



ADVOCACY CENTER

SERVING PEOPLE WITH DISABILITIES AND SENIOR CITIZENS

EDUCATIONAL RIGHTS OF CHILDREN

WITH DISABILITIES IN LOUISIANA:

A Guide for Parents

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DEDICATION

After Glow

I'd like the memory of me
to be a happy one.
I'd like to leave an after glow
of smiles when life is done.
I'd like to leave an echo
whispering softly down the ways,
Of happy times and laughing times
and bright and sunny days.
I'd like the tears of those who grieve,
to dry before the sun
of happy memories
that I leave when life is done.

Anonymous

Lee Ann Vaught was a positive force for good, who worked tirelessly on behalf of the children she represented. She was a born advocate and teacher.

In fact, Lee began her career as a teacher. After graduating from the University of Mississippi with a major in journalism and English, Lee taught language arts at the middle school level and later taught English and Journalism at the high school level. After teaching at Dominican High School in New Orleans for eight years, Lee felt that she could continue to affect the lives of students in a positive but different way by becoming a lawyer/advocate.

After graduating from Loyola School of Law in 1996, Lee went to work for the New Orleans Legal Assistance Corporation as a Staff Attorney. In the Fall of 1998, Lee joined the staff of the Advocacy Center where she was able to get fully immersed in Special Education law. She had come back to her first love- helping children to reach their full potential through advocacy that was based on solid legal principles and a warm heart. Not very long after Lee joined the Advocacy Center's staff, she was promoted from Staff Attorney to Managing Attorney and took over leadership of AC's Special Education Issue Group. Lee took her work seriously and worked long hours on behalf of her young clients.

Yet, she never let the seriousness of the work she did cloud her days. Everyone at the Advocacy Center, where she worked for over ten years, envied those who were part of Lee's Special Education Issue Group because, whenever they met, the rest of us could hear loud and raucous laughter echoing through

the office.

In the sentiment of the poem quoted above, Lee Ann Vaught would want those of us left behind to remember her with happy memories. No problem, Lee. You brought happiness and laughter to all the lives you touched during your short stay on this earth. We dedicate this booklet to you.

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1. LAWS AND RIGHTS

A Guide for Parents



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1. 1 FEDERAL LAW

Introduction

The civil rights movement, which began in the 1960s, has altered the way minority groups are treated in our society. The movement fostered anti-discrimination, equality, and desegregation. Racial and ethnic minorities were the first groups to obtain legal protection against discrimination, and women and other groups later sought legal protection by joining the civil rights movement. In the 1970s and 1980's, people with disabilities started to demand their rightful place in the mainstream of society. As a result, children with disabilities have specific rights under federal law, and this booklet outlines the federal laws that directly affect such children.

1.1a THE EDUCATION FOR HANDICAPPED CHILDREN ACT; PUBLIC LAW 94-142

This Act, which is now called the **Individuals with Disabilities Education Act**, was first signed into law in 1975. The law mandated that all children with disabilities, ages 5-21, be provided a **free appropriate public education**, including special education and related services to meet their unique needs. The law gave the states the option to include children as young as three years of age. Louisiana took advantage of this option. The law also required states to identify and evaluate children who were suspected of needing special education and develop a plan for implementing the federal directives. The highlights of P.L. 94-142 as they exist today, are:

- All children and youth (ages 0-21) with disabilities, regardless of the severity of the disability, have the right to receive a free appropriate public education (FAPE) - at public expense.
- Education of children and youth with disabilities must be based on a complete individual evaluation and assessment of the specific, unique needs of each child.
- An Individualized Education Program (IEP), or an Individualized Family Services Plan (IFSP), must be drawn up for every child or youth found eligible for special education or early intervention services, stating precisely what kinds of special education and related services, or the types of early intervention services each infant, toddler, preschooler, child, or youth will receive.

- To the maximum extent appropriate all children and youth with disabilities must be educated in the regular education environment.
- Children and youth receiving special education have the right to receive related services that may be necessary for a child to benefit from his or her instruction.
- Parents of a child with a disability have the right to participate in every decision related to the identification, evaluation, discipline and placement of their child.
- Parents must give consent for any evaluation, assessment, or placement.
- Parents must be notified of any change in placement that may occur.
- Parents must be included, along with teachers, in conferences and meetings held to prepare individualized programs (IEPs). The exception to this is when a parent has been properly notified but does not attend or refuses to attend a meeting. In such cases, *except where it is an initial IEP*, the plan may go into effect without the parent's involvement and/or signature. Where it is an initial IEP the parent must approve the plan before it can go into effect.
- Parents have the right to challenge and appeal any decision related to the identification, evaluation, discipline, and placement of their child, or any issue concerning the provision of FAPE. They have the right to make these challenges through clearly spelled-out due process procedures.
- Parents have the right to confidentiality of information. No one may see a child's records unless the parents give their written permission. (The exception to this being school personnel with legitimate educational interests.)

1.1b THE INFANTS AND TODDLERS ACT

In 1986, Public Law 94-142 was amended to include a new initiative. The amendment, which was popularly called "The Infants and Toddlers Act" or simply "Part H," gave states five years to design, develop and implement early intervention services for infants and toddlers with developmental delays and their families. The 1997 Amendments made a few significant changes, one of which moved "The Infants and Toddlers Act" from Part H to Part C. The amendments authorized changes in regard to where services should be provided, personnel who may assist in providing services, a family resources assessment requirement, a clarification on certain types of medical insurance, and finally, an emphasis on the use of mediation. These changes were maintained in the 2004 amendments.

1.1c IDEA AMENDMENTS AND REGULATIONS

1997 IDEA Amendments and Ensuing Regulations

On June 4 1997, Congress passed, and President Clinton signed into law, the reauthorized IDEA of 1997 (P.L. 105-17), which resulted in significant changes. The 1997 amendments increased emphasis on children participating in the general/regular education classroom, required children with disabilities to participate in statewide and district-wide assessment programs, and provided significant changes regarding discipline of students with disabilities. IDEA 1997 added parents and regular education teachers to the IEP team, and provided for the right of parents to participate in eligibility, placement, and discipline decisions. Finally, the law included a strong emphasis on using voluntary mediation as a means of resolving parent/school controversies. This emphasis on dispute resolution was furthered in the 2004 amendments by including another avenue for resolution, the "resolution IEP meeting."

In 1999, new federal regulations took effect to implement the 1997 IDEA amendments. There were two purposes served by the regulations. They were to conform the regulations to the new statutory requirements of the 1997 IDEA amendments, and to incorporate relevant longstanding interpretations of IDEA provisions that were not changed by the 1997 IDEA amendments.

One of the changes added Attention Deficit Disorder (ADD) and Attention Deficit Hyperactivity Disorder (ADHD) to the list of conditions that may render a student eligible for special education under the category of other health impairment (OHI). Also, the definition for **parent** was expanded to include grandparent, stepparent, and others who meet the definitional criteria. The 1999 federal regulations addressed important aspects of IEPs, FAPE, discipline, and placement issues.

2004 IDEA Amendments and Ensuing Regulations

In 2004, Congress again reauthorized IDEA, and the federal regulations were amended and went into effect on October 13, 2006. This most recent reauthorization emphasizes and strengthens the participation of parents and families in their children's education, continues to emphasize the importance of providing students with access to the general curriculum and educating students in the regular classroom, encourages flexibility in the IEP process, tries to remove unnecessary paperwork burdens on educators, and encourages positive dispute resolution over more adversarial means.

As it had done in 1975, Congress declared its reasons for reauthorizing IDEA, stating that: "Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities". **See: 20 U.S.C. 1401(c)(1).**

The IDEA's primary directive is the same as when the Education for All Handicapped Children Act was passed in 1975; all children with disabilities must be provided a free appropriate public education.

1.1d FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

This law, also known as the Buckley Amendment, requires that all school records be kept confidential. There are specific policies for storing information, releasing it to third parties, destroying it, and protecting personally identifiable information.

Parents and their representatives have the right to see their child's educational records within 45 days of requesting to inspect them. There can be a charge for copies of the records unless this would prohibit the parents from having access to them.

Parents may also request that their child's records be changed and amended. Accordingly, parents not only have the right to see their child's records, but they also have the right to challenge their child's records.

1.1e THE REHABILITATION ACT OF 1973 (Section 504)

This law is of vital importance because it addresses discrimination against persons with disabilities. It was created to ensure affirmative action in employment and to eliminate discrimination based on handicapping conditions. The law has different sections that refer to different areas of discrimination, as follows:

- Section 501: Employment of Handicapped Individuals
- Section 502: Architectural and Transportation Board Compliance
- Section 503: Employment under Federal Contracts
- Section 504: Non-discrimination under Federal Grants

Section 504 provides individuals with disabilities basic civil rights protection against discrimination in **federal programs**. The law states that "no otherwise qualified handicapped individual in the United States shall, solely by reason of his [or her] handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." To be eligible for the protections under Section 504, an individual must meet the definition of a handicapped person. This definition is: "Any person who (i) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment." Major life activities include self-care, performing manual tasks, seeing, hearing, speaking, breathing, *learning*, and walking.

Section 504 covers persons with disabilities who are qualified to participate in programs or activities receiving **federal funding**. It applies to schools receiving money under IDEA. This includes pre-schools, elementary and secondary schools, and post-secondary institutions. For example, if a school district provides an after school program, it must allow students with disabilities to enroll in the program as well as students without disabilities. *Students with disabilities who do not meet eligibility criteria for services under IDEA may be entitled to accommodations in the classroom under Section 504. For information about Section 504 accommodations, see Advocacy Center's publication entitled "Section 504 and ADA protections for Students with Disabilities."*

1.1f THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)

The ADA expands the concept of the Rehabilitation Act of 1973 beyond the federal arena. It includes not only federal programs, services, and places of employment that receive federal funds, but also privately operated public accommodations and services. The Americans with Disabilities Act provides for accommodations to individuals with disabilities in the areas of employment, public services, privately operated public accommodations and services, and telecommunications relay services. For additional information regarding the ADA, contact the:

**U.S. Department of Justice
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section - NYA
Washington D.C. 20530
Telephone 1-800-514-0301, 1-800-514-0383 (TDD),
FAX # (202) 307-1198**

For general information on the Americans With Disabilities Act or the Department of Justice, go to <http://www.usdoj.gov/crt/ada/adahom1.htm>.

1.1g HOW AND WHERE TO FIND FEDERAL LAWS

Public laws of the United States government are organized and published in a collection of all federal statutes called the United States Code. Although many people refer to laws by their Public Law number, the easiest way to find the law is to look it up in the U.S. Code. As laws are amended by subsequent Acts of Congress, the U.S. Code is revised. Thus, the U.S. Code contains the most up-to-date version of the law in question.

The U.S. Code is divided into numbered Titles, each of which is a grouping of laws dealing with a common subject matter. For instance, Title 20 contains the laws concerning education, and Title 42 contains those pertaining to public health and welfare. Within each Title, the various sections of the law are assigned a number. To find a particular law in the U.S. Code it is necessary to know both the Title and section numbers.

The U.S. Code is published in a multi-volume hardback series cited as U.S.C. (as in 20 U.S.C. § 1400). West Publishing Company also publishes a version of the code containing case summaries and notes intended to illustrate the law. This is entitled U.S. Code Annotated and is cited as U.S.C.A. The law and citation numbers are identical in both versions.

When writing a law, Congress often delegates to an administrative agency of the U.S. government the task of issuing detailed regulations to implement the law. Federal agency regulations are collected in the Code of Federal Regulations (C.F.R.). The U.S. Government Printing Office issues a multi-volume paperback set of the C.F.R. which can be found in most public libraries. Like the U.S. Code, the Code of Federal Regulations is divided into Titles, and a complete citation includes both the Title number and section number of the regulation in question, e.g., 34 C.F.R. §300.1.

