

121 W. Fireweed Lane Suite 105
Anchorage, Alaska 99503
(907) 248-4777
(800) 770-4488 (in state only)

3550 Airport Way, Suite 3
Fairbanks, Alaska 99709-4772
(907) 479-7940
Website: www.accessalaska.org

Alaska Department of Education and Early Development (DEED)
The Alaska Department of Education and Early Development is responsible for all special education programs in the state. Website provides general information, names/addresses of Special Education Directors in Alaska, the Special Education Handbook, and links to other websites.

Special Education Programs
801 West 10th Street, Suite 200
PO Box 110500
Juneau, Alaska 99811-0500
(907) 465-8693
(907) 465-2806 Fax
Website: www.eed.state.ak.us/tls/sped

Assistive Technologies of Alaska /ATLA
ATLA is a nonprofit organization specializing in assessments, assistive technology, and technology training services. ATLA offers training as well as no-cost equipment demonstrations and short term loans. A used equipment recycling program is also coordinated by ATLA. Website provides information about ATLA and various assistive technology options available at ATLA.

2217 E. Tudor Rd., Suite 4
Anchorage, Alaska 99507
(907) 563-2599
(800) 723-2852 (in state only)
Website: www.atla.biz

Governor's Council on Disabilities and Special Education
A state council whose purpose is to improve the independence, productivity and inclusion into the community for people with developmental disabilities. Website provides information of the council, a list of publications including *Where to Turn*, a guide to resources and agencies in Alaska.

3601 "C" Street, Suite 740
PO Box 240249
Anchorage, Alaska 99524-0249
(907) 269-8990 Voice/TDD
(888) 269-8990 Toll free
Website: www.hss.state.ak.us/gcdse

Infant Learning Program
A state program that provides early intervention services for children with disabilities under age 3. Contact the following address for the Infant Learning Program nearest you.

Erin Kinavey , Program Manager, Part C Coordinator
3601 C Street, Suite 943
Anchorage, Alaska 99524
1-800-799-7570 Toll Free
Website: http://hss.state.ak.us/ocs/InfantLearning/default.htm

Students Teachers and Parents Center
Anchorage School District
The STeP Center is part of the Special Education Department in the Anchorage School District. The STeP Center provides information and resources to students, teachers and parents. They have an extensive lending library and large website. The STeP Center staff provide problem solving of issues and can help you locate resources within the Anchorage School District. Additionally, the STeP offers monthly educational opportunities through mini-conference events including Parent Teacher Institutes.

Boniface Education Center
5530 E. Northern Lights #8
Anchorage, AK 99504
907-742-3872
Website: www.asdk12.org/depts/step

Special Education Service Agency (SESA)
A state agency that provides trained staff who travel around Alaska to provide assistance to students in special education and their teachers. Website includes general information, a lending library, conference information, FAS and Austim websites, and links to other disability and special education websites.

3501 Denali St., Suite 101
Anchorage, AK 99503
907-334-1300
907-563-8284 TTY
Website: www.sesa.org

Stone Soup Group
Stone Soup Group is the new parent training and information center (PTIC) for the state of Alaska. They receive federal funding to help parents understand the provisions of the Individuals with Disabilities Education Act and to become effective advocates for their child with a disability. They also provide information and referrals as well as maintaining a parent to parent network throughout the state. Stone Soup Group also works with families of children who are medically fragile to help them navigate this system. They also offer training and technical assistance in positive behavioral support to help the families of children with difficult behaviors to discover the communicative intent of the problem behavior and to teach the child the skills he or she needs in order to communicate more appropriately.

3350 Commercial Drive, Suite 100
Anchorage, Alaska 99501
(907) 561-3701
(877)786-7327 Toll Free
Website: www.stonesoupgroup.org

Center for Human Development, University Center for Excellence on Developmental Disabilities, Research and Services
A federally funded program that assists communities to respond to the needs of people with developmental disabilities through training for professionals, creation of exemplary service programs, technical assistance, and applied research. Website offers information and links to other disability websites.

2702 Gambell St, Ste 103
Anchorage, Alaska 99503
Phone: (907) 272-8270
Website: www.alaskachd.org

APPENDIX E: NATIONAL RESOURCES & WEBSITES

There are many national resources and websites on special education and disability issues. This is a small sampling to get you started. For information on specific disabilities, contact the Bazelon Center for Mental Health Law or the National Information Center for Children and Youth with Disabilities (NICHCY).

Bazelon Center for Mental Health Law
A national nonprofit legal advocacy organization that provides information, public education and systems advocacy for people with mental disorders. Website provides extensive information on disability issues and links to other disability sites.

1101 15th St. NW, Suite 1212
Washington DC 20005-5002
(202) 467-5730 Voice
(202) 467-4232 TDD
Website: www.bazelon.org

Clearinghouse on Disability Information
Office of Special Education and Rehabilitative Services (OSERS)
The Clearinghouse provides information to people with disabilities, or anyone requesting information, by doing research and providing documents in response to inquiries. Information provided includes areas of federal funding for disability-related programs. Clearinghouse staff is trained to refer requests to other sources of disability-related information, if necessary.

550 12th Street, S.W., Room 5133
Washington, DC 20202-2550
(202) 245-7307
(202) 205-5637 TTD
Website: www.ed.gov/about/offices/list/osers/codi.html

Council of Parents Attorneys and Advocates (COPAA)
The Council of Parent Attorneys and Advocates, Inc. (COPAA) is an independent, nonprofit organization of attorneys, advocates and parents whose mission is to secure high quality educational services for children with disabilities. They provide information and support for parents, advocates and attorneys working in the special education field. They also have an annual conference.

