



The School Years: 5 to 20

Book 3 of 5
The Guide to Special Education
in Maine: A Team Approach



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The Guide to Special Education
In Maine: A Team Approach

The School Years: 5 to 20

The School Years: 5 to 20 reviews referrals, evaluations, eligibility, the role of the Individualized Education Program (IEP) team, and other school-related, special education situations.

It is part of the fifth edition of *The Guide to Special Education in Maine: A Team Approach*. The 5-part Guide was researched, written, and reviewed by people who know the Maine special education system best: parents, educators, special education advocates, lawyers, and Maine Department of Education officers.

While the guide does not address every possible circumstance, regulation, or policy concerning early intervention and special education in Maine, it does provide an in-depth overview of the law, especially your rights and responsibilities as a parent.

#1: Building Partnerships and Getting Organized

#2: The Early Years: Birth to 5

#3: The School Years: 5 to 20

#4: Getting Older: Moving On

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Your Child's Right to an Education

Some disabilities are identified early, even at birth or pre-birth. But most children, especially those with learning disabilities, may be in kindergarten or older before a problem is identified.

There are students who may only need extra classroom support or access to a special reading or writing program. Other students need “specialized instruction” to be able to access the general curriculum. They qualify for special education services under Chapter 101, the Maine Unified Special Education Regulation.

Qualifying disabilities range from autism to visual impairment, and include speech and language impairment, emotional disturbance, and specific learning disabilities.

Unlike many regulations, Chapter 101 and other special education laws spell out a number of rights of parents and students. They include the federally mandated right to a free and appropriate public education (FAPE). Appropriate is not necessarily “best.” Programs are considered appropriate if your child is receiving passing grades and behaving.

State and federal law also insist parents, and eventually students, be directly involved in developing an education plan. That's why you, as a parent, need to understand the process and be part of it. You have known your child longer and more intimately than anyone. You are the person most focused on your child's education and well-being. By teaming with educators and other service providers you have the best chance of assuring the quality of your child's education.

Starting the Process

If you think your school-aged child may have some difficulties that could be helped with special education services, the process begins with a referral which is a formal, written request for evaluation.

You may make this referral any time during your child's public school education. Schools also may initiate the referral. However, before a special education designation is determined, other interventions are tried. This process is called **pre-referral** or **Response to Intervention (RTI)** and will be required of all Maine school districts, beginning in July 2010. Each school must have a pre-referral procedure in place by this date.

Response to intervention gives general classroom teachers the responsibility for trying one or more research-based interventions if a student is having trouble learning. The response of the child is monitored over a period of weeks or months. Based on the outcomes of the interventions, the school may refer the child for a special education evaluation. An IEP (Individualized Educational Program) team, which includes you, will review all available data, including the evaluation results, to determine your child's special education eligibility.

Parents have the right to ask the school for evaluation for special education eligibility at any time, even during the pre-referral process.

WRITTEN REFERRAL FOR SPECIAL EDUCATION

School provides consent form 15 school days
after receipt of the written referral.

1 day 15 days

When you refer your child, make the request in writing directly to the special education director of the school district where you live. Be sure to note in the letter that you are referring your child to request an evaluation that will help determine if your child is eligible for special education. Make sure you keep a copy, and if you use e-mail, print out a copy.

(For a sample request-for-referral letter, see Building Partnerships and Getting Organized, part 1 of this Guide.)

School personnel have 15 days to initiate action after receiving a referral. They may send you a consent-for-evaluation form to sign and return, but only after seeking your input. The referral alone does NOT authorize an evaluation.

School personnel may choose instead to convene a meeting of an Individualized Education Program (IEP) team, which includes you, to discuss the referral, review existing evaluations, and determine if additional evaluation is needed.

An IEP meeting is not required prior to giving your consent to have your child evaluated, but the school still needs to talk with you about the proposed evaluations and consider your input.

You might want to ask for an IEP meeting even if the school doesn't suggest one. It gives you a chance to discuss your concerns, including what your child is telling you, recent changes in your child's behavior, and what your child is like at home. At the IEP meeting you also may ask questions about pre-referral interventions, timelines, and evaluations, including who will conduct them.

What worked for me as a parent...

“When I first started talking about my concerns about my child reversing letters, I was told she would grow out of it. When I finally requested in writing that she be referred for testing to find out if she had learning disabilities, we found out how to help her and she got the services she needed. She used to cry and feel badly that she wasn't doing well at school. A year and a half later, she made honor roll and loves school.”

Evaluations

Besides you, your child's **Individualized Education Program (IEP)** team includes your child's teachers and an authorized representative of the school. You may also invite family members or a friend, as well as a community provider.

The team will decide first if your child is eligible for special education services, based on evaluations and other data.

The team reviews information from you and school personnel to help determine your child's strengths, weakness, and levels of ability and achievement. If the team concludes it needs additional information, it will discuss what assessments and evaluations are appropriate. After the school receives your written permission for initial evaluations, it has 45 school days to complete the evaluation and reconvene the IEP team.

You may want to hand-deliver your consent for evaluation directly to the school district's special education director, or send it to that person by certified mail. This will insure no delay in getting the process started.

INITIAL EVALUATION AND IEP MEETING

School has 45 school days from receiving evaluation consent to complete evaluations and convene an IEP meeting.



School personnel or a private evaluator contracted by the school may conduct the evaluation. If you disagree with the results or conclusions of the evaluation, you may request an **Independent Educational Evaluation (IEE)**. If you have had a private evaluation done of your child, you may choose whether or not to share that information with the IEP team.

(See Parents Rights section of this book. For a sample IEE request letter, Building Partnerships, Getting Organized, book 1 of this Guide.)

Since the 45 days don't include weekends, holidays, or summer vacations, it can take 4 to 5 months before a decision is reached about eligibility and appropriate services.

Parents should receive the evaluation report at least 3 days before the IEP team is reconvened to discuss it. However, don't hesitate to ask that the evaluation report be sent to you at least a week before the meeting so you will have time to review it.

Evaluation cost

There is no cost to you or your family for the school's evaluation of your child. Although some schools will ask you to use your private health insurance, you can refuse. This does not change the timeline or the school's obligation to conduct a complete evaluation on your child at no cost to you.

However, if you have MaineCare (Medicaid) for your child, the school, with your consent, may access this publicly funded health insurance. The school may not use a child's insurance benefits if it would decrease available lifetime coverage or any other insured benefit.

You must agree in writing every time the school seeks to use public benefits or your insurance. If you refuse, the school still has the responsibility to provide required services.

