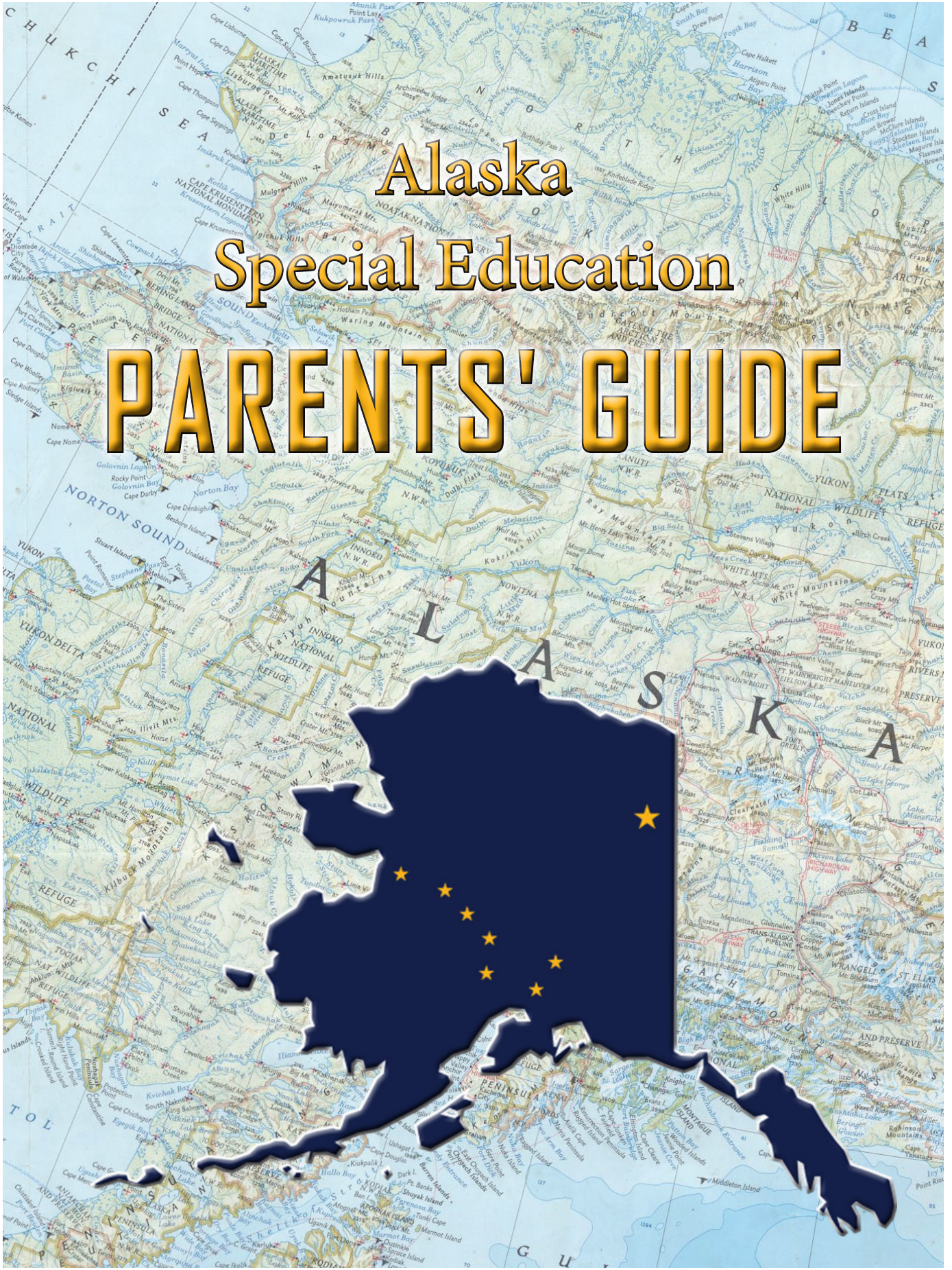


Alaska Special Education PARENTS' GUIDE



Developed by LINKS Mat-Su Parent Resource Center
for the Department of Education and Early Development – June 2017.



Does my child need extra support at school?

