

Dare to Dialogue...

Reach YES!

A Resource for Families of Children Receiving Special Education



A project of
South Dakota Advocacy Services
and
South Dakota Parent Connection

Dare to Dialogue...Reach YES!

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Reach YES!

Below is a list of school statements that families have heard that may serve to postpone or avoid addressing issues. To assist you, the parent, in advocating for your child's right to an appropriate education, we have assembled possible responses that parents may use to **Reach YES!**



If a school refuses a parental request, from asking for an initial evaluation for special education to requests for specific services, supports or change of placement, the school must provide the parent a **Parental Prior Written Notice** (see pages 17 and 18) to explain why the school refused the take the action. This form should also be provided to parents to explain why the school proposes to change a service the student currently is receiving.

If parents have questions or disagree with the school's decision, they should contact the school official identified on page 2 of the form. Parents may also contact South Dakota Parent Connection at 1-800-640-4553 or South Dakota Advocacy Services at 1-800-658-4782.

Remember: Process Denied = Rights Denied

Evaluations

Statement: Another label would not change how we teach your student.

- It should. His education should be based on his unique needs. These needs are determined through evaluation of each area of suspected disability.
- On the other hand, another label might change things. If, through evaluation, the school team can recognize that my child has _____ (fill in the blank: sensory processing disorder, specific learning disabilities, autism, hearing loss, vision impairment, auditory processing disorder, Tourette Syndrome, ADD, FASD, ODD, RAD, etc.), then there might be other strategies or technologies that would be more effective.

Statement: Your student's IQ is too high/too low to qualify for special education.

- My child's IQ may be high/low, however, IQ alone does not determine if she requires special education or related services. Let's do additional testing.
- There are 13 categories in special education. Let's look at each one that might apply to my child.
- Yet, obviously, my child needs some supports and services in order to succeed.
- I suspect my child may have a disability even though he is advancing from grade to grade. This school has a responsibility to locate a child with a disability regardless of the severity of the disability. (34 CFR section 300.111 Child find. See page 23.)
- Yet, my child has not shown a pattern of success in this area, so something needs to change.
- South Dakota recognizes developmental delay in children 3 to 5 years old.

IDEA Disability Categories

The Individuals with Disabilities Education Act (IDEA) lists categories of disability that are the basis for special education services.

- Autism
- Deaf/Blindness
- Deafness
- Emotional Disturbance
- Hearing Impairment
- Intellectual Disability*
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech/Language Impairment
- Traumatic Brain Injury
- Visual Impairment

*Referred to as Cognitive Disability in SD Administrative Rules.

Developmental Delay recognized by SD Administrative Rules.

Statement: We don't want to label your child.

- I don't particularly want my child labeled either, but in order for my child to benefit from his education, he needs help. In order for him to receive that help, my child needs to meet the eligibility criteria of at least one of the disability categories (see box above). So I guess in this situation accurately determining my child's disability would benefit him.
- This IEP is confidential. Only the IEP Team, my child's teacher and service providers should have access to the information.
- We don't either, but there still might be some benefit. With accurate identification of my child's disability, my child may qualify for needed assistance and supports.

Statement: Let's just wait and see if we need to address this.

- We feel we have already waited and see a need now. Let's not have a "wait to fail" attitude.
- Do you promote driving safely only AFTER a ticket or a collision? Let's prevent some trouble by taking action now to help my child learn.
- Would you please provide me with a Parental Prior Written Notice on the data you used to support your answer? (See pages 17 and 18)

Statements: Your student has to fail our programs before we would consider evaluating for special services. We need to try all of our programs before we can consider evaluating for special services.

- I suspect my child may have a disability even though he is advancing from grade to grade. This school has a responsibility to locate a child with a disability regardless of the severity of the disability. *(34 CFR section 300.111 Child find. See page 23.)*
- IDEA does not require trying and failing other programs before evaluating a child suspected of needing special services.
- Your early intervention efforts have not been successful, and the school is not allowed to delay an evaluation or placement.
- Does this policy apply to all children with suspected disabilities? So if a child was involved in some sort of accident over a weekend and became unable to see or hear, would you require the child to try various programs and fail before evaluating the child and providing special education services? If not, then why would you treat a child with a suspected disability any differently?



