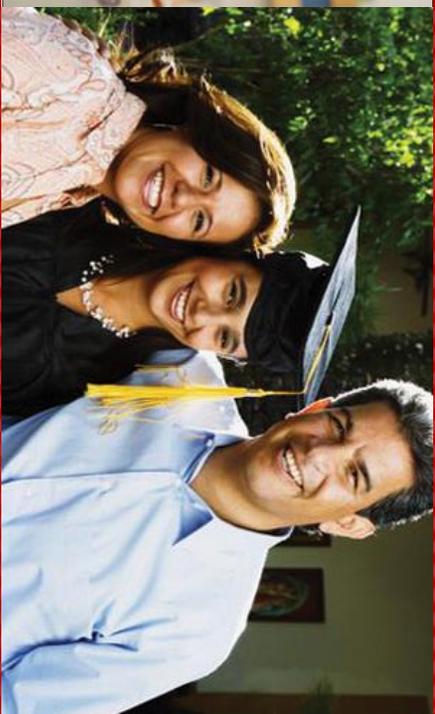


IEP Advocacy 101



Tawny Holmes Hlibok, Esq.
Education Policy Counsel
[National Association of the Deaf](#)

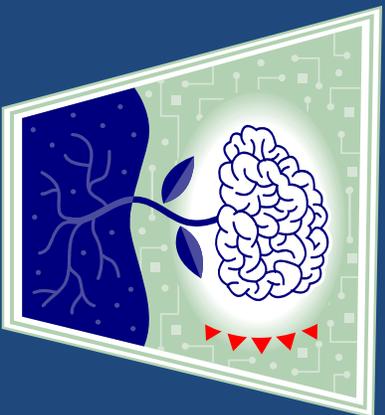


Overview



- Basic Review of IDEA
- 5 Rules for Effective IEP Meetings
- Common Challenges
- Preparation, Before, During and After
- Roles of People at the Table
- Parents' Rights
- Parent Resources and Tools
- NAD Resources

Growing up with the IDEA Law



Birth to 3



3 to 4
(depends)



3 to 21



Individualized Family Service
Plan (IFSP) – Part C

Individualized Education
Program (IEP) - Part B

Individualized Family Service
Plan (IFSP) – Part C

Basic Review of **INDIVIDUALS WITH DISABILITIES Education ACT (IDEA)**

- Federal legislation passed in 1975
- Part C and Part B
- Reasons for the Act
- Goal and purpose- Free Appropriate Public Education in a Least Restrictive Environment
- Act vs. Regulations
- Benefits for many
- Required continuum (special school, mainstream, etc)
- Emphasis on **INDIVIDUAL**

The Placement Continuum

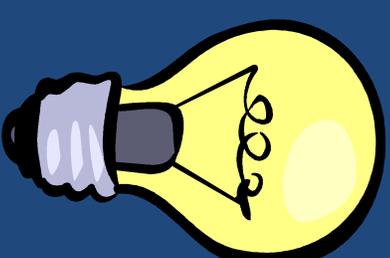


OR

CONTINUUM OF STUDENT NEEDS



Special Factors in IDEA



In the case of a child who is deaf or hard of hearing, IEP team members must consider the child's:

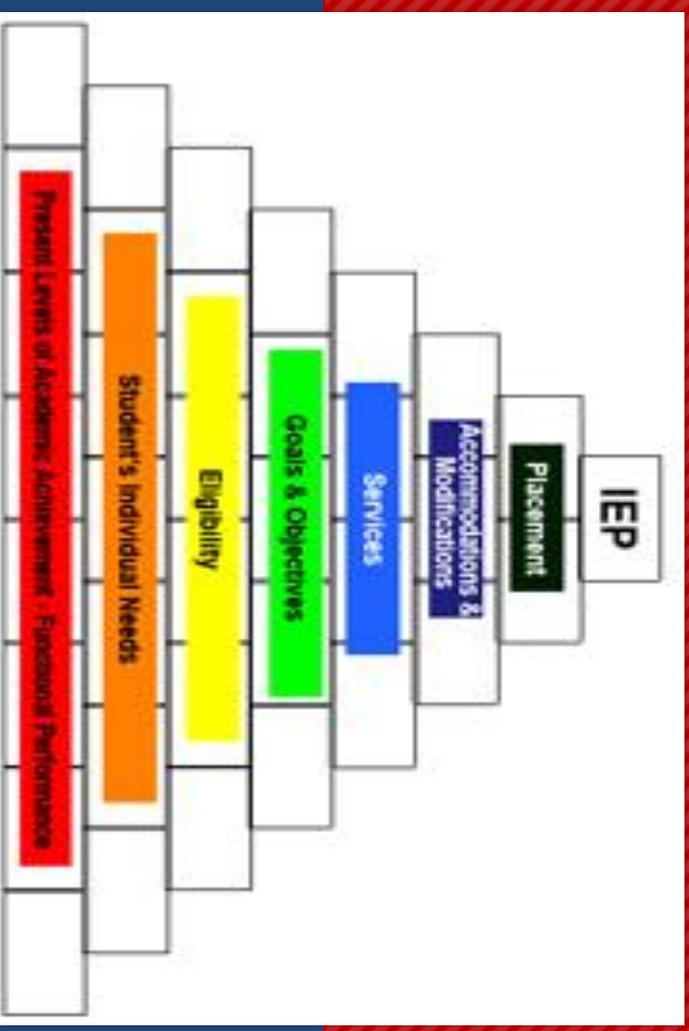
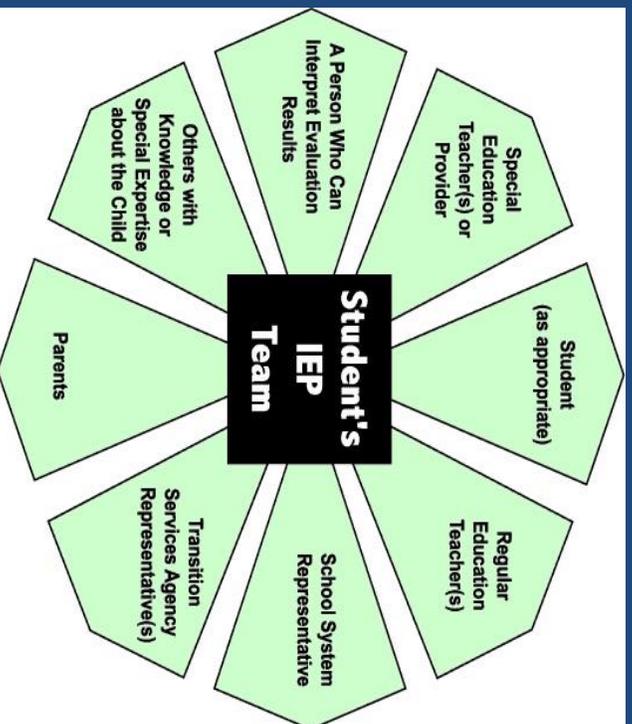
- language and communication needs;
- opportunities for direct communications with peers and professional personnel in the child's language and communication mode; academic level; and
- full range of needs, including opportunities for direct instruction in the child's language and communication mode [§300.324(2)(iv)].

It's important to note that, **regardless** of a child's disability, IEP teams must consider a child's communication needs. In determining the child's communication needs, the IEP team might ask:

- What communicative demands and opportunities does the child have?
- Does the child have the skills and strategies necessary to meet those communicative demands and take advantage of communicative opportunities?
- Can the child fulfill his or her need to communicate in different settings?
- Does the child communicate appropriately and effectively, and if not, why not? How would the deficit in communication be described?