PO Box 6767
Towson, Maryland 21285
(443) 451-5270
Website: www.copaa.net

Educational Resources Information Center (ERIC)
A national information system that gathers and disseminates information and resources on the education and development of individuals with disabilities. Website provides a huge database of information which uses a search engine. You must be specific in your search queries.

655 15 th St, NW, Suite 500
Washington, DC 20005
(800) 538-3742
Website: www.eric.ed.gov

Family Village
Website offers information on disabilities and numerous resources as well as links to many websites including to the actual IDEA regulations.

Website: www.familyvillage.wisc.edu/

Heath Resource Center The National Clearinghouse on Postsecondary Education for Individuals with Disabilities
A national agency that provides information on post-secondary education and transition information for individuals with disabilities.

George Washington University
2121 K Street, NW, Suite 220
Washington, DC 20037
(202) 973-0904 Voice/TTY
(800) 544-3284
Website: www.heath.gwu.edu

National Information Center for Children and Youth with Disabilities (NICHCY)
A national information and referral center that provides information on disabilities and education issues as well as referrals across the country. An excellent website offering extensive information on disabilities and special education as well as numerous links to other disability websites.

PO Box 1492
Washington, DC 20013
1(800) 695-0285 Voice/ TTY
Website: www.nichcy.org

Office for Civil Rights (OCR)
A federal agency that investigates complaints of discrimination against individuals with disabilities.

Office for Civil Rights, Region X
U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, Washington 98174-1099
(206) 220-7900
(206) 220-7907 TDD
Website: www.ed.gov/about/offices/list/ocr/index.html

Reed Martin, J. D. Special Education Law
A nationally renowned attorney who has represented parents of children with disabilities for more than 28 years in special education cases. His website provides special education information and publications for sale.

P. O. Box 4003
Morgantown, WV 26504-4003
(304) 598-3406
Website: www.reedmartin.com

TASH
A national organization that advocates for the inclusion of all people in society by providing information, training, public education and litigation. Website provides information on disability issues, government issues, and links to other sites.

29 W. Susquehanna Ave., Suite 210
Baltimore, MD 21204
(410) 828-8274 Voice
(410) 828-1306 TDD
Website: www.tash.org

Wrightslaw
Pete Wright is an attorney in private practice that experiences a learning disability and represents parents in special education matters. He and his wife Pam have a website that provides free articles and information for parents of children in special education. Mr. Wright also wrote the book, "Wrightslaw: Special Education Law." This book contains all the statutes and regulations regarding special education as well as his comments.

Website: www.wrightslaw.com

APPENDIX F: SAMPLE LETTERS

Sample Letter #1: Request for Evaluation

You might want to request an evaluation if you notice your child is having problems in school that affect his learning, such as difficulty with: language, following directions, writing, math, reasoning abilities, organizational skills, maintaining relationships with peers, sustaining attention, following multi-step instructions, reading comprehension, fine or gross motor tasks, etc. You should make your request in writing. Be sure to keep a copy of this letter, making note of who received it and the date.

Date

Principal or Special Education Teacher's Name
Name of the Child's School
School's Address

Dear *(Principal or Special Education Teacher's 's Name)*,

I am the parent of *(your child's full name)* who is a student in *(teacher's name)*'s *(grade level)* class. *(His/Her)* date of birth is *(child's birth date)*.

I have concerns about *(your child's first name)*'s progress in the *(grade level)* grade. I am writing to request an evaluation under the IDEA and Section 504 to determine what special education and related services *(your child's first name)* may need for *(him/her)* to be successful in school. *(Your child's first name)* is having problems in the following areas:

(List the things that concern you about your child's progress in school or areas where your child's disability affects his ability to function in a school setting.)

I give consent for *(your child's first name)* to be evaluated in the above areas. I would like the evaluation process to begin as soon as possible. I understand that you have 45 school days or 60 calendar days, whichever is shorter, to complete the evaluation, determine eligibility, develop an IEP and begin services process after I give my consent. I understand we must have a meeting to discuss details of the evaluation, so please let me know by *(specify the date one week from the date of this letter)* when the meeting will be held.

If you decide an evaluation is not warranted, please send me your reasons in writing by the above date. Should you have any questions or problems, please contact me at *(your daytime phone number and address)*.

Sincerely,

(Your full name)

Sample Letter #2: Request for Records

You should request records if you are preparing for an IEP meeting, your family is moving to a new school, you are taking your child for an independent evaluation, your child recently had a new evaluation, your child's doctor has requested past records, your child is finishing school or any other reason. You should review your child's records at least once a year because schools often destroy records each year. Request copies of any documents you do not already have.

Date

Special Education Teacher's Name
Name of the Child's School
School's Address

Dear *(Special Education Teacher's Name)*,

I am the parent of *(your child's full name)* who is a student in your class. I am requesting all documents and records pertaining to *(child's name)*'s in the *(school district's name)*, including but not limited to:

- IEP plans, including meeting notes, and information on *(his/her)* academic progress and IEP goals.
- Discipline records including behavior data, behavior plans, functional behavioral assessments, suspensions, expulsions, and manifestation determinations.
- Report cards and transcripts.
- Statewide assessment results.
- Attendance records, including any notices of truancy, suspension, and/or expulsion.
- All medical and school health records.
- All correspondence, memoranda and e-mails regarding my child.
- All notes of telephone calls.
- All meeting notes or minutes.
- All assessment plans and evaluation reports.
- All requests for evaluations.
- All notes/reports of classroom observations of *(child's name)* by any school district personnel

Please provide these records to me by *(specify date 10 days from date of this letter)*. Should you have any questions or problems, please contact me at *(your daytime phone number and address)*.

