

Transition from Early Childhood Intervention to Special Education

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Disability *Rights*
TEXAS

Presentation Goals

1. Early Childhood Intervention (ECI)
2. Transition from ECI to Special Education
3. General Knowledge of Special Education

ECl: Overview

- ECl services help promote the development and growth of infants and toddlers with developmental delays and/or disabilities.
- The government enacted ECl for several reasons: to reduce future cost by minimizing the need for special education services, to maximize the potential for people with disabilities to live independently in society and to enhance the capacity of families to meet the needs of their child.

ECl: Overview

- Eligibility: All children aged 0-3 who have a medical condition, developmental delay or a hearing/visual impairment.
- Referral: Parents should contact their local provider if they suspect that their child is eligible for services. A child does NOT need to be referred by a doctor. ECI provider for your area can be found on the Health and Human Services Commission (HHSC) website.
- Evaluation: To find out if they are eligible for services, the child will be evaluated upon referral. This assessment will identify the child's needs, the family's concerns, the child's functional abilities and strengths, and the families resources and priorities.

ECl: Overview

Individualized Family Service Plan (IFSP): The IFSP will be completed after the evaluations and will act as the roadmap for the services you will receive. The IFSP contains:

- Statement of child's levels of development
- Family resources
- Measurable results or outcomes expected and the procedures and timelines used to determine progress
- Specific ECl services
- **Natural environments** in which services will be provided
- Dates for initiation of services and anticipated length
- Steps to be taken to support transition to preschool or other services, etc.

ECl: Overview

- Natural Environments: ECl services are delivered in the child's natural environments to the maximum extent possible. *Natural environments* means settings that are natural or typical for a same-aged infant or toddler without a disability, may include the home or community settings.

Transition to Special Education

After their 3rd birthday, a toddler is no longer eligible for Part C services. Transition is the comprehensive planning and process of preparing a family and toddler for exiting Part C services

When the planning starts depends on when child started receiving ECI services.

Transition to Special Education

- **Transition meeting:** The dates of the meeting will depend on when the child began receiving ECI services. At this meeting, you and the ECI provider will develop a transition plan and incorporate it into the IEP. If you want your child to be evaluated for special education services, you must inform your ECI provider at this meeting.
- **Transition Conference:** If you have consented to the ECI program notifying your local school of your child's potential eligibility for special education, a school representative will be present at this conference to explain the special education process to you.

Transition Meeting

- The meeting to plan and document appropriate steps and transition services in the IFSP must be conducted **not fewer than 90 days**, and at the discretion of all parties, **not more than 9 months before the child's third birthday**.
- If the child is referred and determined to be eligible more than 45 but less than 90 days before the child's third birthday, appropriate steps and transition services must be included in **the child's initial IFSP**.
- If the child is referred fewer than 45 days before the child's third birthday, the IFSP team is not required to plan steps and transition services. If the child is potentially eligible for preschool special education services, the contractor must, with written parental consent, refer the child directly to the LEA as soon as possible. *****

School Notification

- Your IFSP team determines if a two year old receiving early childhood intervention services is potentially eligible for preschool special education services.
- For a child whose parent has not opted out of the disclosure, you must notify the LEA **at least 90 days before the child's third birthday** that the child is potentially eligible for preschool special education services.
- If the child began receiving services fewer than 90 days and more than 45 days before their third birthday, you must provide notification to the LEA **as soon as possible**, unless the parent opts out.
- If you receive a referral for a child fewer than 45 days before the child's third birthday and the child may be potentially eligible for preschool special education services, you must, with written parental consent, refer the child directly to the LEA.

Transition Conference

The parent should be given information about special education eligibility, timelines, process for consenting to an evaluation and eligibility determination and extended year services.

Overview of Steps:

1. Referral (either by ECI or parent)
2. Notice of Rights and Consent for Services
3. Full and Individual Initial Evaluation
4. The ARD Meeting
5. The IEP
6. After the Meeting

Special Education Evaluations

- Once the ECI program has provided notice to the local school, the must contact you and have you sign an "Evaluation Consent" form so that evaluations can begin.
- If you are not receiving ECI services and your child is 3 or older, you should email your local school's principal and ask for evaluation of your child. The school must respond to your request within 15 days.

Special Education Evaluations

- Upon obtaining your consent for evaluation, the school has **45 school days** to complete the evaluation.
- The evaluation they must complete is called a **Full and Individual Initial Evaluation (FIE)**. The FIE is a set of activities, not a single test because it must cover all areas of disability. The evaluation will determine if your child has a disability and will identify needs for special education and related services. The evaluation must be carried out in the language that would result in accurate information.

Special Education Evaluations

- Once the FIE has been completed the school must schedule an **Annual, Review, and Dismissal (ARD) meeting within 30 CALENDAR days** to review evaluations and determine eligibility.
- Parent must be notified **5 school days** before the meeting.

Special Education Eligibility

- **Eligibility:** Orthopedic Impairment, Other Health Impairment (ADD/ADHD), Auditory Impairment, Visual Impairment, Deaf-Blindness, Intellectual Disability, Emotional Disturbance, Learning Disability, Emotional Disturbance, Learning Disability, Speech Impairment, Autism, Multiple Disabilities, Traumatic Brain Injury
- **Not-Eligible:** If the ARD committee determines child is not eligible, they may be eligible for services under Section 504 of the Rehabilitation Act.