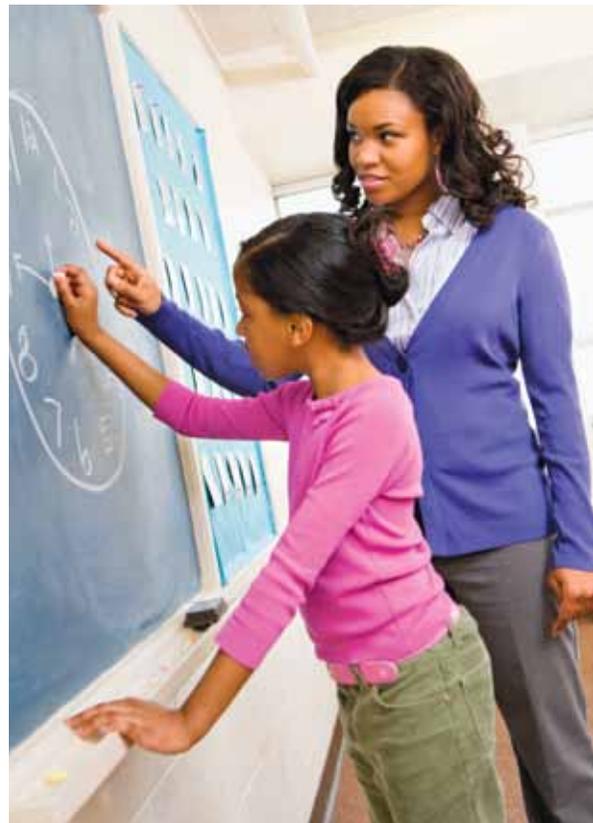
Statement: Your student is doing just fine academically (or is not failing) and does not need an evaluation for special services.

- My child is not successful in these areas outside of academics (*for example: mobility, expressive language, social skills, self-help skills*), so is in need of supports and services to address it.
- My child is performing at an average level today, only because of our family's expensive/exhaustive efforts outside of the school day. He needs supports and services to have a chance to maintain this pattern of success.
- My child has a right to an evaluation in all areas of suspected disability. We list these suspected areas, ___ and ___, which could fall into these eligibility categories, ___ and ___.

Statement: Your child's delays are not significant enough to qualify for an evaluation.

- I believe my child's delays do significantly impact her education and I have documentation that shows this.*
- How do you know what the delays are without testing to determine where he's at?
- This school has a responsibility to locate a child with a disability regardless of the severity of the disability. (*34 CFR section 300.111 Child find. See page 23.*)
- You have admitted that there are areas of delay. So, let's evaluate to determine the extent of the delays and whether my child qualifies for an IEP or 504 plan.

* *Documentation may include test scores, work products, self-reports, teacher comments, previous tests, observational data, developmental data, and/or independent reports or evaluations.*



Statement: Your child's delays are not significant enough to qualify for special education.



- There is a process available to this team called an “override” that allows a child to be eligible for special education and related services even though he does not meet the criteria set out in the rules. Or, we can support my child with a written plan, such as a 504 or health plan.
- I request an independent evaluation at public expense. *(For those instances when there is a disagreement with the school's evaluations on an issue.)*

IEP Override Process

The IEP Team must document the following for the IEP override process:

1. the record must contain documents that explain why the standards and procedures that are used with the majority of students resulted in invalid findings for the student;
2. the record must indicate what objective data were used to conclude that the student has a disability and is in need of special education. These data may include test scores, work products, self-reports, teacher comments, previous tests, observational data, and other developmental data;
3. the team must indicate which data had the greatest relative importance for the eligibility decision; and
4. IEP Team members must sign-off in agreement of the override decision. If one or more IEP Team members disagree with the override decision, the records must include a signed statement of why they disagree.

Tool: A Checklist for Evaluation Requests

South Dakota Advocacy Services and South Dakota Parent Connection developed a checklist for parents and educators to use when requesting an evaluation. This checklist will help identify areas of concern and/or reasons for a referral. You may download a copy of the form at www.sdparent.org (Our Resources/Virtual Library/Special Education).

