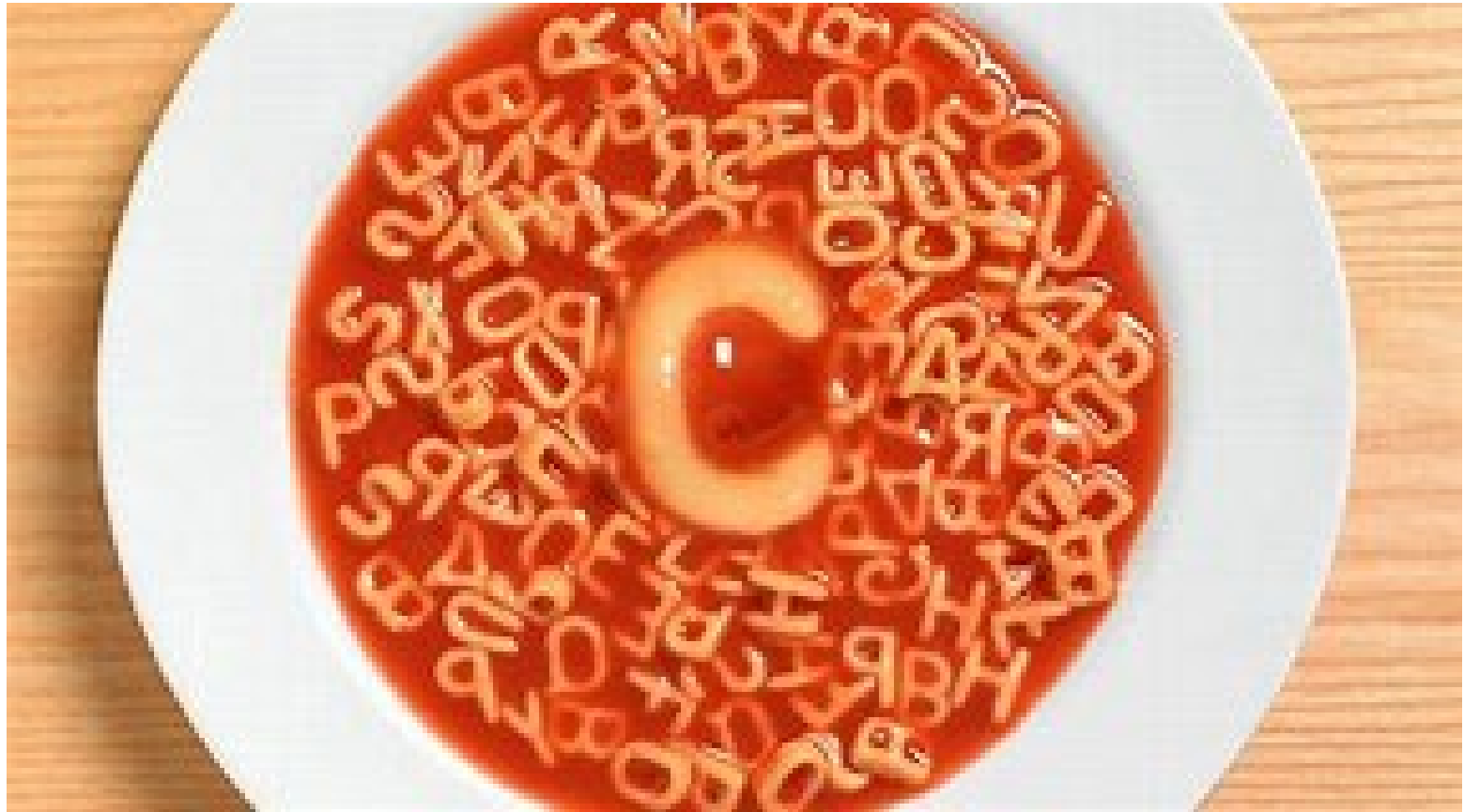


Educational Advocacy for Youth with Behavioral Health Needs

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Alphabet Soup Quiz



PPT? IEP? FAPE? IDEA?

