

You First Podcast Episode 61: The ABCs of IEPs

Keith Casebonne (00:00:00):

You're listening to You First, the Disability Rights Florida Podcast. In this episode, I talk with two education advocates about individualized education plans, transition planning, and how to better advocate for your child in the school system. Hi, everyone. I'm Keith.

Maddie Crowley (00:00:32):

I'm Maddie. We're the hosts of You First. On today's episode, we have Disability Rights Florida Advocates, April Katine and Daysi Ortiz sharing their insights about education planning for students with disabilities.

Keith Casebonne (00:00:44):

Yes, indeed. Together they have 60 years of education advocacy experience, and they know this stuff inside and out. They discuss the importance of individualized education plans or IEPs, transition planning, and they also offer tips on how parents can more effectively find success throughout this sometimes harrowing process.

Maddie Crowley (00:01:05):

The conversation also delves into various services available under the IEP and the significance of periodic reevaluations. They also provide advice on preparations for IEP meetings, maintenance of written records, filing for reevaluations, and collaboration with the IEP team. They emphasize the importance of being equipped with data, tracking the progress of the child, and building a positive rapport with school staff.

Keith Casebonne (00:01:33):

Yup, and honestly, there's even more. Let's jump in and we hope you enjoy the conversation. Hey, April and Daysi, thank you both so much for being on the episode today. Looking forward to a great conversation about education planning. Let's just jump in with some introductions.

April Katine (00:01:51):

Great. Hi, I'm April Katine. I am a white female. I'm wearing a multicolor shirt. I have been doing special education for over 40 years. I was a special education teacher and then I also worked at the Florida Department of Education as a Director. Now, I am here as an advocate at Disability Rights

Florida, loving working with families, helping to level the playing fields at IEP meetings and helping parents understand special education.

Daysi Ortiz (00:02:25):

Hi, I'm Daysi Ortiz and I work with April. I am Latina, wearing now a beige jacket with a braid in my hair. I have been working with special education for over 20 years. My specialty is ADR, which is alternative dispute resolution. I'm also a mother of two, now young adults, with autism. It is something that is my passion to be able to be here. I am a bilingual advocate in Disability Rights Florida. I speak English and Spanish.

Keith Casebonne (00:03:06):

All right, thank you both for being here. We're privileged to have you both as staff of Disability Rights Florida, helping our clients, and also privileged to have you talking about that very same thing on the podcast with me and our listeners. Let's just kick in. Daysi, we'll start with you. Let's start with, I guess, you could consider the backbone of most education planning for students with disabilities, and that's the IEP. I would imagine that most parents listening would already know what that is, if they have any experience dealing with education for a student with a disability. But let's just start things with a basic overview of what an IEP is and what parents can expect throughout the process of developing and updating their child's IEP over the years.

Daysi Ortiz (00:03:49):

Sure. That's a very good question because even for families that have already an IEP, the process is often very confusing particularly when they see so many pages, so many sections. It can be very intimidating. Let's start, like you call it, with the basics, which is when a student with disability qualifies for an exceptional student education, which is ESE. Let's start. When we talk about it, let's just say ESE, which means here in Florida, exceptional student education. They will have individual education plan, which is the IEP. This IEP document is what is individually written for the education of the student with a disability. This is very personal, right?

(00:04:35):

It is made just for them, for that student that in the IEP meeting is discussing. This document is supposed to be able to meet the unique learning and needs of the student. I think it's important putting myself in a place of a parent. When I was a parent starting learning about IEPs, what helped me a lot is to understand the law behind the IEP. What is it that it mean, why we have an IEP? I think it's important, will be important for the listeners, to understand a little bit, just a quick overview of what it is. Historically, there were over a million of children with disabilities who were excluded for opportunity to participate in the regular school setting.

(00:05:20):

They miss out in the opportunity to learn with students, peers that didn't have a disability. But that changed in 1975 when the new law came into happen, which is the Education for All Handicapped Children Act. Then, now we know it as an IDEA, which is the Individual with Disabilities Education Act, IDEA. The primary aim of IDEA is to ensure that all children with disabilities from age three to 21 receive free and appropriate public education. These might include special education and related services tailored specifically to their needs. What is the ultimate goal of this law? It's to prepare these students for life beyond school.

(00:06:11):

Whatever that is, it's college, vocational training, or entering the workplace, and to help them live as independent as possible. A key principle of this law is the concept of the least restrictive environment. I say those words intentionally like that because during the course of IEP meetings, when we are discussing, when we're talking about it, those are the key words that are important for the parents to remember when they're discussing their child's entitlement or their program for the school. Additionally, for the students and the rights and the services that are offered to the students IDEA also do the safeguards, gives parents certain protections that allow the parents to address any concerns or disagreements that they may have about the program.

(00:07:07):

That is the background, for parents to understand. When they go to this meeting, what does it mean? Why am I here? Why do I have this document? Now, going back to the IEP document itself, so the IEP is developed by a team that includes the parent. If the student is a transition age or before, ideally, the student as well, because we want the student to have their voice and needs heard. As a parent, you also have the ability to invite anybody that you want to the meeting. The document outlines the student's current level of performance, which in the IEP will be called present levels. Then, their educational goals, the additional help and changes needed in the classroom, like ESC services, related services, supplementary aid, and so on.

