

You First Podcast - Episode 12: Special Education

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Keith Casebonne: Hello and welcome to this episode of "You First," the Disability Rights Florida Podcast. I'm Keith Casebonne and thank you so much for joining me today. The new school year is right around the corner and millions of parents are getting their children ready to go back to school.

Parents of children with disabilities want to ensure that their children will have a proper educational experience in an appropriate setting. That requires a level of work, planning, and coordination that can be confusing and sometimes heartbreaking for many well-intentioned parents.

In this back-to-school edition of You First, we will go over special education in Florida and give you some tips on how to make sure your children get the best educational experience possible. Today, we welcome Selina O'Shannon and Nately Alvarez, two of our finest special education advocates at Disability Rights Florida. Thanks, both of you for being here.

We will just get right into it and ask, what exactly is considered special education?

Selina O'Shannon: Special education is a practice of educating students with special educational needs. It's a way that we address their individualized differences. We provide them with accommodations, specific services so that they can access the general education, just like all of our other kids do.

Keith: I've heard a couple of terms. I've heard of IEPs and then I've heard of 504 Plans. I know those are the bread and butter of getting a child with a disability the right educational needs. Can you explain what those are, what the differences are?

Selina: 504 and IEPs are very different, but they are the two most common terms that you'll hear in special education. This is just basic information. A 504 Plan, it falls under our Section 504 of the Rehabilitation Act.

That's basically when a child has a disability, and it's limited to one or more life activities, so it's a little bit different. The eligibility process is a little bit different than an IEP eligibility.

In both cases, the disability must impact the student at school. With special education, it's not enough to just say you have a disability, you need services. That disability does have to impact the child at the school.

What a 504 Plan does is it provides the student with accommodations that assist them in the general education curriculum. It can include transportation. It can include behavioral support. That can include speech, language, occupational therapy, and physical therapy. All those related services can also be included in a 504 Plan.

With an IEP, the IEP falls under our Individuals with Disabilities Education Act, which we refer to as IDEA. This is when a child has an eligibility under one of the 13 specific disabilities listed under IDEA. Sometimes it's a learning disability, sometimes it's autism, it could be ADHD.

There are different eligibility criterias that our students could fall under that make them eligible for an IEP. Again, the disability must impact the student at school, and it must impact their ability to learn and benefit from the special education.

An IEP is specifically a plan that's designed for the students so that they can receive specially designed instruction. It includes goals for curriculum, learning, social-emotional, independent functioning.

We do goals that help students transition from middle school to high school, from high school to post-secondary. Again, like the 504 Plan, it can include transportation, behavioral services, speech, OT, PT, all of those different related services.

Keith: For a child to receive special education services in school, they obviously have to have either an IEP or a 504. We'll talk more about new students in the system and how they can get one of those plans, but so many students right now already automatically get their IEPs renewed or looked at every year. Once you have one of these, now what? What do you do next?

Nately Alvarez: Once a student, obviously, they would have gone through whatever evaluation processes or gone through data to show that they would either be eligible for an IEP or 504. It's a really good question as to what's next because there is upkeep to an IEP or 504.

It is very important for the parents, once this child has something already established, to review the IEP or 504 Plan to know exactly what services are listed and/or what placement they're supposed to be receiving these services in.

It's always really important to know that so that when...Every year, you may have a different IEP or 504 team. That way, you can ensure that you're a meaningful member and be on the same page as all of the teachers, educators, whoever is involved in the team.

I always like to tell my clients' parents that both parents and teachers or staff share 100 percent of the responsibility of a kid. In the event that it is the parents' responsibility, if they identify an issue or have some questions, doubts, concerns, they are to then go ahead and reach out to the teacher, administrative staff to make them aware of, "I have XYZ concern."

That way they can address the matter as a team. They're really not going to know unless that is relayed to them.

Know the chain of command. Oftentimes, parents do have a concern, but they just don't know who to go or have doubts, of how to tackle their issue. That's really important. Also, it's really important to speak to the teacher at the beginning of the school year and even ask them, "What is your preferred method of communication?"

Teachers are juggling a lot of things. They are also meeting the needs of the students in different ways at different capacities. Knowing what the parent, what the teacher's preferred method of communication can ensure the message gets to the teacher and open communication.