The Individuals with Disabilities Education Act (IDEA) requires all publicly funded schools to provide access to a free and appropriate public education for students ages 3 to 21 who have a disability. Students who struggle with one or more of the following issues may qualify for extra support through their local public school. A child may receive additional educational supports in more than one area. Your child may experience other issues not listed here.

- Difficulty handling small objects
- Does not do things as well as siblings at the same age
- Slow to learn new things
- Does not talk or has limited speaking ability, and cannot make needs, or wants, known
- Is very tense, easily upset, or, extremely fearful
- Cannot hear radio, TV, or voices at normal levels
- Hostile, or cruel, to other children, or hurts animals
- Plays with younger children, or difficulty playing

successfully with same age peers

- Must be watched at all times to keep safe
- Seems to daydream excessively
- Speech is unclear and hard to understand
- Requires more than usual assistance in dressing, undressing, eating, toileting, etc.
- Has poor coordination and is extremely awkward when jumping, running or skipping
- Does not play well with other children
- Holds books or playthings close to their eyes or squints to see objects
- Pronounces words incorrectly
- Child seeks a great deal of attention from parents
- Is easily confused when given direction
- Stumbles frequently, or trips, over small objects
- Complains of earaches
- Shuts or covers one eye, tilts or thrusts head forward when looking at objects
- Frequently loses their temper when they don't get

their way — screams, kicks, etc.

- Doesn't know colors, like red, blue, green and yellow
- Is unhappy, moody or depressed most of the time

To be eligible for special education services a student must:

- Have a qualifying disability.
- Have their educational performance negatively impacted.
- Need specially designed instruction and related services.

Child Find

Child Find is an effort to locate, identify and evaluate all children ages 3 to 21 in the community who may benefit from special education and related services. Anyone who has a concern may refer a child.

Referral

Parents are an important part of the special education process. If a person refers your child for evaluation, the school is required to get parental permission to conduct an evaluation. Parents are encouraged to speak openly to school staff to understand the process and advocate for their child's needs.

The district may decide to try other changes in your child's classroom program before referring your child for a special education evaluation. Parental notification also is required if the district decides to implement interventions. It is important to note that interventions should not delay, or deny, the referral process.

If the school officials decide that a special education referral is not appropriate, they must give you a written notice explaining why the student was not assessed for special education services.

Written Notice, or Prior Written Notice

The school district must give the parent a written notice before the district proposes, or refuses, an action. For example, if a district refuses to evaluate a child they must provide a written notice that explains the reason. If the written notice is not available in your language, you have the right to have the notice translated or provided by other means.



Evaluation Procedures and Eligibility Determination

When a student is referred for special education, school staff must notify parents that their child was referred for services, and parents must give written permission before their student is evaluated. Students must be assessed in all areas that might affect their educational needs, including health, vision, hearing, social and emotional intelligence, achievement, communication, language and motor abilities. As valuable members of the evaluation team, parents will receive an invitation to participate in this meeting. The team will make a decision together about the child's eligibility, and identify educational supports for the child after the evaluation is completed.

Evaluations

Evaluations must be suitable for the child's needs, given by a trained evaluator in a language the child understands, and must not discriminate culturally or racially. Evaluations also must show the child's abilities.

More than one procedure must be used to evaluate the child. Formal tests, teacher observations, parent input and classroom work samples are common. The eligibility decision includes team members who know the student. Team members, including the parents, must understand the meaning of the test results and understand eligibility requirements. The evaluation team must ensure that a variety of information is available to make the decision, not just a single test. The team must carefully consider all information.

If parents disagree with the evaluation results, they may request an Independent Educational Evaluation

(IEE) at the district's expense. The school district staff can assist parents with information on how to request an IEE. If the district disagrees with the need for an IEE, it may request a hearing. Parents may choose to pay for an independent evaluation. The school district must consider all outside evaluations provided.

Once the evaluation information is available, the evaluation team (including the parents) will review the information. Parents should share information with the team that could help their child. If the student is found to qualify for a disability category and needs special education services, an eligibility decision and the educational needs will be identified. Parents, as their child's first teacher, are the people who know the child best. It is important that parents are equal partners with school staff in this process. If the student qualifies for special education services, this eligibility decision will be reviewed at least every three years.