Language Arts

- Vocabulary - spoken
- Recognizes letters of the alphabet
- Knows sounds of letters of the alphabet
- Recognizes words
- Vocabulary - reading
- Understands what he/she reads
- Reading speed and accuracy
- Expressing thoughts in writing
- Spelling/punctuation
- Sentence/paragraph structure
- Difficulty listening
- Other

Numbers/Mathematics

- Telling time
- Counting money
- Measuring
- Basic math facts
- Calculations
- Word problems
- Geometry
- Problem-solving
- Measurement
- Probability/data
- Analysis
- Math reasoning
- Other

Behavior/Social

- Noncompliance
- Lack of motivation
- Self-concept/esteem
- Peer relationships
- Adult relationships
- Changes in relationships with family/friends
- Withdrawn/moody
- Overactive/underactive
- Isolates self
- Irrational fears
- Verbally aggressive
- Physically aggressive
- Fearful/anxious
- Repetitive behaviors
- Difficulty adjusting to change in routine
- Limited interests and activities

- Unusual interests
- Obsessive interests or behaviors
- Emotionally unstable
- Difficulty sleeping
- Decreased energy
- Irritable
- Easily distracted
- Self-destructive
- Overly sensitive/cries easily
- Poor social boundaries
- Unusual response to typical stimuli
- Bullied by others
- Bullies others
- Seeks attention in inappropriate ways
- Unaware of dangers
- Sexualized behaviors
- Other

Health/Medical

- Problems with vision
- Problems with hearing
- Concussion or traumatic brain injury
- Loss of consciousness
- Seizure
- Stroke
- Headaches
- Dizziness
- Diagnosed congenital disease
- Overweight/underweight
- Fatigued/listless
- Frequently gets hurt
- Diagnosed medical condition
- Medication
- Physical complaints
- Diagnosed mental health condition
- Other

Communication

- Difficulty expressing what he/she wants to say
- Difficulty understanding what he/she hears
- Difficulty repeating what is said
- Uses gestures instead of words
- Appears to not hear what is said
- Loss of acquired vocabulary
- Limited vocabulary
- Student speech difficult to understand
- Student non-verbal
- Other

Motor (Muscle) Skills

- Copying
- Handwriting
- Walking/running
- Throwing/catching
- Fine Motor (hands/fingers) coordination
- Gross motor (arms/legs/trunk) coordination
- Moving from sitting to standing
- Moving from standing to sitting
- Transitioning from class to class
- Frequent falls
- Balance/reflexes
- Concerns with child safety
- Commode transfer
- Walks on tiptoes
- Unusual hand movements/posturing
- Other

Study/Work Skills

- Disorganized
- Making transitions
- Avoids difficult tasks
- Poor problem solving
- Abstract thinking difficulties
- Poor judgment
- Following directions
- Starting tasks
- Completing tasks
- Does not work independently
- Remaining seated
- Concentration/attention span
- Excessive daydreaming
- Turning in assignments
- Difficulty with memory
- Other

Daily Living Skills

- Toileting
- Dressing self
- Feeding self
- Drinking from cup
- Communicating basic wants/needs
- Safety (self or others)
- Understanding/responding to social cues
- Gullible/naïve

Tool: Sample Letter Requesting An Evaluation

Today's Date (*month, day, and year*)

Name of Principal or Special Education Administrator

Name of School

Street Address

City, State, Zip Code

Dear (*Principal's or Administrator's name*),

I am writing to request that my son/daughter, (*child's name*), be evaluated for special education services. I am concerned about (*child's name*) performance and progress in school and believe he/she may need special services. (*Child's name*) is in the (#) grade at (*name of school*). (*Teacher's name*) is his/her teacher.

Specifically, I am concerned because (*child's name*) does/does not... (*give a few direct examples of your child's problems at school*).

If Applicable: (*child's name*) has been identified as having (*name of disability/disorder*) by (*name of professional*). Enclosed is a copy of the report(s) I have received that describes (*child's name*) condition.