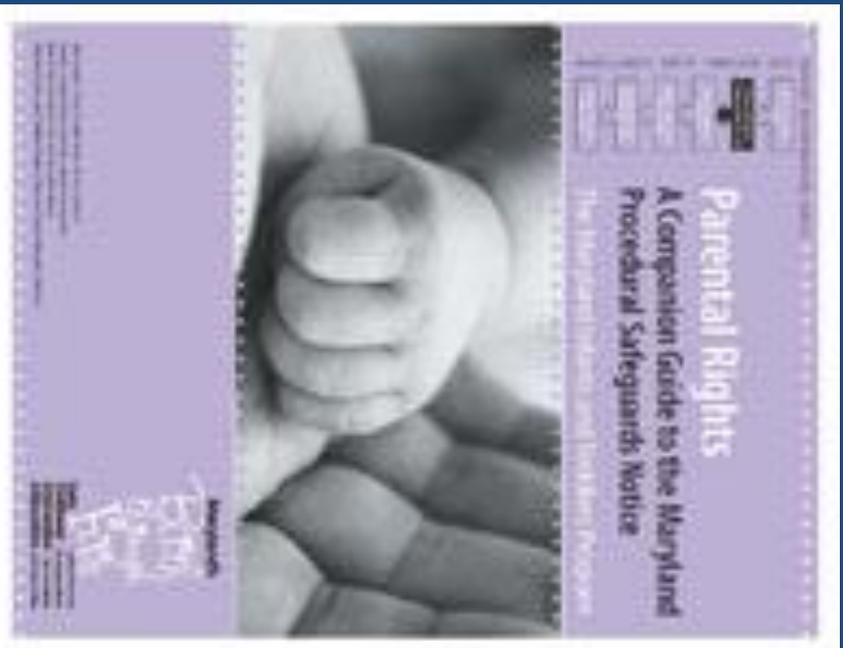
What is the IEP process?

- An IEP is an Individualized Education Program (or Plan)
- The IEP Team writes the IEP.



- IEP information includes:
 - Goals for the student to achieve this year.
 - Services and accommodations to enable the student to achieve these goals.
 - Determination of placement (where services will be provided)

What are Parents' rights?



- Meaningful participation in IEP Team.
 - Opportunity to participate in all meetings
 - Call meetings when needed
 - IEP *not* decided in advance
 - Record meetings
- Who can you request/bring with you?
 - Interpreters – request in advance
 - Advocates- let them know
 - Family members, babysitters, friends
 - Anyone with “special knowledge or expertise” with child- request/bring
- Access to student's records

THE IEP EXPLAINS HOW THE LRE IS A COMBINATION OF A SPED AND MAIN-STREAM CLASSROOM WITH SUPPORTS FROM THE OT, PT, AND SLP AND OF COURSE, IEB AND BIP. AN GOAL OF INCREASIN 85 PERC

HERE'S A 50-PAGE COPY OF YOUR RIGHTS. NOW SIGN HERE...AND HERE...AND HERE...AND HERE...AND HERE...

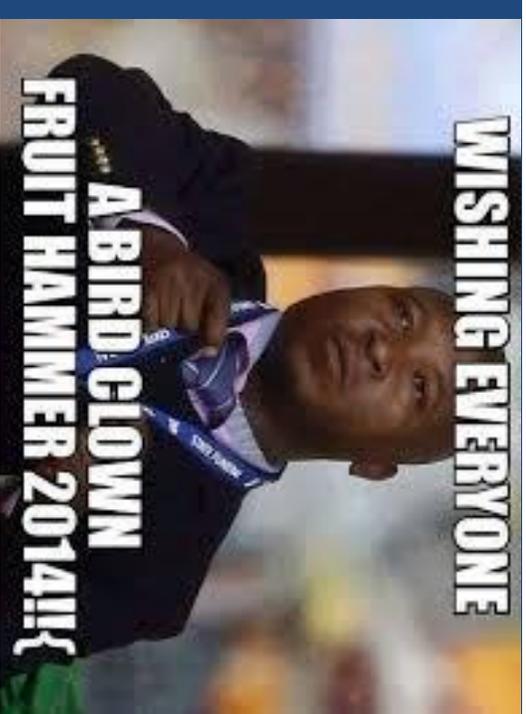
UH...OK?