Take time to review

It's not always easy to read reports that highlight your child's limitations and are written in professional language. However, it is best if you understand the evaluation report before the IEP meeting.

You might want to schedule a meeting with the evaluator or another knowledgeable person to discuss the findings. Ask questions until you understand and are able to be an equal participant in the decisions that might stem from the report results.

While evaluations play a significant role in the special education process, they alone do not determine a child's eligibility for special education services. Those decisions are the responsibility of the IEP team, of which you, as the parent, are an equal member.

However, it's still important to keep your own records of all evaluations, as well as other reports, scores, report cards, progress reports, and some work samples.

What worked for me as a parent...

I always asked lots of questions about evaluations because they all used different numbers and described my kids in different ways. I finally started to take workshops about evaluations and learned that most test and evaluation reports include percentiles. If my child scored in the 50th percentile that meant she was average in that area. My youngest scored in the 68th percentile in verbal language (above average) and in the 13th percentile in processing speed (significantly below average). Understanding where my child was at in these skills helped me work with the IEP team to plan for where we believed she could succeed with direct specialized instruction.

Privacy

Once an evaluator writes anything about your child, the evaluation becomes part of your child's educational record, protected by the federal **Family Educational Rights and Privacy Act (FERPA)**. That law determines how information about a student can be shared with others. It also guarantees you access to your child's records.

However, you should understand that your child's records, even without your consent, can be shared with appropriate school personnel. Therefore, if you are concerned that a report you provide the school contains information about other family members you'd prefer not be shared, ask the evaluator to provide a "school version," one from which such information has been removed.

Talk with your child

Prepare your child for testing by telling them why the school will be doing the testing. For example, you might say, “They want to know more about how you learn. These tests can help the school find the best ways to teach you — ways that work best for you.”

Other evaluations

Besides initial evaluations, subsequent testing determines how well your child is progressing. Those tests, along with many other assessments and evaluations help the IEP team decide how your child’s special education services should be modified.

Re-evaluation is typically conducted at least every 3 years to determine the student’s continued eligibility to receive special education.

To track progress, you want to make sure the same tests are used during re-evaluations so the results can be compared with earlier testing. If another test is suggested, ask if it can be correlated or compared with previous tests.

Before a student exits special education, an evaluation is conducted. Some students are eligible for special education throughout their school years. Other students learn skills and what accommodations they need to succeed and no longer require special education services. Still other students may move in and out of special education eligibility during their schooling.

What worked for me as a parent...

“I always liked to see the recommendations from the evaluator to help write my child’s IEP goals with the rest of the team.”

What worked for me as a parent...

“I learned to ask for sub test scores which usually varied and identified strengths and weakness and not focus on composite (total) scores which when averaged gave me minimal insight to how my child learned.”

Evaluation reports

The law stipulates what must be included in evaluation reports, whether the evaluation is initiated by the IEP team or the parent. State criteria for evaluation reports include:

- ◆ Evaluation date(s),
- ◆ Report date,
- ◆ Birth date and age at date of evaluation,
- ◆ Referral question and by whom,
- ◆ Relevant background information,
- ◆ Observation in the learning environment,
- ◆ Clinical observation if appropriate,
- ◆ Results of informal assessment procedures,
- ◆ Summary of the evaluation procedures used,
- ◆ Results of each evaluation, with interpretation, and including standard deviation scores,
- ◆ Summary of the evaluation results and diagnostic impressions,
- ◆ Educational recommendations, and
- ◆ Needs that could be addressed in regular education or in special education if the child is identified by the IEP team as having a disability.



You may want to know

How long does the evaluation take?

A comprehensive evaluation may take 5 or 6 hours, or more. Very short evaluations (1-2 hours) may be primarily screenings and usually don't provide complete information.

What kind of information will be in the evaluation report?

The report should include ability levels; achievement levels; types of processing deficits; strengths and needs; types of instruction that could be most effective; and specific recommendations for the classroom teacher, remediation (educational program), and the family.

What kind of training should the evaluator have?

The evaluator should have experience and training evaluating children, knowledge of the suspected problem areas, and how to use assessment instruments and explain the results.

What types of test will be used in the initial evaluation?

Usually several measures are used. The evaluation should seek to assess more than just IQ and achievement. The child's suspected disabilities or deficits should be assessed with more than one test and also be considered in the selection and interpretation of any intelligence tests.

How much does the evaluation cost?

Public school evaluations are done without cost to the family. The cost of private evaluations varies considerably. If you are obtaining an evaluation outside the school at your own expense, ask what is included in the fee and if classroom observation is part of the evaluation. The observation will need to be arranged in advance with your school. If the school has done a recent observation, you may also provide that to your private evaluator to be considered in the report.

You may also be eligible to receive an independent evaluation at school district expense in certain circumstances. (*For more information, see section in this Guide on Right to disagree with an evaluation, or MUSER, V.6 and Appendix A, 300.502*)

Special Education Eligibility

Although a child may have a disability, this does not mean they will automatically receive special education services. Under recent law, efforts will first be made to use carefully monitored and research-based interventions directed by the classroom teacher (Response to Intervention or pre-referral).

If these interventions fail, special education services may be pursued. However, to be eligible for special education a student has to have a disability as defined by Maine state law (Chapter 101), The student must require “specially designed instruction to access and benefit from the general curriculum.” State regulations also require, in general, that the disability “adversely affects the child’s educational performance.”

The categories eligible for special education are:

Autism	Deaf-blindness
Deafness	Emotional disturbance
Hearing impairment	Mental retardation
Multiple disabilities	Orthopedic impairment
Other health impairment	Specific learning disability
Traumatic brain injury	Developmental delay (birth-5/K)
Speech and language impairment	Visual impairment/Blindness

If your child is determined not to be eligible for special education services, they may be eligible for general education accommodations under **Section 504** of the federal Rehabilitation Act.

IDEA/504 COMPARISON

IDEA

SECTION 504

Student is referred to IEP Team

Consideration of 504



Does the student have a disability that meets eligibility criteria for special education services?

Does the student have a disability that substantially limits one or more- major life activities or major bodily function?

Not eligible for special education



YES

NO

NO

YES



Not protected by 504



The student has the right to Special Education and related services.

The student has the right to an education equal to one provided for students without disabilities.



The student may be eligible for accommodations.



Specific education and related services are outlined in:

Reasonable accommodations are made in physical and instructional settings.



Specialized education, aides and services are set down in a written:



Individualized Education Program (IEP)

504 Plan

Accommodations and modifications

The terms modification and accommodation are often confused. An **accommodation** helps your child participate in the general curriculum on grade level. For instance, if your child has a reading difficulty, an accommodation may be that they may receive the class readings on a compact disc. .

