

Module 9: Supporting Students With Special Needs

Lesson One: Overview of U.S. Education Laws and Procedures for Students With Special Needs

Lesson Two: The School Liaison's Role in Facilitating the Academic Success of Children With Special Needs

Module Overview: Welcome to Module 9: Supporting Students With Special Needs. Children with special needs include those with learning disabilities, emotional disorders, developmental disabilities, autism, hearing or visual impairment, speech or language impairment, and developmental delay. Schools are required to provide special services mandated by a Federal law called the Individuals With Disabilities Education Act (IDEA) to students with these conditions and others.

Children with special needs require additional support and care in the learning environment that other children may not need. Recognizing the challenge of raising and educating children with special needs, Federal, state and local governments have instituted legislation and programs to support such children and their families.

This module is intended to provide School Liaisons with a basic understanding of the laws supporting students with special needs in the U.S. public education system, their anticipated needs as children of a military-connected parent or guardian, and ways School Liaisons can assist families to advocate on behalf of their children.

Learning Objectives: Through this module, School Liaisons will be able to:

- Explain the purpose of and rights afforded families through the Individuals With Disabilities Education Act (IDEA) and its role in dealing with challenges relating to military families.
- Identify the evaluation process and procedural safeguards afforded parents under IDEA.
- Explain the purpose of the Family Educational Rights and Privacy Act (FERPA) and its role in addressing challenges relating to military families.
- Identify the appropriate channels within the military to obtain resources available for academic support and services for families of children with special needs.
- Explain how to assist families to advocate on behalf of their children with special needs.

Lesson One: Overview of U.S. Education Laws and Procedures for Students With Special Needs

Overview: U.S. law provides for the protection of rights afforded to families that have children with special needs. School Liaisons need to understand the purpose of these rights and what they are in order to help military families mitigate challenges to ensuring the academic success of their special needs children.

Learning Objectives:

Upon completion of this lesson, the learner will be able to:

- Explain the purpose of and rights afforded families through the Individuals With Disabilities Education Act (IDEA) and its role in dealing with challenges relating to military families.
- Identify the evaluation process and procedural safeguards afforded parents under IDEA.
- Explain the purpose of the Family Educational Rights and Privacy Act (FERPA) and its role in addressing challenges relating to military families.

Significant Legislation for Students With Special Needs

Federal laws provide the legal foundation for the education of children who have disabilities. The primary laws in this area are as follows:

The Individuals With Disabilities Education Act (IDEA)

Under this law, the Federal Government provides grants to states for services to children with disabilities. First enacted by Congress in 1975, IDEA governs how states, school districts, and other public agencies provide early intervention, special education, and related services to more than 6.5 million eligible infants, toddlers, children, and youth with disabilities. Infants and toddlers with disabilities from birth to age 2 and their families receive early intervention services under IDEA Part C. Under IDEA Part B, states must make a free, appropriate public education, including special education and related services, available to all children and youth with disabilities ranging in age from 3 to 21. One of the key components of IDEA Part B for schools, families, and students is the Individualized Education Program (IEP), which provides a blueprint for special education and related services a child receives.

Section 504 of the Rehabilitation Act of 1973

This Federal law prohibits discrimination on the basis of disability in programs or activities that receive federal financial assistance. The U.S. Department of Education provides financial assistance to schools, colleges, and certain other entities, such as vocational rehabilitation programs. Examples of prohibited discrimination include denial of access to educational programs and activities and denial of a free appropriate public education for elementary and secondary students with disabilities. The Office for Civil Rights (OCR) within the U.S. Department of Education enforces Section 504. OCR acts on complaints it receives from individuals or groups, including parents, students, and advocates; conducts agency initiated compliance reviews; and provides technical assistance to school districts, parents, and advocates. OCR often enters into resolution agreements with school districts or other entities; however, ultimately recipients risk loss of federal financial assistance if they fail to meet the requirements of Section 504.

Title II and Section 504 of the Americans With Disabilities Act (ADA)

Title II of the ADA (Title II) prohibits disability discrimination in the full range of state and local government services, programs, and activities (including public schools) regardless of whether they receive any Federal financial assistance. In general, Section 504 and Title II requirements are similar. Title II and Section 504 protect qualified students with disabilities. To have a disability under Title II and Section 504, a student must (1) have a physical or mental impairment that substantially limits one or more major life activities or (2) have a record of such an impairment or (3) be regarded as having such an impairment. Some examples of major life activities are caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Generally in the elementary and secondary education context, a student with a disability is a “qualified” student with a disability if she or he is of school age. The Section 504 regulations and, by interpretation, Title II require that school districts

provide a free appropriate public education to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities. The provision of an appropriate education under Section 504 includes regular or special education and related aids and services must be designed to meet the child's individual educational needs. The quality of the services provided to a child with a disability must be equal to the services provided to non-disabled children. A student who is not eligible for services under IDEA may nonetheless be an individual with a disability under Section 504 and Title II and thus entitled to the protections against discrimination, including the right to a free appropriate public education.