The following is a list of citations for the federal laws that were previously mentioned. The first number refers to the volume number. The second number(s) behind the book abbreviations refers to the section number(s).

- **Individuals with Disabilities Education Act (IDEA):** 20 U.S.C. § 1400- 1487; 34 C.F.R. § 300 & 301
- **Family and Educational Rights and Privacy Act, (FERPA):** 5 U.S.C. § 552a, 20 U.S.C. § 1232g; 34 C.F.R. § 99.1
- **The Rehabilitation Act of 1973:** 29 U.S.C. § 701- 797(b), 29 U.S.C. § 706(8); 34 C.F.R. § 104
- **The Americans with Disabilities Act of 1990 (ADA):** 42 U.S.C. § 12101-12213; 29 C.F.R. § 1630; 28 C.F.R. § 35-36

1.2 STATE LAW AND REGULATIONS

Introduction

Just as there is a body of federal law that protects the rights of persons with disabilities, there is also a body of state law that does the same. State laws sometimes parallel federal law: e.g., Louisiana's Education of Exceptional Children's Act parallels the federal IDEA.

Where a state law or bulletin conflicts with federal law, federal law usually prevails. If a conflict between state and federal law is discovered, then notice should be given to the Division of Special Populations in Baton Rouge.

1.2a THE EDUCATION OF EXCEPTIONAL CHILDREN'S ACT

Following the passage of P.L. 94-142 by Congress in 1975, Louisiana Act 754 was enacted, and was most recently amended in the 2008 legislative session to make modifications as necessary pursuant to the 2004 IDEA amendments. Special education services in Louisiana are administered by the State Department of Education in compliance with state and federal regulations.

1.2b BULLETINS THAT DEFINE STATE LAW

State laws are defined in paperback handbooks known as Bulletins. These Bulletins are available from the Louisiana Department of Education.

A sample letter requesting a copy of a particular Bulletin is included at the end of this section.

The following are some of the more pertinent Bulletins:

Bulletin 1706 - Regulations for Implementation of The Exceptional Children's Act:

This bulletin summarizes and defines all regulations that implement Act 754, Louisiana's Education of Exceptional Children Act.

Bulletin 1508 - Pupil Appraisal Handbook

Bulletin 1508 is a guide for the conduct of pupil appraisal services in each school system throughout the state. It includes procedures, standards, and criteria for identifying children eligible for special education and related services. It also includes policies and procedures for conducting evaluations and reevaluations of students with disabilities or who are suspected of having disabilities. In addition, a general description of pupil appraisal services encompasses personnel, responsibilities, rights of students and parents, and timelines to be observed.

Bulletin 1530 - Louisiana's IEP Handbook

Bulletin 1530 provides information regarding the Individualized Education Program (IEP), the basis for educational programming for students identified as exceptional in Louisiana. The handbook describes the IEP process and associated legal procedures. The intent of this handbook is not to replace any regulations; rather, it outlines "best practices" as well as

mandatory procedures. It serves as a training vehicle for interested parties in the effort to improve the quality of IEPs in Louisiana.

Bulletin 1573 - Complaint Management System

Bulletin 1573 defines the process of complaint management as implemented in Louisiana.

Bulletin 1872 - Extended School Year Handbook

This handbook contains a compilation of the rules governing the criteria for extended school year services. Although designed for use by school administrators, this handbook uses language that should be easy for a parent to follow.

To obtain a copy of any of these bulletins or to obtain a copy of Act 754 write to:

**Louisiana Department of Education
Office of Special Education Services
P.O. Box 94064
Baton Rouge LA 70804-9064**

Some of the bulletins are also available electronically over the internet. These bulletins are located at <http://www.doe.state.la.us>

SAMPLE LETTER
REQUESTING A COPY OF A PARTICULAR BULLETIN
(Be sure to keep a copy for your records)

(Date)

Louisiana Department of Education
Office of Special Education Services
P.O. Box 94064
Baton Rouge LA 70804-9064

Re: Copy of Bulletins 1706, 1508

Dear Sir or Madam:

I am the parent of a special education student. I want to request a copy of Bulletins 1706 and 1508.

Please mail a copy of each publication to me at the following address:

(Parent's address)

Thank you for your assistance.

Sincerely,

(Parent's name)

2. BEGINNING THE PROCESS

A Guide for Parents



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2.1 EARLY INTERVENTION

Introduction

Federal and state laws governing education for children with disabilities mandate an early start for education supports and services. The earlier children with special needs receive help, the more independent and productive they can become as they grow up. After receiving assistance early in life some children may need fewer or no special programs or care later in life. Also, early intervention provides support and information to parents from other parents and professionals. Part C of IDEA assists states in establishing a statewide comprehensive system of early intervention for infants and toddlers. Louisiana's Early Intervention Program for Infants and Toddlers with Special Needs and Their Families is known as Early Steps.

Early Steps

Early Steps is a statewide, comprehensive, coordinated, multi-disciplinary, interagency program of early intervention. The Louisiana Department of Health and Hospitals [DHH] has designated the Office of Citizens with Developmental Disabilities [OCDD] as the lead agency for Early Steps. OCDD is responsible for planning and implementing services in coordination with other public and private agencies.

Early Steps provides coordination among state, regional and local agencies - both public and private - to assure the best use of early intervention resources available for children who have special needs from birth until their third birthday. This is a comprehensive system that fills gaps and eliminates duplication of services.

Early Intervention Services

Early Intervention programs serve infants and toddlers who are experiencing developmental delays, including children who are at risk of having developmental delays from birth until their third birthdays. Services are designed to meet the developmental needs of each child and the needs of each family related to enhancing the child's development. Early intervention services may include assistive technology, audiology, health services (family education and assistance with other Early Steps services only), medical services (for evaluation only), nutrition services, occupational therapy services, physical therapy services, psychological services, service coordination, social work services, special instruction, speech language pathology, transportation (to and from an Early Steps service only), translation interpreter services (foreign language and sign language), and vision services.

To the maximum extent possible, services are to be provided in natural environments, including home and community settings in which children with disabilities participate. The services each child and family receives are outlined in an Individual Family Service Plan (IFSP).

Some services are free by law. These include evaluation and assessment, family service coordination, and development and review of IFSPs. Other services are subject to a fee, which may be paid on a payment system, sliding scale or through insurance. Nevertheless, a parent's inability to pay will not result in a denial of services to the child.

Identifying Your Child for Services

A child may be identified as needing services in a number of ways. A parent or guardian may request services directly by contacting their local Service Point of Entry [SPOE]. To find your local SPOE, you can follow the links on the Early Steps website <http://www.dhh.louisiana.gov/offices/?ID=334> . You can also call OCDD at either 1-225-342-0095 or 1-866-783-5553 [toll free]. Hospitals, physicians, day care programs, school districts, and social services agencies may also make referrals.

The SPOE is the single point of entry into Early Steps. This does not mean that other public and private agencies will not provide evaluation or assessment services.

Once a referral has been made, a multi-disciplinary team evaluates the child to determine eligibility for services. The evaluation may not be performed without the signed, informed consent of the parent or guardian.

If a family wishes to do so, it may share information about its concerns, priorities, and resources. Any such assessment that is conducted must be voluntary on the part of the family, and services cannot be denied to a child found eligible in the multi-disciplinary evaluation because the family declines to share information. All records on the child and family are confidential and can only be released with written permission.

The evaluation and assessment of the child and family must be completed within 45 days of the referral.

Eligibility

In Louisiana, individualized programs must be designed for infants and toddlers with disabilities stemming from established medical conditions and developmental delays. Developmental delays are assessed in the areas of cognitive development; physical development, including vision and hearing; communication development; social and emotional development; adaptive skills; and the unique strengths or needs of the infant or toddler. Examples of physical or mental conditions having a high probability of

developmental delay include Down's Syndrome, spina bifida, autism, microencephaly, seizure disorders, and fetal alcohol syndrome.

Individualized Family Service Plan

Once a child under age three is determined to be eligible for early intervention services, a plan for the delivery of services must be developed. The plan, an Individualized Family Service Plan (IFSP) is similar to the Individualized Education Plan provided for school age children but can also include family needs. The IFSP must be developed jointly by the family and appropriately qualified personnel, including family service coordinators, involved in the provision of early intervention services. Parents must agree fully with the plan that is developed and must consent to it in writing before services are provided for the child.

The IFSP must be reviewed every six months and an annual meeting must be held to evaluate and revise the IFSP. The purpose of the periodic review is to determine the child's progress in achieving the outcomes and whether modifications to any part of the plan is necessary.

The following persons must be present at the initial and annual IFSP meetings to evaluate the IFSP:

The parent(s);

Other family members as requested by the parent;

An advocate or other person outside the family as requested by the parent;

The service coordinator;

Personnel directly involved in conducting assessments;

As appropriate, persons who will be providing services to the child or family.

IFSP meetings must be conducted in settings and at times that are convenient for families and in the native language or means of communication used by the family.

Contents of the IFSP

The IFSP must include:

- A statement of the child's present levels of physical development (including vision, hearing and health); cognitive, communication, social, or emotional development, and adaptive skills;
- A statement of major outcomes to be achieved by the child and family and the criteria, procedures and timelines used to determine the degree to which progress towards outcomes is being made and whether revisions are necessary;

- A statement of the natural environment in which early intervention services should be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment;
- Specific services necessary to meet the unique needs and expected outcomes for the child and family (including frequency, intensity, location, and method of delivery and payment arrangements, if any);
- Name of the service coordinator;
- Projected dates for initiation of services and anticipated duration;
- Steps for transition to preschool, special education, or other services appropriate for the child at age 3;
- A statement of the family's resources, priorities, and concerns relating to enhancing the development of the family's infant or toddler with a disability.

It is important that the IFSP include steps to support the transition of the child at age three to preschool special education and related services. Included among those steps are procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting, and transmission of information about the child to the local school district to ensure continuity of services.

Role of the SPOE

Each Early Steps eligible child and family will be provided with a family service coordinator who is responsible for:

- Coordinating all services across agency lines;
- Serving as single point of contact in helping parents obtain services;
- Assisting parents in gaining access to services;
- Coordinating the provision of services;
- Facilitating timely delivery of services;
- Seeking new services;
- Coordinating assessments;
- Facilitating the development of the IFSP;
- Informing families of advocacy services;
- Coordinating with medical and health providers;
- Informing parents of their rights;
- Providing data on each child to the Office of Special Education Services

- Facilitating the development of the transition plan.

Family service coordinators must acknowledge and respect the parents' role as the ultimate decision makers regarding services to their child. A family may elect to refuse family service coordination and must then assume those responsibilities themselves.

Disagreements with the IFSP

A child cannot receive services without the parent's signed consent. Parents or guardians have the right to determine, for themselves and their family, whether to accept or decline any service without jeopardizing other services. Consent can be withdrawn at any time.

If the parent disagrees with the IFSP, s/he should first try informal resolution procedures. If these procedures do not resolve the conflict, s/he may consider using mediation. Parents may also consider filing a written complaint to Louisiana's Department of Education, Complaint Management Bureau. Parents always have the right to request a due process hearing to assert that their child's rights have been violated. These procedures should be explained to the parent by the service coordinator.

A sample letter requesting an evaluation for Early Steps services is included at the end of this section.

For information concerning early intervention visit the Department of Health and Hospitals Website at <http://www.dhh.louisiana.gov/offices/?ID=334>.

SAMPLE LETTER**REQUEST FOR EVALUATION FOR EARLY INTERVENTION (AGE 0-3)****(Be sure to keep a copy for your records)**

(Name of Early Steps Coordinator, if known)
Early Steps, Coordinator
Office of Citizens with Developmental Disabilities
(Name of Parish and Address)

RE: Request for evaluation for Early Steps Program

RE: Request for evaluation for early intervention

Dear (Name of Coordinator):

I would like my child (name of child) to be evaluated for early intervention services.
(Describe reasons you believe the child may need early intervention. See examples below.)