Individualized Education Program

Parents and school staff prepare the Individualized Education Plan, or IEP, together. The school district must give a copy of the IEP to the child's parents. Every child with a disability who needs special education will have an IEP that describes the specific services the child will receive. Before providing consent for placement in special education, the parents can review the IEP developed by the IEP team. It is important to note that the parents have the right to revoke consent at any time during this process. IEP's are reviewed annually as a minimum, but they may be revisited more frequently if the parent requests it, or there are changes that affect the child.

The IEP team creates the document during an IEP meeting. The IEP team must include:

- The child, when appropriate, or for secondary transition planning
- At least one parent
- A regular classroom teacher
- A special education teacher (or certified special education provider)
- A school representative who has the authority to allocate district resources
- A person who can interpret the educational information (it may be one of the people listed above)



Parents may invite others to the IEP meeting. The district may also invite others to attend this meeting, but this is subject to parent approval.

It is a district's responsibility to insure the parent has the ability to understand the content of the IEP meeting. The district must provide an interpreter when necessary.

The district must be sure that the parents are given the opportunity to participate in IEP meetings. Parents must have enough time to plan to attend the meeting, rescheduling if needed. The meeting must be at a convenient time and place. Parents can attend by phone if they are unable to attend in person. They may also provide their input through written form. Parents may choose not to attend the IEP meeting and allow the school to proceed without them. Schools may also proceed with a meeting if reasonable attempts to schedule a meeting failed.

The IEP must include:

- A statement of what the child can do (Present Level of Academic Achievement and Functional Performance)
- Annual goals and short-term objectives
- A statement of the service the child needs, and what supports are needed for school staff to help the child
- An explanation of why, if at all, the child will not be in the general classroom, or other school activities
- A statement of how the child will take state or local assessments
- The start and end dates of special education services/related services
- A description of how progress reports will be provided
- Justification for placement in the least restrictive

environment

- Secondary transition goals (required at age 16 or earlier if the IEP team agrees)

The IEP team decides which services the child will receive in special education. The IEP team must consider parent input, test results, and teacher recommendations. Additionally the team should address issues concerning physical condition and social or cultural background.

The school district has options available for the child's placement or location based on the individual needs of the child. Typical placements include:

- Regular classroom with more support services.
- Regular classroom with direct services from special education personnel.
- Regular educational environment with special education itinerant or resource support.
- Regular education environment with some self-contained classroom support.
- Self-contained classroom.
- Full-time instruction in a separate day school.
- Homebound, or hospital, instruction.
- Institutional services.

Students with disabilities should be in regular programs with their same-aged peers as much as possible. It may be necessary for a student receiving special education services to have some of their services provided in a "pull-out" environment. This involves removing the student from regular education classes and activities for a period of time. This should happen only if the child's disability warrants it. Unless stated in the IEP, the child must attend the school they would attend if not in special education. A child's placement should be as close as possible to the child's home.

Transition Services

When students on an IEP reach 16 years of age they are required to have a secondary transition plan as part of their IEP. The IEP team may provide secondary transition services earlier if it is determined it is necessary. These transition services are designed to help the child move successfully from school to post-school activities (work, further education, substance living, etc.). Transition services includes post-secondary goals, appropriate transition assessment and the



student's courses of study. The IEP must also include what services other agencies, if any, will provide for the child. When transition services are being addressed, the student (at any age) must be invited to participate in the meeting.

Transfer of Rights

In Alaska, students reach the age of majority at 18, meaning they have all the rights of an adult. This includes the right to make decisions about their education and their IEP. The district must inform the student and the parents of this transfer of rights at least one year prior to the student turning 18. Parents should seek legal advice if they plan to continue to make decisions for their child after age 18.

Related Services

Related services are services that are necessary for the child to benefit from special education.

Related services may include:

- Transportation
- Speech therapy
- Psychological services
- Physical therapy
- Occupational therapy
- Recreation
- School health services
- Social work services
- Counseling
- Adaptive physical education
- Audiology services
- Orientation and mobility services
- Parent counseling and training
- Rehabilitation counseling

Services required to enable the student to benefit from their individual special education program should be considered by the IEP team.