Optional: *We have tried the following to help (child's name): (If you or the school have done anything extra to help your child, briefly state it here).*

I understand that I must give written permission in order for (*child's name*) to be evaluated. If this letter is not sufficient permission to begin the evaluation process, please contact me by phone (*number*) or email (*address*) so that you can provide me with the information or documents needed to begin the process. I am requesting copies of all evaluation results and reports prior to the time of the meeting to determine (*child's name*) eligibility for special education services.

Thank you for your prompt attention to my request.

Sincerely,

Your Signature

Your Name

Your Full Address

Telephone Number(s)

Email Address(es)

cc: your child's principal (if letter is addressed to an administrator)
your child's teacher(s)

NOTE: *Send this letter by certified mail or hand-deliver it. If you hand-deliver it, have the receiving school official sign and date a receipt so that you will have documentation of it. Keep a copy for your file.*

Adapted from www.nichy.org

Extended School Year – ESY

Statement: Your child qualifies for Extended School Year (ESY) services and we will provide _____ (or) ESY will be held _____.

- I recall that last year my child received (for ex.) 20 hours of ESY. This year has been more difficult for him and I feel that he needs more hours.
- How did the school determine the amount of hours/which services my child needs? I am of the understanding that we are to discuss this as an IEP Team to determine the individual needs of my child.
- Let's look at my child's relative progress on various goals and determine which are priorities for this summer.

What is ESY?

Extended School Year (ESY) typically relates to the summer months, but can include other breaks, such as at spring or winter. ESY is not intended to introduce new goals, and instead relates to continued efforts on the same annual goals. The IEP document includes Extended School Year, and it must be considered each year for all students with disabilities.

Statement: Your student does not qualify for ESY.

- How have you arrived at your decision? Do you have documentation?
- Can you provide me the documentation, policy, or regulation that proves my child is not eligible for ESY?
- ESY services can be based on documented regression and slow recoupment, a likelihood of significant regression and slow recoupment, to capitalize on emerging skills, or to address critical life skills. Let's review each of these factors to determine if my child qualifies. (*See ESY Factors at right.*)
- Let's look at the criteria for ESY and decide if her unique needs require ESY.

ESY Can Be Based On Additional Factors Besides Those Listed

- Nature and Severity of Impairment
- Student's Rate of Progress
- Parent's Ability to Provide Educational Structure at Home
- Student's Ability to Interact with Non-Disabled Students
- Curriculum That Requires Continued Attention
- Availability of Alternative Resources
- Break Would Intensify "Interfering Behavior," such as Aggression or Self-Injury
- Vocational Needs

Statement: Your student is too old for ESY.

- I don't remember seeing an age limit for ESY. The determining factors are whether my child will experience significant regression in the absence of an educational program and whether it will take an excessive amount of time to re-learn the skills once my child is back in school, to capitalize on emerging skills, or to address critical life skills. (See *Additional ESY Factors* on previous page.)
- Please provide a copy of the regulation that says that.
- There are no age or grade requirements related to ESY. Eligibility is based on my child's needs.
- Is that policy approved by the State Department of Education, Special Education Programs? Please provide documentation of that policy.

Statement: We don't offer summer school/ESY in our district.

- We're not asking for summer school, we are asking for needed ESY services. If you cannot arrange appropriate services locally, then the district will need to see where else we can get them.
- You haven't so far, but my child is an individual with an IEP who has a need for ESY services to prevent regression on select goals (or to capitalize on emerging skills or to address critical life skills). If you cannot arrange appropriate services locally, then the district will need to see where else we can get them.
- Have you asked the state Department of Education, Special Education Programs, whether that is a legitimate reason to deny what my child needs?



Individualized Education Plan – IEP

Statement: We don't have the funds/staff to provide that service.

- Services are based on what special education and related services a student needs, not on how much money they cost. Cost is not a valid reason to deny FAPE.
- My child needs an individualized program to meet his needs. Even if you don't have staff today, it is your job to provide FAPE, a free and appropriate public education, which means locating and hiring appropriate staff.
- My child is entitled to a free public education that is delivered in a way that she can access. My job as a parent is to ensure an appropriate/accessible education is provided to her and your job is to figure out the funding and staffing. I understand that budgets are tight and appreciate you have difficult decisions to make.
- Are you aware of the other possible funding sources, such as:
 - 1) extraordinary cost fund for special education;
 - 2) district reserve funds;
 - 3) district levy for special education?Are these a possible source of funding?



