

IEPs, 504s and ETRs

Presented by Karla Fitch, MSW, LSW, Connecting for Kids

Karla Fitch

Hello and welcome IEPs, 504s and ETRs. My Name is Karla Fitch.

I'm a parent to a 15-year-old sophomore. My child transitioned from Help Me Grow to her first IEP at age 3, and this fall will be my 13th IEP meeting with her.

I also have a master's degree in social work that includes a certificate in school social work and recently got my license to practice.

Before we get into this topic, I do want to make an important note. I am an experienced parent and social worker, but I am not an advocate or legal expert. What I share today should not be taken as legal advice. If you believe that you need an expert in special education or education law, Connecting for Kids has a free program called Ask Us 1:1. During an Ask Us, you can discuss specific concerns with a Connecting for Kids Family Resource Specialist and get recommendations for resources and providers to help your family.

To register for an Ask Us, visit the website link I shared on this slide or by visiting our website, Connecting for Kids dot org.

Before we get going with the content, let's take a minute to address the elephant in the room. Even when you and your child's team are all on the same page, special education meetings can be STRESSFUL!

In some cases, you may be hearing for the first time that your child is struggling with something. Special education meetings always cover strengths, but the focus tends to be on weaknesses – because that's where we need help. And that can be hard to listen to.

Most of these meetings involve a LOT of people. Later in the talk, we'll look at some of the types of professionals who come to the table. I've personally sat in meetings with 8-10 other professionals and wow – when it's just you and all of them, it can really feel lonely.

The professionals are going to bring a lot of knowledge and experience to the table. As parents, we are absolutely at a disadvantage in these meetings. We don't know the rules or the processes – the child we are there for may be the first one in our families to ever have a disability. And then to sit with all of these people who have licenses, master's degrees and PhDs, and years of classroom experience? Well, it's a LOT.

Which brings us to the purpose for tonight's program. Our goal is to help you close that knowledge gap and to reduce some of that stress you might be feeling about the whole special education process. When you know what to expect and a little bit more about how the rules work, you can play your – very important – role in your child's team.

I promise that the whole presentation won't be this dry, but we have to start with a little legal background. So grab a fidget and bear with me.

There are three big laws that have the most impact on special education. They are:

- The Americans with Disabilities Act (or ADA)
- Section 504 of the Rehabilitation Act, and
- The Individuals with Disabilities in Education Act (or IDEA)

The ADA and Section 504 are not education specific. These laws are civil rights protections for people with disabilities and apply across the lifespan. Many people who are my age will recognize the ADA for the work it has done to improve access for people with disabilities. It helps to ensure that we can enter buildings, use public transportation, get jobs and participate in our communities.

Section 504 – where we get the name for 504 plans – guarantees equal opportunity to access benefits or services.

IDEA is the only one of these laws that is specific to education. It's also the only law that has an age limit. IDEA has four parts – but the ones that are most important to us are parts B and C. Part B is what most families think of when they look at IDEA. It includes the laws and provisions to serve school-aged children between the ages of 3-21. Part C covers early intervention services, like Help Me Grow.

If you remember anything about IDEA, keep track of those two acronyms in the definition:

- Free and appropriate public education (FAPE), and
- Least restrictive environment (LRE)

At the core of IDEA is the belief that children with disabilities should be educated – to the greatest extent possible – with their non-disabled peers. It also means that families should not be financially or otherwise burdened with making that education possible.

Your child might be the first in the family to need special education services - or you might have even more IEP meetings under your belt than I do. No matter how you've come to this point, you've probably got that gut feeling that your child needs help – and to do that, you need to know where to start.

We talked about IDEA's part C on the last slide because a lot of children get started this way. A pediatrician, case worker – or even you – got your child started with Help Me Grow or Bright Beginnings, and as they reach their third birthday, they are coming close to aging out. While some little ones only need early intervention services until they reach preschool age, some will transition to school-aged services. Usually, when this happens, your child's case worker will work together with your home school district to make sure that your child has the services they need on their third birthday.

But what if your child didn't receive early intervention services? Or if they "graduate" from early intervention and then start to struggle once they are in school? From here, there are two ways children start the path to special education services. They are:

- Teacher referral, or
- Parent request for evaluation

It actually doesn't matter which path your child takes to access special education services – they're all moving towards the same place: a multi-factored evaluation, or MFE.

The MFE is called a “multi-factored” evaluation because it looks at all the factors that make it hard for your child to learn. While the evaluation may be led by a school psychologist or social worker, the team can include people from different disciplines, including teachers, therapists, the school nurse, and sometimes other experts.