PPT= Planning and Placement Team

IEP= Individualized Education Program

FAPE= Free Appropriate Public Education

IDEA= Individuals with Disabilities Education Act

Students with Disabilities

Children with history of abuse or neglect may have **trauma or mental health issues** and are more likely to:

- Fall below grade-level standards
- Repeat a grade
- Receive disciplinary referrals
- Drop out of school
- Face unemployment as adults
- Need support, consistency, and security from their school environment



Many meet criteria for special education or 504 accommodations

Child Find

Immediate PPT referral for all children who have been:

- **Suspended** repeatedly, or whose
- **Behavior, attendance, or progress in school** is considered unsatisfactory or at marginal level of acceptance

34 CFR 300.111

CRSA 10-76d-7



Special Education v. 504

Special Education (IDEA)

- **Carries more protections than 504**
- Ensures child with a disability receives **free and appropriate education** designed to meet **individual and unique needs**
- Calls for **specialized instruction** and/or **related services**, as well as **accommodations & modifications**
- Child makes progress on **Goals and Objectives on IEP**

20 U.S.C.1400 et seq.

Accommodations (Sec. 504)

- Ensures child with physical or mental impairment that substantially impairs major life activity **has access** to school curriculum and environment
- May call for **accommodations and modifications** to environment and access to curriculum

29 U.S.C.794 et seq.

504 Plans

Starting Point = Documented Medical Diagnosis

Variety of accommodations may apply:

- frequent breaks
- extended time on tests
- shortened school day
- catheterization
- physical adaptations to building (wheelchair ramp)

[Any of above accommodations can also be added to an IEP, if students qualifies for special education]



Special Education Eligibility

- **Children qualify under any one of 13 categories:**
Autism, Deaf-Blindness, Deafness, Emotional Disability, Hearing Impairment, Intellectual Disability, Multiple Disabilities, Other Health Impairment, Specific Learning Disability, Speech and Language Impairment, Traumatic Brain Injury, & Visual Impairment.
 - CT children ages 3-5 may also qualify with Developmental Delay.
- **Must show that disability “adversely affects educational performance” such that specialized instruction/related services are required**
 - Ex. poor grades, behavioral/discipline issues, social issues with peers/adults, attendance
- **Special education must address social, emotional, behavioral, and academic needs of child**

What is Special about Special Education?

- Parents afforded **procedural safeguards** to protect child's special education rights and must be notified of them at least annually
- Special education requires that child be provided **free and appropriate public education (FAPE)** in the **least restrictive environment (LRE)**
- May be eligible for **Extended School Year (ESY)** services if PPT recommends summer programming. Also extended day programming or even residential are potential options, due to child's special or complex needs
- Students who qualify for special education have **special protections from exclusionary discipline**

PPT Referral & PPT I

STEP ONE: Referral to PPT (Planning & Placement Team)

- Can be made by parent or school, in writing (or via email)
- ****Starts the 45 school day/ 60 calendar day timeline****

STEP TWO: “PPT I” convenes

- Parents, administrator, special education rep, regular education rep must participate
- Parent must be afforded the right to *meaningfully participate in the PPT process*
- PPT identifies testing and evaluation needed in all areas of suspected disability
- Parent provides written consent for testing
- School has right to use staff to complete initial testing

PPT II

STEP THREE: “PPT II” convenes by the 45th school day/
60th calendar day after the referral date

- Evaluators present evaluations for team to review
- Determine special education eligibility
 - SDE checklists for ED, LD, ID, etc.
- If eligible, create IEP with goals/objectives

Typical Initial Evaluations

Academic Achievement (special education teacher)

- Woodcock-Johnson: most common

Psychological (school psychologist)

- Cognitive- WISC: most common
- Social/emotional/behavioral/attentional function
- Behavior Rating Scales (BASC)

Additional evaluations

- Speech & Language
- Functional Behavioral Assessment (FBA)→ gives rise to Behavior Intervention Plan (BIP)
- Occupational Therapy
- Physical Therapy

