

Early Childhood Connection

A Newsletter for Minnesota Families of Young Children with Disabilities

Spring 2001

Laying the foundation:

IDEA impacts the lives of children



Editor's note: This issue of Early Childhood Connection departs from how we typically present the newsletter. The entire issue focuses on the Individuals with Disabilities Education Act (IDEA) and its effects on infants, toddlers, and preschoolers who are at risk for or who have disabilities. Parents' understanding and use of the IDEA affect children with disabilities through their childhood. Because the law is so important, we wish to make parents aware of it and how to use it.

Historically, the federal government did little to protect people who had disabilities. With little or no supports, children and adults with disabilities often lived in institutions and received little if any intervention. In the mid-1900s parents began to organize to educate public officials about the needs of their children. Following the lead of the civil rights movement, parents and professionals put pressure on the federal government to protect the civil rights of their children.

In 1975, Congress passed Public Law 94-142, The Education of All Handicapped Children Act, opening schools to children across the country. Equal access to a free appropriate public education became a clearly defined civil right for all children with disabilities.

While this law stated that children should be educated in the least restrictive setting, impor-

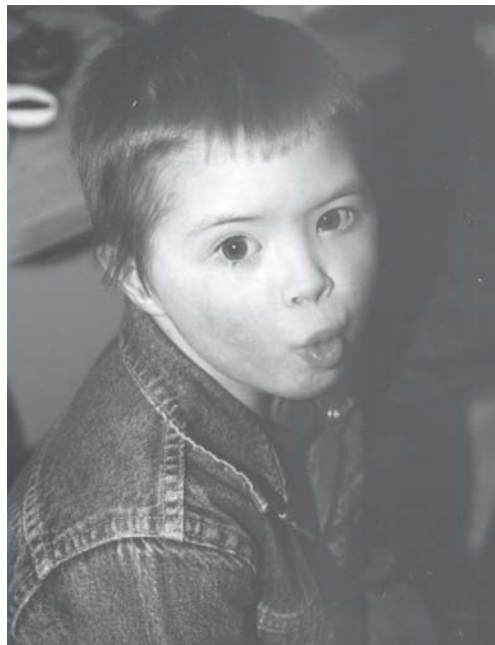
tant steps on the road to building an accessible educational system remained unpaved. Children with disabilities entered school buildings but not always regular classrooms. Some children

received their education in separate classrooms and often had little contact with peers who did not have disabilities.

When Congress reauthorized the law in 1990, it was renamed the Individuals with Disabilities Education Act. Each time the law has been reauthorized, changes have been made. IDEA continues to help shape the lives of students with disabilities.

With the goals of improving the special education process, clarifying the obligations of schools and increasing the academic expectations for and accountability of the more

than 6 million children with disabilities receiving special education services, Congress amended and reauthorized IDEA in 1997.



IDEA offers a free, appropriate public education to children with disabilities.

IDEA
changed
the world
in a single
generation

Parents who understand the law are in a better position to ensure their children receive the services to which they are entitled.

IDEA lays the foundation

Continued from page 1

IDEA offers six key principles to guide the special education process. Children with disabilities have the right to:

- A free appropriate public education (FAPE)
- Appropriate evaluation
- An Individualized Family Service Plan (IFSP) or an Individualized Education Program (IEP)
- Receive services in the least restrictive setting possible
- Participate in and have their parents participate in decision-making
- Procedural safeguards

Parents remain the most important advocates for children with disabilities. Through advocacy, publications and workshops, PACER Center strives to provide parents with the information they need to ensure that every child eligible for special education receives the supports and services necessary to access a free appropriate public education (FAPE).

Please keep this guide as a reference and consult it to refresh your knowledge of the law and its origins.

Know your child's educational rights

What do you need to know about special education services for young children?

Learning that a child has a disability raises many questions for families. Parents often need information about the child's disability but may not know which questions to ask.