(00:08:00):

Any other ESC service necessary to achieve the goals that the team develop during that IEP meeting is what will be included in the document. It's important to understand that ESC is not a place. Sometimes we think about, "Oh, the student is in ESC, or has ESC, special education." Then, you think, "Oh, they are in a separate place, segregated, or in the mountains." Like we used to say. No, no, no, ESC services is not a place. It is a range of specialized supports that are designed to help your child, the student with disability, to make progress towards their goals and benefit from public education. With this in mind, we have to understand that the IEP then should clearly specify what are those services that the student is going to need or accommodations, where and how they're going to be receiving it.

(00:09:02):

While we talk about placement or we talk about that setting, that ESC is not a place, naturally you would think general ed. We would prefer that, but that is not always the best place or the least restricted environment for some of our students. Then, those are the things that the team also had to consider. When that happened, that the student has to be changed to a separate ESC classroom or whatever placement that is that the team decide, the IEP document needs to be clear and document those important specifics about how long the student is going to be separated for the non-disabled peers, how frequently these services will be provided. Then, those details have to be written in there, how long it's separate, what kind of service they receive.

(00:10:01):

Then, I'm thinking, "Okay, so if those are what drives the IEP and the idea, then it's important that parents and that document is very clear and easy to understand." When the parents go to a meeting or you go to a meeting and are discussing your child, make sure that you understand everything that is written in that document. If there is something that seems so complicated and complex or words that technical and it's like, what does that mean? How does that look like? Ask the question. If need be, you can ask for the language to be simplified and to be clarified. Because there's no way that they can implement it if they don't understand it. In a nutshell, that is what the IEP document is and why it's important.

April Katine (00:10:54):

One thing that I would like to delve a little deeper in that Daysi mentioned, she mentioned least restrictive environment. But that's a very confusing term sometimes because sometimes when parents ask for, say, a one-on-one aid for the child, they're told that's not the least restrictive environment. Often school staff are very confused by that because least restrictive environment means when students are with their non-disabled peers. The least restrictive environment is in the general ed classroom bringing services to the student. The only time they should be pulled out is when they cannot benefit from the general ed curriculum without supports and services that require them to be pulled out.

(00:11:52):

Actually, being in the gen ed classroom with whatever supports and services they need is the least restrictive environment. IDEA, like Daysi mentioned, is very specific that all students' first consideration should be staying in the general ed curriculum and in the general ed class.

Keith Casebonne (00:12:15):

Yeah, I'm glad you added that in. That is definitely a basic tenet of what the IDEA is all about. It's good to have that extra clarification. Also, just to clarify for listeners, so the IDEA, that's a federal law, and so a lot of these concepts are nationwide, not just for Florida. Now, obviously, you guys both work in Florida. You're familiar with the Florida process and there may be certain things we're talking about that are specific to Florida, but for those listening outside of Florida, it's still the same

basic ideas across the country. You might need to look into some of the nuances of your State but for the most part, I think a lot of these things, at least the federal law-based concepts, would generalize across.

(00:12:56):

Daysi, one thing, when you were talking about the background of this and the things that the IDEA say should be offered, things that you have in your IEP, you mentioned special education and related services. You mentioned specialized supports, you mentioned accommodations, things like that. Let's dive in a little bit into some of the more specifics. What are some of those services that are available in most school districts that parents can ask about when planning for their child's upcoming school year?

Daysi Ortiz (00:13:24):

Yeah, that's a very interesting question because as we said before, it is an individualized plan. It's supposed to be tailored to serve and to help the particular student that we're discussing, just as April just mentioned. Sometimes when we sit on the table, instead of discussing the student needs, the conversation goes about what the district have and it doesn't have. Although, we don't do that here. Like you said, this is not only particular to that school, to that district, to the county, to the State, it's a federal mandate. I worked for 20 years in California. Then, at the end of the day, here I am and it's the basic... the federal laws apply no matter where you are.

(00:14:11):

For us in the school, when we talk about services, it's important when you are discussing what kind of services that are available for the student, that you have the data that you sit in the meeting discussing. Instead of starting by, "Okay, let me see a manual, what it is it." Start about, what does the student, what the student needs? Having a picture of that student, which is in an IEP language would be those present levels, where the student is right now. Then, that would be helpful to then having conversations about the need of those services. Before we talk about services, when we look at that picture, then what are the strengths and the needs of that student within the gen ed curriculum, within the functional ability or grade level of that student where he's supposed to be?

(00:15:07):

Once you talk about the goals, what is that realistically, but also challenging goals that we can create for the student? That's when then we go deep into those services. This will go under related services or also supplementary aids and services, ESE services, direct instruction. They play a critical role in supporting those goals that we have for the student. As the parents are planning for next school year or they have an IEP soon, the law, IDEA, is very specific when you give example. What could be a related service in the IEP to support the student? April just mentioned one supplementary aids and services for a professional, which is always very conflictive sometimes, because people have their own opinions.