Sincerely,

(Your full name)

Sample Letter #3: Request for a Re-evaluation

You should request a re-evaluation when you feel your child's disability may have changed significantly, your child is having difficulties accomplishing the goals and objectives on his IEP, your child is having behavior problems at school or you think your child has areas of disabilities that have not been identified, if there has been a change in your child's medication, or any other reason you feel your child needs to be evaluated. Be sure to keep a copy of this letter, making note of who received it and the date.

Date

Special Education Teacher's Name
Name of the Child's School
School's Address

Dear *(Special Education Teacher's Name)*,

I am the parent of *(your child's full name)* who is a student in your class. I am concerned about *(your child's first name)*'s progress in *(his/her)* current program. I am writing to request a re-evaluation to determine what changes need to be made in *(your child's first name)*'s IEP for *(him/her)* to be successful in school. I feel that the following areas need to be evaluated:

(List the things that are concerning you about your child's IEP or the areas that need additional evaluation.)

Please provide me with written notice by *(specify the date one week from the date of this letter)* when a meeting to discuss re-evaluation options will be scheduled.

Should you have any questions or problems, please contact me at *(your daytime phone number and address)*.

Sincerely,

(Your full name)

Sample Letter #4: Request for an Independent Evaluation

You can request an independent educational evaluation (IEE) when you feel the school district's evaluation was incorrect, not done in your child's native language, did not address areas of need related to your child's disability, not done with the proper accommodations for your child, or any other reason you are not happy with the school's evaluation. Be sure to keep a copy of this letter, making note of who received it and the date.

Date

Special Education Teacher's Name
Name of the Child's School
School's Address

Dear *(Special Education Teacher's Name)*,

I am the parent of *(your child's full name)* who is a student in your class. *(Your child's first name)* was recently given an educational evaluation. I disagree with the results of this evaluation and I am requesting an independent educational evaluation at the expense of the school district. I understand that the school district must pay for an independent evaluation or file for a due process hearing.

I would like to have an independent evaluation done as soon as possible. Please provide me with written notice by *(specify the date one week from the date of your letter)* as to how to arrange for an independent evaluation. I would also like a copy of the school district's procedures regarding independent evaluations and a list of independent evaluators. If you have any questions or problems, please contact me at *(your daytime phone number and address)*.

Sincerely,

(Your full name)

Sample Letter #5: Request for an IEP meeting

You can request a new IEP meeting any time you feel it is necessary such as when: your child has completed several goals or objectives, your child does not seem to be making any progress toward goals, you think your child needs additional services to benefit from the IEP, behavior needs to be addressed on the IEP, your child's disability has changed significantly, or any other reason you feel your child's IEP needs to be changed. Be sure to keep a copy of this letter, making note of who received it and the date.

Date

Special Education Teacher's Name
Name of the Child's School
School's Address

Dear *(Special Education Teacher's Name)*,

I am the parent of *(your child's full name)* who is a student in your class. I am requesting a meeting to review *(your child's first name)*'s IEP. I am concerned about *(your child's first name)*'s progress on his/her current IEP. I would like the following areas to be addressed at this meeting:

(List the things that concern you about your child's IEP such as: goals not being met, services not being provided or specific changes you want to make to the IEP.)

I am requesting that *(name of school district staff or specialist)* attend this IEP meeting. I feel their input about the above changes to *(name of child)*'s IEP will be important. I have invited *(name of people you invited)*.

I can meet with you on *(days)* between *(give a range of times such as between 3:00 and 5:00)*. Please provide me with a written invitation by *(specify the date one week from the date of your letter)* when an IEP meeting has been scheduled.

Should you have any questions or problems, please contact me at *(your daytime phone number and address)*.

Sincerely,

(Your full name)

Sample Letter #6: Disagreement Letter

You should send a letter to the Director of Special Education if you have tried to resolve your differences in a meeting with the principal and special education staff. You can find the names and addresses of all the Directors of Special Education by contacting the Department of Education and Early Development (DEED) (see Appendix D, page 32). Try to keep your letter short and to the point while including all the facts. Be sure to send a copy of this letter to the principal of your child's school. Remember to keep a copy of this letter, making note of who received it and the date.

It would be helpful to read Pete Wright's article on letter writing. This can be obtained by calling the Disability Law Center or downloaded from his website www.wrightslaw.com.

Date

Director of Special Education's Name
Director of Special Education
Director's Address

Dear *(name of Director of Special Education)*,

I am the parent of *(your child's full name)* who is a student in *(Teacher's name)*'s *(grade level)* class in *(name of your child's school)*. *(His/Her)* date of birth is *(child's birth date)*.

I have met with *(names of school district personnel involved in your meeting)* in an effort to resolve our differences regarding *(give a brief statement of the problem regarding your child's IEP, placement, evaluation, disciplinary action, etc.)*

I would like to set up a meeting with you to resolve these differences. I can meet with you on *(days)* between *(give a range of times such as between 3:00 and 5:00)*. Please let me know by *(specify the date one week from the date of your letter)* when a meeting can be scheduled.

Should you have any questions or problems, please contact me at *(your daytime phone number and address)*.