COMMON CHALLENGES

- Access to qualified interpreters
- Lack of access to speech language pathologist
- Access to American Sign Language in Early Intervention
- School district saying no to school for the deaf
- Lack of experienced teachers
- Different expectations for child by school and parents

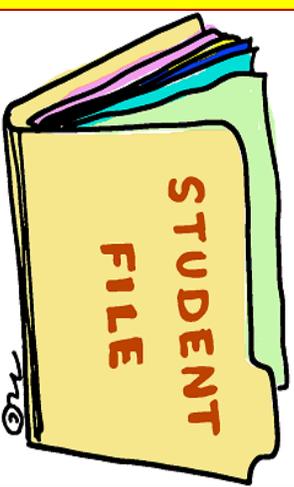
"Your child speaks well and seems to function well, let's throw her in a class of 20-30 kids in an extraordinarily loud classroom with teachers, staff and students who have no ASL and no knowledge of the education of deaf children." -Parent on forum



Preparation for Education Advocates:

Before, During, After IEP meetings

BEFORE: Meet with parents/family members, the child, review IEPs and files, discuss concerns, priorities and options, roles during the meeting, let the school know needs.



DURING: Introduce yourself, have the child present if appropriate or give info on child, bring up concerns, questions/requests, take notes/record, share data/research along with draft goals and make sure concerns are written in IEP.

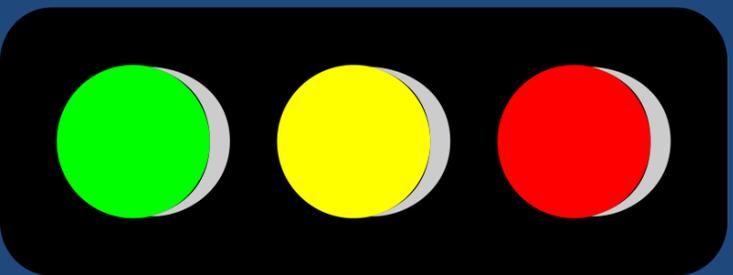


AFTER: Request minutes from the school, copy of updated IEP, meet with parent/family members to review their feelings about the meeting, follow up on any resistance or questions from the school, check on promised actions.