A **modification** is a change in the regular education curriculum and/or assessment that lowers the standards of the curriculum.

A child may receive accommodations without being in a special education program. However, a child receiving special education services may also need accommodations and/or modifications.

The IEP: A Team

Every child who receives special education services has an **Individualized Education Program (IEP)**. This program is developed, approved, and reviewed at least once a year by the IEP team, which includes key school personnel, as well as you, the parent. (This used to be called PET or the Pupil Evaluation Team.)

As a full member of the IEP team, you need to understand its purpose, power, and rules. You also need to make time to be present and informed at all IEP team meetings.

It takes a team

Your child's school or school district convenes the IEP team. Its major responsibilities include reviewing the referral, determining if evaluations are needed, and deciding eligibility, either initial or ongoing.

If the team determines your child is not eligible, it will discuss what if any modifications and/or adaptations in the regular education program might be of help.

Other responsibilities of the IEP team include:

- ◆ Reviewing evaluations (if appropriate) and other existing data,
- ◆ Developing, reviewing at least annually, and revising an Individualized Education Program (IEP),
- ◆ Determining the Least Restrictive Environment (LRE) for implementing the IEP,
- ◆ Determining levels of performance and educational needs in all affected academic and non-academic areas, and

- ◆ Dealing with educational issues that arise around behavioral problems, including initiating a change of placement if necessary.

Members

According to the state and federal regulations, IEP teams should include:

- ◆ Parent(s) (This could refer to other than birth parents, such as surrogate, foster, adoption, legal guardian, etc. Federal special education law takes a full page to define parent!),
- ◆ An authorized representative of the public school (such as the principal or special education administrator) who is qualified to provide specially designed instruction and knows about the general education curriculum and available resources
- ◆ Regular general education classroom teacher,
- ◆ Special education teacher and related services provider,
- ◆ Other individuals at the request of the parent or the school, and
- ◆ The student, when appropriate.

You have the right to invite other people who have been involved with your child and have information to share that will help the team,

Some Maine school districts now require parents to notify the school several days in advance if they are bringing an advocate or attorney to an IEP meeting. Even if the school lacks this policy you may want to inform the school for the sake of courtesy.

Notification of meetings

IEP team meetings are not the same as parent-teacher conferences and staffing meetings. IEP teams are mandated by state and federal law. Therefore the meetings must follow rules and protocols defined in the federal IDEA 2004 and in the Maine Unified Special Education Regulations (MUSER).

The school is required to notify you in writing at least 7 days before the IEP team meeting. If you have requested a meeting and want it sooner you can voluntarily waive the right to 7 days prior written notice.

WRITTEN NOTICE

School provides written notice **7 days** before an IEP meeting.

1 day 7 days

You can help in setting a time and place for a meeting by letting the school know as far in advance as possible what time and place is most convenient for you. You need to be flexible to ensure that everyone involved with your child will be able to attend.

The school is not allowed to tell you that IEP meetings are only held at one time of day or on a certain day of the week. The law clearly states that every effort must be made to include you.



However, if the school has made an effort and you are not able to attend, even via a conference call, the IEP team can meet and make decisions without you.

The notice you receive about an upcoming IEP team meeting should include:

- ◆ The meeting purpose, time, date, and location;
- ◆ A list of IEP team members and anyone else invited to the meeting;
- ◆ At least once a year, a copy of parental rights (known as procedural safeguards).

Absences

A member of the IEP team whose area of expertise is pertinent to the meeting may be excused if the parent and school agree in writing.

If you believe that the presence of a particular staff member is essential for the IEP team to develop an appropriate IEP, do not feel pressured to waive their presence (or fail to ask that they be invited).

If an absence is unavoidable and the meeting involves a discussion of the absent member's area of curriculum expertise or related service, the member shall give IEP team members written input prior to the meeting.

Purposes of IEP meetings

The IEP team usually meets annually. However, you may request the team meet at any time if you have specific concerns that are best handled by the full team. For instance new information that may affect your child's education plan, serious behavior issues, or concerns with the services your child is receiving – or not receiving.

If the IEP team is meeting at your request, you should write an agenda and share it with team members in advance.

Preparing for the IEP meeting

As the person who best knows your child, your role in the IEP is vital. Decisions will be made that affect your child's education. So you want to be prepared for every IEP team meeting. Before the meeting:

- ◆ Review your child's educational records, including evaluations.
- ◆ Understand your legal rights. Read the Procedural Safeguards that schools send you once a year.
- ◆ Obtain a copy of Chapter 101 (Maine Unified Special Education Regulations.) Highlight sections that are important to your child. Call the Maine Department of Education (207-624-6600) to request your own copy.
- ◆ Find out the school's policy for visiting classrooms and arrange to observe your child in class. Note how your child interacts with others, responds to directions, and works on assigned tasks.
- ◆ Talk with your child about how they feel about school. Find out what parts they enjoy, and then ask what parts are hard and what do they think would help.

What to bring to meetings

Many parents find it helpful to bring some or all of the following with them to IEP team meetings:

- A support person
- A list of things you want to make sure are discussed
- Reports, samples of work, other information that indicate your child's strengths, needs, and goals
- Your copy of Chapter 101, with sections marked that are relevant to what you want discussed
- Photographs of your child (if the child is not at the meeting)
- A tape recorder, tapes, and extra batteries
- Tissues, water, paper, and pen
- Information from your child
- A copy of this guide

What worked for me as a parent...

I try to have enough time to collect things I need for an upcoming IEP team meeting. I usually find a file folder, large envelopes or a box to toss in things I might want to bring. When I sit down at least the day before and look at what I collected I decide what I need to bring to help make the point about my concerns."

Parent's role at the meeting

Meetings can be frustrating, intimidating, and emotional, especially when your child's education is the focus. The following suggestions are offered to help support your involvement as an equal member of the IEP team:

- ◆ Arrive on time, and leave young children at home.
- ◆ Be sure you are introduced to everyone present.
- ◆ Listen, be courteous, and stay as relaxed as possible.
- ◆ Bring a support person with you who can take notes or help you stay focused.

- ◆ Share information about your child, and ask that it be included in your child's special education file. This may include notes on what's happening with your child at home, samples of your child's school work to validate your concerns, and your own assessment of your child's strengths and needs.
- ◆ Ask questions and make sure that all of your questions are answered.
- ◆ Ask for an explanation of any technical language or abbreviations used by professionals at the meeting.
- ◆ Come prepared with questions, concerns, and suggestions.
- ◆ Recognize the teachers and staff that have been helping your child, and thank them.