Outcome 1: PPT Finds Child Eligible for Special Education Services

- IEP - Individualized Education Program
(goals, objectives, related services, specialized instruction, accommodations, behavior plan)
- IEP reviewed *annually*; quarterly progress monitoring
- Parent may call program review meeting at any time
- Eligibility reviewed every *three years* with triennial testing
- Services cannot be removed/terminated without evaluation and/or consent of parent

Continuum of Services

Least
Restrictive

- General Education with Supplemental Aid and Services
- Related Services; Resource Room; Paraprofessionals

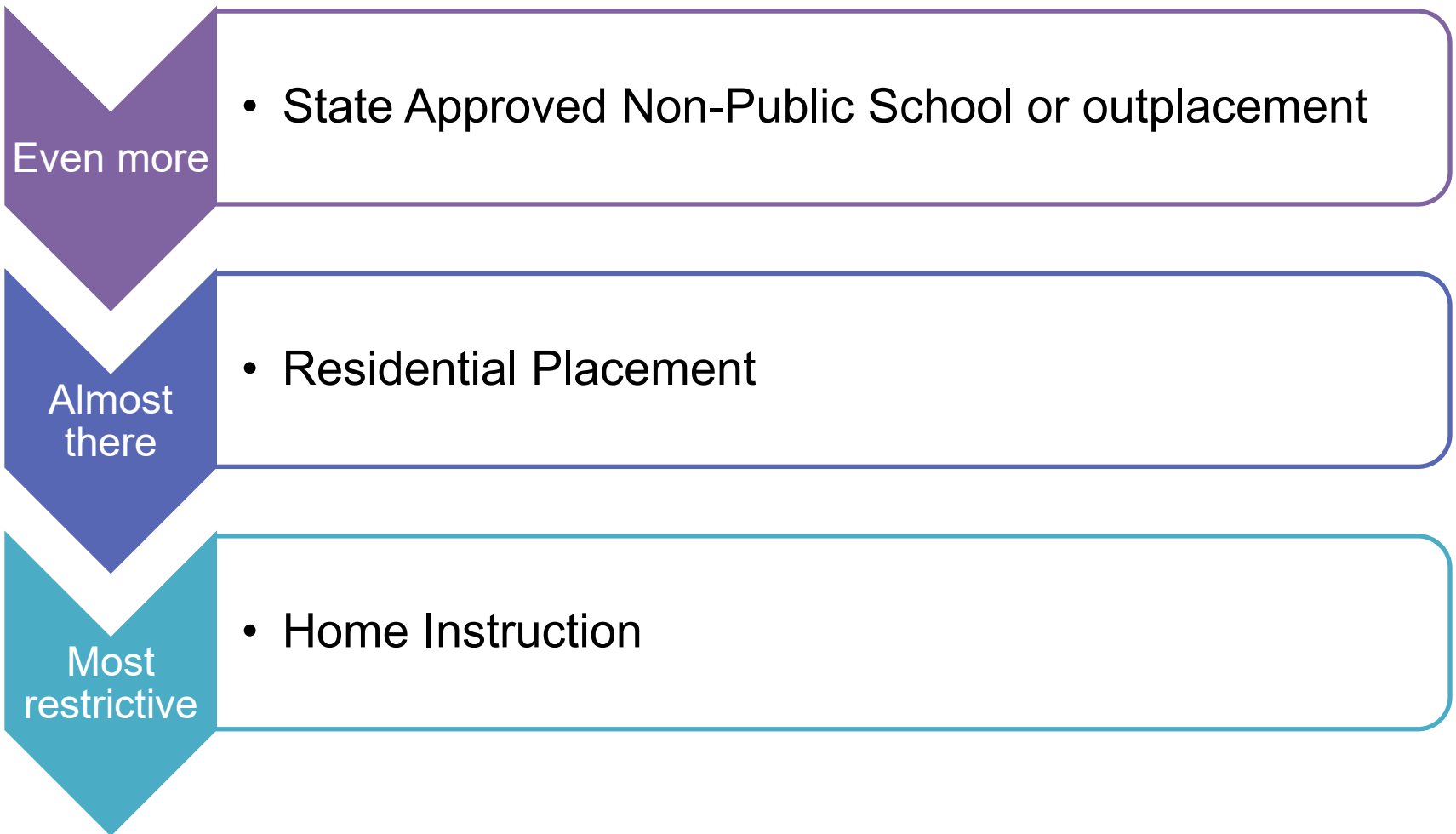
More
restrictive

- Integrated Co-teaching

Little more

- Special Class in a Community School (self-contained)