Other IEP Facts

- The IEP must be written at the IEP meeting with all members of the team participating
- The school may provide a draft IEP document to assist the team in designing a program for the student. IEPs should not be pre-determined
- The IEP is reviewed at least once a year
- IEP team members may ask for an IEP meeting at any time to change the IEP or discuss concerns
- The school district is not required to guarantee that a child will achieve IEP goals

Dispute Resolution

Parents and the school district work together to educate the child. If parents have concerns, they should talk openly about the issues with teachers and school administration. At times, parents may disagree with the school district's educational decisions. Every attempt should be made to resolve these differences as soon possible. If they cannot be resolved, there are options available. There are several reasons a parent might pursue dispute resolution. Most reasons involve the identification of their child as a student with a disability, the evaluation process, educational placement (where the child's learning will take place), or Free Appropriate Public Education for your child.

Mediation

Mediation is a process that helps parents and schools resolve disagreements about a student's special education program. Mediation is free and may be requested by either the school district or the parent. Mediation is voluntary. Trained mediators work with the school and parents to improve communication and understanding. The mediators help resolve issues in the best interest of the student. Mediation may not be used to deny, or delay, a parent's right to a due process hearing.

Complaint Investigation

Parents may file an administrative complaint with



the Department of Education and Early Development for issues concerning special education services. To file an administrative complaint, there is a convenient form located in the "Procedural Safeguards" (Parents' Rights booklet) you receive from the school district or from the department's website. However, you can also write a letter that describes your concerns, includes the facts about the issue, and what you think should happen to resolve the problem. Then sign the letter and submit it to the department. A complaint investigator will call you and the school district. The investigator will gather information, review the facts and provide a report to the Department of Education and Early Development. If a violation has occurred, the department will issue a corrective action to resolve the concern.

Due Process Hearing

Parents may file a request for a Due Process Hearing. This process is a legal action and there will usually be attorneys involved. A parent can represent themselves, but usually they are represented by an attorney. To request a Due Process Hearing, parents must submit a written request to the school district. Parents may complete a convenient form located in the "Procedural Safeguards" (Parent's Rights booklet) available from the school district or from the department's website. However, like the Administrative Complaint, you can also write a letter that describes your concerns, includes the facts about the issue, and what you think should happen to resolve the problem. Then sign the letter and submit it to the school district. A parent does not have to pursue mediation, or file an administrative complaint, before requesting a due process hearing.

Due process hearings are conducted by an impartial

hearing officer. The department has a list of hearing officers available. Once a hearing officer is assigned to your request, they will contact you (or your attorney) to set up a time and place to meet. You (or your attorney) will have the opportunity to present evidence, have witnesses and cross-examine witnesses. It is your right to have a record of the hearing (written or audio tape). You can decide if the hearing will be private or open to the public, or if child will attend the hearing. Hearings are supposed to be resolved within 45 days, but either party may submit a request for an extension. Any extension must be approved by the hearing officer.

Attorney Fees

Attorney fees can be complicated. Attorney fees may only be awarded by a court and must be calculated at the local rate. Attorney fees may not be awarded for services performed after a written offer of settlement is given to you if:

- The offer is made any time more than 10 days before the hearing begins.
- The offer is not accepted within 10 days.
- The court finds that the relief obtained by you is not more favorable than the settlement offer.

Attorney fees may be awarded to a parents who prevails and was justified in rejecting the settlement offer. Attorney fees may not be awarded for legal services relating to any meeting of the IEP team (unless the meeting is the result of an administrative proceeding or judicial action). In some cases, such as unreasonable delay of resolution of the conflict, a court may reduce attorney fees.

A due process hearing does not involve awarding cash settlements for damages, but may require actions (such as compensatory education services) to be paid for by the school district.

Additional Resources

Alaska Department of Education & Early Development, Special Education

Donald Enoch, Education Administrator
donald.enoch@alaska.gov
(907) 465-2972

Disability Law Center of Alaska

akpa@dlcak.org
(800) 478-1234

Alaska Family Directory

asdk12.org/afd

Special Education Service Agency

Patrick Pillai, Executive Director
ppilliai@sesa.org
(907) 334-1300
(877) 890-9269
(907) 563-8284 TTY

Alaska Infant Learning Program

Maureen Harwood, Part C Coordinator
maureen.harwood@alaska.gov
(907) 451-5041
(800) 770-1672

Alaska Special Education Mediation Services

Dave Thomas
thomaswf@centurytel.net
(800) 580-2209

Mat-Su LINKS Parent Resource Center

Eric Wade, Director
eric@linksprc.org
(907) 373-3632

Stone Soup Group

Mary Middleton, Executive Director
info@stonesoupgroup.org
(907) 561-3701

Glossary of Terms

Academic Aptitude: Abilities needed for schoolwork.