Statement: We don't need to address that issue.

- IEP rulings from agencies and courts are clear that “All of a student’s unique needs must be addressed, not just her or his academic needs, e.g., *Russell v. Jefferson Sch. Dist.*, 609 F. Supp. 605 (N.D. CA 1985); *Abrahamson v. Hershman*, 701 F. 2d 223 (1st Cir. 1983).” www.wrightslaw.com/advoc/articles/iep.success.bateman.htm
- This issue directly relates to my child’s education. It is important to discuss, as an IEP Team, to determine if my child needs ___ to benefit from his education. If you are refusing to discuss this issue, please complete the **Parental Prior Written Notice**. (See pages 17 and 18).
- Please show me the regulation that supports your statement.
- This IEP is based on my child’s unique needs. I believe she needs this. Let’s talk about it as a team.
- We are members of the team and we consider it an issue. The topic is on the table for discussion. If you are refusing to discuss it, please complete the **Parental Prior Written Notice** form provided by the South Dakota Department of Education. (See pages 17 and 18).

- I request an independent evaluation at public expense. *(For those instances when there is a disagreement with the school's evaluations on an issue.)*

Statement: We don't need to write that into the IEP.

- All of my child's teachers and anyone else that works with my child during the school day is responsible for reading and implementing the IEP. The IEP will let each person know what their specific responsibility is and what services they must provide to my child. If the information is not written into the IEP, then I don't believe the service will be provided. So to prevent any miscommunications or misunderstandings, let's write everything we determined my child needs into the IEP.

- Let's write it down so we all remember what we agreed upon.
- There may be a substitute in the classroom, and it would be helpful.

- If it's not written down, you don't have to do it and my child may be short-changed.



- Maybe you don't need to, but I am a team member, and I want it written down so that it is not forgotten. If it does not fit under any of your headings, then we can utilize the section called "Parental Input."
- I want to be clear — I am asking that you write it down. If you won't write it into the IEP, then I will write it myself after the meeting and will insist that it be attached.

Statement: We'll take care of it.

- Thank you. Let's write it down so no one forgets.
- Thank you. Please write down the projected date of completion, and let's plan to review progress on this date _____.

Statements: We don't need a _____ (staff member with specific training or credentials, such as a nurse, interpreter, behavior specialist, etc.). Our staff are trained to meet your child's need.

- Please tell me what trainings the staff have participated in which relate to my child's disability. How extensive was the training (2 hours, university course) or what was the extent of the training?
- Staff have not met his needs in the past without special training. Why can the staff meet his needs now?
- Is your staff highly qualified in that area?
- I request an independent education evaluation at public expense to determine his needs. *(For those instances when there is a disagreement with the school's evaluation on an issue.)*

Parent Tip:

Check Teacher 411 on the SD Department of Education website to determine if your child's teachers are highly qualified. They may have a special education certificate but not have training in the specific content area in which they are teaching your child. <https://apps.sd.gov/applications/de04public/teacherlookup/teachersearch.aspx>

Statements: Your student has to fail our programs before we would consider a more restrictive option. We need to try all of our programs before we consider options such as day, residential, or out-of-district placement.

- Please show me the policy that requires this or provide a copy.
- That may be your pattern, but that is not a federal regulation.
- Do you know what it feels like to fail something? Let's consider the most appropriate program to help my child succeed and reach the goals we have agreed on.
- LRE, Least Restrictive Environment, still means "appropriate" for the student.

Statements: Our school can only offer these options for your student and nothing more. Our school has these options and is not required to do anything else.

- Fortunately, IDEA is not a "one size fits all" program. Every decision must be based on a child's unique needs, so let's figure out what my child needs and what services will be provided by the school district.
- IEP services are based on my child's unique needs, not what the school currently has available.

- Through the IEP process we have agreed that my child has these educational goals: ___ and ___. That points to a need for this kind of specialized service, ___.
- If the school does not have the services my child needs, the IEP Team will need to look at what is available from private providers.