(00:15:56):

But that's why we have to come with data because the IEP flows so much better when we have just factual information and we have those things in writing. Let's go through some examples. Again, this is not an all-inclusive list, but just to mention some, because I'm sure people are interested. For instance, transportation and therapy services. This will include essentials like school transportation, to and from school. This is something that could be a related service. Why? Because the student wouldn't be able to benefit from their ESE education if they cannot go to school, so then that is important. Also, therapies like speech therapy for communication skills, physical and occupational therapy for motor, and executive functional skills.

(00:16:45):

We have also psychological services, emotional services that will help with the emotional wellbeing, with the behavior, also with the independent functioning of the student. It always doesn't have to be academics. Another example is health and counseling services. Not only counseling about emotional and social, but also about academics. Where their goals are, where are you going to go? What's realistic? What are your abilities? Assisted technology, that's a big deal too because the assisted technology has its own place in IDEA, but we know sometimes that schools struggle. Again, there are some disconnect about what idea, purpose was for these students, which is to enable them to have access.

(00:17:36):

Then, what every student already receive, that is, "Here's a computer, go." Another supplementary aid and services could be adapted equipment. We can say pencil grips, special seating, modified cups. It could be also audiobooks, large print, highlighters, peer tutors, professional tutors, specialties, it depends. What is it the student need? Again, it is important to remember that every child needs are distinctive and individual. The meeting shouldn't be just generic, and this is what we have, or okay, we do this for everybody. Crafting an IEP isn't like picking items from a menu. Okay, what about this? What about that? No.

(00:18:25):

Again, we have to do it intentionally and we have to sit down and go through the process. It should be thoughtfully designed to provide the specific support that the student needs. If you think about it, again, we go back and we repeat, the IEP is the driving force of that education that the student will receive. When we craft in it, we have to make sure that we are doing it to enable the student to have access to their education. We have to be like that. Always the focus is how to best serve the needs of these individual student educational journey. As a parent, don't hesitate to speak up during your IEP meetings. It's important for you to suggest goals, where the students should be, what are your concerns.

(00:19:18):

To have discussions with the team to explore how those services and accommodations and supports can be integrated within the document. It's not like they tell you, "Oh, yeah, I have people that come." No, it has to be written in the document. Why? Because that is the plan. If it's not in the plan, it's not going to happen. Your input as a parent is invaluable in shaping the educational path that meets your child's unique needs.

April Katine (00:19:48):

One of the things that I would like to go back and clarify just a little bit, Daysi is bringing up such good points, but there's one piece of that related services that I'd like to speak about. Sometimes parents get confused between educationally relevant services and services their child needs but might get in the medical community. That's something that we deal with a lot, is clarifying for parents that your child may very well need physical therapy or occupational therapy or speech therapy. The question is, is it impacting them in the school setting and is it prohibiting them or keeping them from getting their special education or general education services?

(00:20:39):

A lot of times we do have parents come and get very confused because they know their child needs physical therapy or speech therapy, but you have to look at how it's impacting them in the classroom. If it is impacting them in the classroom, then that is when you ask for the school to provide those therapies. I just wanted to clarify that one little piece because we hear that a lot as advocates, the difference between getting it provided in the school setting versus outside of the school setting.

Keith Casebonne (00:21:12):

Yeah, that's interesting. Thank you, Daysi, so much for that rundown on the IEP and some of the services that are available through that. Now, related, April, some students may have something instead called a transition IEP or TIEP. Can you explain what transition is, who might need a TIEP, and what the differences are between that and a standard IEP?

April Katine (00:21:34):

Right. Students with special education, students that qualify for special education, will always have an IEP, but when they reach a certain age, which I'll talk about in a second, it becomes a transition IEP. The components that Daysi's just been talking about, they all are part of a transition IEP. They're all still there but on top of that, the IEP team begins to talk about what a student needs to prepare them for, what they want to do when they leave high school. Do they want to go straight to work? Do they want more schooling? Do they want to go into the military or something else?

(00:22:19):

The idea is, all of school is really preparing students for what they want to do and how to have a successful, independent life. In the federal law, it says you have to have a transition plan by age 16, however, Florida has decided to be proactive and start earlier than that. The transition IEP has all those same components as the regular IEP. It just expands it into planning to help students get ready to leave school and be successful in the next part of their lives. There's also something called deferral in Florida. This is very specific to Florida. As Daysi mentioned earlier, you can stay in school until you either get a standard high school diploma, or at the end of your 21st year when you turn 22.

(00:23:21):

In different districts in Florida it's different. Some you can stay in school until your 22nd birthday, some it's the semester you turn 22, and some it's the school year in which you turn 22. But it's important to know that if you decide to defer your diploma, it means in Florida, and this is very, as Keith said earlier, there are some things that are very specific to Florida, and deferral is one of those things. What that means is you've met all your requirements for a standard diploma, either through general ed standards or alternate standards, if you're on excess points in Florida. Either way, you can decide with your IEP team that you still need special education related services and transition services, and you can defer your diploma and stay in school until you're 22.