The Elementary and Secondary Education Act (ESEA)

ESEA requires states to assess the achievement of students with disabilities as part of their state assessment and accountability system and to hold schools accountable for those students' annual progress toward proficiency. Students with severe disabilities who cannot participate in regular assessments are required to take an alternate assessment with alternate achievement standards.

The Evaluation Process Under IDEA

Services under IDEA begin with a process of screening and evaluations of a child's social, emotional, cognitive, and physical needs. The process can begin as early as birth and continues through age 21.

Early Intervention

Evaluations of young children up to the age of 3 may lead to recommended services called Early Intervention (EI) services. Parents are often prompted to seek such evaluation of their infant or toddler by physicians or certified caregivers. These professionals may recognize a condition or special need that may affect the child's development. Once determined necessary, the EI team recommends services with the goal of lessening the effect of any condition that may limit a child's development. Recommended services can be remedial or preventive in nature. These services may focus on the child, but are most effective when the focus is on the child and the family together.

Individualized Education Program

Evaluations of school-age children should be considered when a parent or teacher suspects that a child is having difficulty in school—whether academic, social or emotional. Parents can request an evaluation by calling or writing to the special education committee at the child's school. In fact, the school system itself may determine that an evaluation is needed. The process most schools use to conduct an evaluation of a student may entail the following types of tests:

- IQ
- Academic achievement
- Speech
- Language

Once a determination of a special need is made, schools are mandated to create an Individualized Education Program (IEP) for the student under Federal and state standards. The parents or guardians of the student have a right to join the team to develop an IEP. A special education teacher and the child's regular education teacher must participate as well. Schools must give parents equal status as members on the IEP team. The IEP is not set in stone and can be changed at any time. There is no one-size-fits-all solution for children with special needs, so parents should be encouraged to take an active role in helping to develop an IEP that suits the needs of their child.

Types of Services Indicated in the IEP

The types of services that may be indicated in an IEP include the following:

- Counseling
- Social work services
- Audiology
- Occupational therapy
- Physical therapy
- Transportation

- Assistive technology
- Additional academic support

The services can be provided in a regular classroom environment, in a special classroom, or one-on-one.

Parental Rights Under IDEA and FERPA

It is important for School Liaisons to note to parents that, under IDEA, children with disabilities and their parents and guardians are afforded procedural safeguards through the evaluation process. Under the law, parents have the right to

- choose whether or not to have a child evaluated and, if so, to have it done in a timely manner;
- choose the environment in which the child will receive services (at home, in a preschool setting, or in another location);
- go through the early intervention process in their preferred language;
- receive full copies of all evaluation results and notices regarding each aspect of the program;
- refuse any specific service without losing the right to other services;
- bring or consult an advocate or attorney or bring one to any meeting at any stage of the process;
- keep all information regarding the family confidential;
- examine and correct all records regarding the child and family;
- withhold or withdraw consent at any stage of the process;
- be told of any possible changes in the child's evaluation or services before they are made;
- be involved in all stages of early intervention;
- choose not to participate in the Early Intervention Program; and
- repeal decisions about their child.

Parents' Rights to Their Child's Records

The Family Educational Rights and Privacy Act (FERPA) affords parents certain rights to access, amend, and prevent disclosure of their child's education records, such as report cards, IEPs, transcripts, disciplinary records, and class schedules by education agencies and institutions that receive Federal funds. FERPA also requires schools to notify parents annually that they are allowed to inspect documents, amend them, and consent to any disclosures of personal information. (Note: While FERPA does not technically apply to DoDEA schools, because they do not receive funding from the U.S. Department of Education, DoD does follow similar guidelines to safeguard students' rights as part of its own policies.)

The law generally requires that schools obtain signed and dated written consent from a parent or guardian in order to disclose information from a child's educational record. However, parental consent is not required in a handful of instances, such as when students transfer to another school. Schools are also allowed to share "directory" information such as names and addresses, which is not considered to be harmful to the child.

For additional information about the rights of parents under FERPA, a link to additional guidance is available in the Resources section of this module.

Lesson One Summary

Key Points:

- The primary Federal laws that provide the legal foundation for the education of children with disabilities are the Individuals With Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act (ADA), Title II, and the Elementary and Secondary Education Act (ESEA).
- IDEA provides a process for the screening and evaluation of children's social, emotional, cognitive, and physical needs as early as birth through age 21.
- Evaluations of young children may lead to recommended Early Intervention that can be remedial or preventive in nature.
- School-age children are usually evaluated to determine the presence of special needs when a parent or teacher believes that a child is having difficulty in school.
- When school-age children are determined to have special needs, schools are mandated under state and Federal regulations to create an Individualized Education Program (IEP) that contains services such as counseling or therapy.
- Parents have many rights under IDEA, including the right to choose whether or not to have their child evaluated and to repeal decisions about their child, among others.
- While FERPA, which affords parents certain rights to access, amend, and prevent disclosure of their child's education records, does not apply to DoDEA schools because they do not receive funding from the U.S. Department of Education, DoD follows similar guidelines to safeguard students' rights.