Statement: If we provide this to your student, we will have to provide it to every student.

- Yes, I can see how it would seem unfair if my child has ___ and no other child does. I wish life was fair. If it was, my child wouldn't need any extra help just to keep up with the other kids. The nice thing about the IEP is that the "I" stands for Individual. Each child has different and individual needs. IDEA recognizes this and is ok with allowing eligible children to have extra services and supports.
- All IEP services are based on this student's unique needs. Not all students need this and it isn't required for them.
- This is an INDIVIDUAL education program. Other students will have different needs and do not need this.
- That's like saying if a doctor prescribes _____ for one patient, she has to prescribe it for all patients.
- My child has a right to an individualized program, and this is an important element of that.
- Providing for this individualized program DOES NOT commit the school to providing the service to other students.
- Are you saying that my child is currently receiving the exact same services as every other child with a disability in the district?
- If the other students' IEP Teams determine that those students need the service, those decisions will not have anything to do with my child's IEP.

Statement: We don't have/need to address transition until age 16.

- Transition must be addressed and written into the IEP by the 16th birthday, so that means no later than during the year that my child is 15 years old.
- The regulations allow transition to be addressed earlier, as a team decision, and as parents we are members of the team. We suggest the following wording ____.
- Federal regulations state: "Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team." How has the school reached the conclusion that my child does not need transition services prior to age 16? Please show me the information used to make this decision.

Statement: Your student tested "proficient" on the state standard assessment. If you made him do his homework, he wouldn't be failing.



- My child can pick up the knowledge and can spit back the information to pass a test, yet he does not do daily work in the traditional manner. Is that the only way to grade my child, or can we make some accommodations?
- What strategies have you been using at school that might help us at home?
- Deficits in planning, organization and follow-through are a manifestation of my child's disability. If he is failing, are current IEP supports effective?
- She has documented deficits in that area. That's why we have an IEP (or 504 Plan). Let's update the list of accommodations.

Statement: You need to have realistic expectations for your child.

- We think it is realistic for him to attend school with his peers, with appropriate supports, services, accommodations, and modifications.
- We think it is realistic for her to express and pursue her dreams, hopes, and desires to reach her fullest potential, without people creating roadblocks.
- Through his experiences, let's have my child show us his expectations for himself. We are all still trying to unlock his potential.

- We think it is realistic for my child to teach her peers something about persistence, patience, courage, faith, and love, and that's why we want her attending the local school with her same-age peers, her neighbors and friends.
- We have realistic expectations, and we also hold onto hope and dreams. Let's find some common ground for proceeding.
- We think it is realistic for our child to learn this subject area. We just haven't yet found the right strategy. If our child never has the opportunity to try, she will never have the opportunity to succeed.
- We should not set the bar too low. I believe this is both an appropriate and realistic expectation.



PARENTAL PRIOR WRITTEN NOTICE
ARSD 24:05:30:04 & 24:05:30:05

STUDENT NAME:		SIMS:
PARENT/GUARDIAN NAME:		DATE SENT:
SCHOOL DISTRICT:	SCHOOL:	
DOB:	AGE:	GRADE:

Action proposed or refused by the district:

Evaluation for Special Education Services

- The district declines to conduct an initial evaluation of your child for special education services
- The district declines to conduct a reevaluation of your child for special education services

Identification

- Is not eligible for special education and related services
- Is eligible for special education under the category(ies) of _____
- Continues to be eligible for special education under the category(ies) of _____
- Eligibility category is being changed from _____ to _____
- Will receive the following related services in order to benefit from special education: _____
- Will continue to receive the following related services to benefit from special education: _____
- Is no longer in need of the following related services in order to benefit from special education: _____

Educational Placement/Change in Educational Placement

- Initial educational placement is _____
- Educational placement is being changed from _____ to _____
- No longer meets eligibility criteria and will be exited from the special education program
- Is graduating with a high school diploma and will be exited from the special education program
- Has reached the maximum age of entitlement (21 years old) and will be exited from the special education program

Individual Education Plan

- Development of Individual Education Plan
- Addendum to Individual Education Plan