In 1997, the reauthorized law increased funding for infant and toddler programs and improved the coordination and transition for children from such programs to preschool programs. Minnesota has chosen to provide services, beginning at birth, to all eligible children. In Minnesota, the Department of Children, Families and Learning (CFL) is the state agency responsible for ensuring all children with disabilities receive an appropriate education.

IDEA '97 defines the process local education agencies must follow to determine if a child requires special education. If asked by the parent, the school district must evaluate a child's needs to determine eligibility for special education. If a child meets eligibility criteria, the school must develop a plan (the Individualized Family Service Plan [IFSP] or Individualized Education Program [IEP]) to meet the identified needs and adapt the plan as necessary to meet the child's changing needs. Schools must also make appropriate plans to transition services from the young child's natural environment to the child's least restrictive environment by the child's third birthday. (See page 7 for information on the difference between the IEP and the IFSP.)

In Minnesota, there are many services available to families and children with disabilities because of the IDEA and state law. These services often include educating the parent about the disability and providing direct services to the child and family. The resources available to families often prove invaluable to parents wanting to ensure their children receive appropriate services.

Why the IDEA...

Congress passed the IDEA legislation:

- to make available to all children with disabilities a "free appropriate public education" that emphasizes special education and related services designed to meet a child's unique needs and prepare him or her for employment and independent living
- to protect the rights of children and youth with disabilities and those of their parents

A parent's journey to services

Parents may receive information and assistance before leaving the hospital when doctors identify a newborn as having a disability. In many cases, however, diagnosis of a disability or the acknowledgment of a child's delays is an evolving process. Following is a hypothetical story that reflects the experiences of many of the families PACER helps.

What if I think my child might need help?

Sue noticed that her six-month old baby didn't respond to music or loud noises. She talked to the baby's pediatrician, who agreed that the baby may have a hearing loss. Sue and the pediatrician decided to have an audiologist do some additional tests. The audiologist found that the baby had a moderate hearing loss.

At the appointment, the audiologist told Sue she should contact her neighborhood school and ask to have the baby screened for early intervention services. She also could contact the special education department of her local school district, the birth to three or developmental disabilities unit for the county in which she lives, or the public health office. Each of these agencies should make an appropriate referral to ensure the child and family have access to the evaluation process.

Early Intervention Services

Whether a child is identified as having a disability at birth or months or years later, the sooner a child with a disability receives appropriate intervention, the more likely the child will achieve his or her potential.

In Minnesota, eligible children have the right to receive educational services at birth. Additionally, there are many state and county programs and services that may be available to children with disabilities. Families should note that while county agencies are required to have certain services like respite available, these services are not mandated for each child who qualifies. Because many counties have waiting lists for their local programs, families should request services as soon as possible.

The early intervention process often starts when professionals, such as Sue's audiologist, refer a child for screening and evaluation. During the initial screening a professional will gather information from the parents. The child should generally be referred for a formal evaluation. Even when a child has a diagnosed disability, an evaluation is still needed to determine if the child qualifies for services under IDEA. Either parents or professionals may initiate this referral for early intervention screening and evaluation.

To ensure that children with disabilities are identified, Minnesota has developed a network of locally controlled Interagency Early Intervention Committees (IEICs). These committees coordinate interagency collaboration and develop local programs to ensure that children within the IEIC territory receive the services they are entitled to under federal and state law.

In addition to representatives from the school, county agencies, and local service providers, the IEIC is required to include parents of children with disabilities. It is the responsibility of the IEIC to ensure that a coordinated system of services exists to meet the needs of children with disabilities and their families.

After receiving a referral, interagency staff contact the appropriate local school district officials, who coordinate an evaluation. According to IDEA regulations, school district professionals must complete the evaluation process and, if the child qualifies, initiate and implement an IFSP within 45 days from the referral date.

Questions about early intervention?

Call PACER at
(952) 838-9000
or
(800) 53-PACER.

The Web site is
www.pacer.org

A parent's journey to early intervention

What happens during the evaluation process?

After the screening, Sue's daughter was referred for a complete evaluation. Sue then called PACER Center, who connected her with Julia, a parent advocate who answered her questions.