Sincerely,

(Your full name)

Cc: *(Your child's school's Principal)*

Sample Letter #7: DEED Complaint

You should file a complaint with the Department of Education and Early Development (DEED) when you have been unable to resolve a dispute regarding your child's rights with your IEP team and the Director of Special Education. DEED complaints generally involve IEP services not being provided, systemic issues, the school district's failure to provide proper notice or records, or any other violation of your child's rights. To file a complaint you can use the letter below. Try to keep your letter short and to the point while including all the facts. Be sure to send a copy of this letter to Department of Education and Early Development and the district's Director of Special Education. Remember to keep a copy of this form, making note of who received it and the date. You can send the letter to the address below or fax it to (907) 465-2806.

Date

State Director of Special Education's Name
Department of Education & Early Development
Attention: Special Education Dispute Resolution
801 West 10th Street, Suite 200
P.O. Box 110500
Juneau, Alaska 99811-0500

Dear *(State Director of Education's Name)*,

I am the parent of *(your child's full name)* who is a student in *(Teacher's name)*'s *(grade level)* class in *(name of your child's school)* in *(your school district's name)*. *(His/Her)* date of birth is *(child's birth date)*.

I have met with *(names of school district personnel involved in your meetings and the dates of the meetings)* in an effort to resolve our differences regarding *(give a brief statement of the problem regarding your child's IEP or school placement including dates of incidents, and what has been done to try to resolve the problems)*.

I propose the following solution to this problem *(give a brief description of your solution to the problem)*.

I am requesting an investigation by the Alaska State Department of Education and Early Development. I understand that an independent investigator will contact me to gather additional information in the near future.

Should you have any questions or problems, please contact me at *(your daytime phone number and address)*.

Sincerely,

(Your full name)

Cc: *(Your child's school district's Director of Special Education's Name)*

Sample Letter #8: OCR Complaint Form

The Office for Civil Rights only accepts complaints regarding discrimination against your child because of their disability. Some examples of discrimination are when your school is not accessible (inside or out), your child is excluded from academic or extra curricular activities because of their disability, your child's school day is shortened due to transportation issues, your child is segregated because of his disability, your child's placement is based on his disability and not on individual needs, the school requires you to attend field trips with your child because of their disability, or any other form of discrimination. It is a good idea to try to resolve these complaints with your school's principal and the Director of Special Education before filing a complaint with the Office for Civil Rights. Remember to keep a copy of your complaint.

Regional Civil Rights Director
Office for Civil Rights, Region X
U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, Washington 98174-1099

The Department of Education Office of Civil Rights Discrimination Complaint Form can be found online at www.ed.gov/about/offices/list/ocr/complaintintro.html

Sample Letter #9: Request for a Due Process Hearing

You may request a due process hearing over issues regarding identification, evaluation, a change in your child's IEP or placement. Here are things to consider before filing for a due process hearing:

- ❑ Have you raised the issue with the IEP team?
- ❑ Have you tried to resolve this issue with the Director of Special Education?
- ❑ Have you considered using mediation to resolve this issue?
- ❑ Is this an issue for the Alaska Department of Education or the Office for Civil Rights?
- ❑ How long are you willing to wait for this issue to be resolved?
- ❑ Do you want your child to stay in their current educational placement until this issue is resolved?
- ❑ Have you documented your concern(s) in writing?
- ❑ Do you have all the records pertinent to the issue?

To file for due process hearing you can use the form provided by your school or download this form from the DEED website: www.eed.state.ak.us/tls/sped/word/DueProcessRequest.doc . Try to keep your information on the form short and to the point while including all the facts. Be sure to send a copy of this form to Department of Education and Early Development and the district's Director of Special Education. Remember to keep a copy of this form, making note of who received it and the date.

Send signed written complaint to:
Special Education Dispute Resolution
Alaska Department of Education & Early Development
Attn: Special Education Dispute Resolution
801 West 10th Street, Suite 200
P.O. Box 110500
Juneau, Alaska 99811-0500

Or fax to: (907) 465-2806
Attention: Special Education Dispute Resolution

APPENDIX G: HELPFUL HINTS FOR PARENTS

Helpful Hint #1: Begin Record Keeping Now

It is important to keep a file of all your child's records regarding his disability and educational history. You should keep copies of any correspondence you have with your child's school. Always keep copies of information you give the school district and **never give anyone your original papers**. If you are told that the school district will do something for your child, request that they put it in writing. In your child's file keep the following:

- ❑ Names, addresses and phone numbers of persons you contact regarding your child.
- ❑ Keep a log of all conversations and phone calls with school district personnel noting the date, the person's name and position as well as the subjects that were discussed and requests you made.
- ❑ Copies of all letters you write and receive regarding your child.
- ❑ Copies of IEPs and other school district records.
- ❑ Copies of all forms you complete.
- ❑ Records from your doctor, therapists, and anyone else your child sees regarding his disability.
- ❑ Copies of tests and evaluations done by the school district and private evaluators.
- ❑ Any written notices from the district regarding any changes in your child's education plan.

Helpful Hint #2: Notice Requirements

Written notice is required by the school district anytime they propose (or refuse) to identify, evaluate, change your child's IEP, their placement or any other element of providing your child an education. This notice must be in language you can understand and must contain:

- ❑ A description of the action being proposed (or refused).
- ❑ An explanation of why the school district is taking this action.
- ❑ A description of other options the school district considered and why they did not chose those options.
- ❑ What evaluation or information the school district used as a basis for their decision.
- ❑ An explanation of your rights and procedural safeguards.
- ❑ Information about other agencies that you can contact for help.
- ❑ Information on the options available in the school district for resolving your differences, and any other relevant factors.