Accessible: Modified, or designed, so that locations or materials are within reach.

Achievement Test: A test that measures progress in school subjects.

Adaptive Behavior: Behavior that helps a student get along in their environment with success.

Advocacy: The act of speaking on the behalf of, or in support of, another person.

Alternative Intervention Strategies: Changes made to help a student with their needs in the regular classroom. This also may be called Intervention Strategies or Pre-Referral Strategies.

Aptitude Test: Test to measure a student's ability to learn in a specific subject area

Articulation: How a student forms words with their mouth, speech. Often articulation problems involve omissions (leaving out sounds), substitutions (saying "reef" for "teeth"), distortions (lispings), or additions (saying "runnering" for "running").

Assessment: Testing and observing a student to understand the nature, personality, learning style, and abilities of the student. This is used to help make decisions about the kind of educational programming that could be helpful.

Auditory Perception: The ability to hear sounds accurately and to understand what they mean when combined into words.

Autism: A special education category for students who exhibit a developmental disability significantly affecting verbal and non-verbal communication and social interaction (generally evident before age 3) that adversely affects educational performance. This must be diagnosed by a qualified professional.

Change of Placement: Any modifications of a student's program, placement, or identification, altering the type and/or intensity of special education services, or alters the student's contact with nondisabled peers.

Cognitively Impaired: This is a special education category in which the student has a score two or more



standard deviations below the national norm on an individual standardized test of intelligence. The student must also show deficits in adaptive behavior, that negatively impact the child's performance. This must be determined by a certified professional.

Consent: Being fully-informed and agreeing to a proposed plan of educational evaluation and /or placement. "Parental Consent" includes three components: the parent is fully-informed; the parent agrees in writing; and consent is voluntarily.

Deafness: This is a special education category in which the student has been diagnosed as having a hearing impairment that hinders the child's ability to process information through hearing, with or without amplification. This must be diagnosed by a professional.

Deaf-Blindness: This is a special education category in which the student has been diagnosed as being without functional sight, or hearing, which causes severe communication and other developmental/educational problems.

Developmental Delay: A delay in the appearance of some steps, or phases, of growth.

Developmental Disability: A disability that interferes with a person's ability to function independently, is likely to continue indefinitely, and occurred before age 18.

Disability Categories: Distinct categories for the identification and classification of students with disabilities.

Dyslexia: One possible element of a Specific Learning Disability usually tied to difficulty in deciphering written materials.

Early Childhood Developmental Delay: This is a special education category where the student must be between the ages 3 and 8, be two standard deviations below the national norm, and present a 25 percent delay in age in one of these areas: cognitive development, physical development (fine and gross motor skills), speech/language development, social/emotional development, or adaptive functioning/self-help skills. Also the student may qualify with two areas at 20 percent delay in age. This is determined by a team.

Early Childhood Intervention: Programs and services provided to infants and children with disabilities during the period of most rapid growth and development (the years from birth to 5).

Eligibility Criteria: The standards used to classify a student's disabling condition; criteria are specified for each condition/category.

Emotional Disturbance: This is a special education category in which the student shows (for a long time) one or more of the following: the inability to learn (not explained by intellectual, sensory, or health factors), problems with relationships with peers/teachers, inappropriate behavior or feelings, or a lasting mood of unhappiness or depression. This must be diagnosed by a professional.

Evaluation: The determination of a student's current level of functioning. An evaluation consists of a variety of tests, observations, and background information, and is done by a team.

Expressive language skills: The ability to speak, write, or sign, a language for communication purposes.

Family Educational Rights and Privacy Act (FERPA): a federal law that protects the privacy of student education records.

Fine Motor: Purposeful movements of the hands and eyes together to achieve a specific task, such as writing, sorting, or sewing.