(00:24:26):

The idea is, let's take for example, if you want to go to a career in tech center and you want to learn a skill like welding, or childcare, or cosmetology. There's lots of wonderful career in tech out there, but you know that you still struggle, whether it's struggling with reading or math or social skills or communication. There's lots of ways students get to their 12th grade year and still have struggles to learn what they want to do after high school. That's where deferral comes in. You can say, by the time you are in 11th grade in Florida, you need to tell your IEP team whether or not you want to defer your diploma or accept your diploma and leave.

(00:25:19):

This is really important to think about ahead of time and be very sure because in Florida there's a deadline in your senior year when the year that you've met all of your requirements for a diploma. If you have not deferred your diploma in writing, then you may lose the ability to stay until age 22 if you accept that diploma. It's a very important decision to make and take your time and think about it and get lots of information. By the first day of your senior year in Florida, you have to have had that conversation with your IEP team. When is it important in Florida to start really thinking about transition? I say it's important for families to start as early as elementary school.

(00:26:16):

Because there's lots of good things that families can be doing to support their students in the transition area. Making sure your children are expected to do chores at home, even volunteer in the

community. There's lots of good things you can do and hold those expectations high as children move throughout elementary and middle school. In Florida, transition actually begins at age 12 or the first day of seventh grade. What that looks like for 12 and 13-year-olds is doing transition assessments in school. The idea is, when you're 12 and 13 or in seventh grade, you're gathering lots of good information and you're including it on the student's IEP. Again, Daysi talked about present levels.

(00:27:10):

That's where some of this transition information should go, in the assessment area, in the transition area, and in the present levels. Because in Florida, unlike the federal law, federal law says you have to have a transition services plan in place by 16, but Florida says you have to have your transition services in place by age 14 or the first day of high school, whichever comes first. I'm so proud of Florida. That's really exciting, to make sure we're really preparing our students early and well to start learning to transition to what they're going to do after high school. I know that some people might be hearing this when their child is already in, say, 10th or 11th or even 12th grade and they may not have started this.

(00:28:06):

Well, that's a little late, but it's not too late. Anytime you get the good correct information, you can start asking your child's IEP team to do those career assessments. They should not just be asking your student, what do you want to do when you grow up? They should actually be doing some assessments with them, finding out, like what Daysi said earlier, what are their strengths? Because as special educators, we're always supposed to be using the student's strengths to move them forward. You want to know where some of their weaknesses are so you can use those strengths to build up their weaknesses. You never really want to only focus on their areas of concern.

(00:28:53):

You want to support them in those areas and move them forward using their strengths. There's another area of transition planning I'd like to talk about for a minute. In Florida, there are certain agencies that help students as they transition from high school to adults. The Agency for Persons with Disabilities is a very important agency that you have to apply for services and there is a waiting list. Students with autism and with cognitive disabilities, I believe there are about 13 different disabilities that qualify you for services under the Agency for Persons with Disabilities.

(00:29:42):

It is very important, if you are listening to this and your child is itty-bitty, and they have been diagnosed with autism or a cognitive disability and you're in Florida, you should be applying way before you think you need the Agency for Persons with Disabilities because there is a waiting list. You can put your child at two and three years old on the Agency for Persons with Disabilities waiting list. You may not need their services until that child is a teenager or a young adult or even older, but

you want to have those services available when you need them. That means putting them on that wait list really early. Whenever you hear about this, if your child that has autism or a cognitive disability, if you haven't applied for services, now is the time to do it.

(00:30:38):

There's another agency called the Division of Vocational Rehabilitation or their sister agency, the Division of Blind Services. That usually starts around age 14. You can apply for services through the Division of Vocational Rehab or Blind Services. We recommend that by age 16 you have applied for their full array of services. Sometimes it gets confusing in Florida because school districts can be vendors of the Division of Vocational Rehabilitation. If they are a vendor, that means the same people that you're getting your education from during the day can provide pre-employment transition services after school, on weekends, on holidays. It's very important to apply for those services, some you will do through the school.

(00:31:46):

Usually, when students are 14 to 18, they can get some of those services through the school system. But as you get older, especially by age 16, you want to make sure to be applying for the full Division of Vocational Rehabilitation services.

Daysi Ortiz (00:32:07):

If I may add to that, it is true, it's great information and transition is super important for students. I just wanted to make a clarification and give another hurrah to Florida because although the transition services, like April mentioned, have to be in place by age 14, Florida came even above and beyond. They say that the school, the transition planning have to start at age 12 or the seventh grade, whichever come first. I remember when this was a discussion in the State, some people used to say, "But, oh my gosh, at 12 years old or seventh grade, that's so early. Students don't know what they want to be when they grow up." But that's when you have to be creative.

(00:32:52):

When you're drafting our students with disability, it takes a long time to learn a skill, much more than a typical student, right? There's a reason for this stuff. It's not like, "Oh, I'm bored. Let me put it here." No. It has to be intentional. If you think about it, even for some programs, the high schools in the United States, I'm a Latina, I come from a different country, but when you come here and you see how the opportunities are in high school, some of our students with disability missed out because they don't have the soft skills or they don't have the ability to be able to enter those.