Helpful Hint #3: Requesting Records

You should request records from your child's school before attending any meeting (see page 39 for sample letter #2: Requesting Records). This will help you prepare for the meeting by giving you the same information that everyone else at the meeting will have. If there are things you do not understand in your child's records, set up a time to discuss them with school staff before attending any meeting. You have the right to review all information and records used by the school district in relation to your child. It is also a good idea to review your child's entire school record (often called a cumulative file) at least once a year to make sure there are no inaccuracies or misrepresentations. School records may be held in several different locations. The school must inform you where all your child's records are located.

Helpful Hint #4: Getting the results you want from an Independent Educational Evaluation

- ❑ Visit your child's classroom and observe your child in the school setting, noting the areas you see problems.
- ❑ Ask other parents whose children have similar disabilities for referrals of good evaluators.
- ❑ Interview the evaluator before you choose them.
- ❑ Be sure your evaluator has the right qualifications. Ask the school district for a written list of what their evaluator's qualifications are.
- ❑ Be sure to tell the evaluator what you expect from them. Ask the evaluator to look at specific areas of concern and give solutions to those problems.
- ❑ Put your requests to the independent evaluator in writing but make them short and concise.
- ❑ Make sure the evaluator knows what the school evaluation contained and follows similar evaluation process (i.e. if schools evaluation contained classroom observations then the independent evaluator should also observe in the classroom).
- ❑ Provide the evaluator with the IDEA's definition of your child's disability or other issue you disagree with.
- ❑ Learn about the tests your child has been given.
- ❑ Give your evaluator copies of past evaluations and school records. Ask if there are any other tests that are appropriate.

Helpful Hints #5: Preparing for an IEP meeting

- ❑ Review your child's school records before the IEP meeting. If you do not understand something in the records or an evaluation, set up a separate meeting (prior to the IEP meeting) to discuss your questions with the teacher or evaluator.
- ❑ Review your child's current IEP to see if objectives have been met, what progress has been made, and what barriers were there during the last year. If you do not have this information, set up a meeting before the IEP to review this information with your child's teacher.
- ❑ Ask your school district for a blank IEP form so you can create your own to present at the meeting.
- ❑ Visit your child's classroom and observe your child in the school setting.
- ❑ Make a list of the positive things about your child. Include in this list the things your child can do independently, what your child likes, what are his interests, his responsibilities at home, who are his favorite people, the way he learns, etc.
- ❑ Make a list of the areas your child's disability affects his life, such as things that are difficult for him to do, things he does not like to do, behaviors you feel need to be changed, etc.
- ❑ Write down an example of how you think your child learns.
- ❑ Make a list of what services you think are important for your child to be successful at school.
- ❑ Discuss the IEP with your child. What does he like or dislike about it? What does he want changed?
- ❑ Think about how you would like to be informed of your child's progress and how often you want an update (e.g. a weekly progress sheet, a daily notebook, etc).
- ❑ Invite a friend (who has a child with a disability if possible) to come to the IEP meeting with you. If possible, it is a good idea for both parents to attend the IEP meeting.

Helpful Hint #6: Participating in an IEP meeting

- ❑ Bring your child's picture to the IEP meeting so that everyone can stay focused on your child.
- ❑ Remember you are to be treated as an equal member of the IEP team. That means your input is just as important as everyone else's opinion.
- ❑ Make a seating chart during the introductions, noting everyone's name and job position, so you will be able to know who is saying what during the meeting.
- ❑ At the beginning of the meeting, discuss what time each person will have to leave so that you can use the meeting time wisely.
- ❑ Always bring your spouse and/or friend to the IEP meeting so you have some support.
- ❑ Don't forget to bring the notes you prepared ahead of time.
- ❑ Remember to praise the teacher or staff who are doing a good job with your child.
- ❑ Have a friend keep notes for you at the meeting or ask to tape-record the meeting.
- ❑ IEP meetings are usually long, so be on time.
- ❑ Stop the meeting if you or others are getting tired or upset. Then schedule another meeting in the near future.
- ❑ Try to be polite. Remember you will most likely have to work with these people again in the future.
- ❑ Be firm about the things you feel are important. Remember, you know your child better than anyone!
- ❑ Ask questions about the things you don't understand.
- ❑ If you disagree with the IEP, say so at the meeting.
- ❑ At the end of the meeting, request that the IEP be read out loud to be sure everything that was discussed has been written down on the IEP. Remember if it is not written on the IEP, the school district is not required to provide it. Ask for a copy of this IEP **before** you leave the meeting.

Helpful Hint #7: After an IEP meeting

- ❑ Make sure you receive a copy of the final IEP.
- ❑ Monitor the services your child is receiving on a regular basis.
- ❑ Review the goals and objectives monthly to be sure they are being worked on.
- ❑ If you are unhappy with your child's IEP, request a new meeting in writing.
- ❑ Share information, articles, books and conference information with your child's teacher to help them stay informed.

Helpful Hints #8: Extended School Year

- ❑ The need for ESY services should not be based solely on the regression and recoupment of your child's skills. The IEP team should consider what your child needs to receive FAPE including: emerging skills, skills of self-sufficiency, the severity of your child's disability, your child's rate of progress, your child's behavioral problems, the availability of other resources, your ability to provide educational structure at home or any other factor in providing FAPE.
- ❑ ESY services can be provided during any time that is not considered part of the normal school year including the summer months, any holiday such as Christmas, Thanksgiving or spring break, inservice days, as well as before and after the regular school day.
- ❑ Some or all of your child's IEP services can be provided during ESY, depending on your child's individual needs (not based on what the district has set up for an ESY program). This includes therapies and transportation.