It is my understanding that the parish will evaluate (name of child) at no charge to me, within forty-five calendar days of receiving my referral for evaluation. Please forward any necessary * to me within ten working days, and I will complete and return them as soon as possible. If you need any further information, or would like to meet with me, please let me know. My telephone number is (telephone number).

Sincerely,

(Parent's name, address, and telephone number)

Examples:

- Susan is two months old and has spina bifida.
- Josh is twelve months old and seems to be significantly delayed in his development. He just learned to sit up and cannot yet crawl.

2.2 IDENTIFICATION AND REFERRAL FOR SPECIAL EDUCATION

Introduction

Special education enables children with disabilities to receive special services that will provide a free and appropriate public education in accordance with their individual needs. In order to receive such services, a child must first be identified, and then referred for a formal evaluation that will determine whether the child has a qualifying disability (exceptionality). This process is referred to as "Child Find."

IDEA regulations clarify that the requirements of Child Find apply to children who are suspected of having a disability even though they are advancing from grade to grade. In addition, they apply to "highly mobile children" (e.g., migrant and homeless children). Also, child find activities apply to children attending private school as well as public school. Identification of children who are possibly in need of services usually occurs in one of two ways, depending upon whether the child is in school.

Children Not in School

For young children, or others who for some reason have not entered school, identification is usually made by referrals from parents, social service workers, or doctors. For children from birth to age three, referrals are made as outlined above. Children age 3 through 5, or former special education students who have left a public school without completing their public education by obtaining a State diploma, shall be referred to the local education agency's Child Search Coordinator.

For some children, identification of a disability occurs soon after birth, and referrals can be made early. For others, a parent or others may see indications of problems in the child's development or functioning that could result from a less obvious disability. To determine whether such a child might need special education services, the parent should discuss the child's development, progress, and skills with professionals such as the child's doctor, and with other people who know the child and have experience with other children of similar ages. Parents should seek a second opinion, or go ahead and ask that the child be evaluated, if they remain concerned about the child's condition. Evaluations of children under three years of age must be performed within forty-five calendar days of the request. Evaluations of all other children must be completed within sixty working days of the request.

Sample letters requesting an evaluation of a child not in school are included at the end of this section.

Children Already in School

For children already in school, identification and referrals are made through the School Building Level Committee (SBLC). (This may be called a Student Assessment Team or SAT in some parishes.) Frequently, teachers will ask the SBLC to review information on a child suspected of having a disability. Parents may also request and participate in a SBLC review if they suspect that their child has special needs.

It is often difficult to know whether the child needs special education. However, the parent should regularly discuss the child's situation and progress with the teacher, and be prepared to ask detailed questions about the child's behavior, abilities, and performance. The checklist at the end of this section suggests questions that should be asked.

A sample letter requesting a referral to the SBLC is included at the end of this section.

The Referral Process

School age children who are suspected of being in need of special education services are referred first to the School Building Level Committee (SBLC) (This may be called a Student Assessment Team or SAT in some parishes.). Parents may ask a teacher to refer their child to the committee. However, it is advisable to also make a formal written request to the school principal. A sample request letter is included at the end of this section. The SBLC is made up of at least two school staff members, and is chaired by the school principal or his or her designee. The referring teacher, who is usually one of the child's teachers, usually presents information about a particular child to the committee. (A flow chart of the SBLC process is provided at the end of this section.)

Parents should be invited to participate at the SBLC meeting where their child will be discussed. Because many different children may be discussed at these meetings, parents may be required to wait outside except when their own child's situation is being discussed. If parents are to participate at the SBLC meeting they should bring any medical information that would help to explain their child's disability.

The Role of the SBLC

The role of the SBLC is to gather information, review it, and suggest alternative interventions that may be used to address the student's problems. Just because a child is having difficulty in school does not mean that he or she needs special education. Sometimes the child just needs some special attention or accommodations within the regular classroom. One of the main purposes of the SBLC process is to determine what sort of assistance can and should be provided to the child in the classroom. Usually a referral for a special education evaluation is made only after such suggestions have been tried and have not been successful.

Response to Interventions (RTI)

IDEA 2004 added requirements that school systems provide early intervention services / response to intervention (RTI) to struggling students, in an effort to help children become more successful in school. Interventions need not be elaborate or complicated, and some examples of interventions which could be easily implemented in the regular classroom may include: reading and/or math instruction, peer or volunteer tutoring, behavior management techniques, changing the child's study group or seating arrangement, using different teaching materials or techniques, changing the child's teachers, counseling, arranging for vision and hearing aids, simplifying the child's work, providing experience-based instruction, or providing more frequent opportunities to practice areas of difficulty.

Despite the RTI requirement, the school system has an obligation to ensure that evaluations of children suspected of having a disability are NOT delayed or denied because of implementation of an RTI strategy. Once you make a request for an evaluation, if there is reason to suspect a disability, an evaluation should occur. If the school system does not agree that an evaluation is warranted, then the LEA must issue a denial, in writing.

If a Request is Ignored or Denied

If the parent's request for a referral to SBLC is not answered within a reasonable amount of time (thirty days), s/he should re-contact the principal (in writing) and send a letter to the special education supervisor. It is not uncommon for a school to resist SBLC level review, or a referral for a formal evaluation, because the child is perceived to be merely "lazy" or "wild", or because the child has not yet failed enough to "justify" assistance. This is inappropriate educational practice. Children who are described in such a manner may have some hidden disabilities that cause them to have difficulties in school. Waiting for a child to fail for a year or more before interventions are begun merely makes a bad situation worse. Parents should insist upon SBLC review, interventions, and accommodations as soon as they become aware of any problems, and, if these do not work, should insist upon a formal evaluation, so that an appropriate diagnosis of the child's problems may be made. Parents are entitled to seek a due process hearing if a school system refuses to refer a child for an evaluation.

A sample letter to use if your request is ignored or denied is included at the end of this section.

Alternatives if a Child is Deemed Ineligible for Special Education

If a formal evaluation concludes that a child is not eligible for special education, the parent has the option of challenging the evaluation, or continuing to seek assistance for the child through the regular education system.

Even if the child is not eligible for special education services, there are still opportunities

to secure needed assistance for the child through the regular education system. As noted above, SBLC review is appropriate for all children who are having difficulty with their school program. All children are entitled to classroom interventions, such as those listed above, to improve the learning experience. Therefore, the parents of children ineligible for special education services should continue to insist upon needed interventions in the regular classroom setting. Excuses that accommodations are “unfair” to other children should be flatly dismissed. Each child is entitled to an education appropriate to his or her needs, and should not be forced to fail because his or her needs are different from those of other children.

Some children who do not qualify for special education services may qualify as “disabled” under Section 504 of the Rehabilitation Act, which would qualify the child for an Individual Accommodations Plan. If the SBLC refuses to recommend needed accommodations or interventions for such children, or if they are not provided after being recommended, the parent may want to consider filing a discrimination complaint under Section 504.

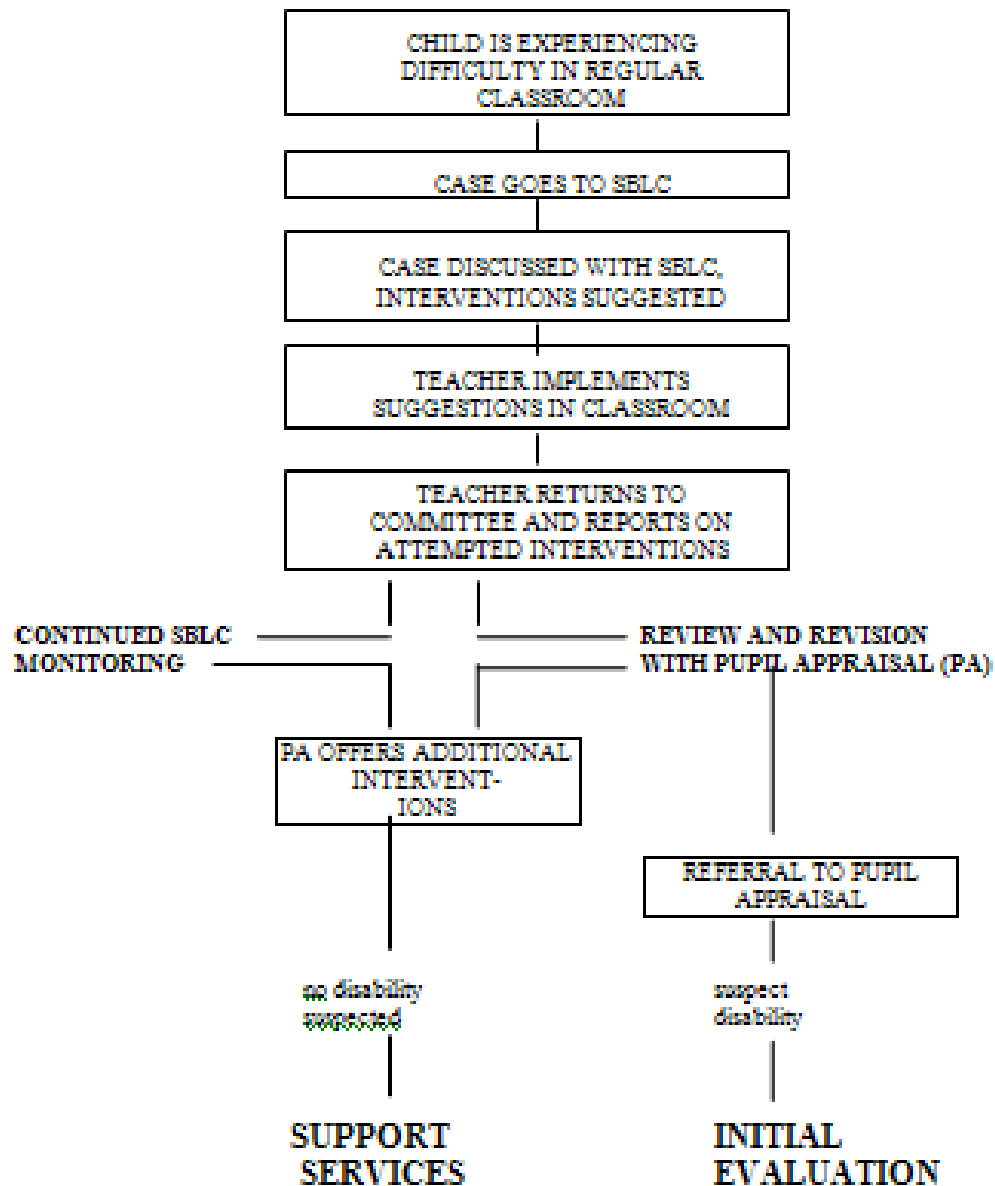
Checklist: Questions to Ask When a Child Has Problems With Education

- Is the child making acceptable grades and/or progress in school?
- What explanations does the child give for poor work?
- What explanations, if any, does the teacher give for the child’s poor work?
- Are grades poor only in some specific subjects? If so, is there a particular type of activity that is most difficult for the child? (For example, reading, writing, spelling, math).
- Does the child seem to remember and repeat information orally, but have difficulty putting it in writing?
- Does the child forget things he or she previously learned?
- Does the child have physical mannerisms that might interfere with learning, such as inability to sit still, short attention span, inability to concentrate?
- Does the child have problems with physical coordination (such as running, skipping, hopping) or with fine motor skills (such as using small objects like pencils, video game controls, tying shoes)?
- Is the child easily frustrated? How does the child act when frustrated?