(00:33:27):

That's when, hey, transition, you can use it earlier on, no later than, in Florida, at the age 12 and start talking about that. The last point I want to make about transition is piggy backing on what April said about the services, OT, recreational transition also, because it's a plan, that the goal is for the

student to be as independent as possible and the student be able to have a life after school. Then, it's discussions that you have to have with the team. Hey, how is that going to happen? Maybe when they were talking about math, science, social studies, some things weren't relevant. But when you talk about independent functioning, when you're talking about living independently, what does that look like?

(00:34:19):

How does it look like? You're not going to be holding their hand. Again, we have to look at this intentionally to be able to develop a plan. Transition is super important, guys, very much. Thank you, April. Good points.

April Katine (00:34:35):

Yeah, so the other thing Daysi just reminded me of that I think is important for you to know, one of the reasons it's so important to start as early as middle school thinking about this. Now, career academies are really popular in high school throughout Florida. A lot of times you have to start those career academies in ninth grade because sometimes it's a three or four-year program. For instance, if you want to do culinary, that's a four-year program in a lot of high schools. You may need to choose which high school. In Florida, as you know, we have school choice, but you may need to choose your high school depending on which career academy you want to go to because not all high schools have all of the career academies.

(00:35:26):

That's why it's so important to start in seventh grade or 12 years old, looking at what you're really interested in, so you make sure you're headed to the right high school to have the opportunities that fit your needs and your interests. Thanks for reminding me of that, Daysi.

Keith Casebonne (00:35:45):

Those are great points and really interesting. I'll be honest, I myself wondered, "That's 12. It seems so early." But as you've explained it, it really is beneficial to get started that early and there's no negative side to it whatsoever. This is the reason why we have these discussions, right? We want parents to know these things because if they don't hear it from us, they may never know it. They may never know that, literally, at 12 years old they can start planning for this stuff. This is wonderful. Thanks both of you for all the detail on that.

Maddie Crowley (00:36:22):

Hey, everyone. This is Maddie from You First and I wanted to tell you about a program that's going on right now through Disability Rights Florida. We're collaborating with other disability service providers and local health departments to organize free accessible flu and COVID-19 vaccine clinics across the State. We have many scheduled through the end of April, so to find out more

about the dates and locations of the various clinics, visit disabilityrightsflorida.org/clinics. If you need help arranging transportation, scheduling appointments or have any other issues related to vaccine access, we are here for you.

(00:36:58):

You can call us toll-free at (800)-722-8142 or telecommunication for the deaf, (800)-346-4127. Be sure to visit disabilityrightsflorida.org/clinics for more information.

Keith Casebonne (00:37:26):

An open question to both of you. How can parents plan and prepare for IEP and other meetings with teachers and ESE staff?

April Katine (00:37:35):

Okay, I'll start on that. Often, when you're about to schedule an IEP, a lot of times teachers can meet ahead of time and start to gather information about that student, and a lot of times they come to the IEP meeting with what's called a draft IEP. There's nothing wrong with them drafting the IEP, they just can't finalize it and they have to make sure it truly is a draft. Meaning, with the discussions you have at the IEP meeting, everything can be changed, anything can be changed, and the parent's concerns and what they want for their child needs to be incorporated. My recommendation is that you always ask for a draft IEP to be sent to you as a parent at least three days before the meeting, so that you have time to read through it and see what you agree with and what you plan to add to the conversation at the IEP meeting.

(00:38:41):

If they say that they don't have a draft ready, then they shouldn't be using a draft at the IEP meeting. If they're going to use a draft, you can even ask them at least a week before to send you the IEP draft. Also, at every IEP meeting, there's a place in the meeting where they're going to ask you what are your parent concerns? It is a required part of an IEP meeting, so don't let that take you by surprise. Know that they're going to ask you this and spend some time in the quiet of your home, maybe after you put the kids to bed and everything settles down, to really think about what are your concerns. Be careful. Put them in the best light.

(00:39:28):

You want to make sure that you are very clear, what you want your child to accomplish in the next coming year. Because remember, an IEP is a plan for the next year of what services and supports your child is going to have in school. Sit down and write out what are your concerns. Try and keep it to not more than a paragraph and be very specific about where you're concerned. I've seen a lot of parents forget to think about this ahead of time and they get very flustered. Often these IEP meetings, there's a lot of people sitting around the table. It feels very high pressure. In the moment,

everything that you have been worrying about for the few weeks before this meeting just might fly right out of your head.

(00:40:22):

You might forget those most important things you wanted to tell the IEP team. That's why it's really good to take your time at home to write it out. I recommend, at least a day before the meeting, send it in an email to the person who sent you the meeting notice. That way they can just copy and paste right into the IEP what your parental concerns are.

Daysi Ortiz (00:40:50):

Yeah, good advice. One of my advice to the parents to prepare for an IEP, and I take it from my own experience, IEPs are very emotional, draining. It's like a different language on its own. When you go to this meeting and you hear that one, that's why when I talk to parents and I have these conversations, I try to use present levels, least restricted environment, LRE, because that's what the parents hear in these meetings. It's important that you accustom, we get used our ears to hear about this and what it means. It's not that you don't know. It's not that, "Oh, I'm just a parent and that's why I don't understand." No, it's hard. Hello, we have a career on this, advocating and helping people.