From the very first contact with the school, the parent is a critical member of the group of people needed to determine if a child qualifies for early childhood intervention. Parents are equal members of this group and must be involved in the process. This group does not become an official "team" unless the child is determined eligible.

The group has 45 days from when the child was referred to finish the evaluation and also to hold a meeting to discuss the results, determine eligibility for services and then write and implement a plan if the child is eligible.

The advocate described the evaluation process Sue's child and family would go through. Sue, as the parent, must consent, in writing, to the evaluation of her child. This evaluation process should address every area of development about which there is a concern.

The evaluation may include reviewing medical records, interviews with the parents or other people involved with the child, individual testing of the child, and the observations of parents and others familiar with the child. Even when a parent has documentation from a private source, such as the audiologist, the school district has the right to complete its own evaluation, as well.

Each area of evaluation should be completed by a professional with the licensure or skills required under the law. Because Sue's daughter has a hearing loss, for example, a teacher licensed to work with children who are deaf/hard of hearing should be involved throughout the process.

Julia explained that the evaluation must include more than one test or assessment procedure and must occur in the child's native language if at all possible.

The school would most likely send a professional(s) to Sue's home to observe and record how the baby functions in her home environment. By observing the baby at home, the group gains a better understanding of how the baby learns and interacts with family members.

Julia suggested that Sue ask for a copy of the report before the evaluation group meets to discuss the evaluation results. Reading the report in advance often helps ensure that parents can more actively participate in the discussion about the evaluation results. It is important for parents to communicate with other members of the group at this meeting about why they agree or disagree with the evaluation report.

According to IDEA, the school district must meet with the parents and provide them with a copy of the evaluation report and a written determination of eligibility.

Are there questions I should ask about evaluation?

Sue was uncertain how to participate in the evaluation process. Julia assured her that the law requires that parents be involved in the evaluation process. Julia provided Sue with the list of questions she should be able to answer after having an assessment meeting.

- What areas of concern will be evaluated?
- What tests will be done as part of the evaluation?
- What do those tests measure?
- Does the evaluation take place in our home or can it be elsewhere?
- May I observe my child being tested?
- What information does the team need from me?
- When does the evaluation process need to be finished?

on, special ed services

Is the evaluation thorough and accurate?

After attending a meeting to discuss the evaluation results, Sue called Julia to express some concerns about the school's data. Julia explained that because the evaluation results serve as the basis for all educational planning, it is important this information is correct. IDEA includes a provision that allows for an Independent Educational Evaluation (IEE) paid for at district expense when a parent disagrees with the evaluation and requests the IEE in writing.

The school district must provide parents with information about where an IEE may be obtained.

These evaluators must not be employed by the school district.

If the school district denies a request for an IEE, it must request a due process hearing to show that its evaluation was appropriate.

When the IEE is completed, a written report is issued to the school and the family. Julia explained the team must consider the data from the IEE to determine eligibility. If Sue's daughter is determined eligible, the results of the IEE will be used to create the IFSP.

What if my child needs services?

Julia explained that if Sue's daughter were determined eligible for early intervention services, a service coordinator would be assigned to work with Sue and a group of professionals who would become the IFSP team. For children who have turned three, a case manager would be assigned, and an IEP team would be created.

The school personnel will attend the IFSP meeting. Julia told Sue that she could invite people to the meeting, as well. Julia described how the service

coordinator would work with Sue to schedule a meeting to create the IFSP and then send out a written notice to all members of this team. The law requires schools to have meetings at a time and place that is mutually agreed to by the parents. At times, IFSP meetings are at the child's home, however they can also be at the school or in another location agreed upon by the parent and other team members.

This team will create an IFSP or IEP that addresses all of the needs identified by the evaluation process.

How is the initial IFSP or IEP developed?

After Sue met with her team to discuss the evaluation results, it was agreed that her daughter qualified for early intervention. As the day of the first planning meeting approached, Sue again called Julia for advice.

Julia summarized the process the team would follow at the team meeting.