- ❑ Request the services as early as February in case the district refuses to provide them. Then you will have enough time to resolve the dispute before summer starts.
- ❑ Remember your child does not have to fail to get ESY. The decision to provide ESY services can be based on *projected* loss of skills.
- ❑ Follow your child's progress on goals and objectives so you can see if your child may need ESY services during breaks in educational services.
- ❑ Get a written opinion supporting the need for ESY services from your doctor or therapist.
- ❑ Request ESY services in writing.

Helpful Hints #9: Transition Planning

- ❑ Make sure the district does a transition evaluation for your child.
- ❑ Involve your child in your preparation for their IEP meeting.
- ❑ Invite your child to the IEP meeting (if appropriate).
- ❑ Talk to your child about what they want for the future (What are their dreams, where do they want to live, what kind of job would they like to do, who do they want to live with, what will they do when they are not working?).
- ❑ The transition plan should be based on your child's interests and dreams (not the programs the district already has in place).
- ❑ Other agencies should be involved in the planning and implementation of your child's transition plan such as the Division of Vocation Rehabilitation (DVR), the Division of Senior and Disability Services and the Independent Living Centers (ILC).
- ❑ Ask your IEP team to help you learn about the adult service agencies and resources in your community.

APPENDIX H:

EXAMPLES OF PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (PLEP), ANNUAL GOALS, AND SHORT-TERM OBJECTIVES

PLEPs, goals and objectives that are specific, objective, measurable and positive.

PLEP: John screams in class to get the teacher's attention approximately 3 times per hour.

GOAL: John will raise his hand 100% of the time to get the teacher's attention.

OBJ. 1: John will raise his hand to gain attention 6 times per day with verbal cues and physical assistance from the aide by 1/15/07.

OBJ. 2: John will raise his hand to gain attention 6 times per day with verbal cues (physical assistance from the aide only if needed) by 4/15/07.

OBJ 3: John will raise his hand to gain attention 6 times independently or with verbal cues (only if needed) from the aide by 6/5/07.

SUPPORTS: Aide will visually check on John every 5 mins. to see if he needs to raise his hand. John will be immediately rewarded with his favorite stickers when he raises his hand appropriately.

PLEPs, goals and objectives that are vague, subjective, not measurable, and negative.

PLEP: John frequently screams during the day and disrupts the class. He needs to be moved to another class.

GOAL: John will decrease screaming 70% of the time as measured by teacher observation.

OBJ. 1: John will decrease screaming by 20% as noted by the teacher by 1/15/07.

OBJ. 1: John will decrease screaming by 50% as noted by the teacher by 4/15/07.

OBJ. 1: John will decrease screaming by 70% as noted by the teacher by 6/5/07.

Method: Aide will remove John to the hallway each time he screams for 10 mins.

APPENDIX I: MANIFESTATION DETERMINATION CHECKLIST

Manifestation Determination Checklist*

- ❑ Does the team have a specific description of the behavior?
- ❑ Have all the student's disabilities and/or needs been identified?
- ❑ Have these disabilities/behaviors been addressed in the IEP?
- ❑ Has the team reviewed the student's most recent evaluations to see if they are relevant to this behavior?
- ❑ Does the student need additional evaluations to provide sufficient information as to whether this behavior relates to the student's disability?
- ❑ Does the student have a functional behavioral assessment (FBA) relating to this particular behavior on file?
- ❑ Does the student have a behavioral intervention plan (BIP) relating to this particular behavior in the IEP?
- ❑ Was the district implementing all of the services on the student's IEP?
- ❑ Has the staff recorded information of their observations of the student before, during, and after the behavior?
- ❑ Has the team considered other factors that might be affecting the student's behavior (recent move, death of a friend or family member, divorce, etc.)?
- ❑ Did the team consider if the student's behavior is related to his disability?

*Taken from the Michigan Protection and Advocacy Manifestation Determination Manual

APPENDIX J: EXAMPLE OF "JOHN'S" POSITIVE BEHAVIOR INTERVENTION PLAN

Dates: 9/5/06 to 6/5/07

Functional Behavioral Assessment information: The IEP team used the FBA information to make the following determinations: John screams to get the teacher's attention. She is his favorite person in his life besides his mother. John may also scream when he is tired and needs a break. He may also scream more frequently when he has not slept well the night before or if he is hungry. The team will keep track of the data to see if the screaming happens more often before lunch (if so John may need a snack mid morning and mid afternoon.).

Specific Description of Behavior: John screams in class to get the teacher's attention approximately 3 times per hour.

Behavior Intervention Strategies: Every 2 hours, John will be allowed to jump on the mini tramp for 10 minutes to help him stay calm and focus as per OT recommendations. John will sit near the teacher's desk and in the front of the room to facilitate teacher/student interactions. Teacher/aide and parents will use email to correspond daily regarding behavior and information on possible trigger events (i.e. slept poorly the night before, had a bad day on the bus, family pet at the vet, etc.) John will spend 5 minutes at recess and the end of the day "gone to one" with the teacher. Parents agree to classroom training for other students regarding the plan to stop John's screaming behaviors.

Positive Replacement Behaviors: John will raise his hand to get attention in an appropriate manner beginning with physical assists (matched with verbal cueing) from the classroom aide. Teacher will ignore other outbursts. Teacher will immediately reinforce John for raising his hand whether assisted by aide or done independently.

Data Collection Strategies: The aide will keep track of appropriate hand raising as well as screaming data on sheet created by IEP team. Data collection form addresses 15-minute blocks of time, duration and intensity of negative behaviors and amount of assistance provided for positive behaviors. The aide will make notations no less than every 30 minutes.