Keith: By phone calls versus email?

Nately: Exactly. Either writing an agenda. I have kids, I have communication logs that go back and forth home, or the school has an established agenda that the teachers prefer to use. Some of them use an online portal. The means vary. To communicate that to the teacher and ask that question because you can ensure effective communication that way.

Again, every student is different. Every 504 IEP plan will look different. It's really important for the parent to be proactive. To keep the teacher informed and have that open communication so the teacher does know how to meet the students' need.

To ensure, again, that all staff is on the same page, open communication is the best method. Make sure to meet the teacher in the beginning, especially if you're in the beginning of the school year. Note, the teachers won't always be the same. Those report with teacher, feel comfortable to the point where you can address your concerns with the teacher.

For students with IEPs, they should have an annual IEP to review progress, go over any questions or concerns of the parents or the teachers, vice versa. The teachers may have concerns that they want to privy the parent, too.

That should happen at least once a year, or a three-year re-evaluation meeting to determine whether or not the student should be re-evaluated, to see whether or not their reading has improved, or whatever type of formal evaluation the team feels fit. Sometimes they don't feel that an evaluation is necessary.

Extended School Year services, that should be something discussed. Every spring, typically, is when it's discussed during the school year to determine whether or not they would need continued service over the summer.

Keith: You mentioned generally once a year, sometimes only every three years, they'll have an IEP or 504 team meeting. Can that be changed? If a parent think something is not going right, and it's only three months into the year, let's say, can they request another meeting? Can they do something to get some help before the whole school year is over with?

Selina: Absolutely. The IDEA requires school districts to have annual meetings. There's an annual meeting by law that every school district has to have with every kid with an IEP. However, if there's an issue or concern, the parent should not wait until their annual meeting to address these.

The parents have the right under IDEA as well to request an IEP meeting at any time within reason. They're not limited to that annual IEP day. The thing goes for the 504 meetings as well.

There's an obligation to have an annual meeting, and if something is not right or the accommodations are not working where the goals of these students has not been in the goals, we definitely encourage families to contact their schools and say, "We need to have a meeting."

One of the other things that I always encourage my families that I work with, because every IEP is different, your IEP dates might not be till December. You don't want to start the school year

without really meeting and waiting till December to have an IEP meeting. We always encourage families, regardless of your IEP date, to have a meeting at the beginning of the year.

If things are going well, it doesn't have to necessarily be a formal IEP. It could be just a conference just to bring all the people that are working with your students together to make sure that everybody is on the same page.

If you're not making any changes to the IEP, then it's not an official IEP meeting, and that's OK, too, but everybody is on the same page. We know how to start the school year off for the students, and we make sure that everybody that is working with the student also has a copy of the updated IEP that's on file.

Especially when you're moving from the elementary to the middle school, our elementary kids are really used to working with one to two teachers. Then you get into the middle school, and you're working with five to six different teachers. We want to make sure that everybody is on the same page.

Keith: Makes sense.

Selina: It could be a very formal meeting or an informal meeting, but we always encourage at the beginning of the school year to have a meeting.

Keith: What are some things that a parent can do if they think that their child's IEP plan is not being followed, or it needs to be revised? They can request a meeting, but then what? What else can they do?

Selina: We always encourage families to follow the chain of command. If it's in the beginning of the school year, and you're not sure who your teacher is, your teacher should always be your point of contact because that's the person that's working with your student that has the day-to-day ins and outs of your kid.

If it's the beginning of the school year, you feel like there's issues, I would definitely go to the principal, go to your ESC representative of your school and request a meeting. Definitely follow that chain of command. You don't want to go straight to the principal without talking to the teacher and giving the teacher an opportunity to fix things and help you.

We want to encourage families to communicate effectively with their team. It's always important to keep your emotions out of it and focus on your child.

It's very difficult with families to have students with disabilities, especially some of our families have kids with very complex disabilities. It's hard to not be emotional about it. As advocates, we get emotional about it.

I understand how a parent can do that. But sometimes, if we want to get things accomplished, we have to set our emotions aside and figure out what is best for the student. It's not my IEP, it's not your IEP. It's the student's IEP, so what does that student need?