Looking Forward: Next, learn about the School Liaison's ability to help families by facilitating the academic success of children with special needs.

Lesson Two: The School Liaison's Role in Facilitating the Academic Success of Children With Special Needs

Lesson Overview: The School Liaison can play a vital role in connecting families of children with special needs to academic supports and resources to enhance their success in the classroom.

Learning Objectives:

Upon completing this lesson, School Liaisons will be able to:

- Identify the appropriate channels within the military to obtain resources available for academic support and services for families of children with special needs.
- Explain how to assist families to advocate on behalf of their children with special needs.

Resources for Military-Connected Parents of Children with Special Needs

School Liaisons can help parents, teachers, and school administrators develop a better understanding of the support and resources available to children with special needs. The basic areas to consider are the following:

Working With School Policies

The School Liaison's primary role is to empower parents to be advocates for their child. School Liaisons can do this by encouraging parents to maintain an open and positive dialogue with school officials. It is also important to encourage parents to ask questions and keep asking until they understand an issue.

If a child already receives special education services and the parent or guardian does not feel that the child's needs are being met, they have the right to request a re-evaluation. Parents who request a re-evaluation, however, should have a well-articulated reason for the request. For example, a parent may request a re-evaluation if his or her child is demonstrating new behaviors that were not detected in the first evaluation and are not accounted for in the child's Individualized Education Program.

If a school is considering disciplinary action, the IDEA requires that that child's disability be taken into account. Parents and other members of the IEP team should be permitted to review the information in the student's file, see teacher feedback, and be given access to other relevant information to determine if the child's action was caused by the disability, was related to the disability, or occurred as a direct result of the local education agency's (LEA's), meaning school district, school division, or county's, failure to implement the IEP.

Finding Appropriate Military Resources

Following are a few of the important resources that School Liaisons can share with parents of children with special needs:

- Exceptional Family Member Program (EFMP) is relevant when an eligible family member residing with a sponsor has a physical, intellectual, or emotional disability that requires special medical or education services. The EFMP helps match the child's needs to the availability of services in a particular location. All of the military branches have an EFMP, but the services provided to families vary from branch to branch. It is important to be fully aware of the EFMP support services provided to your military families.
- Parent Handbook on Special Education, published by DoDEA, is a brief but detailed guide about the special education laws, evaluation process, and services offered to children with disabilities.
- Special Needs Parents Toolkit, published by DoD, is a guide to information and tools that are geared towards helping military families with special-needs children navigate medical and special education services, community support, and benefits and entitlements. The handbook is broken down into six modules that can be easily downloaded and printed. Also included are facts, records, tools, and sample letters.

- Specialized Training of Military Parents (STOMP) is a federally funded Parent Training and Information (PTI) Center established to assist military families who have children with special education or health needs. The staff of the STOMP Project are parents of children with disabilities who have experience in raising their children in military communities and traveling with their spouses to different locations.
- TRICARE Psychological Health Services offers medical support for service members and their families, including supports for outpatient and in-patient psychological health evaluation and treatment for all age groups. TRICARE has an assistance program called TRIAP that provides short-term, nonmedical assistance to eligible active duty service men and women and their families. TRIAP has recently launched a Web-based service to provide behavioral and psychological health counseling through private and secure Web portals 24 hours a day, 7 days a week.

(Links for these and additional military resources and services offered through the military can be found in the Resources section of this module.)

Finding Appropriate Nonmilitary Resources

In addition to military resources, other Federal, state and local resources may be useful to military families:

- The Yellow Pages for Kids With Disabilities lists education consultants, psychologists, diagnosticians, health care specialists, academic tutors, speech-language therapists, advocates, and attorneys in each state, along with government programs, grassroots organizations, special education schools, and parent support groups.
- Supplemental Security Income (SSI) is a monthly payment to low-income individuals who are 65 or older, blind, or disabled. Children can qualify for SSI based on their family's income and service needs. The nearest Social Security Office will have information on the criteria for qualification.
- Medicaid is a program that pays for health care for some low-income individuals and families. Medicaid is a Federal program with broad guidelines, but each state sets its own eligibility rules and decides what services to provide. In some cases, Medicaid can pay for services not covered by TRICARE.