- Is the child frequently angry? Does the child have frequent emotional outbursts or temper tantrums? Does the child become physically out of control?
- Does the child cry more than most children his/her age?
- Has the child had any unusual, repeated, or serious illnesses or injuries? If so, has the child been medically tested for any harm caused by them? Did the child's school performance change dramatically after such an illness or injury? Have the child's vision and hearing been recently tested? (If routine tests do not indicate problems, but it seems the child does not see or hear well, additional testing is suggested.)
- Does the child have difficulty with speech or language? Does the child speak less clearly than children the same age? Does the child use more immature language than children of the same age?
- Does the child have difficulty following verbal instructions?
- Does the child like school? Why or why not?
- What are the teacher's answers to these questions?

For information on Child Find and Referrals see: Bulletin 1508, Bulletin 1706, Subpart A, § 111; and 34 C.F.R. § 300.111

SCHOOL BUILDING LEVEL COMMITTEE (SBLC) FLOW CHART



SAMPLE LETTER

REQUEST FOR EVALUATION OF CHILD NOT IN SCHOOL (AGE 0-3)

(Be sure to keep a copy for your records)

(Date)

(Name of Child Search Coordinator, if known)

Child Search Coordinator

(Name of Parish and Address)

Dear (Name of Coordinator):

I would like my child (name of child) to be evaluated for special education services. (Describe reasons you believe the child may need special education, using the checklist on previous page for guidance. See example below.)

It is my understanding that the parish will evaluate (name of child) at no charge to me, within forty-five calendar days of receiving my referral for evaluation. Please forward any necessary forms to me within ten working days, and I will complete and return them as soon as possible. If you need any further information, or would like to meet with me, please let me know. My telephone number is (telephone number).

Sincerely,

(Parent's name, address, and telephone number)

Example:

Joseph is two years old and has Down Syndrome. He has received specialized services and intensive therapy in another state since birth. Since he is approaching pre-school age, we would like him to be evaluated for special education services.

**SAMPLE LETTER
REQUEST FOR EVALUATION OF CHILD NOT IN SCHOOL
(OVER AGE 3)
(Be sure to keep a copy for your records)**

(Date)

(Name of Child Search Coordinator, if known)

Child Search Coordinator

(Name of Parish and Address)

RE: Request for evaluation for special education services

Dear (Name of Coordinator):

I would like my child (name of child) to be evaluated for special education services.
(Describe reasons you believe the child may need special education. See example below.)

It is my understanding that the parish will evaluate (name of child) at no charge to me, within sixty calendar days of receiving my consent to the evaluation. Please forward any necessary forms to me within ten working days, and I will complete and return them as soon as possible. If you need any further information, or would like to meet with me, please let me know. My telephone number is (telephone number).

Sincerely,

(Parent's name, address, and telephone number)

Example:

Jane is three years old, and is very slow in developing speech and language. She speaks like a two year old. This has been observed and commented on by her day care providers who deal with a lot of children of these age groups. Except for her speech problems, she seems very bright. Her pediatrician has also expressed some concerns, and has suggested that we have her evaluated for speech and language problems so that she can get any needed services as early as possible.

SAMPLE LETTER
REQUEST FOR SBLC REVIEW OF CHILD ALREADY IN SCHOOL
(Be sure to keep a copy for your records)

(Date)

(Name of Principal)

(Name of School and Address)

Dear (Name of Principal):

I am the parent of (name of student). My child is having problems with (his/her) schoolwork. (brief summary of problems -- see examples below). I suspect these problems may be caused by a disability that would entitle (him/her) to special education services. I would like you to review (child's name) situation at your next School Building Level Committee meeting. I have already discussed (child's name)'s problems with (his/her) teacher(s) (name of teachers), who can provide the committee with information about (his/her) performance in the classroom.

It is my understanding that the SBLC meets regularly to review student problems and to either make suggestions for solving them within the classroom, or to refer the child for an evaluation for special education services. I would like to be notified in writing within five school days whether (child's name) will be referred for SBLC review and, if so, when the meeting is scheduled. I will be happy to provide any additional information which you or the committee believes necessary.

Sincerely,

(Parent's name, address, and telephone number)

cc: Child's teacher(s)

Examples:

- He has a short attention span and cannot sit still. He was described as hyperactive when he was younger. I am concerned that he has some sort of learning disability or behavior problem that is preventing him from applying himself to his schoolwork.
- She has great difficulty with reading and writing, but can remember anything she is told and repeat it back verbally. I am concerned that she has a learning disability that is causing her to fail with her written schoolwork.
- He has had a very difficult time learning ever since he injured his head last year. The doctors say he may have a brain injury. His grades have gone down, despite efforts to provide extra help. I am concerned that he needs even more specialized testing to understand what is causing his problems.

SAMPLE LETTER
IF INITIAL REQUEST FOR SBLC REVIEW IS IGNORED OR DENIED
(Be sure to keep a copy for your records)

(Date)

(Name of Special Education Supervisor, if known)

Special Education Supervisor

(Name of Parish)

(Address)

Dear (Name of Supervisor, if known):

I am the parent of (child's name), who is a student at (name of school). On (date) I made a written request to (name of principal) asking that (child's name) situation be reviewed at the next SBLC meeting. A copy of that letter is enclosed. (Facts about unsatisfactory response, or failure to respond -- see examples below)

It is my understanding that all children suspected of having disabilities are entitled to a timely SBLC review, and if appropriate, a referral for an evaluation for special education. I am concerned that this process begins as soon as possible so that (child's name) problems can be appropriately addressed in a timely manner before they become worse.

Please review this matter, and advise me in writing within five working days of your conclusions. I will be glad to provide any additional information that may be needed.

Sincerely,

(Parent's name, address, and telephone number)

cc: (Principal's name)

Examples

- In the month since that letter was sent, I have received no response from (principal's name). (Child's name)'s teacher says s/he has not been asked for any referral information regarding (child's name), and that (he/she) is continuing to have serious problems in the classroom.
- (Principal's name) responded by telephone, and told me that (child's name)'s case is not serious enough to justify a review at this time. (Child's name) continues (to make poor grades) and/or (to have behavior problems which result in disciplinary actions).

2.3 NOTICE AND CONSENT

Introduction

School systems are required to notify parents about their children's rights under the special education laws, and about special education procedures. Many actions cannot be taken without the consent of the parent (or other person with legal authority to make decisions) of the child with the disability. The law requires that the notice provided be "full and effective" and that consent meet the standards of "formal parental approval".

Who May Receive Notice and Give Consent

Legal Parent or Custodian

Typically, a child's legal parent(s) (by birth or adoption), legal custodian(s) or person(s) authorized by the legal parent to act as a parent should receive notice and, when needed, give consent for the child's educational program. If parents are separated or divorced, the school system should not deny participation, information, or copies of educational records to the non-custodial parent unless advised that the parent does not have the authority under applicable state law or under any applicable custody order of a court.

IDEA regulations have amended the definition of parent to include a person acting in the place of a parent such as a grandparent or stepparent with whom the child lives. It will also permit States in certain circumstances to use foster parents as parents under the Act unless prohibited by law.

Surrogate Parent

A surrogate parent is someone who will take the place of a parent in exercising a student's educational rights. Federal regulations require that a surrogate parent be appointed to represent a student when no parent of the student can be identified or found, or when the student is a ward of the State. The school officials must identify those students needing a surrogate parent and appoint one. The person appointed should receive training and/or information that will assist him or her in performing the responsibilities of the parent.

The person selected as the surrogate parent must have no interest that conflicts with the interests of the student. The surrogate parent must be knowledgeable about the student and be capable of representing his/her interests. The surrogate parent cannot be an employee of an agency that provides educational services or care for the child.

The surrogate parent is a substitute for the parent and has the same duties as the parent, with respect to the child's educational rights. This includes making sure that the student is properly identified, evaluated, and placed in special education. The surrogate parent also makes sure that the school provides a free appropriate public education to the student.

The Adult Student

When a student reaches the age of 18, the student becomes a legal adult. At that point, s/he has all the rights of an adult, and must be treated as such by the school officials and his/her parents for the purposes of making educational decisions. The rights discussed in this chapter then become the rights of the adult student, and the parents no longer solely exercise these rights unless they have the written permission of the student. (However, the continued participation of the parents is expected.) The only time this is not true is if the adult student has been declared legally incompetent or incapacitated by a judge and has had a curator (guardian), limited curator, or continuing tutor appointed by the judge. In those instances, the legally responsible party exercises these rights for the adult student.

The school district should, however, determine whether an adult student is capable of giving informed consent, even where he or she is legally competent; otherwise, decisions made by the student alone may be invalid.

General Notice

School systems must give all parents of children with disabilities written notice of their general rights. A general statement of rights should be handed out upon initial referral for evaluation, upon every notification of an IEP meeting, upon reevaluation of the child, or when a parent files a formal complaint, and should also be available upon request. It is very important that the parents receive this information. If parents have difficulty understanding the information, they have the right to request an explanation.

Specific Notice

In addition to general notice of rights, parents must receive specific notice in a number of situations. All notices must meet the requirements of Section 504 of Bulletin 1706, Subpart A. The notice must be in writing and state the specific actions the school will be taking/refusing. Prior notice about proposed actions must be received before the school can change the decision whether or not the student has a disability, or change his/her label. Prior notice must also be received before the school can conduct an assessment, change the current education program, or change the placement of the student. This would include any proposed disciplinary action. A change in placement also refers to the graduation of a student. The school district must give notice a reasonable time before proposing to graduate a student (even with a regular diploma), in order to ensure that there is sufficient time for the parents and student to plan for, or challenge, the pending graduation.

The written notice as described above must describe the action the school wants to take, why the school wants to take that action, what other options the school considered, why those other options were rejected and any evaluation, test or other information that supports the school's position. The notice must also include sources for parents to contact to obtain

assistance in understanding the notice and a statement informing the parents about the State complaint procedures and a description of how to file that complaint.

The written notice must be written in clear language understandable to the parents receiving it and be provided in the native language of the parents. If the parents cannot read or write, the school's notice must be given orally, on cassette tapes, in Braille, or in any other way that the parents will understand.

Parents have the right to receive written notice a reasonable amount of time before the school system takes action. If the school refuses to make changes requested by parents, it must give specific written notice of the reasons for the refusal.

Consent

Informed parental consent is required before a school system may take certain actions with respect to special education services for a child. The state defines informed parental consent to mean that the parent has been **fully informed** of all information relevant to the activity, in his or her native language or other mode of communication, the parent has approved of the activity in writing, and the parent understands that the approval is voluntary and may be revoked at any time. In other words, the parents/students must be fully informed of all relevant information in a manner that is clearly understandable to them. In addition, consent by the parent/student is to be given freely, and it may be withdrawn in writing at any time. However, if consent is revoked, that revocation is not retroactive and does not negate an action that occurred after the consent was given and before the consent was revoked.

Formal parental consent is required for both an initial evaluation and reevaluations for special education services, initial IEP/placement, the release of educational records, accessing parent's private insurance, or the placement into regular education of a child previously classified as exceptional. Formal parental consent for evaluations may not be construed as consent for the placement of their child for the receipt of special education and related services. If the parent refuses to provide consent for the evaluation, the agency may continue to pursue the evaluation by utilizing mediation and due process procedures.

At an initial IEP/placement meeting, a school system must obtain formal, written parental approval before it can provide a student with special education and related services in any setting. If the parent refuses to provide consent, the local education agency shall not provide special education and related services to the child. **The school system has no right to utilize mediation or due process procedures to override the parental decision.**

After the parent/student has given formal written approval, the IEP is in effect. This means that the IEP has been developed properly, is regarded by both the parent/student and the school system as being appropriate for the student, and will be implemented as written. The parent must be provided a completed copy of the IEP/placement document that is signed by the official representative of the school system. A copy of the IEP shall be given to a parent

upon request.

Parents may take issue with all or some parts of the initial program, placement, or related services proposals. The school system and the parents should make conciliatory attempts to resolve the disputes, including making modifications to the proposed program, placement, and related services. If no change will occur, the school system is required to notify the parents of this decision in writing. In this case, the student must remain in the current educational setting or be offered a different placement within the school system, if the parents agree, until the matter is resolved.