At the end of the IEP team meeting, request that the note-keeper read aloud the meeting's conclusions. Make sure it is clear who is responsible for any actions to be taken. Also ask that all services, determinations, modifications, adaptations, and goals decided upon during the meeting will be written into the IEP. This should include the amount or frequency of consultative services, direct instruction, and/or supportive services that will be provided, and who will provide services.

Taping the meeting

Some parents find it helpful to record IEP team meetings, so they can focus on the meeting without feeling they have to take notes. However, the use of a tape recorder sometimes is intimidating and limits discussion.

If you decide to audio record the meeting, let the school know your plans ahead of time. The school may also decide to record the meeting. If they do, a copy of the tape becomes part of your child's educational record. According to Chapter 101, parents have the right to audiotape but not videotape IEP team meetings.

If official notes were taken, ask at the end of the meeting to hear or to read all final decisions and make sure there is agreement on who is responsible for their implementation.

The student's role

Your child needs to be involved, to the extent appropriate, in the decisions of the IEP team. You, as their parent, are perhaps in the best position to represent your child's ideas and concerns at IEP team meetings. So, as suggested previously in this booklet, talk with your child before those meetings. This type of involvement outside the IEP team meeting is generally less stressful for a young child.

As your child gets older, they should be more directly involved so they can learn how to advocate for themselves. All students should be encouraged to participate directly in their IEP team meeting, to whatever degree they are comfortable. Their presence helps keep the IEP team focused on the child as the center of the educational program.

To help prepare your child for IEP team meetings, begin by reviewing their current "school day" with them. Discuss each subject/class and make a list, or help your child create a list, of the things that work well and the areas that need extra assistance. If your child has a current IEP, read it aloud together and review each section. Make notes together on the parts you want to discuss at the meeting.



At the meeting, your child should be included in discussion, asked directly about their program, and encouraged to talk about their strengths and needs. Listen carefully, and try to make sure other team members also are listening.

If your child is unable to communicate or unable to attend the IEP team meeting, you may want to bring a photograph (or several) to the meeting, along with samples of their work or drawings. Just the presence of a photograph of your child during the meeting is a gentle reminder to all team members of the reason for its existence.

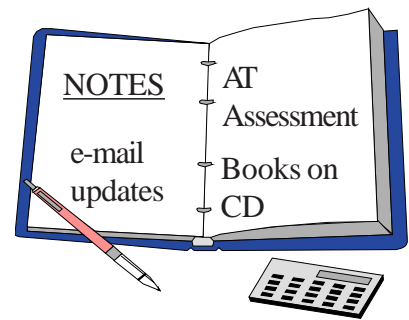
An IEP that incorporates your child's ideas, including offering opportunities to make decisions about their own programming, is an IEP that will be more reflective of and beneficial to your child.

For students 14 or older, one of the purposes of the IEP team meeting is to prepare and review at least annually a Transition Plan for what will happen after high school. Your child must be invited to attend those meetings, or, in their absence, the record must reflect that your child's preferences and interests were taken into account.

A few questions for IEP team meetings...

Gathering information and asking questions are important parts of your role on the IEP team. You may already know the answer to many of the following questions, or they may not be pertinent to your child. However, they represent a range of questions parents may have.

- ◆ How will the goals in the IEP help my child to achieve the Learning Results? (Maine's age-appropriate learning goals that apply to all children in all schools.)
- ◆ Is special education transportation required?
- ◆ Does my child need a Functional Behavioral Assessment?
- ◆ Are buildings/classrooms accessible?
- ◆ What is the policy for giving medication at school?
- ◆ What self-help skills are taught (feeding, dressing, hygiene, etc)?
- ◆ What special equipment is available (computers, calculators, tape recorders, books on CD etc)?
- ◆ How are general curriculum materials adapted and by whom?
- ◆ How are students identified for special education included in art, music, extracurricular activities, physical education, gifted and talented programs, and field trips?



- ◆ How are mobility, positioning, and communication needs addressed?
- ◆ Is the rest of the IEP team aware of my child's medical needs? (They may or may not be the school's responsibility, but teachers may need to be aware of medical conditions and needs.)
- ◆ Have goals and objectives been written for my child's social skills?
- ◆ Have we started a Transition Plan? What will be included? (Appropriate if your child is 14 or older. Transition Plans focus on the move from school to adulthood.)
- ◆ What are positive supports and how and when are they used?
- ◆ Does the IEP need to be reevaluated before the annual review?
- ◆ What are the school's fire and bus safety procedures?
- ◆ Will I receive regular (at least quarterly) progress reports on my child? Who will prepare them and how will they be issued?
- ◆ What kind of accommodations can the school make in general testing procedures for my child, such as for the Maine Educational Assessments (MEAs)?

What's worked for me as a parent ...

"I once asked my daughter before her IEP team meeting what a perfect day at school would be like? She replied, 'A day when all the other kids were home.' I thought, 'Wow, she must not feel connected or have any friends.' But when I asked her why, she said, 'If I was the only kid there, the teacher would have time to answer my questions.' That was important information for me to share with the IEP team."

The IEP: A Program

The main focus of the IEP team is to develop, review, and revise an **Individualized Education Program (IEP)** designed specifically for your child. It is a written statement of educational needs and goals and how they will be met. It is the working document that promises and guides delivery of education services for your child.

An IEP, developed usually by consensus, is finalized during the IEP team meeting, not before, so that everyone is included in the discussion.

However, any member of the IEP team may prepare a draft to share with the rest of the team. But all members of the team must have an opportunity to discuss all aspects of the IEP and to participate in the final decisions about what's included.

Once the IEP is completed, it is considered a legal document. It must include all the goals and supportive services, individual modifications and accommodations, etc., discussed and agreed upon by the IEP team.

Considerations

There are a lot of things the team should consider in developing an IEP. They include:

- ◆ The student's strengths and weaknesses,
- ◆ The parental statement of concern,
- ◆ Results of evaluations and performance on any other general tests or assessments,
- ◆ Present level of educational performance, including cognition, communication, motor, adaptive, social, emotional, and sensory skills,
- ◆ Positive supports,

- ◆ Language needs if the student has limited English proficiency,
- ◆ Provisions for instruction in Braille, if determined appropriate by the IEP team,
- ◆ The need for special education equipment or assistive technology (AT) devices and services,
- ◆ Daily living skills and functional vocational evaluation,
- ◆ Activities, before and after school, that might improve academic and functional achievement,
- ◆ Post-school living objectives, and
- ◆ School-day transition activities, with a focus on student's strengths and interests.