Before the evaluation can begin, the school must get parent consent. This means that you give the school permission to evaluate your child. This is a great time to ask about the types of evaluations the MFE team will use and who will be on the MFE team. Once you return your written consent, the school has 60 days to complete the evaluation.

During the evaluation, the experts on your child’s MFE team will spend some time evaluating their strengths and needs. In many cases, parents are asked to add what they know too – either with interviews or by filling out questionnaires and screening forms.

After the team members finish their evaluations, they put together an Evaluation Team Report (or ETR).

ETR meetings are often an emotional roller coaster for families. While most of us know going into the meeting that our child is struggling, it can be hard to hear the details of those struggles. As a parent who has attended ETR meetings for their own child, I recommend enough to take a little time for self-care before these meetings. From something as simple as stopping on the way to the school to get a cup of your favorite coffee to talking with a counselor or therapist, a little self-care can help you to come to the meeting with a mindset to support the child.

Going back to our elephant, it’s a good idea to prepare for the fact that this can be a pretty intimidating meeting – even when everyone is on the same page. One of the strategies I’ve used is to invite someone who knows your child to come with you as a “note taker.” When I’ve taken notes for friends my only role is to sit quietly, jot stuff down, and be a friendly face at the table. I’ve also had friends who wear or take symbolic items to meetings. One friend has a Kraken charm bracelet that makes her feel strong and confident.

Back to the meeting itself... during the meeting, the MFE team members will discuss the different sections they added to your child’s ETR. This is a great time to ask questions and share your observations from home – remember that you are an important member of your child’s team!

After you discuss all the different parts of the ETR, you’ll come to the eligibility determination. For a child to receive special education services under IDEA, they must qualify with one of 12 disability categories, ranging from autism to other health impairment. This disability category is also sometimes known as the “academic diagnosis.”

Before we move on to IEPs and 504s, I want to step to the side and highlight the difference between a medical and an academic diagnosis.

A medical diagnosis is the result of evaluation and diagnosis by a medical or mental health professional. This type of diagnosis typically looks at ALL aspects of your child’s life – school, home, community and so on. A medical diagnosis is often an important part of the MFE because it provides expert information about your child.

An academic diagnosis (or disability category) is the result of the MFE process and documented in your child’s ETR as part of the eligibility determination. Unlike a medical diagnosis, the academic diagnosis

ONLY looks at what happens in school – and it can be different from the medical diagnosis. Another important thing to keep in mind about the academic diagnosis is that it means that what your child’s school team has to change some part of your child’s education in order for him or her to learn.

Now that we understand how the team gets to the eligibility determination and what the academic diagnosis might mean for your child, let’s talk about two important documents that can help your child: The 504 Plan and the IEP.

If you think all the way back to that slide with the legal backdrop, you’ll remember that we talked about a couple laws that give us the framework for special education services. Section 504 of the Rehabilitation Act gives us 504 Plans. The Rehabilitation Act governs any organization that accepts federal money, and its purpose is to guarantee the same opportunities for access. Because of that, 504 Plans can be used for students with disabilities in preschool, grade school -- and even at publicly funded colleges and universities. As long as the school receives tax money, they should honor a 504.

504 Plans are available to any student with a disability – that means that your student does NOT have to be found eligible through the MFE process to get a 504 Plan.

Depending on the child’s disability and needs, a 504 plan will typically include accommodations that the student uses to access the same education as their peers and a list of special services. For example, a student with severe food allergies can usually learn alongside their peers without making changes to how or what the student is taught. But he might have a 504 Plan that specifies a nut-free classroom, special seating in group areas, and access to the school nurse for epi pens. Similarly, a student who uses a wheelchair might have a 504 plan that gives access to use an elevator or to receive support in PE class.

Individualized Education Programs (IEPs) come from the Individuals with Disabilities in Education Act. Along with the federal funding that you saw with the 504 Plans, IDEA has additional limitations. For a student to have an IEP, they must:

- Be between the ages of 3-21
- Have an eligible academic diagnosis

The first two bullets in the list of what an IEP includes should already be familiar since these same things are often included in a 504. The big difference between the two documents is bullet number 3. Unlike a 504, an IEP actually changes what or how your student learns. Here’s another example... a student with an intellectual disability has not mastered addition but his third-grade peers are moving on to multiplication. To educate this student, a different way of teaching is needed – for example, small group instruction, manipulatives, touch points and so on.

Because these students are being educated according to an individualized program, they also need individualized measurements. That’s why IEPs also have measurable goals and objectives – to tell us whether that student is making progress with their unique program of learning.