Keith: Good point.

Selina: One of the things, sometimes when the cases get to us, and we say, "OK, did you put that in writing?" or, "Do you have any documentation?" Some of our families don't have that documentation.

It's really important to keep a written record of everything. If you request a meeting, put it in writing. Request it via email, request it via a letter. Just keep that paper trail because it does help to say, "Oh, we haven't heard from you in three months." "Oh no, I did. I sent you an email. Here's the date."

Just keeping that paper trail because there are so many people involved when it comes to a student with an IEP. We want to make sure that we're keeping track of all that. Always know when your IEP due date is so that you could prepare for that meeting in advance.

The school districts have an obligation to communicate and say, "Hey, it's your annual. It's time for that meeting. It's time for us to get together." As parents, we should also be aware of that as well and not leave everything up to the school to do.

If your IEP is not due, you could always schedule a conference. We always suggest scheduling a meeting prior to school starting, as we talked about before. That could be teachers get there a week to two weeks before school starts. It's called teacher planning.

That's a really good time for parents with children with IEP to come in and do meet the teacher, "Here's my kids. This is what worked last year, and get to know you before the school season starts."

Keith: Great idea.

Selina: Always, they can contact disability rights if they're not getting anywhere. That's part of what we do is help facilitate that process. We want to make sure that at least with...when Nately and I would always work together, my job at the end of the day is to make sure that families are communicating with schools because I want to work my way out of that case.

I want them to be able to communicate. That's a huge piece for kids to be successful during the school year is to have that communication with the school.

Keith: We're talking about when a child already has an IEP or a 504 Plan. Some good ideas, how to keep it fresh and up-to-date.

Let's say, you're new. Your child is new to the school system. They're going into Pre-K or kindergarten, and they have a disability, or they get a disability at some time later in their school life. Now, suddenly, you find yourself needing to get started in this system. How do you get started? Are there age requirements? Kindergarten, Pre-K, does it matter?

Nately: That's a good question, especially for parents who have younger children, and they're showing some difficulties. Yes, kindergartners can be found eligible for a 504 and an IEP Plan. 504 Plans are for students in the grades kindergarten through 12th grade.

IEP is a little different. Your child can be as young as three years old to be found eligible with an IEP. If you are a student receiving services under an IEP, you then have the right to have access to your education until you're the age of 21.

I don't believe that is the same for a 504. 504 is K through 12. Some of the students who have an IEP, say they're technically in 12th grade, but they still need a little bit more time to either finalize some high school credits or continue working on some transition skills, then they have until the age of 21 to do so.

Keith: When you're getting your child's initial IEP or 504 Plan, and the school thinks the child doesn't need an evaluation or assessment or an accommodation or something like that, and you do. You feel that they should be evaluated for whatever reason. How do you go about doing that?

Nately: Selina said before, put everything in writing. That's the first step. The parents can request evaluations. It's not something that is specific to or only that the school or teacher can do. Remember, the parents are a vital member in an IEP team or the student's education.

If the parent were to have some concerns where they feel that academically, they're lagging behind, or there's just something that they need a little bit more help in, they can always address that and propose it to the teacher.

Like Selina said, if they are not unfamiliar with a teacher, then they can always go to the principal. I would request always putting everything in writing. I would think that the first step would be putting in writing to request a meeting at that point.

During that meeting, you can say, "I think that my child is having some difficulties, and I think he/she may need some educational services. At this time, I'm requesting for you guys to do formal evaluations to seek eligibility for either an IEP or a 504." Whatever the team thinks that the student would need, it is a team conversation.

At that point, the parent has already requested it. Put that request also in writing. The team or the school should then provide the parent with a consent form to sign consent for them to do the evaluations.

Keith: If you request the evaluation yourself, does the school still pay for it? Do you have to pay for it?

Nately: No, the cost is not on the parent. The cost is on the school.

Keith: Regardless of who wants it?

Nately: Correct. For educational purposes. So it has to improve their education, and then the school district would be responsible for paying for those services for the purposes of seeking eligibility for special educational services.

Keith: Got you.