Content

The IEP can be considered the contract for services you and your child have with the school. So you might want to make sure it contains, in writing, everything the IEP team has decided can be done for your child's education.

However, the IEP is not intended to be a detailed instructional plan. It is intended to provide the general direction to be taken and serve as the basis for the teacher's instructional plan for your child.

Federal policy states that the regular education classroom teacher should have a copy of the IEP, or at the least be informed of its content.

Each school system varies on how they handle this information. This is why it is important for you child's regular education teacher to participate in IEP team meetings. According to state law, the IEP must include:

- ◆ State and district-wide assessments,
- ◆ Present level of academic and functional performance,
- ◆ Measurable annual goals,
- ◆ Special education and related services,
- ◆ Supplementary aides and services, and
- ◆ Where services will be received.

The IEP also should consider:

- ◆ The strengths of the child,
- ◆ Parents' concerns about their child's education,
- ◆ Results of the initial evaluation or the most recent evaluation,
- ◆ Academic, developmental, and functional needs, and
- ◆ Special factors.

(For a complete list of IEP content, see MUSER IX. 3.A.)

Goals

Once the IEP team has decided what needs to be included in the IEP, the next step is to write the annual goals.



Goals should reflect what the IEP team has determined is reasonable for your child to accomplish within the school year. They are required for special education services and cover only those areas in which your child has a specific identified need. Goals need to be reviewed at least annually.

The goals describe anticipated progress of your child within the standards and content of the general curriculum. General curriculum refers to what students are expected to learn in grades K through 12 in your school district and incorporates the content standards and performance indicators of the Maine Learning Results.

Note that objectives are included in IEPs for only those students who participate in the Personalized Alternate Assessment Portfolio (PAAP) as their method of assessment of educational progress.

Goals that make sense

Goals in the IEP should be SMART*: Specific, Measurable, Active, Relevant, and Timely.

This means that the goals should not be either too broad or too specific. And, most important, all goals must have written and realistic plans for being met.

Another way of looking at goals is MUG: Measurable, Understandable, and Generalized (ie, learning that can be transferred to other parts of a child's life).

Goals should be worded so that you and others can measure your child's progress. They should be written so progress can be compared with your child's functional and educational level at the time the goals were established. And they should address your child's specific, disability-related need.

A well-written goal notes what is expected, who will be responsible for helping your child reach that goal, how, where, and when. There should be a direct relationship between the IEP goals and the instruction your child is receiving.

Just as parents of children who do not have disabilities, you will be regularly informed in periodic reports of your child's progress toward annual goals.

Goals need to be specific to meet your child's unique needs. Many times the type of goal will determine the avenue best needed to reach success. There are many different types of goals that will need to be discussed during the IEP team meeting. Some will best be achieved in the classroom, some with special support, and some in extra-curricular or other nonacademic activities.

The Maine Department of Education offers forms that schools must use in developing IEPs. See <http://maine.gov/education/forms/specservices.htm>.

There are also samples of IEPs that you can look at to familiarize yourself with what an IEP looks like when it is complete. Remember, though, every student's IEP differs.

Special education services

The services and supports specifically noted in the IEP are intended to help your child progress in the general curriculum; to be educated in settings that are inclusive; and to be able to participate in extracurricular and other nonacademic activities.

Broadly, they may include consultation, specially designed instruction, speech and language assistance, tutorial services, or extended school year services. More specific examples of services that might be included in your child's IEP:

- ◆ Audiology
- ◆ Counseling
- ◆ Psychological services
- ◆ Interpreting services
- ◆ A transliterator for students who are deaf
- ◆ Medical services (to identify the student's disability)
- ◆ Occupational therapy
- ◆ Orientation and mobility services
- ◆ Parent counseling and training
- ◆ Physical therapy
- ◆ Recreation
- ◆ School health services
- ◆ Social work services
- ◆ Assistive technology
- ◆ Rehabilitation counseling
- ◆ Transportation services



Least Restrictive Environment (LRE)

Once the IEP team decides what services will be provided, it has to decide where the child will receive those services: in the regular education classroom, during a pull-out time from that classroom, at a day treatment program, etc.

To the maximum extent appropriate, the team must find placements with non-disabled peers within the regular public school. The legal term for this placement goal is Least Restrictive Environment (LRE). Other terms, such as “inclusion” and “mainstreaming” also are used.

A guiding principle of LRE is that students be removed from the general public school classroom only if the nature or severity of their disability prevents them from receiving an appropriate education in that environment, even with supplemental services.

Another principle is that the student attend the public school they normally would based on where they live if practical.

The continuum of least restrictive to most restrictive learning environment, outlined in both federal and state law, is quite specific, even noting the percentage of time a student might spend in a regular classroom as opposed to a special education classroom.

However, the broad continuum, from least to most restrictive, is:

- ◆ Special services provided in the general classroom;
- ◆ General classroom, with some “pull out” special services time;
- ◆ Special education classrooms within the regular school;
- ◆ Public residential school;
- ◆ Private residential school;
- ◆ Hospital-bound programs; and
- ◆ Full-time, home-bound tutoring.

Extended School Year (ESY)

Many students forget over summer breaks at least some of the skills and knowledge they’ve acquired in school. For some children with disabilities this regression is serious enough to “significantly jeopardize” their right to a Free Appropriate Public Education. These children may be eligible for Extended School Year (ESY) services.

School districts usually offer special education and related services only during the school year to eligible children age 3 and older.

However, recent federal law mandates that eligible children must receive extended school year services during long school breaks. A child is eligible if they are unable to recoup any losses within a reasonable period of time, and if that regression substantially impacts progress toward meeting the goals of the child’s IEP. Usually ESY hours of service will not be at the same level as during the school year. They are based on the time needed to minimize regression. Consultation rather than

direct instruction, for instance, may be appropriate; meeting only several times during the summer may also be appropriate.

The IEP team considers 3 factors in deciding if a child is eligible for ESY:

- 1) The significance (the nature/severity) of the child's disability
- 2) The progress toward the goals contained in the child's IEP
- 3) The impact of previous service interruptions and the probability that the child is unable to recoup, in a reasonable amount of time, skills previously mastered

The team will determine what specific, critical skills are most vulnerable to significant regression and how best they can be addressed. The ESY services will become part of the child's Individualized Education Program (IEP).