Functional Behavioral Assessment (FBA): This is a process that seeks to identify a problem behavior to determine the function, or purpose, of the behavior, and to develop interventions to teach acceptable alternatives.

Gross Motor: Movement that involves balance, coordination and large muscle activity as needed for

walking, running, skipping, jumping and other physical activities.

Hearing Impairment: This is a special education category. The student must have a permanent, or changing, level of hearing that is below normal levels, as determined by a professional.

Inclusion: All students, including those with disabilities (whether physical or learning-related), are taught together in the general classroom settings.

Individualized Education Program (IEP): A written document developed for each identified, eligible student with a disability. The IEP identifies the members of the IEP team and describes all the elements of the student's performance, goals/objectives, amount, details and the delivery of the services.

Individuals with Disabilities Education Act (IDEA): A Federal law governing special education.

Intelligence Quotient (IQ): A way of expressing the score results of an intelligence test. IQ scores compare a student tested with a large number of students the same age. This is not to be used alone to determine a student's intellectual level.

Language Disorder: Reduced ability to comprehend, or express ideas, via spoken, written, or gestural language.

Least Restrictive Environment (LRE): The practice of educating students with disabilities along with students who do not have disabilities in the regular classroom to the maximum extent possible.

Multiple Disabilities: This is a special education category for students who exhibit two or more impairments, the combination of which causes such severe educational problems that the student cannot be accommodated for only one condition. Both (or all) conditions must be diagnosed by a professional. This category does not include "deaf-blindness;" it is a separate individual category.

Multi-Sensory: Using more than one of your senses (seeing, hearing, etc.)

Norm-referenced Test: Test which compares a learner's performance to an average.

Occupational Therapy (OT): A related service that

works with “fine” or small muscle movement, such as the use of hands and fingers.

Orthopedic Impairment: This is a special education category that is for students identified of having severe physical issues. This must be diagnosed by a professional.

Other Health Impairment: This is a special education category where a child must have limited strength, vitality, or alertness, due to chronic or acute health problems. This must be diagnosed by a professional.

Paraprofessional: An aide assisting a special education teacher, or who works with a student under the supervision of a teacher, also known as a teacher’s aide.

Parent Involvement: Parents have the right and responsibility to participate with the special education planning and decisions. Federal and state regulations support parent involvement.

Physical Therapy (PT): A related service that works with “gross” or large muscle movement, such as sitting, walking or jumping.

Placement: Location that does not necessarily mean the precise physical building but the range or continuum of educational settings available in the school district (also see Least Restrictive Environment).

Present Level of Academic Achievement and Functional Performance (PLAAFP): A narrative in the IEP describing a student’s educational strengths and weaknesses based on the educational needs identified. Provides the basis for the development of individual goals.

Procedural Safeguards: Parental rights. Describes the steps that may be taken to ensure the parent’s rights are supported. This booklet is available from your school district or the Department of Education and Early Development.

Psychological Test: Covers a range of tests used for studying people and how they behave.

Readiness Test: A test that determines if a learner is ready for certain school tasks.

Receptive Language Skills: Ability to understand the language used by others, may be writ-



ten, spoken or signed.

Reevaluation: A set of assessments required every three years at a minimum to determine if a student remains eligible for a special education program.

Referral: A notice requesting a student be reviewed for potential assessment to special education. This may be presented by anyone with knowledge of the child.

Special Education: Specifically designed instruction, at no cost to the parent, to meet the unique needs of a student with disabilities.

Specific Learning Disability: This is a special education category for students with one or more issues with the basic processes involved in understanding or using language. This may result in problems with listening, thinking, speaking, reading, writing, spelling, or performing mathematical calculations.

Speech/Language Therapy: Process of correcting, or improving, a person’s ability to use speech or language.

Transition: Transition is any period where careful planning is needed to ensure the smooth transfer from one setting to another.

Traumatic Brain Injury (TBI): A special education category for a student who has experienced an injury to the brain caused by an outside physical force. The term does not include brain injuries that are congenital, degenerative or related to birth trauma. This must be diagnosed by a professional.

Visual Impairment: A special education category for students with any eye condition meeting specific requirements. This must be diagnosed by a professional.