Julia encouraged Sue to think about the evaluation and determine the needs she saw as most critical. Sue's input was critical to creating an appropriate plan for her daughter.

The team documents each of the needs identified during the evaluation and develops a goal to address each need. Each goal should be supported by at least two objectives and be achievable within one year.

After determining the goals, the team will detail which professionals need to work with Sue and her daughter as well as how much time they need to spend working on the goals. The team must also determine if the baby requires any other related supports or services, such as a hearing aid or assistive

technology, to benefit from special education.

Finally, the team will determine where the services will be provided. Because Sue works part-time, Julia explains that services can be delivered at the day care as well as at home. The team should document how often services will be provided at each location.

Julia reminds Sue how important it is that she discuss her opinions openly with the team members. Good communication is critical to ensuring that the process works.

In Minnesota, families can reasonably expect to receive the IFSP or IEP within 10 school days of the meeting. Julia reminds Sue that because this is an initial plan, the school cannot begin to provide services until a parent consents to the plan. If she disagrees with the proposed plan, Sue can ask the school district to schedule another meeting to resolve the differences. Other dispute resolution options include requesting conciliation or mediation, filing a complaint, or initiating a due process hearing.

Parents ask questions about IDEA

As federal law, IDEA clearly identifies the standards that all states must meet when providing services to eligible children. Because each state can pass legislation to expand services available to children with disabilities, parents must remember that there may be additional services available to their children.

What are early intervention services and how can my family use them?

When passing IDEA'97, the U.S. Congress recognized the need to encourage states to provide supports to infants and toddlers with disabilities and their families. IDEA seeks to minimize the potential for developmental delay in the young children and to enhance the family's ability to meet the needs of the child. Minnesota law requires early intervention services be made available to eligible children beginning at birth.

Early intervention services are designed to meet the developmental needs of an infant or toddler with a disability in one or more of the following areas:

- physical development
- cognitive development
- communication development
- adaptive development
- social or emotional development

IDEA details the related services states must offer through early intervention.* These services include, but are not limited to:

- family training, counseling, and home visits
- speech-language pathology and audiology services

- occupational therapy
- psychological services
- service coordination services
- medical services for diagnostic or evaluation purposes
- early identification, screening, and assessment services
- health services necessary to enable the infant or toddler to benefit from the other early intervention services
- social work services
- assistive technology devices and assistive technology services
- transportation related to costs that are necessary to enable an infant or toddler and the infant's or toddler's family to receive services

The services that an infant or toddler receives must be designed to reflect the child's individual needs.

*Families should note that in Minnesota all educationally necessary services must be provided at no cost to families, while other interagency services may have fees attached to them.

Who might provide early intervention services to my child?

When it is determined that a child is eligible for special education services, an IFSP or IEP team is formed. This team must include the parents, a special education teacher, and a school district representative. The school should also ensure that a professional who can explain the evaluation data attends the meeting. Parents and schools may invite others who have knowledge or expertise about the child to attend team meetings.

IDEA lists a number of qualified personnel who may provide services, including, but not limited to:

- special educators
- physical therapists
- social workers
- nutritionists
- speech-language pathologists and audiologists
- orientation and mobility specialists
- pediatricians and other physicians
- occupational therapists
- psychologists
- nurses
- family therapists

During the planning meeting, the team will identify the child's needs, including the type of professionals needed to provide services.

How can I be involved?

IDEA'97 requires that parents be included in all aspects of the special education process. For example, schools must:

- obtain written consent from a parent before evaluating a child
- include parents in the evaluation process
- include parents as members of the group that determines eligibility
- provide parents with the information necessary to participate in planning for their child's special education services
- include parents in deciding where services will be delivered
- receive written consent from the parent before initiating special education services

and special education services

What if my child needs technology-assisted services?

The IFSP or IEP team must consider whether a child with a disability requires assistive technology devices or services to access a free appropriate public education.

Parents may request an evaluation to determine what assistive technology devices or services may be required by the child. This evaluation should be done collaboratively, with all members of the team participating. For example, if a child with cerebral palsy needed a communication device, the speech pathologist might work with a physical and occupational therapist to determine which system would be most accessible for the child.