Selina: I just want to add on there. I've been doing this for a really long time. It's not very common for the schools to deny a parent an evaluation. Most of the time, if they do, they have to follow the process. It's a lot harder to deny an evaluation.

If a family goes in and thinks that there's an issue or a concern, we always recommend that they absolutely do the evaluation. I think for the most part, school districts will agree on the evaluation and will award them the evaluation.

I think that they're helpful and can get a lot of good information. Even if you find out there's nothing wrong and the student is actually on grade level, that's all still great information to get on your student.

Keith: Of course.

Selina: Would you agree, Nately?

Nately: Absolutely. I think that there is no bad information. There's never enough information either. The more information you have, the better it is. Even if the student is on grade level, that's reassuring to know...

Keith: Sure. It's good to know.

Nately: That the educational setting that they're in is conducive to education and that they are observing, learning, and developing appropriately. I think that's also good baseline data. That's not to say that right now they're doing really well.

Later on, as things may get a little bit more difficult, they don't have some difficulty. It's really good for baseline data, whichever way you look at it.

Selina: I agree.

Keith: Are there any resources out there for helping parents navigate the special education process?

Selina: Yes, there's a lot of resources. Obviously, Disability Rights has a lot of information on their website. One of the main resources that I use on the day-to-day basis as an advocate is the IDEA website. You can get that through the Florida Department of Education.

Rights Law is very common. A lot of our families are pretty familiar with the Rights Law as well. Like I said, the Florida Department of Education has a great website, too. They have what they call TAPs, their Technical Assistance Papers. I find them to be very helpful for families.

Keith: I have a student with an IEP or a 504, and they're about to graduate from high school. Now what? Once you're out of high school, you specifically mentioned the 504 plan, and I imagine an IEP probably ends there as well.

What happens next? Are there services or programs for them to help them get into college or community college, technical school, that sort of thing?

Nately: That's a really good question. After high school, life still happens, right? It's really important to know what resources are out there or how to even obtain these services. I'm going to go with one plan and then the other. I won't speak about them simultaneously. They are different as to what they provide or offer.

With the 504 Plan, that does not continue after 12th grade. However, a lot of schools, as far as post-secondary institutions, colleges, universities, technical schools, now have disability support or disability services departments where a student can go to and ask for services.

For instance, I'm a student who has a learning disability, or ADHD, or whatever the disability may be, they can ask for accommodations and services through their office. They would then, whatever paperwork or whatever process they have within their department, that's how they can go ahead and obtain services at that educational institution.

Also, with a student with an IEP, a part of the IEP process, so a student can become transition age. In the state of Florida, it's as early as 14. You can put goals on your IEP for transitional purposes. If the student has a specific goal that they want to obtain after they finish with high school, then they can start working on the skills needed.

They can also start with, what I encourage, whether you have a 504 or an IEP, is to contact your Division of Vocational Rehabilitation. They are an agency who assists with not just students but anyone with disabilities for rehabilitation services, and the main goal is to obtain, maintain, or regain employment.

Within that, they can also provide post-secondary support for an individual after high school, what we would call secondary. That is the two differences where, as the IEP, can help you already establish transitional supports while you're still in high school to prepare you for post-secondary, but a 504 Plan is really just with accommodations.

That's the difference, and it doesn't translate. However, each institution, like I said, does have their own department that focuses on disability supports for a student that would need it within the educational setting.

Keith: As far as resources for those students who are transitioning from secondary school to either work or higher education, what are some resources out there?

Nately: Definitely, Division of Vocational Rehabilitation. Another acronym would be DVR. That's what a lot of people would refer to it as. They offer a lot of services for individuals with disabilities.

Whether you want to go to work, or you want to get an education to then ultimately work, they can provide you with support at some capacity. You do have to apply for that service and be found eligible to receive it.

That, you can find on their website. Again, you can Google Division of Vocational Rehabilitation, and it will take you there. Also, our website has a lot of transitional information. Again, if you are student who has an IEP, that's a part of the IEP process is transitional IEP, that you can, the schools can start working on as young as 14 in the state of Florida.

We have a bunch of information on there. As well as if you are a student who is pursuing post-secondary education, please get familiar with your disability services department. They have a lot of resources and a lot of support and information that anyone can benefit from by just visiting your office and saying, "Hey, how can you help me?"