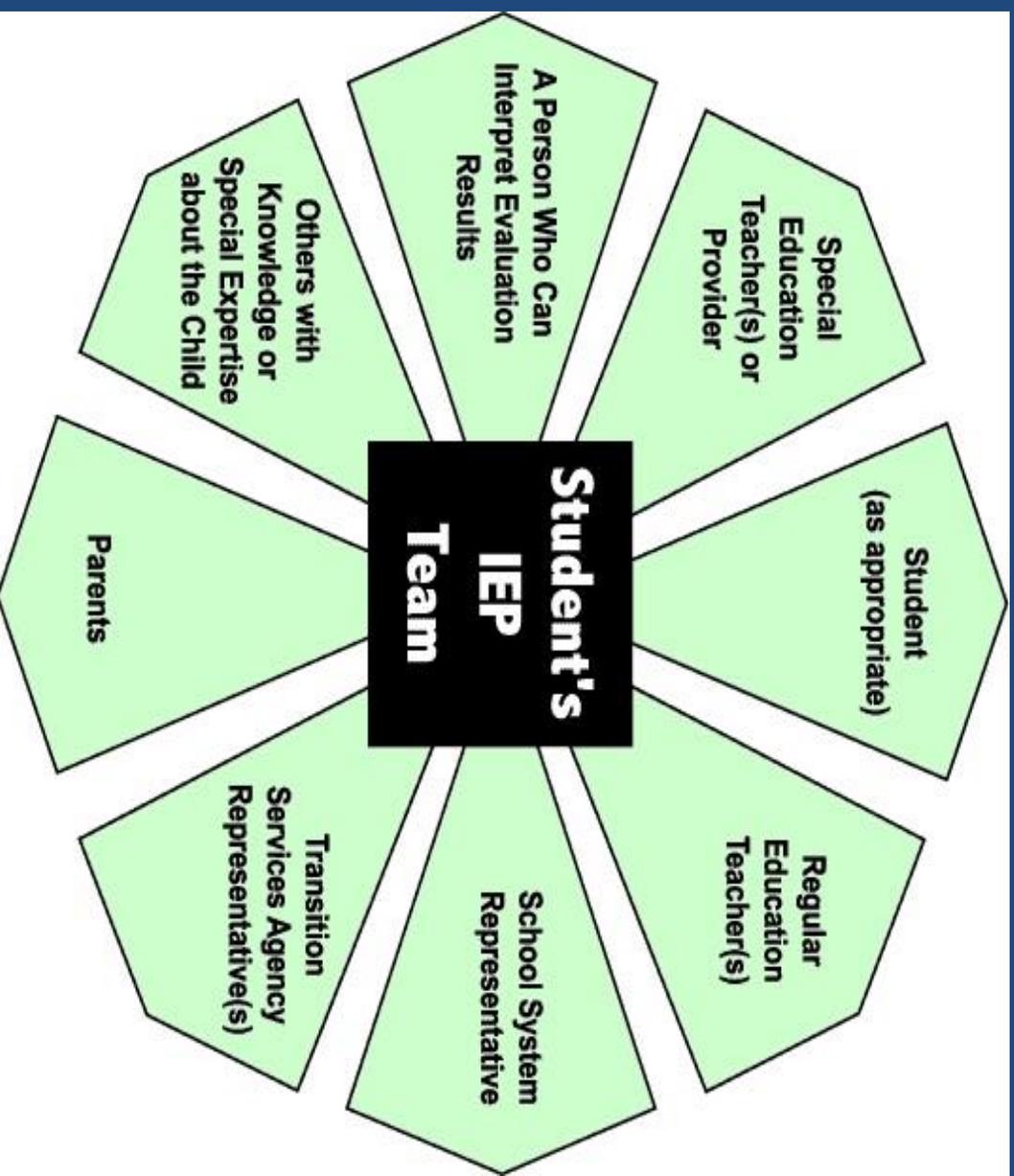


Roles of People at the Table

Identify the



- **STOP SIGNS**
- **CHANGEMAKERS**
- **ALLIES**



Tips for effective advocacy

- WRITE DOWN (aka TYPE) EVERYTHING
 - Requests for meetings
 - Requests for evaluations
 - Parent concerns
 - Meeting summaries
 - Date, time, and subject of phone calls
 - “Confirm” content of calls/meetings in writing
- Record all meetings or request minutes
- Do not sign right away
- Research goals in ADVANCE (observe classroom, study state curriculum goals)



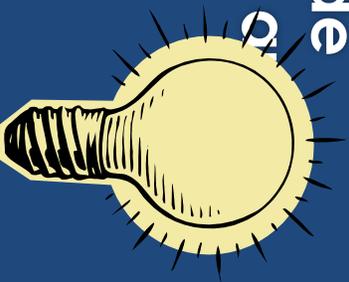
**“If it was not written down,
it was not said.
If it was not written down,
it did not happen.”**
- Wrightslaw.com

Name of law	IDEA		Section 504	ADA
Applicable age	Birth to 21 years old	Any age	Any age	
How to get the law's protection	Must "qualify"	Disability that substantially limits a major life activity	Identifiable disability or regarded as so	
Applies to who/what?	Local, state and federal	Entities receiving federal funds	Public accommodations and private entities	
Who decides?	IEP team	504 coordinator	Upon request or see need	
Goal of law	Specialized education	FAPE and accommodations	Reasonable accommodations	
Measure of law	"educational benefit"	"appropriate accommodations"	"effective communication"	
Can compare?	No comparison-individualized	Compares to other disabled students	Compares to hearing student	