Special Education Eligibility

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graph LR; A[The Evaluation determines if your child meets special education disability criteria] --> B[The ARD committee determines if your child is eligible for special education]
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The Evaluation determines if your child meets special education disability criteria

The ARD committee determines if your child is eligible for special education

Disagree with the Evaluations?

- If you think the school's evaluation does not accurately measure your child's need for special education, you may get an **independent education evaluation** at your own expense and/or request an independent evaluation at the school's expense.
- You should notify school officials in writing if you want an independent evaluation and you expect the school to pay for it. Although the school can ask you, you do not have to tell the district why you disagree with their evaluation.
- This evaluation will be conducted by a qualified person who is not employed by the school.

Annual Review and Dismissal Meeting

- **ARD Meeting:** Conducted at least once a year to develop, review and revise the child's Individualized **Education Plan (IEP)**. YOU are a member of your child's ARD committee. You may request an ARD meeting at any time.
- **IEP:** A written plan, designed just for one child. It is an agreement between the school and parents on how the child will be educated. IEP must contain measurable annual goals in each area of need, the special education and related services the school will provide and where they will be provided.

Annual Review and Dismissal Meeting

At the initial meeting, the ARD committee will review the FIE and determines two services:

- 1. Special Education** – specially designed instruction
- 2. Related Services** - services necessary for child to receive special education

Services are recorded in the IEP.

Individualized Education Plan

The IEP Answers two main questions:

1. What does the child **need to learn or do academically**?
2. What **supports and related services** does the child need to make educational progress?

Individualized Education Plan

Components of IEP:

1. Present Levels of Academic and Functional Performance (PLAAFPs)
 2. Measurable Annual Goals
 3. Least Restrictive Environment Considerations
 4. Accommodations, Modifications and Services
 5. Frequency, Duration, and Location of Services
 6. Transition Services
 7. Reporting Progress
8. Participation in State and District Assessment

Related Services

Related Services:

- Assistive technology
- Speech, physical, occupational therapy
- Psychological services
 - Social work
 - Counseling
- Special transportation
 - Audiology services
- Orientation and mobility training
 - Rehabilitation counseling
- School nursing services and school health services
 - Interpreter services

ARD Meeting

- Once the IEP is written, the parent and administrator sign the IEP form, either in agreement or disagreement. A parent should not sign “agree” if you do not find the terms of the IEP acceptable.
- If a parent or the adult student disagrees with one or more required elements of the IEP, the district must offer a recess of no more than 10 school days

ARD Meeting

ARD Meeting Rights:

- Ask for ARD meeting agenda before meeting
- All notices must be in parent's native language and have the right to an interpreter at the meeting
- Parents may bring anyone they wish to the ARD meeting
- School must attempt to schedule the meeting at a time and place agreeable to the parent and the school



Individuals with Disabilities Education Act

- In 1975, Congress passed Public Law 94-142, now called the Individuals with Disabilities Education Act (IDEA), to ensure all students with disabilities receive a free appropriate public education (FAPE).
- “The Purpose of IDEA is to prepare students for further education, employment and independent living.”

Least Restrictive Environment

The law states that all special education services be implemented in the Least Restrictive Environment (“LRE”) which means:

- To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are **educated with children who are nondisabled**; and
- Special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Free Appropriate Public Education

Free Appropriate Public Education (“FAPE”) means special education and related services that

- are provided at public expense (free to parents and children)
- meet the standards of the Texas Education Agency,
- **includes an “appropriate” education***,
- provides an individualized education program (“IEP”),
- occurs in the Least Restrictive Environment (“LRE”)

for children 3 to 22 years of age who have an eligible disability and have an educational need for special education and related services.

* for an education to be considered appropriate, the child must make educational progress

Accommodations v. Modifications

- **Accommodations** are adjustments made in how a student with a disability is taught or tested. Accommodations do not change what the student is taught or what he is expected to know. Common examples of accommodations are: highlighted textbooks, extensions of time for a student who writes slowly, or seating close to the teacher.
- **Modifications**, unlike accommodations, change the level of instruction provided or tested. Modifications create a different standard for the student receiving them. The most common modifications are those made to the general education curriculum for a student with a cognitive disability. Curriculum modifications should be in the student's IEP.

Extended School Year Services

- ESY refers to education services provided in the summer (or over a holiday break) to some students with disabilities who require them as a part of their free appropriate public education. ESY services are to be provided in accordance with the IEP and at no cost to the parents.

Procedural Safeguards

1. Written notice of procedural safeguards
2. Prior written notice of school's decisions
3. Access to certain meetings
4. Access to student records
5. Due process hearing

Special Education Tips

- Document everything in writing
- You and your child are the most important ARD committee members. Make sure you voice your concerns, along with your child's strengths and abilities.
- You may record ARD meetings; notify the school in advance as a courtesy.
- Invite people who know or have worked with the child to the ARD meeting
- Make a list of your child's strengths and abilities, your concerns, and other things you would like to discuss at the ARD and take it with you.
- You have a right to understand your child's services. If you are confused about something, ask the ARD committee.



Has your child received Early Childhood Intervention (ECI) services but is now 3 or older? The next step is transitioning him or her to special education services at your local school.

If you have not been able to transition your child successfully or have been denied special education services at your local school, please contact Disability Rights Texas for assistance in any of the following ways:

- Online at intake.DRTx.org
- Statewide Intake Line: 1-800-252-9108
- Statewide Video Phone Lines: 1-866-362-2851 or 1-512-271-9391