Parents' refusal to give consent does not affect the student's basic right to attend school and participate in school activities. In addition, refusing consent for one service, benefit, or activity does not allow a school district to deny any other service, benefit, or activity the child is entitled to receive, except as provided by IDEA. Parents have the right to file for a due process hearing to resolve disagreement over the proposed initial IEP/placement of the child. The school system, likewise, has the right to attempt to override the parental decision to withhold approval for an initial evaluation, but the school system does not have the right to attempt to override a parental decision to refuse consent for services.

Most other actions of the school system, such as review IEP meetings, and proposed changes in placement, do not require formal parental consent, but do require full and effective notice before actions may be taken. Parents who disagree with a proposed action have the right to voice their disagreement at meetings scheduled to discuss them and, if not resolved satisfactorily at the meeting, may refuse to sign an IEP. **A school system may not remove a child from special education, or deny specific services, because a parent will not sign a review IEP.** The IEP team may, however, implement an IEP that has been **properly** developed after full and effective notice has been given the parents and after affording the parent full participation, even if the parent refuses to sign the IEP document. School systems or parents both have the right to request due process if they cannot agree about what is written on the IEP. If due process is invoked, the child has the right to remain in the last agreed upon placement and program pending a resolution of the dispute.

If Actions are Taken Without Parental Notice or Consent

If a parent learns that action has been taken without notice or, where required, without consent, s/he should immediately contact the special education supervisor/director, in writing, to protest the action and the lack of notice. Such a complaint may be made even if the parent does not disagree with action taken, since the failure to provide notice is itself a reason for concern and complaint. If the school system does not rectify the problem to the parent's satisfaction, s/he may file a complaint with the state complaint management system. If the parent disagrees with the action taken, as well as the lack of notice and/or opportunity to consent, s/he should request an immediate meeting to resolve the issue and, if not satisfied with the result, may wish to seek a due process hearing.

Sample letters for when a school system takes action without notice or consent are

included at the end of this section.

For more information concerning laws governing notice and consent requirements see: Bulletin 1706, Subpart A, § 504 and § 505

SAMPLE LETTER

ACTION TAKEN WITHOUT NOTICE, NO DISAGREEMENT WITH ACTION

(Be sure to keep a copy for your records)

(Date)

(Name if known)

(Director or Supervisor of Special Education)

(Address)

Re: (Name of child, name of school)

Actions taken without notice

Dear (name if known):

On (date) I discovered that (describe action) was taken without any notice to me. It is my understanding that I have a right under special education law to prior notice before any such action is taken.

While I do not disagree with the particular action taken, I am entitled to receive advance notice of all proposed changes so that I can have the opportunity to understand them and communicate any concerns I may have. It is also important that I know in advance when changes are planned so that I may help prepare my child for them.

Please investigate this matter, and take appropriate action to remedy this violation of my child's rights. At a minimum, I would ask for a finding or admission that notice was required but not given, and a description of actions taken to insure that this will not happen in the future.

I look forward to hearing from you in writing within ten days of the date of this letter.

Please contact me if you require any further information.

Sincerely,

(Parent's name, address, and telephone number)

SAMPLE LETTER

ACTION TAKEN WITHOUT NOTICE, DISAGREEMENT WITH ACTION

(Be sure to keep a copy for your records)

(Date)

(Name if known)

(Director or Supervisor of Special Education)

(Address)

Re: (Name of child, name of school)

Actions taken without notice

Dear (name if known):

On (date) I discovered that (describe action) was taken without any notice to me, and without my having given consent for it. It is my understanding that I have a right under special education law to prior notice, and must provide formal written consent before any such action is taken.

I do not consent to (the action taken) and request that (matters be immediately returned to the way they were) before this illegal action was taken. I will be glad to meet with appropriate personnel to discuss this matter once I am given appropriate advance notice. If (the action taken) is not immediately suspended, I will seek a remedy through complaint management and/or due process proceedings.

Even if (the action complained of) is suspended, I would ask that you investigate this matter, and take appropriate action to remedy this violation of my child's rights. At a minimum, I would ask for a finding or admission that notice and consent were required but not given, that the action was therefore illegal and must be suspended, and a description of actions taken to insure that this will not happen in the future.

I look forward to hearing from you in writing within ten days of the date of this letter. Please contact me if you require any further information.

Sincerely,

(Parent's name, address, and telephone number)

2.4 EDUCATION RECORDS

Introduction

Parents advocating for special education services for their child or parents developing the Individualized Education Plan (IEP) may need to refer to different records. These records may include:

- Teacher's notes;
- SBLC Committee (SAT) notes;
- Progress reports;
- Grades or report cards;
- Achievement tests;
- Discipline reports;
- Parent contact notes;
- Assessment reports (which may include tests of intelligence, motor skills, self-help skills, language development, and social and emotional skills);
- Reports from medical doctors (such as eye tests, hearing tests and physical examinations);
- Individualized Education Plans (IEPs);
- Former school system evaluations.

This chapter offers suggestions about keeping records and provides information about how to access records. Also included is information about confidentiality of records.

Keeping Records

Parents should keep all of their child's education records in one place. Good record keeping will enable the parent to participate in developing the IEP, and to monitor the child's progress. It will also assist the parent in making certain that the child is getting needed services.

Parents should also keep a written record of their conversations and meetings concerning the child. For each meeting or conversation, the parent should write down to whom s/he spoke, the date and time of the communication, and a summary of what was discussed. It is a good idea to follow up telephone calls with a letter confirming the conversation. Keep copies of all letters and reports mailed and received.

How to Get Copies of Records

Federal law guarantees parents the right to examine all records relating to their child.

Education records are defined as "records, files, documents, and other materials which (i) contain information directly related to a student, and (ii) are maintained by an educational agency ..." Records may include "any information or data recorded in any medium including, but not limited to: handwriting, print, tapes, film, microfilm, and microfiche".

The above definition of education records does not include records that are maintained separately from education records, nor does it include records that only contain information about an individual after he or she is no longer a student at that agency or institution. Apparently this means that once a student exits the school system he or she is no longer afforded the protections of the Family Education Rights and Privacy Act (FERPA).

Parental Rights Under FERPA (The Buckley Amendment)

- Except under limited circumstances (which mainly pertain to college students) each education agency or institution is required to permit a parent (or eligible student) to inspect and review any education records of the student.
- Under federal law, the education agency or institution must comply with a request for access to records within a reasonable period of time, but in no case more than 45 days after it has received the request. In Louisiana, a school system has 45 calendar days after a request is made by a parent or authorized representative to either arrange for the person to see the records or to receive copies if arrangements cannot be made to see them.
- The educational agency or institution must respond to a reasonable request for an explanation or interpretation of the records if a person has difficulty understanding them.
- By law the education agency is also required to give the parent or eligible student a copy of the records if failure to do so would effectively prevent the parent or student from exercising the right to inspect and review the records.
- The education agency or institution may not destroy any education records if there is an outstanding request to inspect and review the records under this section.
- Finally, while an education agency or institution is not required to give an eligible student access to treatment records, the student may have those records reviewed by a physician or other appropriate professional of the student's choice. This same rule holds true for parents.

To see a child's education records, the parent should first write a letter to the person in charge of records at the child's school. Each year the school is required, upon request, to give the parent a list of all the different kinds of education records that the school collects, or uses to educate the child. They must also inform the parent, upon request, where those records are kept. The parent has the right to inspect and review the records. S/he also has

the authority to see records made by a private physician or other private professional if these records become a part of the school's education records.

Remember, the school system has, in no case, more than 45 calendar days after a request for records has been made to either arrange for the parent to see the records or to give him/her copies. The school system should comply with the request for records without unnecessary delay and before any meeting regarding an IEP or any hearing relating to the identification, evaluation or educational placement of the child or the provision of FAPE to any child. The U.S. Department of Education encourages schools to provide free copies of records. However, the school system can charge for copies so long as the fee does not result in preventing the parent from reviewing the records. The school system may charge the parent for photocopies of records, but it cannot charge the parent for the time of the person who does the copying. The school system may not charge the parent for his/her review of the records.

If a parent has trouble understanding anything in the records, s/he should ask for an explanation. The school must respond to reasonable requests for explanations and interpretations of the records. Again it is advisable to ask for explanations in writing.

If the parent asks for a due process hearing, s/he must be allowed to see the records prior to the hearing. When reviewing records the parent should be sure s/he is given all the time needed to thoroughly review and understand the records.

A sample letter requesting records from the school is included at the end of this section.

Confidentiality of Records

A student's records are private. A parent has the authority to inspect and review records unless the school system has been advised that the parent does not legally have the authority. The school system must keep a list of parties obtaining access to educational records (except access by parents and authorized employees of the school system). That record should include the name of the party, the date the record was reviewed, and the purpose of the authorized use. School officials must show the parent this list if requested. (Louisiana Education Bulletin 1706, Subpart A, § 517) Legally, parental consent is needed before a child's records can be shown to anyone outside the school system who is not involved in the student's education.

Getting Records Changed

If a parent believes that the information in the education records is inaccurate, misleading, or if it violates the privacy or other rights of the child, the parent can ask in writing that the school system amend the information as requested, and inform him or her of its decision

within a reasonable period of time. If the school system refuses to amend the information, school officials must inform the parent of the decision and instruct the parent about his or her right to a hearing. If the hearing officer decides in the parent's favor, the records must be amended, and the parent must be notified in writing of the changes that were made. If the hearing officer decides that the records do not have to be changed, school officials must allow the parent to place a statement into the records explaining why he or she disagrees with the records or believes that the statements are unfair. The parent's statement must be kept with the records. Whenever the records are shown to persons, the parent's comments must also be shown to them.

A sample letter requesting a change in records included at the end of this section.

If Access to Records is Refused

Under FERPA school systems may not:

- Refuse to allow a parent to review, copy or correct school records, or
- Violate confidentiality by failing to obtain prior consent of a parent before releasing the records to non-school personnel.

If a parent's rights are violated, s/he may send a written complaint to:

**Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue S.W.
Washington, DC 20202-5920**

The FERPA office is responsible for enforcing FERPA. Be sure to file the complaint as soon as possible after the incident occurs, and keep a copy of the letter.

A sample complaint to FERPA is included at the end of this section.

**SAMPLE LETTER
REQUESTING THE CHILD'S RECORDS
(Be sure to keep a copy for your records)**

(Date)

(Name of Principal)

(School)

(Address)

Dear (Name of Principal):

I am the parent of (name of student), a special education student at your school. Please inform me in writing of the types and location of all past and present education records concerning (name of student). Please inform me where all there records are kept and whom I should contact so I can review them.

If you need to speak with me I can be reached at (telephone number) during working hours.

Thank you for your assistance. I look forward to hearing from you within ten days.

Sincerely,

(Parent's name, address, and telephone number)

**SAMPLE LETTER
REQUESTING A CHANGE IN YOUR CHILD'S RECORDS
(Be sure to keep a copy for your records)**

(Date)

(Name of Principal)

(School)

(Address)

Dear (Name of Principal):

My son/daughter (name of student) is a special education student at your school. There is a statement in (name of student)'s (Name of records; i.e. March 15, 12004 speech evaluation performed by Diane Jones, CCC, LSP), which I believe is (example: misleading, inaccurate and/or in violation of my child's rights) because (give your reasons).

I request that you change (name of student), (name of record) so that they will no longer be (example: misleading, inaccurate, and/or in violation of my child's rights).

If you need more information I can be reached at (telephone number during working hours).

Thank you for your assistance. I look forward to hearing from you within ten days.

Sincerely,

(Parent's name, address, and telephone number)

SAMPLE LETTER
COMPLAINT TO FERPA
(Be sure to keep a copy for your records)

(Date)

Supervisor of Complaints
FERPA Office
U.S. Department of Education
Room 407A Switzer Building
400 Maryland Ave., S.W.
Washington, DC 20202-6186

RE: (Statement of violation, i.e., denial of access to school records)
(Name of School)
(Name of city, state)

Dear Sir or Madam:

My son/daughter (name of student) is a student at (name of school). On (date) I requested to see (name of student)'s records. On (date) I received a reply from (name of principal or other person and his/her title), informing me that I could not see the (name of records).