In this example, the team may decide extended consideration is necessary. This allows time for the professionals to observe the child using different devices or systems and to gather data for the team to review.

If the team determines that assistive technology is necessary, the recommendations must be included in the child's IFSP or IEP. The school district is obligated to provide any services or devices included in the child's IFSP or IEP.

How do an IEP, IFSP, or IIP differ?

When a child is under three years old, the team develops an Individualized Family Service Plan (IFSP). The IFSP is an interagency document that includes the family's role in helping the child to develop.

After a child's third birthday, most school districts begin to use an Individualized Education Program (IEP). The IEP is an educational document. While the family can continue to invite representatives from other agencies to the child's team meetings, the services those agencies offer would not be included within the IEP document.

Recently, Minnesota passed legislation requiring schools to offer families access to the Interagency Individual Intervention Plan (IIIP), which includes the components of most state and county programs.

On July 1, 2001, parents of children birth to nine who receive services from at least two state agencies may request the school use this planning process. While parents have the right to not participate in the IIIP process, the school has the right to use the IEP components of the IIIP document.

Questions about technology?

PACER Center's Computer Resource Center introduces children with special needs and their parents and teachers to educational software and special equipment to make computers accessible tools for communication and learning. A lending library makes software available for families to try at home.

To learn more or to schedule an appointment for a free individual consultation, call PACER Center at (952) 838-9000 or (800) 53-PACER toll free.

Where will my child receive services?

IDEA requires that services to infants and toddlers be delivered in a natural environment. This includes those settings that are natural or typical for the child's same-age peers that do not have a disability. For most infants and toddlers, services are delivered at home. Other options include a child care setting, a community cultural center, a Head Start program, or a hospital.

By the time a child turns three, the team must develop a transition plan. When a child turns three, services must be provided in the least-restrictive environment (LRE). The law requires that, to the maximum extent appropriate, the child should receive services with children who are nondisabled. A child should only be removed to a segregated class or program if the nature or severity of the child's disability prevents the child from making satisfactory progress, even when the child has access to all necessary related services.

How long will my child stay eligible?

IDEA requires the school to reevaluate a child at least every three years. The law, however, also clearly states that a child should be reevaluated whenever conditions warrant or the parent or teacher requests it.

In Minnesota, children can receive services under the developmental delay category until age 7, at which point a child must meet the eligibility criteria for one of the specific disability categories.

If the IEP team determines through reevaluation that the child no longer meets eligibility requirements the school can, with parental consent, stop providing special education services. The parent has the right to disagree with this proposed change and request additional evaluation at the district's expense. Services can not be stopped until an agreement has been reached or a decision is made in a due process hearing.



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In this issue...

IDEA's foundation...1

Understanding IDEA...2

Journey to services...3

Parents' questions...6

Resources...7



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PACER is a coalition of organizations founded on the concept of Parents Helping Parents. PACER strives to improve and expand opportunities that enhance the quality of life for children and young adults with disabilities and their families. Funding for this Early Childhood Project is provided by Minnesota Department of Children, Families & Learning.

Resources close at hand...

To support families and help them to understand the many special education rules and regulations, federal legislation established parent resource centers throughout the country. In Minnesota, PACER Center fills that role.

PACER offers parents of young children a variety of supports including parent advocates to meet with parents and answer questions about early intervention, workshops on the law and issues in early childhood, and a computer resource center that includes assistive technology.

For information about PACER and its services, contact:

PACER Center
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(800) 53-PACER (toll-free)
pacer@pacer.org
www.pacer.org (Web site)

Other resources:

National Information Center for Children and Youth with Disabilities:
www.nicicy.org

U.S. Department of Education Office of Special Education Rehabilitation Services: www.ed.gov/offices/OSERS

Council of Exceptional Children:
www.cec.sped.org

National Council on Disabilities:
www.ncd.gov

Minnesota Department of Children, Families & Learning:
www.children.state.mn.us