Securing Comparable Services When Moving With an IEP

Under a provision of IDEA known as “free appropriate public education” (FAPE), children with IEPs have the right to receive comparable services no matter the location of their school until the new school conducts a re-evaluation and changes the IEP. Advising parents of this right can be very helpful. FAPE is designed to support the IEP-indicated services when a child moves within a district or between districts or states. Additionally, School Liaisons need to help families understand that although the methods of how a school satisfies the overall goals in an IEP may change, the overarching goals for their child should not. Services provided by schools will vary based on the resources that are available.

Similar provisions exist for children with an IEP that transfer schools within the same state:

- “...if a child transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency either adopts the child's IEP from the previous public agency, or develops, adopts, and implements a new IEP.”¹

School Liaisons can make these service transitions more seamless by offering guidance about the transfer of records and information about legislation that protects students' rights.

Transfer of Student Records

A delay in transferring records may affect a new school's ability to provide appropriate IEP-indicated services in a timely and accurate manner. To alleviate this disruption, School Liaisons can remind families with special needs children transferring into their installation to “hand carry” important documents and medications. This practice can help families secure needed services and avoid delays. The recommended items to hand carry are

- copies of important records, such as IEPs;
- letters from doctors or EFMP confirming Category Four status for priority housing (Navy and Marine Corp);
- birth certificates and passports;
- refilled prescription(s);
- contact information for medical connections in the new location; and
- contact information for previous doctors and service providers.

¹Individualized Education Program: IEPs for children who transfer public agencies in the same state, 34 C.F.R. § 300.233(e) (2007).

Informing Military Leadership

School Liaisons are reminded to keep their commanders updated about policies that affect children with special needs. These policies change periodically. The Elementary and Secondary Education Act (ESEA) and IDEA are likely to be reauthorized in the next few years, and the revised laws will change policies regarding children with special needs.

In addition, leadership should be regularly updated on the general issues, concerns, and trends that affect families connected to the installation that need special education services for their children. School Liaisons should keep their commanders abreast of their external relationship-building activities, including participation in community task forces and meetings with parent groups and school officials.

School Liaisons should also work to inform families, with the support of leadership, on the requirement and importance of enrolling their child with special needs in EFMP to ensure appropriate resources are available at the new duty station.

Key Ways Parents Can Advocate on Behalf of Their Children With Special Needs

School Liaisons can support parents in the vital role that they play in the process of securing appropriate services for their children by informing them of ways to make sure that schools and other agencies are meeting their children's needs. School Liaisons can inform parents that they should do the following:

- Organize and keep track of all the paperwork throughout the evaluation process. There are many steps to the process, including initial meetings, doctor visits, etc. The DoD Parent's Toolkit and DoDEA Parent Handbook are resources to help parents to understand the process.
- Learn about assistive technology and ask for devices that might aid their child. School Liaisons can find local and online resources to support the information needs of families.
- Be aware of their rights and those of their family. School Liaisons can provide information, suggest ways to ensure uninterrupted services, and remind parents and guardians of the laws that apply to serving the needs of children with special needs.
- Keep in close, open, and positive communication with school staff. It is important for parents to work in partnership with school officials. School Liaisons can also be helpful in keeping lines of communication strong and offering support where possible.
- Not be afraid to ask questions... and keep asking. School Liaisons can encourage parents to continue to be good advocates by helping them to get the knowledge they need.
- Be an active participant in all stages of early intervention. School Liaisons who develop ongoing relationships with parents can help support the process as it progresses from evaluation to indicated services.
- Connect to military resources, community services, and parent groups designed to support the families of children with special needs. School Liaisons can assist by keeping a list of military resources, local organizations, and/or parent groups to provide families, as needed.
- Contact the state's Protection and Advocacy Agency if discrimination is suspected.

Lesson Two Summary

Key Points:

- The primary role of the School Liaison is to empower parents to be advocates for their children.
- School Liaisons can help connect families of children with special needs to the academic support and resources that will enhance their success in the classroom.
- There exists a plethora of military and nonmilitary resources designed to assist families of children with special needs.
- Under a provision of IDEA known as “free appropriate public education” (FAPE), children with IEPs have the right to receive comparable services no matter the location of their school until the new school conducts a re-evaluation and changes the IEP.
- School Liaisons can remind families that have children with special needs to “hand carry” important documents to alleviate a delay in the provision of appropriate IEP-indicated services.
- School Liaisons must keep installation commanders updated about policies that affect children with special needs.

Looking Forward: Next, assess your learning of this lesson.

Module Summary

Module Overview: Children with special needs include those with learning disabilities, emotional disorders, developmental disabilities, autism, hearing or visual impairment, speech or language impairment, and developmental delay. Schools are required to provide special services mandated by a Federal law called the Individuals With Disabilities Education Act (IDEA) to students with these conditions and others.

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- School Liaisons must keep installation commanders updated about policies that affect children with special needs.

Looking Forward: Next, learn how School Liaisons can build and maintain relationships to support the success of military-connected children and their families.