(00:41:40):

There's attorneys that study these and not everybody knows about special education law. It's very complicated and complex. But that's why I agree with April, we have to have everything in writing. Parents, sit down, write everything. I really advise the parents strongly to all the communication that they have with the district, make sure that they memorialize it in writing. Preferably, the communication is in writing. I understand, I also think that to be able to be prepared for an IEP, and this was that I did, that was my practice. I have a diary, a journal, a notebook, whatever works for you, in the computer, now, iPhone notes, reminders, record it, whatever works.

(00:42:29):

But it's important that it includes a date when it happened and whatever highlights it is. I know that we're busy, it's complicated. We have our own children to deal with, we also have our own life to deal with. But keeping a journal is so helpful when you go to these IEP meetings because you are going to be able to go to these meetings that are already very emotional and you come with your own data. You're going to go to these meetings that everybody's bringing their data, their evaluation, their stuff, but then you have your data as well. These notes are solid real life experiences that you're going to bring to the IEP meeting.

(00:43:11):

It's not only going to the IEPs, "Oh my gosh, I don't know what to do. This is so complicated. You know what? My kid, he doesn't respect me." You are very concise and then you say, "Having issues

at home and this is what is happening to me." Again, if we're going to do that and we're going to have this journal, we're going to bring it to the meeting. We are going to be able to be what the law intent us, the parents be in the IEP meetings, which is be meaningful participants of the IEP meeting. That's something that I do advise the parents to be prepared. Believe me, I know, I tell about notes, records, but as time goes on and the child gets older, you are going to see the amazing information that you have through preparing for these IEP meetings.

(00:44:06):

I have to say a personal experience, when my son got to be 26 and 27, that he didn't qualify for the medical insurance. Believe it or not, I got my binder with all the information for his evaluations, and that's what I sent my husband employer, with his IQ and everything else. He was able to qualify for those services, be able to be eligible to the medical insurance through my husband's employer due to those records that we have. Again, it's important that you do prepare for the IEP. Something that April say, lastly, is being very concise about your concerns. Again, we are parents, we're very emotional. Be very specific exactly what the issue is.

(00:44:53):

For instance, if your child's coming home with a lot of assignments, a lot of homework, and you don't know what to do, don't go to the IEP like, "Oh my gosh, I don't know what to do." When you have a home and you go, be specific about what you're asking for like April advised and say, "My child has a lot of extra work coming home and in the afternoon he or she is very tired and cannot complete the work. We need help. He or she is getting a lot of meltdowns." You see, it's very specific, non-emotional, and then you're speaking the issue, seeking and asking for the help.

Keith Casebonne (00:45:29):

That's all great advice. How about deadlines? Are there any specific deadlines that parents should be aware of?

April Katine (00:45:35):

There are some specific deadlines to think about. The IEP is required to be reviewed and revised at least once a year. If a year comes and goes and they have not sent a letter, the parent participation form, letting you know when IEP is coming up, then you need to be asking the school, "When are you going to have your students' annual IEP meeting?" Students grow and change a lot in a year, so even if, say you get through a few months of the year and you notice big changes in your child and you are either seeing your child struggle in a particular area or really grow in a particular area, you may want to ask for an interim IEP to look at that IEP and see if parts of it need to be revised.

(00:46:31):

Even though you must have one at least once a year, you can have an IEP meeting more often, if needed by your student. Also during the IEP, there's something called a reevaluation. As you may

know, a student, in order to be eligible for exceptional student education at the very beginning must have an initial evaluation, and that's how they're deemed eligible for special ed. Starting at that date, every three years, the IEP team must consider whether or not the student needs a reevaluation. There's really two reasons to have a reevaluation. The first reason is, what the schools typically bring up and they say, "Does your students still qualify for special education?"

(00:47:26):

Well, they can ask that and they can talk about that. But the second reason is really the biggest reason that I recommend, at least every three years the answer to that question should be, "Yes, I want my child to have a reevaluation." Because that is the best way to get updated achievement testing for your child in reading, writing, and math. You can also get updated evaluations in the areas of language and speech and OT and PT, and really any other service they're giving you. If you think what they have on the IEP may need to be updated, that's the perfect reason to say yes. Also, you can have a reevaluation in Florida once every year if you want to.

(00:48:19):

Now, more than once a year, the school district has to agree that it's needed, but once a year you can ask for them to do updated achievement testing. But I get a lot of families coming to me and I notice on the IEP when they asked, does your student need a reevaluation? Many, many, many times I see it says no reevaluation needed. Any time I see that, I talk to the parent about asking for a reevaluation. Remember what Daysi said earlier, data is power. Data gives you information about where your child is functioning and helps you to decide what goals and services your child needs on their IEP. I encourage everybody at that three-year mark to always say yes, especially for achievement.

Daysi Ortiz (00:49:17):

I just wanted to add that though for... just like you say, they ask for a reevaluation before those three years requirement. There is not really a timeline in the law that says they have to be done within a specific period of time, but most districts I see, they try to take the initial evaluation timeline, which is 60 days plus 30 days, 90 days, and then go by that. You will have to ask in your district. But, again, I go back to the writing, right? You need to keep those logs, because in time when you request it in writing, it is important to have the writing. When one of us, if you have to go to one of your meetings to help and support, then we need that data to be able to consider and review on the timelines.