ESY services are NOT:

Automatic, since IEPs are based on 10-month school calendar years;

Day care or respite care;

Intended to maximize educational opportunities;

Comprehensive (avoiding significant regression of specific, critical skills is the focus);

Required solely because a child failed to achieve IEP goals during the school year;
Intended to exceed IEP goals; or

Required to provide special education or related services missed during the school year.

Putting the IEP to Work

Once the IEP team has developed annual goals and has addressed all the elements required, school personnel will be responsible for the actual writing of the IEP.



Before the school can implement your child's IEP, it must provide you with Written Notice. This notice must include what was decided at the meeting, as well as what was discussed but not agreed to. It also should include parental concerns that you shared. This notice must be provided 7 days before a change to services or placement is made. At the IEP team meeting you can give permission to the school to start services or change placement without waiting the 7 days. This agreement would be indicated in the Written Notice.

If you believe the Written Notice does not adequately reflect the team's decisions, request in writing that the Written Notice be amended, or that your letter, containing your understanding of the decisions, be attached to the written Notice in your child's file.

A complete copy of the IEP shall be provided to you within 21 school days of the IEP team meeting at which it was developed. Compare that document with your notes, tapes, and memory to make sure that all the services promised at the IEP meeting are included.

If your child requires a variety of supportive services, the school may need some time to make arrangements with therapists or other qualified personnel. In addition, classroom teachers and other school personnel will need to be notified of any modifications, accommodations, or specialized instruction called for in the IEP.

The school has 30 days to put into action the student's initial IEP after eligibility is established. If the school is unable to begin some parts of the IEP within that month, an IEP team meeting must be held to determine if any compensatory services are needed. The same is true for IEPs that are renewed at the beginning of a school year. If

outlined services do not begin when school starts, the IEP team is required to meet within 30 days and identify service options.

In other words, schools must implement the IEP “as soon as possible” after the IEP is written.

Your role in keeping track of progress

Your child’s teachers and school, of course, have a responsibility to make sure the IEP is effective. However, they also are responsible for the education of many other children. So keeping track of your child’s progress is part of your job. To do this, you may want to ask your child how things are going at school, check to make sure your child is receiving services identified in their IEP, and get to know the people who are teaching and supporting your child.

Your child also can be an active participant. Encourage your child to know the goals established in the IEP and to talk with their teachers about ways they learn best, and about their progress. Suggest to your child that they carry with them a copy of their accommodations and/or modifications. And always support your child in asking questions.

Seeking consensus

The ideal for the IEP team is that its members work as equal participants to make joint, informed decisions regarding the child’s needs and appropriate goals, involvement in the general curriculum and testing, and services needed. That’s the ideal, but it doesn’t always work that way.

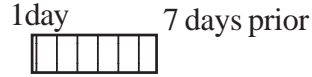
IEP teams are urged to make decisions by reaching consensus, rather than taking a vote. Consensus should come from open, thorough discussion and shared information. Consensus does not always mean that everyone agrees with the decision. Sometimes it means that, at some point, everyone agrees to support the decision. (*See Building Partnerships and Getting Organized, part 1 of this Guide.*)

However, when consensus is not reached, the authorized representative of the school district decides. That person is also a member of the IEP team. If you disagree, you have a right to challenge certain decisions. How to do that is outlined in *Dispute Resolution: When Things Aren’t Going Well, part five of this guide.*

IEP TIMELINES

IMPLEMENTING SERVICES

Schools shall provide **7 days** prior notice before implementing services.



RECEIVE A COPY OF IEP

A complete copy of the IEP will be sent from school to parent(s) within **21 school days**.



IMPLEMENTATION OF INITIAL IEP

IEP will be implemented within **30 days** of student's identification.



Parents' Rights

Your rights and responsibilities are outlined in both federal and state special education law. These include specific actions that require your consent, other areas that require only that you be informed of an action or pending action, and your rights to challenge decisions.

Informed consent

There are a number of times throughout the special education process where informed parental consent is required. Informed consent means that you have received and understand all the information for why consent is being requested, that the information is provided in your native language or other mode of communication, and that you have signed the consent form.

The consent form should list the reason for the consent and the activity and records (if any) that will be released and to whom. Don't hesitate to ask questions before signing if you are not clear what is being proposed.

Informed parental consent is voluntary and can be revoked at any time, although not retroactively. So, for instance, if you've signed a consent form for your child to be evaluated and then change your mind, you can stop the evaluation only if the evaluation has not already been conducted.

Informed parental consent is required for:

- Initial evaluations,
- Initial placement in special education,

- Release of educational records,
- Accessing private or public insurance, and
- Changes in frequency or intensity of services.

However, the school has the right to challenge your decision not to consent to evaluations. For instance, if your child is in public school and you refuse to consent to an evaluation, the school can initiate due process procedures to obtain consent. (If your child is receiving home instruction, the school may not override your decision to decline evaluations.)

The school does not need your permission to: review existing data, give your child a test that all other children are taking and that does not require parental permission, or to do screenings for the purpose of addressing classroom interventions.

What has worked for me as a parent . . .

“They told me my child had a speech and language problem at the IEP meeting. I believed she had a learning disability. I didn’t sign the consent form to initiate special education at the meeting. I took some time to talk with others and understand what it all meant. I eventually signed consent for placement but only after I was clear on what it meant to my daughter’s education.”

Parental notification

Parental notification is different from parental consent. Informed parental consent requires your signature. Parental notification means that schools are only required to notify you, but do not have to obtain your signature or permission.

Parental notification is required for a school to proceed with:

- ◆ Initial referral to special education,
- ◆ Additional evaluations (unless consent is required),
- ◆ Any IEP team meeting (initial, on-going, annual, special, or transitional),
- ◆ Implementing the IEP, including one your child was using in a previous school,

- ◆ Change of special education placement because of a suspension that exceeds 10 days in a row, or would otherwise be a change of placement,
- ◆ Changes in services (new services, frequency of services, change in service goals),
- ◆ Changing roles of the parents and student, when the student reaches the age of majority (18),
- ◆ Stopping of services,
- ◆ Graduation, or
- ◆ Initiation of due process (dispute resolution) procedures by the school.

Parental notification is one way that parents are kept informed about what is happening with their child's special education services. Any time you receive notification and do not fully understand it, you should contact your school's special education director and ask for clarification.

Parental notification, as with consent forms, must be provided in language that is understandable to the general public and in the language that you most commonly use in your own home.

If the school has reason to believe that your native language is not English or that you are not a proficient reader, the school must take appropriate steps to ensure that you fully understand the intent of the notification. The school is required to document that these notification requirements are met.