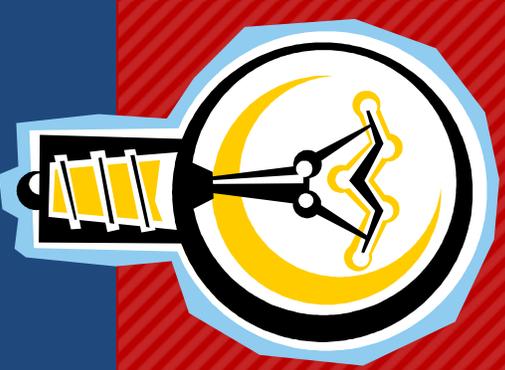
FAQ and Guidelines on Effective Communication by USDOJ and USDOE

- Definition of “effective communication” - compare to hearing student- in other words, 100%?
- Once student/parent requests - must provide immediately unless can show undue burden, not wait until IEP meeting
- Student/parent’s preference of accommodations must be followed and burden is on school to show it’s a fundamental alteration or undue financial/admin. burden
- Grades are just one consideration and do not provide information on how much effort or type of resources required for the student to achieve.

http://www.ada.gov/doe_doi_eff_comm/doe_doi_eff_comm_faqs.htm



Things to Keep in Mind



- Language Access- appropriate for THE child
- Consistency with bilingualism- ASL, English, and the family language (read & spoken) at home
- Critical mass (opportunity to interact with other deaf children)
- Diverse Deaf role models
- Academic support and family training at home
- Extracurricular opportunities (clubs, sports)
- Social-emotional needs (friends)
- Paraprofessionals with expertise with deaf children (ASL, SLP, Audiologist, CI, PT, OT, Psychologist)
- ADA Guidelines on Effective Communication- http://www.ada.gov/dae_doj_eff_comm/dae_doj_eff_comm_faqs.htm



[Overview of DM program- NMUSD](#)



Learning Circle by Mary A. Rappazzo

General Resources



- www.deafchildren.org (American Society for Deaf Children)
- <https://v12.gallaudet.edu/about/> (Research briefs, Parent Information toolkit, and Visual Communication and Sign Language Checklist-
<http://v12.gallaudet.edu/resources/vcsl/>)
- www.wrightslaw.com (information on the law)
- <https://www.transformdeafed.org/> (critical pedagogy)
- <http://www.handsandvoices.org/>
- <https://www3.gallaudet.edu/clerc-center.html> (Info to Go) – including ASL and English assessments



Parent Resources and Tools



- **CDC Resources**
<http://www.cdc.gov/ncbddd/hearingloss/parentsguide/resources/>
- **CDC Decision Guide to Communication Choices**
<http://www.cdc.gov/ncbddd/hearingloss/freematerials/CommDecisionGUIDE3508.pdf>
- **IEP Communication Plans** <http://www.ceasd.org/advocacy/advocacy-tool-kit/toolkit-communication-plans>
- **IEP Meeting Planner** www.handstandvoices.org/IEPmeetingplanner/
- **IEP/504 Checklist** http://www.handstandvoices.org/pdf/IEP_Checklist.pdf
- **PEI (parent education Initiative)**
<http://www.handstandvoices.org/astro/docs/07-PEI-Attachment.pdf>
- **Pop-Up IEP**
http://www.handstandvoices.org/articles/education/popup/pop_index.htm
- **Hands & Voices Advocacy Support and Training Program (ASTra)**
<http://www.handstandvoices.org/astro/index.html>

NAD Resources

- **Check** for the new Families Section on www.nad.org and sign up for e-blasts under **Contact Us!**
- **Know** your state/organization's Education Advocate www.nad.org/educationadvocates
- **Follow** IG- @deafeducation and @nad1880
- **Become** a NAD member to get NADMag and discounts
- **Contact** NAD Legal Advocacy Center for support or information on IEP advocacy or disability discrimination- www.nad.org/contactus
- **Go** to our national training conferences! (Including the National Deaf Education Conference- www.deafeducation.us)





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**Questions?
Thank you.**

Tawny.Holmes@NAD.org