I believe that this is a violation of my parental rights under the Family Educational Rights and Privacy Act, 20 U.S.C. 1232(g).

I want to request an investigation of my complaint and that I be informed of your findings within a reasonable amount of time.

Should you need to contact me I can be reached at (daytime telephone number) during normal business hours. Thank you for your assistance with this matter.

Sincerely,

(Parent's name, address, and telephone number)

Cc: (Name of principal)
(Name of school)

2.5 EVALUATION PROCESS

Introduction

Every child who is suspected of being in need of special education and related services has the right to be evaluated by the special education department of his/her local school system. The Local Education Agency (LEA) is said to have knowledge that a child is a child with a disability if:

- the parent has expressed concern in writing to supervisory or administrative personnel of the appropriate agency, or a teacher of the child, that the child is in need of special education and related services;
- the parent of the child has appropriately requested an evaluation; or
- the teacher or other personnel of the LEA has expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education or other supervisory personnel of the agency.

Even where these circumstances are present, the school system is not deemed to have knowledge that a child has a disability if:

- 1) the parent has refused to consent to an evaluation of the child;
- 2) the parent has refused special education services for the child, or
- 3) the school system has performed an evaluation and it was determined that the child was not eligible for special education.

An evaluation is what occurs when the student's performance is professionally evaluated through test results, interviews, observations and other relevant information, in order to determine the nature and extent of the student's impairment and the need for special education and related services.

How to Ask for an Individual Evaluation

If the child is not in school, parents should write to the special education department in their parish and ask for an evaluation. If the child is an infant or toddler, the school system should be able to refer parents to the agency performing evaluations under the infant and toddler plan. Parents should include copies of any private evaluations, diagnosis or treatment plan within the written request.

If the child is presently in school, parents should give the school building level committee (SBLC) at the child's school a formal written request for review of his/her educational program.

A sample letter for requesting an initial evaluation is included in the section on "Identification and Referral for Special Education," which begins on page 7.

Individual Re-Evaluation

A re-evaluation is required once every three (3) years, unless the parent and the local education agency agree that a re-evaluation is not necessary. However, a re-evaluation can occur anytime when one of the following five events occurs:

- 1) the re-evaluation is requested in writing by the student's teacher or by the LEA's special education director/supervisor;
- 2) the re-evaluation is requested in writing by the student's parents (the request can be made orally if the parent is illiterate in English or has a disability that prevents the production of a written statement);
- 3) a significant change in the educational placement of a student is proposed by the school system, the parent, or both;
- 4) a final written decision has been issued by a court of competent jurisdiction requiring that an individual evaluation be conducted, or
- 5) a student is suspected of no longer having a disability and no longer in need of service.

A sample letter requesting a re-evaluation is included at the end of this section.

The Evaluation Process

If the SBLC/Student Assessment Team (SAT) determines that there is a need for an evaluation, the committee will notify the principal who will then refer the child to Pupil Appraisal personnel for an individual evaluation. Children with disabilities not recognized as exceptional under IDEA may still be entitled to an evaluation under Section 504 of the Rehabilitation Act.

Timelines for Initial Evaluation

A request for parental consent to conduct an evaluation must be made within 10 business days after the receipt of the referral by pupil appraisal. The initial evaluation report must be completed and disseminated within 60 business days of receipt of parental approval, unless a justified extension of time is requested. If an evaluation is begun less than sixty operational days before the end of the school year, the time for completion may be suspended during the

summer vacation.

Timelines for Re-evaluations

If a parent requests a re-evaluation prior to the mandated triennial re-evaluation, a re-evaluation report must be completed within 60 business days of parent notice, and the same extension allowances and summer vacation rules apply as for initial evaluations.

Triennial re-evaluations must be completed on or before the third-year anniversary of the previous evaluation. Justified extensions for re-evaluations are permitted, except end-of-school-year extensions during the mandated triennial re-evaluation.

See Bulletin 1508, Evaluation timelines, for specific rules regarding time extensions.

Areas of Assessment

Each individual evaluation consists of the Pupil Appraisal Assessment Program and/or a Diagnostic Assessment. The Pupil Appraisal Assessment Program is a process of informally gathering information about a child in order to make practical education decisions on the child's behalf. The program is classroom based and is conducted by a team of professionals called the Pupil Appraisal staff who work with the child's teacher. In some cases the Pupil Appraisal Assessment Program may be the only part of the evaluation that is needed.

A Diagnostic Assessment is a more formal way of getting information about the child in order to make decisions about his/her education. The Diagnostic Assessment may include classroom observation, assessment of educational, developmental and adaptive behavior, psychological, psychiatric, social and medical evaluations, interviews with parents and teachers and speech and language evaluations. The evaluation must be sufficiently comprehensive to identify all of the child's educational needs, whether or not they are manifestations of the child's disability category. In addition, the testing instruments used in the evaluation must be appropriate for the age and skill level of the child. They must also be conducted in the language normally used by the child in his/her home and learning environment. For individuals with deafness, blindness, or no written language, the evaluation must be conducted using the mode of communication typically used by the student. .

An individual evaluation that determines a student to be exceptional must consist of all required components as specified below and meet the requirements for each specific exceptionality. However, it is permissible to determine a student to be non-exceptional on the basis of selected components.

Specified components of an individual evaluation:

- Sensory screening, if not previously conducted;

- A review and analysis of all pre-referral activities and any pre-existing evaluation data of the student;
- An interview with the student;
- A family interview conducted by the school social worker or other qualified personnel to determine the impact of educational, socioeconomic, environmental, cultural, developmental, emotional, and/or health/medical factors on the student's educational performance;
- An interview with the student's teacher in order to specify and define behaviorally the areas of concern, determine the teacher's expectations for the student and class, and clarify previous interventions;
- Observation and study of the student's physical condition, academic and/or social behaviors in daily activities conducted by pupil appraisal personnel;
- A determination of the student's instructional level(s) and frustration level(s) by a curriculum based assessment plan within the general curriculum;
- When behavior is of concern, a functional behavioral assessment must be conducted by a certified school psychologist, a school social worker, or other appropriately trained personnel;
- An assessment of the student's health status conducted by a school nurse or other qualified personnel when health procedures, such as special diet, medications, blood glucose monitoring, seizure management, modified activities of daily living, and respiratory treatments, are required by the student;
- The development and implementation of individual behavioral and instructional interventions, conducted or directed by pupil appraisal personnel for a reasonable period of time. The interventions must be relevant to the referral concern(s);
- Systematic measurement of academic and/or social behaviors of concern conducted prior to the intervention and following implementation of the intervention;
- An analysis of the results of the individual intervention(s);
- Educational developmental, functional and/or adaptive behavior assessment;
- Psychological, social and medical assessments;
- Speech and language assessments and/or assessment of the communication mode of the student;
- an assistive technology assessment, if warranted;

- Transitional needs must be addressed as part of all evaluations occurring after the 14th birthday of a student with disabilities;
- Other evaluations (e.g. orientation & mobility) determined to be necessary by the multi-disciplinary team.

No single procedure may be used as the sole criterion for determining an appropriate educational program for the child/student.

The Evaluation Report

The final written report must be a compilation of the data gathered during the individual evaluation. The data collected by Pupil Appraisal personnel must be integrated and written in language that is clear to the individuals who will use it.

The integrated written report of the child's evaluation must contain the following minimal requirements:

1. reason for referral,
2. the individual evaluation questions or statements of concern;
3. a description of the evaluation procedures, including interventions, used to address each evaluation question;
4. a description of the student's present level of functioning in relationship to the general curriculum;
5. a description of the student's relative strengths and support needs,
6. a description of the educational needs of the student ranked in order of importance;
7. a description of the impairment or condition that enables the student to be classified as eligible for special education and related services;
8. information to determine the validity of the evaluation data;
9. an explanation of any discrepancies between test results and the child's customary behaviors and daily activities, or of any discrepancies among evaluation results;
10. the recommendations of services necessary to meet the child's educational needs;
11. a brief summary of the evaluation findings;
12. an explanation for all extensions of the evaluation timelines;
13. names of assessment personnel participating in the evaluation, and
14. signatures of assessment personnel whose conclusions are accurately reflected in the report.

The information in the evaluation report provide information to educators and parents that will assist in determining the content of the student's IEP or IFSP.

Challenging an Evaluation

Parents should carefully read the completed evaluation, and seek a thorough explanation of technical terms that they may not understand. It is crucial that parents understand the evaluation so they will know whether to challenge it and how to use it. If the school system does not explain the evaluation to the parent's satisfaction, s/he may wish to seek the assistance of special education advocates or other professionals.

If parents feel that their child's evaluation was incomplete, they can request that the school conduct additional testing in order to more fully evaluate the child. If parents think the school's evaluation did not use the right tests or come to the right conclusions, they may write a letter to the director or supervisor of special education explaining why they do not agree with the evaluation.

As previously stated, the parent can also request a re-evaluation to be done by the school system. A re-evaluation is to take place at least every three (3) years, but, may be conducted sooner if conditions warrant a re-evaluation, or if the child's parent or teacher requests a re-evaluation.

A sample letter requesting additional testing is included at the end of this section.

Independent Educational Evaluation

If the school system stands behind its findings, parents have the right to an independent evaluation, which is done by a qualified professional not employed by the school. The evaluation must meet all the same requirements that the school's evaluation must meet. However, if there is objection to only one component of an evaluation, it may be possible to supplement that component with independent information, and to either accept the rest of the school system's evaluation or ask the school system to provide the other components of a new evaluation. For example, if a parent objects to incomplete medical or psychological testing in a school system evaluation, they may seek an independent source of such testing, and ask the school system to complete the other portions of the evaluation.

If parents give written notice to a school system about their disagreements with an evaluation and request an independent evaluation, one should be performed at no cost to the parents unless the school system, within ten days of receiving notice of the parents' disagreement, seeks a ruling from a due process hearing officer as to whether there should be an independent evaluation at the school board's expense. School districts may ask why the parent objects to the public evaluation, but may not require the explanation.

School systems can place limitations on the costs of independent educational evaluations. (The Louisiana State Department of Education has commented that an independent educational evaluation's cost should not exceed the average cost of such an evaluation within the state of Louisiana or within a 75 mile radius of the school system. The United States Department of Education has commented that school systems can establish a maximum cost for independent evaluations, but parents must be given the opportunity to demonstrate

unique circumstances for exceeding a school system's established maximum cost. Also, the maximum fee established by a school system may not be a general average of all fees in the area, but must be an average established so that parental choice exists and only the most unreasonable fees are eliminated.) A school system may not simply refuse to pay for a properly requested independent evaluation unless it secures such a ruling.

A child always has the right to an independent evaluation if the parents pay for it themselves. It is sometimes more efficient to pay for an independent evaluation, after giving notice of disagreements and requesting one, and then seek reimbursement for the expenses. However, many parents cannot afford to advance such costs. In such cases, the parent may have to seek a due process ruling on the issue if the school district refuses to pay for a properly requested independent evaluation before obtaining the independent evaluation.

After an independent educational evaluation is obtained, it is used by the IEP team in determining programming and placement. If it was paid for by the school district, then it must be used during the IEP meeting and in any related programming decisions. If it was paid for by the parents and not reimbursed, then the IEP team only has to "consider" it in any determinations or decisions.

A sample letter asking for an independent evaluation is included at the end of this section.

How to Use a Completed Evaluation

The evaluation serves as the blueprint for a child's educational plan. It contains detailed information and recommendations about a child's individual needs and appropriate programming, and should therefore serve as the primary reference point for developing a child's IEP. Unfortunately, school systems do not always make use of the evaluation information. It is important for the parent to be familiar with the evaluation and to remind school personnel to refer to it frequently.