Note: Some schools districts ask you to sign off on the IEP as an indication of approval. But it's your choice; only parental notification, not written consent, is needed.

Right to disagree with an evaluation

An evaluation is similar to a snapshot of your child: sometimes it's in focus and sometimes not. If you do not recognize your child in the assessment, it may be that more assessing is needed.

If you disagree with the results of the evaluation completed by the school, you have the right to request an **Independent Educational Evaluation (IEE)**.

Requests for an Independent Educational Evaluation must be submitted in writing to your school district's special education director. (*See sample letter in Building Partnerships and Getting Organized, Part 1 of this Guide.*)

You are the only member of the IEP team who can initiate a request for an IEE although other members of the team can join you in that request.

The district has 30 days to respond after receiving the request. It can accept your request and arrange for the evaluation at public expense, or challenge your request by seeking a due process hearing. If the hearing officer decides with the school, you still have the right to an Independent Educational Evaluation, but not at public expense.

Although the school may ask why you object to its evaluation of your child, an explanation is not required, and the school may not unreasonably delay taking action on your request.

You may seek only one Independent Educational Evaluation at public expense for each evaluation with which you disagree.

INDEPENDENT EDUCATIONAL EVALUATIONS

School responds to written parent request for Independent Educational Evaluation with in **30 school days.**



Challenging IEP team decisions

If there is a disagreement during an IEP team meeting, don't hesitate to ask for a break to gather your thoughts. Try to clarify for yourself exactly what the disagreement is about and how strongly you feel about it.

If the disagreement cannot be resolved at the meeting, you may want to write your

concerns and ask they be put in your child's file. In addition, ask that the area of disagreement, along with your concerns, be included in the routine Written Notice the school sends you regarding decisions about your child's identification, evaluation, placement, or provision of FAPE (Free, Appropriate Public Education).

It often helps in the long run to have a written record of how disputes evolve and what they involve.

Every effort should be made to resolve differences between IEP team members through voluntary mediation or other informal steps, including an IEP meeting specifically arranged to resolve the dispute.

If the team still fails to reach a compromise, there are other options, such as writing to the superintendent or filing a complaint or initiating a due process hearing with the Maine Department of Education..

There are procedural differences with filing a complaint and seeking due process. The sequence of events for both is outlined in the back of this book. It also is described in depth in *Dispute Resolution: When Things Aren't Going Well*, Book 5 of this Guide.

You have the right to due process if you are concerned with decisions about identification, evaluation, placement, or the provision of free appropriate public education.

What worked for me as a parent...

When it dawned on me that I had done all I could to partner with the school but we were still deadlocked and my child needed a different program to progress, I became willing to go to due process if needed. He had not made progress in mathematics for three years. Four years later progress has been made and I still have a good working relationship with my school district. If I didn't push for what he needed, no one would."

Behavior and Discipline

“One thing we’ve learned is that expulsions...do little to address the causes of the behavior that makes us want to discipline a child in the first place. Often they...lead to even more serious consequences.... Research has shown that early identification of problems and positive interventions by families and educators minimizes the need to remove children from the environment down the line.”

—Judy Heumann, Assistant Secretary of Special Education and Rehabilitative Services, US Department of Education, 1993-2001

Your child may have a disability that causes them to behave in challenging ways that might be unsafe or disrupt learning.

Both the federal Individuals with Disabilities Education Act (IDEA) and the Maine Unified Special Education Regulations (MUSER) provide guidelines for dealing with behavior issues. These guidelines stress the importance of positive supports and positive behavioral interventions. They provide strategies for addressing behavior and discipline through a step-by-step process.

First steps

The Individualized Education Program (IEP) team is charged with examining your child’s behavior patterns and deciding if it is impacting either your child’s or other students’ education.

Behavior that should concern the IEP team is not limited to loud, overactive, or disruptive behavior. It can also include anxiety, depression, and withdrawal. Any behavior that interferes with your child’s educational performance or with their right to a free and appropriate public education (FAPE) must be addressed in the IEP.

There are 4 key terms used in talking about behavior problems and students receiving special education services. As a member of your child's IEP team, it's a good idea to be familiar with them. They are:

- Functional Behavioral Assessment (FBA),
- Positive supports and positive behavioral interventions,
- Behavior Intervention Plan (BIP), and
- Manifestation determination.

Functional Behavioral Assessment (FBA)

This is an information-gathering process that attempts to find out why a child is having behavioral difficulties and help identify positive supports and behavior interventions.

It provides the chance to do more than blame and punish a child. The Functional Behavioral Assessment (FBA) investigates underlying causes of certain behaviors, including the relationship between the behavior and the environment, and what the child might be trying to communicate.

The FBA may include interviewing your child about the classroom environment, academics, relationships with teachers, and any other information that will help the IEP team identify strategies for success. FBAs should also include data on what interventions have been tried, how well they have worked. Medications, medical conditions, and significant home issues may also be considered.

An FBA should be considered if the student's behavior:

- ◆ Is a manifestation of their disability;
- ◆ Demands frequent behavioral interventions;
- ◆ Interferes with the implementing the IEP;
- ◆ Has prompted the IEP team to consider placement in a more restrictive setting; or
- ◆ Is likely to be physically dangerous, self-injurious, damaging to property, or other grounds for suspension or expulsion.

Parental consent is not required for the IEP team to gather information that may be

part of a Functional Behavioral Assessment. However, if an individual, such as a behavior consultant or school psychological services provider, provides this service, then parent consent is required. The IEP team, which includes you, must decide whether or not to conduct an FBA, and the FBA is frequently done during an IEP team meeting, using existing data.

The FBA may involve a variety of school personnel, including regular classroom and special education teachers, school counselor or social worker, a behavior strategist, school psychologist, and school administrator. In addition to information provided by you and possibly your child, information also is collected from teachers and support staff who work with your child on a regular basis. Direct observations of your child are an important part of the FBA.

Best practice suggests that direct observations be performed by an individual who has limited direct experience with your child. This allows the individual to enter into the process without any preconceived ideas or expectations.

Especially for children with complex, unique, or serious behavior problems, it may be appropriate for a licensed or certified provider, such as a psychologist who specializes in behavior modification, to complete the FBA.

Behavioral Intervention Plan

After the FBA is done, the IEP team meets to review it and develop a Behavioral Intervention Plan (BIP) that includes intervention strategies designed specifically for your child.

The BIP, which will become part of your child's IEP, should be based on the FBA data and include positive behavioral supports and strategies.

The intent of any BIP should be to help your child develop appropriate behavior and reduce inappropriate, dangerous, destructive, disruptive, or defiant behavior.