(00:50:10):

But then that's when the journal come very handy. But like I said, you keep the date, when you requested that evaluation, when the district responded to you, and when you signed the consent for that evaluation. There are certain things that are super important that you are aware of to be able... Remember, the most important part of the IEP is that picture of the child, the present levels.

The only way that you know that these present levels are no people's opinion or what this teacher think or what you even think about the child, is having those objective evaluations once in a while.

Keith Casebonne (00:50:54):

Any other advice you all have that you can give parents to help them better advocate for their children?

April Katine (00:51:00):

Yes, my biggest piece of advice is to get as much training in special education as you can to be informed about the IEP process. There are many ways to get training in Florida. One of the biggest ways, other than our website, of course, that has a lot of really good information on it. In Florida, the Family Network on Disabilities or FND, is the federal parent training organization. They have in-person training and online training for parents. They also have groups where parents can talk to each other and help each other. There's also a conference every year in Florida called the Family Cafe. It's a very large conference.

(00:51:47):

I think they usually have between 10,000 and 15,000 people at this conference in Orlando every June. The conference is free to families with a person with a disability. They have a lottery for free hotel rooms that you can apply for. This registration and room lottery opens on Valentine's Day every year. Apply early for a chance to get a free hotel room for that conference. But it is a wonderful, it has lots and lots of sessions. It has keynote speakers. They have a great dance on Saturday night for all the students. It's really a lot of fun, but more importantly, it gives you more information in one weekend than you can get in a lot of places.

(00:52:39):

I highly recommend contacting Family Network on Disabilities, going to the Family Cafe conference, and also looking at our website because we have a lot of information on the website. The other piece of advice I have is remember that teachers and school staff really do want to help your child. It's important to start out with a good relationship with them. Always be polite and appreciative of their time and efforts. Building a good relationship when things are going well can help you when problems arise, when you start to have some conflict with the child's IEP team. If they already know you and maybe you've volunteered in the school or you've had positive conversations with teachers and administrators, so they know that you can have a good conversation even when things get hard.

(00:53:40):

It's really important to build a good communication relationship with the school before any difficulties arise. My last piece of advice before I turn it back over to Daysi is ask for and use data to drive your requests. Some parents get concerned that testing is very stressful for their child.

Remember, you can request accommodations such as testing in small groups or individually, and extra time among other accommodations. You can set testing up to be less stressful. I know testing is always stressful for students, but you can make it less stressful by asking for the accommodations your child needs for testing. But I see lately, especially, a lot of parents want to try and get their students out of their district and state testing.

(00:54:39):

I truly recommend that you don't do that because that is the data that you're going to use to show whether or not your child is making progress. Also, they have to take that district and state testing in order to eventually earn their diploma. There is no opting out of the testing. There is a waiver that students can get after they've taken the test, and what that means is the student takes the test. If they don't achieve a level three, which is on grade level, then the IEP team can look at what the student is doing in the classroom, like a portfolio and their grades, and see that they're meeting the standards, but that the test did not measure what they can do because of their disability, and they can waive the results of the test. You're not waiving taking the test, you're waiving the results of the test and they can still get their high school diploma.

Daysi Ortiz (00:55:45):

Yeah, great. I agree with you. Again, I'm going to be like this broken record. Written communication. If you really want to have, just keep good records of everything, just trying to have all that information. It doesn't have to be a lot, but that you have sufficient data to be able to ask for services, be participant actively on that IEP to talk about those needs of the student. I think that is super important. I agree with you. You have to collaborate with the team. Collaboration is key, because I'm not a math teacher. I am not a science teacher, if I'm the parent and I'm there. We need each other to be able to have a whole child. We want our student, we want our child to be independent, so we need other people.

(00:56:41):

That collaboration is important. A collaboration doesn't mean that we always agree. I think prepare, prepare, prepare. Don't forget that as a parent, you are also an important member of the team and your opinion, insights are as valuable as anybody here. You know more because you're the one who have the child at home. You can continue having the child at home. Maybe, hopefully not, maybe get independent and leave home, but maybe not. You're going to be part of your child's life. Like April say, be positive. You're not alone. There's a lot of resources that you can use them, because some of them are free. If you don't use them, they go away.

(00:57:24):

Remember, that the IEP is for your child and as much self-determination, listen to your child, what your child need. I know that sometimes they come with these ideas that know, but they do have ideas, too. This is their IEP and we want them to be as self-sufficient as possible.

Keith Casebonne (00:57:45):

That's all wonderful advice and really excited that you guys were able to share all this with our listeners. One last point and question I'd like to make. Again, even though this is a federally mandated thing through the IDEA, every state does it a little bit differently and so a lot of the details we've talked about here are regarding Florida. If you're listening in other states, just check what's available in your state and county. Also, though, in every state and territory in the USA, we have what's called the P&A system. P&A stands for Protection and Advocacy, and it is a network of agencies that are there to, as the name says, protect and advocate for the rights of people with disabilities.