All recommendations contained in the evaluation should be discussed at each IEP meeting. If the school system fails to offer a specific type of service or program suggested in the evaluation, it should explain, to the parents' satisfaction, why the child does not need this service at a particular time. For example, an acceptable reason might be that the evaluation recommends trying something that has already been successfully or unsuccessfully attempted in the past. An unacceptable reason would be that there are not enough related services personnel on contract to provide needed services. If unacceptable reasons are given, the parent should continue to request that all services recommended in the evaluation be included in the IEP. If agreement cannot be reached, the parent may wish to include a comment about the disagreement on the IEP form or refuse to sign the new IEP.

Suggested Sources of Independent Evaluations

Possible sources of independent evaluations would be the university affiliated program, hospitals, university education or special education departments, programs which specialize in providing services to children with disabilities, and medical specialists who work with children with disabilities. In addition, sometimes arrangements can be made to have an evaluation done by Pupil Appraisal personnel from a neighboring parish school system.

For information on evaluations see: Bulletin 1508; Bulletin 1706, Subpart A § 301-308; and 34 C.F.R. § 300.300-300.311.

**SAMPLE LETTER
REQUESTING RE-EVALUATION
(Be sure to keep a copy for your records)**

(Date)

(Name of Director Supervisor of Special Education)

(Name of School)

(Address of School)

Dear (Name of Director or Supervisor):

I am the parent of (name of student). I recently reviewed my child's assessment and I believe it is out-of-date. I request that (name of student) be re-evaluated because (give your explanation as to why the child should be re-evaluated).

Thank you for your help. I look forward to hearing from you within five school days of the date you receive this letter if you do not plan to consider my request. Otherwise, please contact me so we can arrange a time and a place to further discuss (name of student)'s re-evaluation.

Sincerely,

(Parent's name, address, and telephone number)

cc: (School Principal)

Some examples of reasons why you feel the child should be re-evaluated are:

- The school failed to evaluate the child for assistive technology.
- You disagree with the denial of assistive technology services.
- You disagree with the denial of occupational therapy or physical therapy services.
- You disagree with the manner in which the child's IQ was tested or you question the results.
- The child's need have changed.
- The child has been found to have a new or different disability that is not being addressed in his current program.

**SAMPLE LETTER
REQUESTING ADDITIONAL TESTING
(Be sure to keep a copy for your records)**

(Date)

(Name of Director or Supervisor of Special Education
(Name of School)
(Address of School)

Dear (Name of Director or Supervisor):

I am the parent of (name of student). I have studied the reports of the school's assessment of my child and feel that (he/she) was not evaluated in every area of (list areas needing further testing).

Thank you for your help. I look forward to hearing from you by (insert date one week from date you mail the letter) if you do not plan to consider my request. Otherwise, please contact me so that we can arrange a time and a place to further discuss additional testing for (name of student).

Sincerely,

(Parent's name, address, and telephone number)

cc: (School Principal)

**SAMPLE LETTER
REQUESTING AN INDEPENDENT EVALUATION
(Be sure to keep a copy for your records)**

(Date)

(Name of Director or Supervisor of Special Education
(Name of School)
(Address of School)

Dear (Name of Director or Supervisor):

I am the parent of (name of student). I do not feel that the school system's assessment of (name of student) dated (date of evaluation) is appropriate, and I am requesting an independent evaluation.

Please tell me in writing of the criteria under which the independent assessment must be conducted so that it meets the criteria the school uses in its assessment. Also, please tell me in writing where I may obtain an independent evaluation for my child.

I understand that the school must pay for the independent assessment unless it requests a hearing to prove that its assessment was appropriate. I will send you the results of the independent evaluation. I understand that it must be considered in any future decisions about my child's education.

Thank you for your help. I look forward to hearing from you within five school days of the date you receive this letter.

Sincerely,

(Parents name, address, and telephone number)

cc: (School Principal)

3. MAKING DECISIONS

A Guide for Parents



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3.1 PROGRAMMING

Introduction

Every student, regardless of disability, is entitled to go to school and receive a free and appropriate public education (FAPE). Children with disabilities should be educated in the least restrictive environment that is appropriate to their needs, and should be provided with individualized services that will afford them a chance to learn. A student is entitled to begin receiving FAPE once he/she reaches the age of 3, and may remain in school through the age of 21, or until the child graduates with a regular high school diploma.

Individualized Education Program (IEP)

Special education is a program, not a placement. The *content* of the program determines what a student's educational experience will be. A student's educational program includes the curriculum and subjects (including physical education) the student will be taught, and the goals and objectives s/he will address. It may also include related services, supplementary aids and services, assistive technology and services, and transition services. A special education student's program should be developed *before* placement within a particular class or school site is discussed.

IEP Team Members

The IEP Team will determine each student's educational program. Parents are full and equal members of IEP teams and should actively participate at team meetings.

An IEP Team must consist of:

1. The parent of the child with a disability;
2. The child's special education teacher;
3. A regular education teacher (if the child is or might be participating in regular education);
4. A representative of the local educational agency;
5. An individual who can interpret the instructional implications of evaluation results (may be someone who is already a team member)
6. Other individuals who have knowledge or expertise regarding the child (as determined by the parent or school); and
7. The child, where appropriate

School districts must inform parents who they have invited to participate at the IEP team meeting.

Under the 2004 IDEA amendments, a member of the IEP team is not required to attend

an IEP meeting if the parents and the local education agency agree that the person's participation is not necessary because the member's area of the curriculum or related services is not being modified or discussed at that meeting.

If a member's area of curriculum or related services is being modified or discussed at the meeting, the member may still be excused if the parents and the local education agency consent, and the team member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

Parental agreement that a member's attendance is not necessary, or parental consent to excuse an IEP member under the above listed conditions, must be in writing.

Content of Educational Program

The educational program for a student should take into account the individual needs of the entire student. The IEP should be developed from general information about the student and should address those areas in which special education is needed. These areas may include:

- **Academic/Cognitive** - addresses needs in the academic area such as reading, math, social studies, and/or cognitive needs such as generalization, categorizations, etc.
- **Communication** - addresses the student's needs in understanding and communicating with others, such as writing and language development, articulation, augmentative/adaptive methods, etc.
- **Social / Behavioral** – addresses issues such as peer interaction, following rules, strengthening self-concept, etc.
- **Self-Help** – addresses issues such as toileting, dressing, safety, health needs, etc.
- **Motor** – includes both fine and gross motor movement, such as handwriting and walking, etc.
- **Vocational** – addresses issues such as preparation for employment, work-study, career awareness, etc.
- **Community Skills** - needs may include learning how to cross streets safely and order food in a restaurant or fast food place, as well as how to function in a setting outside of school.

Physical Education

Every student's program must include physical education. This can be regular physical education, modification of a regular physical education program to accommodate a student's

needs, or adapted physical education.

Many students with disabilities can participate in regular physical education, with or without accommodations. A regular education teacher, a special education teacher, or a physical education teacher, consistent with the school policy for provision of physical education to other students, can provide the program.

Students determined to be unable to safely and successfully engage in regular physical education activities on a full time basis may receive an adapted physical education program. To be eligible for such a program, students must meet specific requirements of Bulletin 1508. A certified adaptive physical education teacher must provide the adaptive physical education evaluation and instruction.

The need for adapted physical education is to be determined at the IEP committee meeting using the results and recommendations of the student's motor evaluation, and input from the school system's adapted physical education evaluator. The continuation of services shall be determined at the annual IEP meeting using the input of the adapted physical education teacher.

The public agency responsible for the student's education is also responsible for providing the services directly or making arrangements for the services necessary for the student to participate in physical education. Furthermore, any student with a disability who is enrolled in a separate facility shall receive the appropriate physical education services and these services shall be ensured by the agency responsible for the student's education.

Related Services

A student's program may also include related services. The term "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a child with disabilities to benefit from special education. These services may include speech pathology and audiology, psychological services, physical and occupational therapy, orientation and mobility services, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

The list of related services is not exhaustive and may include other developmental, corrective, or supportive services (such as artistic and cultural programs, and art, music, and dance therapy), if they are required to assist a student to benefit from special education. A service called **"travel training"** has been added to provide instruction where appropriate to students with certain disabilities. This new program will enable them to develop an awareness of the environment in which they live, and learn the skills necessary to move effectively and safely from place to place within that environment. This includes the student's school, home, work, or community environments.

Eligibility for related services should be determined on an individual basis. Frequently, the

child's evaluation will contain recommendations that could be addressed via related services, even if such services are not specifically mentioned. For example, it may be recommended that the child address certain issues without specifically mentioning counseling, or recognize a need to improve physical dexterity without mentioning physical therapy. Parents should carefully review evaluations as well as progress reports to see if some related services might be appropriate for their child, and if so, request that such services be provided.

If parents are advised by a therapist, doctor, or other professional that their child has an educational need for a supportive service such as physical therapy, a statement from that person should be provided to the special education department. An example of a letter requesting physical therapy is included at the end of this section.

In Louisiana, many special education departments continue to rely upon criteria for eligibility for certain related services in a manner that categorically denies services to students with severe disabilities. For example, they may state that a student's "functional" age is so far below his or her chronological age that s/he is not eligible for services. Because the federal law requires that all such decisions be based upon the individual educational needs of each child, it is not appropriate to categorically deny services to all students who fail to function at a certain level. Parents of such students should insist upon an individualized decision about their children's need for related services, based upon evaluation data and professional opinion.

There are three possible **models for delivery** of related services. In Louisiana, related services (such as occupational therapy) may be provided (1) on a direct basis, (2) on a consultative model, or (3) on a tracking/monitoring model. This means that depending on the individual student's needs, therapy may be provided directly by the therapist, or the therapist may train the student's teacher in the proper manner for using the exercises. The teacher will then incorporate the exercises into the child's daily classroom activities as required by the IEP. The tracking/monitoring model consists of directly observing the student in different educational environments, talking with his parents and school staff and conducting any needed assessments. This model of service is usually the last level provided before a student exits the program. However, it may be used for students who are initially entering the program but who need very little assistance.

The need for direct, monitoring/tracking or consultative services should be determined on a case-by-case basis. The consultative and monitoring/tracking models are the least restrictive because they allow a student to remain in class and are used to enhance the student's skills while (s)he remains in the special education environment. A physician's or professional therapist's statement mentioning the child's condition, with recommendations for implementation of therapy, is helpful to give to the IEP Coordinator who is in charge of developing the IEP as well as to the Special Education Director. This will document the need for a particular service model.

What to Do if a Requested Service is Refused

If the school system refuses to provide a requested service, the parent should try and negotiate his/her point of view. A letter to the Director of Special Education Services explaining why the child needs the service should be written, and if available, the parent should attach a statement from a professional to the letter. The parent should ask for an IEP meeting for the purpose of discussing the need for a particular service and to amend the IEP.

The decision regarding whether to provide a particular service and the times and manner in which it will be provided should be based upon the child's documented needs and not whether the school system has personnel to provide the needed service. For example, if the child needs speech therapy, this should be written on the IEP document even if the school system does not have a speech therapist available to provide the service. If, at the IEP meeting, the school system will not agree to the service, then the parent has the option of filing a complaint with Complaint Management, requesting mediation, or asking for a due process hearing if the child is being harmed by the denial of the service.

Transition

All local education agencies must include, as part of the IEP, an Individualized Transition Plan in as part of the educational goals of special education students aged 16 and older. The plan can be developed before age 16 if the IEP team agrees that it is appropriate, but must be included no later than the first IEP to be in effect when the child turns 16, and it must be updated annually.