The BIP includes positive supports and interventions. It also needs to specify, if appropriate, any modifications to the "consequences" outlined in the school behavioral code.

Everyone involved with your child needs to be familiar with the BIP and understand what is expected. A clearly written plan helps ensure consistency, so, if necessary, the school may consider hiring a behavior consultant from outside the district to help write the plan.

An effective behavior intervention plan should help teachers intervene to prevent a student's behavior from escalating to the point where suspension or expulsion are necessary. The plan should also focus on teaching the student skills to express themselves appropriately.

Positive Supports

Trying to understand what's behind a child's behavior can help resolve problems. That understanding helps teachers deal with behavior in a positive, rather than a negative or punishing, way.

For example, a child, because of a disability, may find it impossible to stay at the desk and instead wanders around the room. Rather than order the child to return to the desk or go to the principal's office, the teacher, because of the Functional Behavior Assessment (FBA), understands options and because of the BIP, has options for intervention.

What worked for my son..

My son often has to leave a room if it's too noisy. His disability makes the noise almost painful to him. In the fifth grade, he had a teacher who understood positive supports and set up a beanbag chair in the cloakroom that was adjacent to the classroom. My son was given permission to go there when he needed to. His needs were met, but he still was in earshot of the class and the teacher could keep an eye on him.

Second steps

All schools have a code of conduct that defines acceptable and unacceptable student behavior and the consequences of breaking the rules. The code is adopted by the school board, usually printed in the student handbook, and is available to the public.

Students who receive special education services are expected, like all students, to follow school rules, unless their IEP states otherwise. For these students, the appropriateness of punishment must be considered with each act of misbehavior.

If a student is suspended 10 or more days, cumulatively or consecutively, the IEP team must consider circumstances and timing of the suspensions. If the behaviors are substantially similar or occurring immediately after each other, the suspensions may amount to a “change of placement.”

10 school days

Under Maine law, public school students, whether or not they receive special education services, can only be suspended for up to 10 days in a row.



Unlike the general population of students, individuals receiving special education services are specifically entitled to a free and appropriate public education (FAPE), even if suspended or expelled. This includes participation in general education curriculum, although in a different setting, plus instruction and services to make progress toward meeting their IEP goals.

Change of placement

If your child has been suspended for more than 10 consecutive days or, in some cases, for more than 10 cumulative days because of behavior issues, the school may decide your child needs a different educational setting. This decision requires that the IEP team meet and conduct what’s called a manifestation determination.

Manifestation Determination

Once a change in placement has been ordered, the IEP team must meet to conduct a Manifestation Determination. Specifically, the team needs to decide if there is a connection between the child’s behavior and disability.

The team is required to answer 2 questions:

1. Was your child's behavior caused by, or was there a direct and substantial relationship to, your child's disability?
2. Was your child's behavior the direct result of the school's failure to implement the IEP?

The IEP team should review all existing evaluations, as well as new information, when conducting a Manifestation Determination.

If you know someone, a community provider for instance, who knows your child and can shed some light on the behavior, invite them to attend the Manifestation Determination meeting. Remember, this is a team decision and you are an equal member of that team.

If there is a connection between the behavior and the disability, your child cannot be disciplined any further. If there is no connection, your child can be disciplined further, including expulsion, but must be provided a free, appropriate public education in the interim.

If you are aware of a pattern of behavior that could lead to suspension, you should call the special education director immediately to schedule an IEP meeting. At that meeting, you could ask for the team to initiate a Functional Behavior Assessment (FBA) to determine what might be triggering the behavior; use the FBA to identify options for behavior interventions, strategies, and positive supports; or develop and implement a Behavioral Intervention Plan (BIP).

If the team decides there's a connection between behavior and disability, the IEP must be amended to address the behavior. Remember, the IEP should include a positive behavior intervention plan, not a consequence-based plan. If you disagree with the Manifestation Determination finding of the IEP team, you can request a due process hearing to challenge it.

An Interim Alternative Educational Setting

An Interim Alternative Educational Setting (IAES) generally refers to a place or program outside the school where the student can still receive an appropriate education, including access to the general curriculum.

The student must also receive any services or modifications not previously required by the IEP if necessary to prevent the behavior from recurring.

The IEP team may determine that a student be removed to an interim alternative educational setting for up to **45 school days** when:

- ◆ The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or at a school function,
- ◆ The student carries a dangerous weapon or possesses a weapon at school or at a school function, or
- ◆ The student inflicted serious bodily injury on another person at school or at a school function.

The placement in an IAES can happen regardless of whether or not the conduct is a manifestation of your child's disability. This is because the function of IAES is to keep your child and others safe.

Note: Only an overt act on the part of the student qualifies for placement in a 45-day IAES; a threat to act does not.

What worked for me as a parent...

"My son always needed quiet spaces, structure, predictable routines, small group settings and teachers who saw him as a kid with strengths and limitations. When he went to junior high, none of the things he needed existed. He got more discipline slips in 6 weeks than in the previous 6 years. I knew it was going to be difficult but I wasn't prepared for how difficult. I kept a daily log of issues, calls, meetings, and how he was doing. I

talked with people who know about programs, placements, and laws. I read the laws related to discipline. I visited other placement options. I had a good working relationship with the special education director. I asked for help. I walked around the block with a friend. I fell apart and regrouped over and over.”

Students not yet identified as eligible for special education services

The same procedures must be implemented even if your child has not yet been identified as eligible for special education services when the school had prior knowledge of the need for special education. Prior knowledge can be shown if, before the incident:

- ◆ You had expressed concerns to the school in writing regarding the need for special education services,
- ◆ You had requested an evaluation of your child for potential special education eligibility, or
- ◆ Teachers or other school personnel had repeatedly expressed concern to the special education director or other administrator about your child’s patterns of behavior.

Pre-referral/Response to Intervention

Special Education Flow Chart

Referral

Determination of appropriate evaluations and assessments

Consent for Evaluations

Evaluations and Observations completed

IEP team meets and decides:

Does the student have a qualifying disability?
Does the student need special education and related services?

IEP team writes the IEP together, which includes deciding on students goals and what services are needed for the student to achieve those goals.

IEP team decides on placement.

IEP members keep track of student's progress.

LEA, SAU, RSU (the school) implement the IEP in the placement.

IEP team reviews IEP and placement at least annually.

Parents can request an IEP meeting at any time.

IEP team does a reevaluation at least every three years, unless parents and school agree not to.

Parents can request due process at various times in the process. For more information see *Dispute Resolution: When Things Aren't Going Well, part five of this guide.*

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