Disciplinary Change in Placement

- The district is proposing a disciplinary change of placement to the following Interim Alternative Educational Setting: _____
- The district is declining to make a disciplinary change of placement

Other Decisions: (Identify the Proposal or Refusal)

- Proposals: _____
- Refusals: _____

Explanation of Action Proposed or Refused: (Must address each section below)

- a. Explanation of why the district proposed or refused to take the action:

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b. Description of other options that the IEP team considered and the reasons why those options were rejected:

c. Description of each evaluation procedure, assessment record or report the district used as a basis for the proposed or refused action:

d. Description of other factors that are relevant to district's proposal or refusal:

Five Calendar Day Notice Requirements

In South Dakota, prior notice must be given to parents five calendar days before the district's proposed action or refusal goes into effect. Parents have the right to waive the five calendar day prior notice requirement.

The district proposes to implement the above action(s) on _____.

- I wish to waive the mandatory five calendar day waiting period which will start the changes noted in this prior written notice on _____

(Parent Initial) _____ Date _____

If you have questions, please contact _____ at _____.

Parental Rights Resources:

You have protections under procedural safeguards. If you need a copy of these procedural safeguards or assistance understanding your protections, please contact the person noted above or South Dakota Parent Connection at 1-800-640-4553.

District Only:

- Prior Written Notice was given to the parent by _____ on _____
- Prior Written Notice was sent to the parent by _____ on _____

Method of delivery: _____

Assistive Technology

Adapted from Special Education Technology Practices.

Statement: We've considered your child's need for assistive technology (AT) and have determined that she will not benefit.

- I would like to review the documentation/evaluations that support your decision. In particular, I would like to see the data regarding performance with assistive technology and performance without.



Statement: Best practice suggests you always begin with no-tech solutions first.

- We have already tried no-tech solutions. It is time to evaluate my child's assistive technology needs.
- Consideration should not be a linear process of trial and error. Rather, all possible solutions should be explored as quickly as possible to minimize the impact of persistent failure.
- IDEA requires that assistive technology device and service needs be considered at every IEP meeting.

Statement: We can't afford that.

- Cost cannot be considered a factor in AT consideration.

Statement: We are not sure what types of AT are out there.

- What steps will you take to fulfill the AT consideration mandate?
- Is there an individual responsible for AT in the school/district? If so, they should participate in the IEP meeting to share this information.
- If there are no individuals with knowledge of AT in the school/district, who will the school contact, and when, to provide this information to the IEP Team?

Statement: It's not clear that (the student) actually does better with AT.

- I would like to see the data that supports such a conclusion. Typically, we need to review performance data over time, with and without the technology, to come to such a conclusion.
- Has my child received training in using the AT device? Have the teachers, aides or other providers received training in how to use this device with my child?

Statement: We don't want him to become dependent on a text-reader. When will he ever learn to read?

- My child doesn't have independent reading skills and expectations in grade 4 and beyond are to access large amounts of text. How will you demonstrate that he has access to the curriculum without a text reader?

Statement: Your child is not the only one that struggles with this problem.

- I can appreciate your concern, but my primary interest is the success of my child. As a result, what are you going to do to ensure that my child is successful?

Statement: We will provide some specialized technology, but there is no need to write it in the IEP.

- I am pleased to hear that assistive technology will be provided. However, to ensure the rights of all parties are protected, all needed AT devices and services should be written on the IEP.

Statement: We are not authorized to make a decision about AT.

- I am disappointed to hear that. I guess we will need to adjourn the meeting until an appropriate administrator is here.

Statement: If the district provides this assistive technology device, it can not leave the school building.

- My child uses this AT device to do schoolwork. He needs to complete his homework just like any other student.
- My child does not stop communicating when she goes home.

Additional Tips When Meeting Resistance to Providing Assistive Technology

Clarify Performance Deficits and the Need for Performance Support Tools

Parents and teachers are well aware of the areas where students struggle. Therefore, define the categories of tools that are needed for an assistive technology toolkit. Some areas you might include: Communication (Oral, Written), Mobility, Visual Access, Auditory Access, Organization, Memory, Reading, Writing, Solving Problems, Note Taking, Test Taking, Homework, and Study Skills.