Phase Out Plan: When John has reached 6 appropriate interactions and decreased screaming behaviors by 60%, aide will use only verbal cues on every other assist. If John does not respond, she will repeat verbal command with physical prompt. When John is successful with 6 appropriate interactions using verbal cues, the aide will use only verbal cues to prompt. Phase out of aide assistance will be addressed at the second review of plan meeting.

Review Dates: IEP team will meet to review plan and data every 6 weeks beginning on October 10th.

Use Outside of School: Parents will implement a modified version of the plan at home with mother replacing teacher and father replacing aide. They will keep data on same form as school with times changed to reflect after school hours.

Relationship to IEP Goals: This plan directly relates to John's IEP goal 3.2 "John will raise his hand 100% of the time to get the teacher's attention". Data for the 3 objectives for goal 3.2 will give the IEP a measure of progress towards the goal.

APPENDIX K: EXAMPLE OF A 504 ACCOMMODATION PLAN

Cindy is a 9th grade student at Central High School and has cerebral palsy. She uses a wheelchair for her mobility. Weakness in her hands makes writing difficult. She is having problems entering the school and classrooms, using the bathrooms, taking notes and completing written assignments, and she has extreme difficulties leaving the building during fire drills.

Accommodations:

1. The bus aide will assist Cindy in entering the building and exiting the building daily.
2. All of Cindy's teachers will be issued doorstops to prop open classroom doors at the beginning and end of each period, so that Cindy can enter and exit the classroom independently.
3. The AT department will provide Cindy with a laptop computer no later than 9/15/06. They will provide training to Cindy and her mother on how to use the computer. They will provide ongoing modifications of the keyboard as needed.
4. The maintenance department will modify a stall in each bathroom and provide grab bars to make them wheelchair accessible. They will put accessible handles on the sink and the door to the bathroom. These modifications will be complete by 10/1/06.
5. Cindy and each teacher will agree on a student to take notes using carbon paper so that Cindy can have a copy of class notes or the teacher will provide their notes to Cindy.
6. An accessible fire escape plan will be created by Cindy, her mother and teachers that allows Cindy to exit the building by the nearest door without going against the flow of students exiting the building. The maintenance department will make sure pathways from these doors are always clear of snow and ice.

Other examples of accommodations:

- ❑ Sit on bean bag chair to do reading.
- ❑ Take tests verbally or in short time periods.
- ❑ Time during the day to walk/jump/rest.
- ❑ Seating in the front of the classroom.
- ❑ Decrease in the amount of homework.
- ❑ Flash pass to go to a safe place (nurse's office, resource room, etc.) when getting upset.

APPENDIX L: CITATIONS

All laws or statutes have regulations that give the details of how to implement these statutes. The federal regulations are called the Code of Federal Regulations (CFR) and are divided in to subsections called titles. Alaska's regulations are called the Alaska Administrative Code (AAC) and its subsections are called chapters. Each of these subsections is broken down into many smaller sections to assist in locating the exact regulation. These are cited as (a) or (1).

Laws or regulations can be found by looking up the citation or cite. The cite for the IDEA regulations is 34 CFR 300. This means it can be located in the Code of Federal Regulations at Title 34, Section 300. The citation for Section 504 of the Rehabilitation Act is 34 CFR 104 or Section 104 of Title 34 of the Code of Federal Regulations. The cite for the Americans with Disabilities Act is 28 CFR 35.101. The special education regulations for Alaska are at 4 AAC 52 or Title 4 of the Alaska Administrative Code, Chapter 52.

You can access the federal statutes and regulations online at: http://www.wrightslaw.com/idea/law.htm
You can access Alaska's statutes and regulations online at: http://www.touchngo.com/lglcntr/#stats

Below are the citations for the laws and regulations as endnoted throughout this handbook.

---

[1] 29 U.S.C. 794; 34 C.F.R. 104 et seq.
[2] 20 U.S.C. 1232(g); 34 C.F.R. 99 et seq.
[3] 20 U.S.C. 1400 et seq.; 34 C.F.R. 300 and 303
[4] 42 U.S.C. 12101 through 12213
[5] AS 14.30.190 through 195
[6] 4 AAC 52.010 through 52.990
[7] 20 U.S.C. 1400 et seq., 34 C.F.R. 300 and 303
[8] 34 C.F.R. 300.17, 34 C.F.R. 300.101 through 103
[9] 34 C.F.R. 300.304(c)(6)
[10] 34 C.F.R. 300.111
[11] 34 C.F.R. 300.8(a)
[12] 34 C.F.R. 300.8(a)(1)
[13] 34 C.F.R. 300.8(c)(9)(i)
[14] 34 C.F.R. 300.101(c)
[15] 4 AAC 52.100(c)
[16] 34 C.F.R. 300.39
[17] 34 C.F.R. 300.34
[18] 34 C.F.R. 300.114 through 300.119
[19] 34 C.F.R. 300.145 through 300.148
[20] 34 C.F.R. 300.111
[21] 34 C.F.R. 300.503
[22] 34 C.F.R. 300.504(a)(1)
[23] 34 C.F.R. 300.503
[24] 34 C.F.R. 300.503(b)(2)
[25] 34 C.F.R. 300.15, 34 C.F.R. 300.300 through 300.311
[26] 34 C.F.R. 300.301
[27] 34 C.F.R. 300.300
[28] 4 AAC 52.115
[29] 34 C.F.R. 300.301(c)(1)
[30] 34 C.F.R. 300.304(c)(6)
[31] 34 C.F.R. 300.304(c)(7)
[32] 34 C.F.R. 300.304(c)(1)
[33] 34 C.F.R. 300.307 through 300.311