One last point I’d like to make about the IEP – everything on this document is driven by what’s in the ETR. In other words, you can’t add an occupational therapy goal for a student if he’s never been assessed by an OT.

The success of your child's IEP meeting depends a lot on the team you have assembled. This usually includes:

- Parents/guardians
- Your child (if appropriate)
- Special education teacher(s)
- General education teacher(s)
- School representative
- Person(s) who can interpret assessment results
- Other people with knowledge about your child

I've worked with many IEP teams over the years, and I've found that each team tends to do things a little bit differently. Some prefer to go back and forth over the draft so that the meeting is a formality. Some teams use the IEP review meeting to present their draft to you and then work your feedback in from there. No matter how the team gets to the final IEP, one of the key ingredients to success is you (and your child – when they reach a certain age).

For a lot of parents though, the IEP meeting can be super intimidating. You've got all these professionals with licenses and degrees and then – little old you... and we're all well aware that kids do NOT come with instruction manuals. So, what can you do?

If there is one thing that has made all the difference in my own experience, it's keeping those lines of communication with your child's teacher open. No, your child's teacher may not have time to respond to every question or concern immediately, but you can bet they're listening and putting that information aside to use when it can help your child.

The second resource I can't say enough about is the Ohio Coalition for the Education of Children with Disabilities and parent mentors. The Ohio Coalition is a statewide agency that provides free resources and support for families with questions about their child's special education services. They can help you to understand your rights and where to go if you run into problems.

These are parents – like us – who have some extra training and experience with navigating special education. Parent mentors are neutral and do not take sides – instead, they're here to help us understand what's happening and what our children's rights are.

We've touched on MFEs, ETRs, 504s and IEPs, but many of us know that these aren't the only players in the game. So, before we wrap up and take questions, I'd like to define a couple other processes and documents we often see with CFK families. These are related to special education but aren't necessarily a PART of the special education process.

A behavior improvement plan (or BIP) is used with children whose behavior prevents them from learning. Let's say, for example, that every day when math class starts, little Johnny gets out of his desk, lays on the floor, and screams. The teacher has tried everything to get Johnny to cooperate in math, but at the end of the day, he's not learning any math. After some period of this, the teacher pulls in other staff and together they decide that they really need to get to the bottom of this behavior. They get

permission from Johnny's parents (just like with an MFE) and then spend time observing and collecting information. After that, they write a report that describes the behavior and why they think it's happening. This is called a functional behavioral analysis (FBA).

If the FBA tells us what's going wrong, the BIP is the road map for fixing the problem. A good BIP describes the skills Johnny needs to learn and plans for teaching those skills. It also includes any reinforcements the team has decided to use to motivate Johnny.

Multi-tiered systems of support (MTSS) is technical jargon for "using the right tool for the job." The idea behind MTSS is that about 85-90% of students are going to need just a little support. Another 5-10% are going to need more support, and the last 5% are going to need the most support. MTSS is common with behavior management and reading. If we go back to the example with Johnny, his BIP is a tier 3. In other words, Johnny needs some really individualized support to participate in his education.

If we look at Johnny's classmates, most of them are going to be at Tier 1. For these, kids, you'd see all-school "best behavior assemblies," school mottos, and so on. A small portion of these kids – usually 5-10% of the entire school – will need more than this level of support. These kids are the ones who might be in "lunch bunch" groups to learn and practice social skills – or they might have group sessions with the school social worker to talk about problems making friends. When kids are still struggling after Tier 2 interventions, they are sometimes moved to Tier 3, like Johnny.

In all cases, the goal is to give the kids what they need at the right tier with the goal of moving them back down to Tier 1 when they're ready.

Before we wrap up, I want to share a few of the school resources you can find on the Connecting for Kids website.

The first item is our School Concerns resource guide. This is a family-friendly guide that can help you take a look at red flags that might mean your child needs help in school, solutions families often use, plus a list of frequently-asked questions that CFK staff tend to hear from local families.

The second item is our Family Guide to Special Education. The content of this guide is similar to what you heard tonight, but it goes into more detail. Definitely check out the Resource Room tab if you're having problems in the special education system because you'll find information about parent mentors, advocates, mediators and other resources to help you on your way.

The last resource I'd like to share is a podcast for another topic I sometimes do, called "How to Communicate Effectively with the School." Today, we spent our time talking about the processes and meetings that you'll have, and this podcast is all about the paperwork all these processes and meetings create. You'll learn tips for organizing all that information and how you can then use that information to better communicate your child's needs with the school team.

Thank you for listening!