Focus on Performance – Not Stuff

Finding the appropriate assistive technology can produce a blinding devotion to a specific technology product. However, the key component of the definition of assistive technology is that it enhances performance. As a result, focus on issues of persistent educational failure as evidence that a student is not receiving and benefitting from FAPE. Likewise, emphasize the importance of No Child Left Behind's expectation that all students will achieve grade level standards. Request that assistive technology be provided to close the achievement gap. Don't let the technology blind you to the fact that the purpose of the technology is to enhance performance.

Collect Data

Evidence of a performance problem can be presented anecdotally using stories, using artifacts like graded papers and report cards, and with quantifiable evidence like the amount of time spent writing a report, number of words generated, number of spelling errors, etc. Struggling students may spend excessive time completing a task with the final result still being unacceptable. To make the case that assistive technology enhances performance, data will be needed that shows performance with and without technology, over time. Use data to tell the story. If possible, graph quantitative data so others can easily understand the trends.

Next Steps

There is little evidence to indicate that all students who could benefit from assistive technology have access to appropriate devices and services. When an IEP Team: (a) understands the importance and value of assistive technology, (b) has technical resources to evaluate student needs and select appropriate devices, and (c) has administrative support for providing assistive technology support services, the assistive technology outcomes are noteworthy for students and their families. However, when one or more of these critical ingredients are missing, the IEP process can become a battleground regarding the provision of assistive technology. Don't give up. Continue to explore assistive technology possibilities outside of school.

Source: Edyburn, D. (2009) Assistive Technology Advocacy. Special Education Technology Practice, 11(2), 15-19.

Tool: Chart to Record IEP/504 Decisions and Responsibilities

Suggested information to get in writing from Wrightslaw, a resource about special education and advocacy (www.wrightslaw.com).

Proposal	Accepted/Rejected	Why	Start Date	Responsible Person

Additional References

Helpful Websites

Center for Parent Information and Resources: www.parentcenterhub.org/resources

Dakotalink: <http://dakotalink.tie.net>

National Center on Accessible Instructional Materials: <http://aim.cast.org>

South Dakota Advocacy Services: www.sdadvocacy.com

South Dakota Parent Connection: www.sdparent.org

South Dakota Department of Education, Special Education Programs:
<http://doe.sd.gov/oess/sped.aspx>

U.S. Department of Education: www.ed.gov

Wrightslaw: www.wrightslaw.com

Articles and Tools

Pop-Up IEP Tool for Parents and Advocates:
<http://www.unco.edu/ncssd/ssnIEP/index.shtml>

Law on Prior Written Notice, South Dakota Department of Education
<http://doe.sd.gov/oess/documents/LawPriorW.pdf>

For a copy of the "Parental Prior Written Notice form," see pages 17 and 18 of this publication or download from <http://doe.sd.gov/oess/documents/ParNotice.pdf>.

34 CFR section 300.111 Child Find
<http://www.law.cornell.edu/cfr/text/34/300.111>

Books

"What Parents Should Know...About Special Education in South Dakota"

To obtain a free copy, contact SD Parent Connection at 1-800-640-4553 or SD Advocacy Services at 1-800-658-4782.

Assistive Technology, page 99

Child Find, page 7

ESY, page 124

Evaluations/Reevaluations, page 11

IEP Override Process, page 35

Independent Educational Evaluation, page 148

Transition, page 89

Notes

For copies of this resource or for additional assistance contact:



www.sdparent.org
1-800-640-4553



www.sdadvocacy.com
1-800-658-4782

South Dakota Parent Connection, Inc. serves as the state's only Parent Training and Information Center. SDPC provides resources for families of children with disabilities and special health care needs; individual assistance and workshops; connects families to programs at the state and national level; and helps parents and schools navigate the special education process, all at no cost to families.

South Dakota Advocacy Services is the state's designated Protection and Advocacy System. SDAS provides services to eligible people with disabilities ranging from information and referral to case advocacy and legal representation. SDAS consists of eight component programs, each serving a distinct population based on federal legislative mandates and program priorities.



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