[34] 34 C.F.R. 300.306
[35] 34 C.F.R. 300.306(a)(1)
[36] 34 C.F.R. 300.613
[37] 34 C.F.R. 300.303 through 300.305
[38] 34 C.F.R. 300.303(a)(2)
[39] 34 C.F.R. 300.303(b)(1)
[40] 34 C.F.R. 300.305(e)
[41] 34 C.F.R. 300.502
[42] 34 C.F.R. 300.320 through 300.324
[43] 34 C.F.R. 300.320(a)(2)(i)
[44] 34 C.F.R. 300.116
[45] 34 C.F.R. 300.116
[46] 4 AAC 52.140, 52.210; 34 C.F.R. 300.322
[47] 34 C.F.R. 300.322
[48] 34 C.F.R. 300.321
[49] 34 C.F.R. 300.321(a)(6)
[50] 34 C.F.R. 300.321(e)
[51] 4 AAC 52.140
[52] 34 C.F.R. 300.324
[53] 34 C.F.R. 300.320(a)(1)
[54] 34 C.F.R. 300.320(a)(2)
[55] 34 C.F.R. 300.320(a)(2)
[56] 34 C.F.R. 300.320(a)(2)(ii)
[57] 34 C.F.R. 300.320(a)(2)(ii)
[58] 4 AAC 52.140(b)(1)
[59] 34 C.F.R. 300.320(a)(3)
[60] 34 C.F.R. 300.39
[61] 34 C.F.R. 300.34
[62] 34 C.F.R. 300.42, 34 C.F.R. 300.320(a)(4)
[63] 34 C.F.R. 300.106
[64] 34 C.F.R. 300.5 through 300.6, 34 C.F.R. 300.105
[65] 34 C.F.R. 300.114 through 330.120
[66] 34 C.F.R. 300.320(a)(2)(ii), 34 C.F.R. 300.320(a)(6)(ii)
[67] 34 C.F.R. 300.43, 34 C.F.R. 300.320(b)
[68] 34 C.F.R. 300.43(a)(2)
[69] 34 C.F.R. 300.324(a)(4) through 300.324(a)(6)
[70] 4AAC 52.140(b)
[71] 34 C.F.R. 300.323(e) through 300.320(f)
[72] 34 C.F.R. 300.530 through 300.537
[73] 34 C.F.R. 300.532
[74] 34 C.F.R. 300.530(h)
[75] 34 C.F.R. 300.536
[76] 34 C.F.R. 300.530
[77] 34 C.F.R. 300.530(g)
[78] 34 C.F.R. 300.531
[79] 34 C.F.R. 300.115
[80] 34 C.F.R. 300.530(e) through 300.530(f)
[81] 34 C.F.R. 300.101(a)
[82] 34 C.F.R. 300.518(a)
[83] 34 C.F.R. 300.115
[84] 34 C.F.R. 300.530(d)(1)(ii), 34 C.F.R. 300.530(f)(1)
[85] 34 C.F.R. 300.324(a)(2)(i), 34 C.F.R. 300.530(d)(1)(ii) through 300.530(f)(1)
[86] 34 C.F.R. 300.507 through 300.518, 34 C.F.R. 300.532
[87] 34 C.F.R. 300.532(b)(2)(ii)
[88] 34 C.F.R. 300.532(b)
[89] 34 C.F.R. 300.506
[90] 34 C.F.R. 300.151 through 300.153

[91] 45 C.F.R. 80.7
[92] 34 C.F.R. 300.507 through 300.518
[93] 34 C.F.R. 300.532
[94] AS 14.30.193(a)
[95] 34 C.F.R. 300.518
[96] 34 C.F.R. 300.507(e)
[97] 34 C.F.R. 300.510
[98] 34 C.F.R. 303 et seq.
[99] 4AAC 52.130(n)
[100] 34 C.F.R. 300.101
[101] 34 C.F.R. 303 et seq.
[102] AS 47.20.080(a)
[103] 7AAC 23.080(c)
[104] 7 AAC 23.900(11)
[105] 34 C.F.R. 303.322(c)(3)
[106] 34 C.F.R. 303.340 through 303.344
[107] 34 C.F.R. 300.124, 34 C.F.R. 303.148
[108] 34 C.F.R. 303.400 through 303.460
[109] 34 C.F.R. 303.425(a)
[110] AS 47.20.110(a)(4)
[111] 34 C.F.R. 104 et seq.
[112] 34 C.F.R. 104.3(j)
[113] 34 C.F.R. 104.32
[114] 34 C.F.R. 104.35
[115] 34 C.F.R. 104.35(c)
[116] 34 C.F.R. 104.33(b)
[117] 34 C.F.R. 104.37
[118] 34 C.F.R. 104.35(a)
[119] 34 C.F.R. 300.8, 4 AAC 52.130

Notes

1-800-478-1234

ANCHORAGE OFFICE:

3330 Arctic Blvd., Suite 103; Anchorage, Alaska 99503
(907) 565-1002 phone • (907) 565-1000 fax

FAIRBANKS OFFICE:

1949 Gillam Way, Suite H; Fairbanks, Alaska 99701
(907) 456-1070 phone • (907) 456-1080 fax

JUNEAU OFFICE:

230 South Franklin, #206; Juneau, Alaska 99801
(907) 586-1627 phone • (907) 586-1066 fax

BETHEL OFFICE:

PO Box 2303; Bethel, Alaska 99559
(907) 543-3357 phone • (907) 543-3359 fax

ALL NUMBERS ARE BOTH VOICE & TDD
www.dlcak.org • e-mail: akpa@dlcak.org