(00:58:29):

One of the very, very common things that P&As do is help with education issues that students with disabilities and their parents are going through. All the stuff we've been talking about today, really. Obviously, we'll talk about what we at Disability Rights Florida can provide but, again, if you're in a different state, you can find out who your P&A is. You go to ndrn.org. At the very top of the page is a link that says, find your P&A and you select your state, and there you go. Call them, they can help. But question to both of you guys, as far as us here in Florida, the Disability Rights Florida, how can we help folks with IEP and transition planning?

April Katine (00:59:08):

I'm going to start with transition planning. I have a very exciting thing to share with you. We have a transition toolkit that we're very proud of, and you can either access it on our website or you can request a hard copy be sent to you. This transition toolkit has all kinds of, it has all the information Daysi and I have been talking about today, plus a lot more. It talks about voting rights, it talks about mental health, it talks about different agencies, and it absolutely goes into everything having to do with IEP and transition planning. I encourage you to go to our website and either get an online copy or a hard copy.

(00:59:52):

It is definitely worth reading through, maybe sharing with other people. We're very proud of it. Please make sure you check out our transition toolkit either online or get a hard copy.

Daysi Ortiz (01:00:06):

Yeah, it is really cool. I was reading it the other day, reviewing it again, and here I was with my highlighter. I was reading because I was planning a presentation and I tried to be as factual as possible, as you see in this podcast. I was looking for that specific information and I said, "Oh my gosh, I'm marking the whole book." This toolkit, the language that it used is so easy to read. The goal is that our population of student with disabilities can read it, can understand it, so they are

self-determined. I really love it. It was really helpful. In the website, when you click, the colors, everything is really good. I do agree with April to go and see it.

(01:00:52):

Keith, you mentioned Disability Rights. I said before that I was in California. When I started this journey of IEP and special education, I didn't speak English, to be honest with you. You wouldn't know, because you hear me and now I'm so good, but it was so confusing. Again, that's why I think special education, ESE, IEP is a total different language. It's the language on its own. I kid you not, I contacted Disability Rights California, and I'm talking about 1996 around, and I got this manila envelope with their guide for special education and it felt really good. That was my bible for many, many years, to read about special education.

(01:01:41):

I learned a lot and then [inaudible 01:01:43] law and all those things, good things that it had, but Disability Rights California was really great. Now, I have to say that Disability Rights Florida though, do something that Disability Rights California doesn't do, so I'm so excited to be here and working here. As we are a nonprofit organization that provides legal advocacy and rights protection for adults and children with a wide range of disability, so when you ask about what we can do to help, our staff attorneys, advocates and investigators address civil rights violation and abuse and neglect and discrimination in different services area.

(01:02:20):

The services are free of charge and confidential. If a parent or a person with disability feel that they need above and beyond, and what we discussing is foreign or they're like, "Wait a minute. I've tried that, it doesn't work or whatnot." Then call intake. There's also an easy link on the website that you can go, you can do it, you can call and talk to a live person on the phone or you can do it online with the link. They're the ones who's going to decide if we can advocate for the student. But, yes, there's a lot of services out there.

Keith Casebonne (01:02:55):

Yes, indeed. Yes, we will definitely have links to various sites and resources in our show notes. I will say here, you can go to transition.disabilityrightsflorida.org to get the transition toolkit online. It works well on a mobile phone, too, so you can always have it on your device ready when you need it. Then, of course, our main website, disabilityrightsflorida.org. You can go to the disability resources by category page and you'll see we have education. We have another link to transition from there, and some of the other things we talked about. Vocational rehabilitation is under our employment section and so on.

(01:03:30):

You can find a lot of information there on the website as well. Thank you both so very much for being our guest today. This was really full of information and I think any parent would be thrilled to have this resource available to them to help get them started. Or, if not, get them started, get them, maybe they were having issues and now they can get it back on track and know what to do. Again, thank you guys both so much. We really appreciate it.

April Katine (01:03:54):

You are very welcome.

Daysi Ortiz (01:03:57):

Thank you.

April Katine (01:03:59):

Thank you.

Maddie Crowley (01:03:59):

Thank you again to Daysi and April for being on today's episode. It was a really great conversation and I certainly learned a lot.

Keith Casebonne (01:04:06):

Yeah, same. I really enjoyed talking to them, learned so much. You can also learn more by checking out the show notes where we'll have links to education resources that they mentioned throughout the interview.

Maddie Crowley (01:04:16):

Yup, and don't forget to subscribe to the podcast wherever you're listening, so you'll get notifications when new episodes drop. We're on all podcast platforms and you can also listen or read the transcript of each episode on our website at disabilityrightsflorida.org/podcast.

Keith Casebonne (01:04:32):

Thanks for listening, and please email any feedback, questions, or ideas about the show to podcast@disabilityrightsflorida.org.

Announcer (01:04:42):

The You First podcast is produced by Disability Rights Florida, a not-for-profit corporation working to protect and advance the rights of Floridians with disabilities through advocacy and education. If you or a family member has a disability and feel that your rights have been violated in any way,

please contact Disability Rights Florida. You can learn more about the services we provide, explore a vast array of resources on a variety of disability related topics, and complete an online intake on our website at disabilityrightsflorida.org. You can also call us at 1-800-342-0823. Thank you for listening to You First, the Disability Rights Florida Podcast.