Continuum of Services



Outcome 2: PPT Disagrees about Identifying

- Parent has right to pursue independent educational evaluation (IEE)
- School district must pay for IEE or file for due process hearing to defend its evaluation
- IEE brought back to PPT for review

If there is continued disagreement, parent or school may pursue dispute resolution (mediation, state complaint, due process)

Discipline Protection for Special Ed Students

Special education students with corresponding behavioral problems entitled to protections from school discipline

- Individual Education Program (IEP) must address behavior and/or
- Behavior Intervention Plan (BIP) informed by formal Functional Behavioral Assessment (FBA)

All special education students, including expelled students, must be provided with free and appropriate public education (FAPE)

Discipline Protections

- Removal for 10+ days triggers
Manifestation Determination Review (MDR) PPT
- Removals can be consecutive or pattern
- Student cannot be recommended for expulsion
without holding MDR first
(emergency exception and firearm exception)



Manifestation Determination Review

Manifestation Determination Review

- Was conduct a manifestation of child's disability or failure of school to fulfill obligations under IEP?
 - Disability includes all aspects, not just IEP classification
 - Inquiry as to BIP and FBA
- If yes, student must be returned to school
- If no, may school recommend student for expulsion

If disagreement between school and parent, school cannot remove student (but for emergency exception); Due Process hearing can be filed to invoke stay put.

Emergency Exceptions

Even if behavior is considered a manifestation, student can be removed for up to 45 days if student:

- brought weapon to school
- possessed/distributed illegal controlled substance
- inflicted serious bodily injury on another at school

Even if student is removed, any educational placement must be determined by PPT and they must still be provided education that ensures FAPE.

Protections for Students Not Yet Identified

For students not yet identified for Special Ed, protections available if certain criteria are met:

- Parent previously expressed concern in writing to supervisory personnel or teacher that student might need special education services; **or**
- Parent requested child be evaluated; **or**
- Teacher or other school personnel expressed concern to administration that child might need special education or related evaluation

Manifestation Determination Review

George

- 14 years old
- Just identified for special education as a student with Other Health Impairment-ADHD
- George was suspended for pulling fire alarm in school, pending expulsion
- George has a history of suspensions for impulsive behaviors in the hallways between classes
- What is your strategy at the Manifestation Determination PPT meeting?

Transition Services

- Include post-secondary education, vocational education, integrated employment, continuing and adult education, adult services, independent living or community participation. 34 CFR 300.43
- IEP must include transition planning by the time student turns 16. Student must be included in planning process.
34 CFR 300.320 (b)

Dispute Resolution

Parent who disagrees with school may

- Request additional or independent evaluations
 - Request another PPT meeting
 - Request IEP facilitation
 - Request Mediation
 - File State Complaint (1 year SOL)
 - File administrative due process hearing (2 year SOL)
- Note: Invokes stay put

Diploma = Exit from Special Ed

When youth accepts a diploma, s/he exits Special Ed

- Graduation requirements (credits, mandated assessment standard) do not equal readiness to exit Special Ed
- Youth may still need life skills, community connections, job readiness skills, college preparation, etc
- Fulfillment of transition goals and objectives is crucial gauge of readiness to exit special education

Resources

**Center for Children's
Advocacy**
cca-ct.org

CT Parent Advocacy Center
cpacinc.org

Disability Rights CT, Inc.
disrightsct.org

FAVOR
favor-ct.org

211 Infoline
211ct.org

Connecticut Legal Services
connlegalservices.org

Statewide Legal Services
slsct.org

State Department of Education
sde.ct.gov