



THE MICHAEL GOLDS MEMORIAL ADHD CONFERENCE FRIDAY, OCTOBER 6, 2006

GETTING THE RIGHT IEP FOR YOUR CHILD: ADVOCACY TIPS FOR SUCCESSFUL OUTCOMES

Recommended Reading

Technical Assistance for Parents and California Community Advisory Committee's Answers for Parents

<http://cactechassistance.tripod.com/id14.html>

Examples include: **What to consider when they say... "She needs to try harder."** What exactly does try harder mean? How does the teacher know how hard the child is trying? How does the teacher know when the child should try even harder? What is the objective measurement for trying harder? What if the child is trying harder but trying "wrong"? Will that make things worse? **What to consider when they say... "Let him fail."** Once he sees the consequences, he'll be motivated to improve." So how can this possibly make sense?! Usually a child is referred for special education or Section 504 because they have been failing. They have failed more than once. In fact, it is usually a succession of failures. So is it really an issue of motivation? Or is it a lack of appropriate specially designed instruction? What is the school's definition of specially designed instruction? Let's hope it's not "let him fail".

Roadmap To Success (PDF)

<http://www.beachcenter.org/Books/FullPublications/PDF/RoadMapToSuccess.pdf>

An excellent, step-by-step explanation of what an IEP should cover to be effective.

S.M.A.R.T. IEPs for 2002...and Beyond

<http://www.bridges4kids.org/articles/10-02/About9-02.html>

IDEA 2004: What You Need to Know About IEPs & IEP Meetings

<http://www.bridges4kids.org/articles/9-05/Wrightslaw9-05.html>

When Congress reauthorized IDEA 2004, they made significant changes to Individualized Education Programs (IEPs) in several areas.

Complaint Procedures for Special Education (PDF; Michigan)

http://www.michigan.gov/documents/ComplaintProcedures_Feb_2003_60568_7.pdf

IEP Pop-Up

<http://www.nclid.unco.edu/HVoriginals/Advocacy/Popup/popup.html>

Feeling disenfranchised? Tired of showing up at your child's IEP and leaving dazed, confused, and frustrated? Or feeling like every time you make a suggestion you hit a brick wall? Find responses you can use to common "hurdle talk" - words and attitudes that keep the IEP meeting from being successful - as you are advocating for your child's needs.

Bridges4kids Featured Resource: IEP Goals and Objectives Bank (PDF)

<http://www.bridges4kids.org/IEP/iep.goal.bank.pdf>

This 177-page PDF document will assist both parents and professionals in forming goals for kids of all ages in the special ed system. Content areas include English, Functional Academics, Independent Living, Mathematics, Mathematics Readiness, Motor, Recreation and Leisure, Self-management and Daily Living, Social Emotional, Speech and Language, Study Skills, and Vocational/Career Education.

IDEA 2004 Website (Federal)

<http://www.ed.gov/policy/speced/guid/idea/idea2004.html#regulations>

Federal ed.gov website that features news, information and resources on IDEA 2004, including links to the law and to the new regulations.

Michigan Timeframes: Michigan Timelines for Referral to IEP

- 10 calendar days from receipt of referral to request consent to evaluate
- 30 school days from referral or from receipt of parental consent to an initial evaluation to the completion of the individualized education program or the determination of ineligibility. (R 340.1721c)

IDEA 2004 Comment in Regulations released August 2006

RE: Timelines for Complaints Filed with the State (not Due Process Complaints) and that the State Complaint System is Available for All Types of Complaints

- An organization or individual may file a State complaint under Sec. 300.151 through 300.153 alleging that a public agency has violated a requirement of the Act for a violation that occurred not more than one year prior to the date on which the complaint is received, unless one of the exceptions in Sec.300.153(c) is applicable.
- The Department's longstanding position is that a State must resolve any complaint, and may not remove from the jurisdiction of its State complaint procedures complaints regarding the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child simply because those issues also could be the subject of a due process complaint.

Provision in IDEA 2004 re Timelines for Filing a Due Process Complaint

Sec. 300.507 Filing a due process complaint.

(a) General.

(1) A parent or a public agency may file a due process complaint on any of the matters described in Sec. 300.503(a)(1) and

(2) (relating to the identification, evaluation or educational placement of a child with a disability, or the provision of FAPE to the child).

(2) The due process complaint must allege a violation that occurred not more than two years before the date the parent or public agency knew or should have known about the alleged action that forms the basis of the due process complaint, or, if the State has an explicit time limitation for filing a due process complaint under this part, in the time allowed by that State law, except that the exceptions to the timeline described in Sec. 300.511(f) apply to the timeline in this section.

(b) Information for parents. The public agency must inform the parent of any free or low-cost legal and other relevant services available in the area if--

(1) The parent requests the information; or

(2) The parent or the agency files a due process complaint under this section.

ADD/ADHD and Eligibility for Special Education Services under Michigan's Administrative Rules

R 340.1709a Other health impairment defined; determination.

Rule 9a. (1) "Other health impairment" means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, which results in limited alertness with respect to the educational environment and to which **both of the following provisions apply:**

(a) Is due to chronic or acute health problems such as any of the following:

- (i) Asthma.
- (ii) **Attention deficit disorder.**
- (iii) **Attention deficit hyperactivity disorder.**
- (iv) Diabetes.
- (v) Epilepsy.
- (vi) A heart condition.
- (vii) Hemophilia.
- (viii) Lead poisoning.
- (ix) Leukemia.
- (x) Nephritis.
- (xi) Rheumatic fever.
- (xii) Sickle cell anemia.

(b) **The impairment adversely affects a student's educational performance.**

(2) A determination of disability shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team, which shall include 1 of the following persons:

- (a) An orthopedic surgeon.
- (b) An internist.
- (c) A neurologist.
- (d) A pediatrician.
- (e) A family physician or any other approved physician as defined in 1978 PA 368, MCL 333.1101 et seq.