Keith: A little more information is out there in a previous podcast, what is the client assistance program? We talk a little about applying for VR and their transition services there as well. What are some reasons why a parent might call Disability Rights Florida for help with their education issues with their children?

Selina: Most of our parents will call Disability Rights if they feel like their students' needs aren't being met at school. Grades, their grades are dropping. They'll contact us and say, "They're not doing well. They're getting F's, they're getting D's, but they're getting promoted to the next grade."

Sometimes their parents are the ones who suspect their child needs an IEP or a 504 Plan, which is great. They see the signs. Sometimes the school might be taking data, they might be collecting information, but the parents sees it right away, and they can bring that to the school's attention or to our attention, and we can help facilitate that process.

Sometimes they've gone through the process, and they've been denied eligibility, and they contact us. We can help with reviewing the record, making sure that the school district provided the correct process and did everything that they needed to do for the family.

A lot of times, we get the call that families feel like the IEP is not being implemented, the goals aren't being met. We can assist by attending IEP meetings and helping with that process.

We get a lot of calls for students transitioning at the age of 14. Sometimes the families feel that the schools are not preparing the students for high school or for post-secondary after high school. What are those transition goals?

We do get a lot of cases from time to time from our little guys who are transitioning from the Early Steps program into the school-age programs, where they receive the IEP. We help with that process because those services are different.

A big one that we get are discipline issues, behavioral issues, a lot of restraint and seclusion issues. We handle those, and sometimes they're just as simple as people seeking information and wanting our resources, and we can share that with them as well.

Keith: Any final tips you would give to parents or guardians attending IEP or 504 meetings?

Selina; There's a few tips. One of the main things I would encourage families is to be very organized and be very prepared. As you could tell, there are several acronyms, a lot of jargon and terminology, when you're in a special ed world, that we just say thinking everyone else knows.

There's a lot of information out there. The process can be very overwhelming, especially to new families that just received a medical diagnosis. On top of receiving a medical diagnosis, you're going to have to go through this special education process.

All of it can be very, very consuming and overwhelming for families. I really encourage families to be organized, to read, to educate themselves. Don't let the school districts be the expert. You be the expert on your student. A lot of our families have taught me different things over the years.

I see families come to IEP meetings with binders. Everything organized from the day this little person started school till 12th grade. If you need an IEP from 12th grade or 3rd grade, they've got it. That's really great. All of that information, keeping that organized, it's a lot.

Keeping track of everything that you request, putting your request in writing, knowing who to go to, knowing your school, knowing your district. If there's a behavioral issue, know who that person is at the school that you need to reach out to. If you want an evaluation, know who the school psychologist is. Know those people. Keep copies of all your documentation organized.

During the school year, this is something I tell my families all the time. Like I said, it doesn't always have to be a formal IEP meeting. I always tell my families to have quarterly meetings, quarterly conferences.

Every time you get that report card, call your teacher, email your teacher and say, "Let's have a meeting. Let's talk about how my child is doing. What can I do at home? What can we focus on in the summer? What are some things that he's struggling with?"

He may be doing great, and that's great to hear, too, but there's always things that you could do at home to help meet those needs at school and just work collaboratively as partners. That's huge.

Keith: That's a really great idea.

Nately: Another tip that I would add to the tips that Selina shared, if you are not an English speaker, and you speak either Spanish or another language, where if you're in an IEP meeting, a lot of information is being thrown at you, and it can get convoluted or hard to keep up. You can always feel free to ask for a translator.

Prior to meeting, obviously give them some time to make arrangements for one to come to the meeting. That way, you can understand everything they're saying. If you need to sign consent for something, they can explain to you what you're signing, so you know exactly what is it that you're signing.

Keith: That's helpful. Selina and Nately, thank you both so much for appearing on our podcast today. I appreciate it.

Selina: Thank you.

Nately: Thank you for having us.

Keith: For more on this subject, you can visit the Special Education section of our website at disabilityrightsflorida.org/education. Thank you everyone for listening to the You First podcast or reading the transcript online. Please email any feedback about the show to podcast@disabilityrightsflorida.org.

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