The purpose of the Transition Services requirement is to focus attention on how the student's educational program can be planned to help him/her make a successful transition to his/her goals for life after s/he completes secondary education. The plan must include appropriate measurable post-secondary goals based on age appropriate transition assessments related to training, education, and, where appropriate, independent living skills. The target areas for transition planning may include the following areas:

- Post secondary education
- Employment
- Living arrangements
- Homemaking activities
- Financial/income needs
- Community resources
- Recreation and leisure
- Transportation

- Medical services
- Relationships
- Advocacy/legal

The transition plan must include the transition services (including courses of study) needed to assist the child in reaching those goals.

Long Term Educational Program

At the IEP meeting, it will be determined what type of long-term educational goals a student will follow. If the child is going to earn a regular high school diploma, then the program and services will be developed in a manner to assist the child in achieving that goal.

Louisiana also offers alternatives to the regular diploma option, which includes either involvement in the Pre-GED / Skills Option Program, or a Certificate of Achievement.

The Pre-GED / Skills Option program is a program that is an alternative to a regular education program. A student who pursues this option will, if successful, receive a Louisiana Equivalency Diploma and / or a Skills Certificate, not a standard High School Diploma. Individual students may be considered on a case-by-case basis to re-enter the regular program. To be eligible for this program, the student must be 16 years of age or older, and meet one of the following criteria:

- Failed 8th grade LEAP 21 English language arts or math for one or more years;
- Failed English language arts and / or math, and science and / or social studies portions of the GEE;
- Have earned not more than 5 Carnegie units by age 17, not more than 10 Carnegie units by age 18, and not more than 15 Carnegie units by age 19; and / or
- Participated in out-of-level testing or alternate assessment.

A Certificate of Achievement is an exit document issued to a student with a disability after he or she has achieved certain competencies and has met the following specified conditions:

- The student has a disability under mandated criteria;
- The student has participated in Louisiana Alternate Assessment Program;
- The student has completed at least 12 years of school or has reached the age of 22 (not to include children under the age of 16);

- The student has met attendance requirements;
- The student has addressed the general education curriculum as reflected on the student's IEP; and
- Transition planning for the student has been completed and documented.

Receipt of the certificate shall not limit a student's continued eligibility for services unless the student has reached the age of 22.

In choosing the type of program for particular students, parents should consider their age, their past successes and difficulties in school, and their likely life goals. In making these decisions, parents should be consider the child's abilities and the vocational and academic goals the parent would like the child to accomplish while in school. The special education long-term educational goal choice can be changed at any time at a subsequent IEP meeting.

Adult Education

When a student is eligible and the school system operates an adult education program, that program should be considered, when appropriate, as an option for providing special educational services. When this program option is selected via the IEP process, the adult education teacher may attend any IEP meeting(s) and must make appropriate instructional modifications for the student. For example, a student may work toward completion of a GED as part of his/her special education program, as described above. While placed in the adult education program, the student cannot be enrolled in any program(s) offered in the K-12 system.

For information on the content of the individualized education program see: Bulletin 1706, Subpart A § 320; 34 C.F.R. § 300.320. For information on related services see: Bulletin 1706, Subpart A § 905; and Bulletin 1508.

**SAMPLE LETTER
REQUESTING PHYSICAL THERAPY
(Be sure to keep a copy for your records)**

This sample letter may be adapted to request other types of related services.

(Date)

(Name)
(Title of person in charge of developing IEP)
(Address)

RE: (Child's name)
(Date of birth)

Dear (Name):

My son/daughter (name of student) is a student in the (type of class, i.e. behavior disordered, orthopedically handicapped, etc.) at (name of school). It has been recommended by (name and title of professional) that (name of student) receive physical therapy for the following reasons (give reasons mentioned in physician or therapist statement). Attached is a copy of the report from (name of physician, etc.). I look forward to hearing from you by (date) in order that we might discuss the need for either further evaluation of (child's name)'s need for physical therapy, or to schedule an IEP meeting to plan for implementing such services.

Thank you for your assistance.

Sincerely,

(Parent's name, address and telephone number)

cc: (Name of Special Education Director)
(Name of Principal of School)

3.2 ASSISTIVE TECHNOLOGY

Introduction

Assistive technology for individuals with disabilities can assist in a wide range of activities such as positioning and mobility, augmentative communication, recreation, learning, and creating an accessible environment. These activities have the potential to enhance an individual's environment and skills thus improving independence, inclusion, productivity, and quality of life. The Individuals with Disabilities Education Act of 1997 (IDEA) explicitly includes assistive technology as an area to be considered when developing a child's Individualized Education Plan (IEP). Assistive technology should also be considered early in a child's life when devising an Individualized Family Service Plan (IFSP). Children who do not qualify for special education services under IDEA may still qualify for assistive technology devices and services under Section 504.

Assistive Technology Devices and Services

In general, assistive technology is any mechanical, electronic or computer-based equipment, non-mechanical or non-electric aid, or specialized instructional materials that persons with disabilities can use to assist them in learning, making their environment more accessible, competing in the work environment, enhancing their independence, or otherwise improving their quality of life. IDEA defines an assistive technology device as:

"... any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability." (20 U.S.C. § 1401 (1))

This is a broad definition and includes a range of devices from low technology to high technology items as well as software. Adapted toys and computer games; remote control switches; electronic devices that allow children with disabilities to express their thoughts; silverware with built-up handles; dishes with raised edges for "scooping"; seating, positioning, and mobility devices; and simple personal care and dressing aids are just a few examples of assistive technology.

IDEA defines an assistive technology service as "any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device."

Specifically, assistive technology services include:

- The evaluation of the needs of such child, including a functional evaluation of the child in the child's customary environment;

- Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by such child;
- Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- Training or technical assistance for such child, or, where appropriate, the family of such child; and
- Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of such child. (20 U.S.C. § 1401(2))

School districts are responsible for helping individuals with disabilities select and obtain appropriate assistive technology devices. Additionally, school districts assist in training on the use of the devices. School districts are also required, on a case-by-case basis, to make available the use of school-purchased assistive technology devices in a student's home if the student's IEP team has determined that this is appropriate.

Medicaid covers many of the health care services that may be needed by students with disabilities, including assistive technology. Where health related services costs are incurred in the provision of FAPE, parents of a child with a disability cannot be forced to use their private insurance when it would cause the parents to incur a financial cost or would reduce lifetime benefits available under the insurance policy. Where this does occur, parents should be reimbursed for the amount of the reduction. A school district may access private insurance and Medicaid to pay for special education services, but where this would result in a threat of financial loss, use of the insurance must be voluntary. In no case may a school district condition special education services on parents consenting to file an insurance claim.

Determining Assistive Technology Needs

The definition of "assistive technology service" now makes it clear that special education evaluations can include an evaluation of the individual's need for and potential benefit from assistive technology devices. Parents of children with disabilities can now request that they be evaluated under this provision, and then be provided whatever services and devices are found to be appropriate as a result of the evaluations. A parent has the right to seek an independent evaluation at public expense if the school district does not evaluate the child's assistive technology needs or when a parent disagrees with the school's evaluation. School districts may not deny assistive technology devices or services to a child with a disability

before determining whether such technology is part of that child's free appropriate public education. The need for assistive technology devices or services must be considered on a case-by-case basis by the IEP team.

Assistive technology devices or services should be considered when a student is initially assessed to determine eligibility for special education and whenever s/he is re-evaluated. If an assessment reveals that a student is eligible for special education and related services under IDEA or Section 504, or needs accommodations for a disability under Section 504, then the multi-disciplinary team should consider assistive technology needs when making recommendations for the IEP or IFSP. The team should analyze what is required of nondisabled students of the same age and determine how many of these requirements could be completely or partially fulfilled by the student being assessed, if that student had access to appropriate assistive technology devices or services.

The student should be evaluated by a multi-disciplinary team that includes educators and therapists who are knowledgeable about the school curriculum and the particular types of impairments of the student being assessed. For example, for a student with cerebral palsy, an assistive technology evaluation might involve a teacher, a physical therapist, a speech and language clinician and an occupational therapist. The therapists would assist the teacher in determining what skills the student needed to learn and how technology might assist the student in acquiring those skills. The speech and language clinician should be able to assess the student for technology needs, prescribe appropriate communication devices, and be able to program the devices for student use. The speech pathologist should also teach the student how to use the devices effectively so that the student may improve speech and language while using the equipment.

Parents and caregivers for students with disabilities can also be contributors to the team. They can give information about the technology solutions that

are helpful in the home situation and can make suggestions about how the student could best function at school if supports were supplied.

The multi-disciplinary team members can provide assessments and information to the IEP team or those developing the IFSP (which may include different members) regarding possible assistive technology needs, so that the IEP or IFSP team is informed when making recommendations for students' IEPs or IFSPs. Some assistive technology evaluations might require the additional services of an adaptive physical education teacher, a rehabilitation counselor, or a speech and language pathologist with specialized training in augmentative communication. In school districts where there is no specialized expertise in technology, it may be necessary to contract with centers or individuals that focus on technology assessment.

Parents always have the right to express their dissatisfaction with an assistive technology evaluation by requesting that the school district conduct an independent evaluation at its own expense. Parents can also challenge the school's decision by requesting a due process

hearing.

Assistive Technology in the IEP or IFSP

Assistive technology devices and services should be considered as an option for every IEP or IFSP. Some students will not require technology to meet the goals of the IEPs or IFSPs, but many students will benefit from certain technologies that will help them compensate for their disabilities. Technology should be included in the IEP or IFSP whenever it is necessary to support the student in making reasonable educational progress in the least restrictive setting.

Assistive technology devices and services can be included in the IEP in a number of ways. They may be part of the student's annual goals or short-term objectives. They may also appear in a list of specific accommodations that need to be made in order for the student to function in the least restrictive environment. For example, the IEP might include such accommodations as the use of a word processor, use of a calculator, or use of a hand-held spelling checker. In addition, the IEP may specify a related service that addresses the use of an assistive technology device or service, which will help the student benefit from his or her education. For example, the related services section of the student's IEP may provide that the student will receive training in the use of a specific assistive device.

Assistive technology may also be included in the transition portion of the IEP for students 16 and over (or younger if the team developed a plan earlier than age 16).

Often Asked Questions and Answers

Does my child need to master certain prerequisite skills or developmental milestones in order to use assistive technology?

- **ANSWER: NO. Mastery of prerequisite skills or developmental milestones is not necessary in order for the student to use assistive technology.** For example, some educators assume that students cannot be allowed to use computers until they have completely mastered keyboarding skills. This is a false assumption. Many students benefit from using computers, even though they are able to operate the machine by using only one or two keys. Similarly, students with limited verbal ability who have not mastered oral speech benefit from using augmentative communication devices while they continue to develop oral language.

My child would benefit from a computer. Is the school district required to provide it?

- **ANSWER: IT DEPENDS.** Children are entitled to a Free Appropriate Public Education, NOT the Best Public Education. Schools that oppose specific

educational programs or services on the basis of appropriateness are almost always attempting to save money, protect the school's control over the design of the program, or both. **In order for the school to be required to provide a computer, the computer must be necessary in order for the student to benefit from his/her education.** Parents must look to the description of the child's program before the computer-aided instruction is considered and ask:

- Does the child have access to all the instruction and other activities that are available to other children his/her age?
- Has the child reached the same level of social maturity as his/her peers?
- Is the child placed in a regular classroom, receiving mainstream curriculum?

For almost all students who are appropriate candidates for computer-aided instruction, the answer to these questions is almost certainly "no."

The next question is whether the school has set instructional and related service goals that will enable the student to achieve those performance levels before reaching age 21. The answer to this question is likely to be "no," as well.

Where computer aided instruction would provide significant opportunities to the student that were previously considered unattainable, such as participation in a regular classroom, employment, or independent living, it would be "appropriate," not "best," and should be provided.

Parents should be especially suspicious when an IEP does not include functional skills development and/or academic skills development goals. For example, a school may omit expressive communication goals for students who are nonverbal. By not including this type of goal, the school is assuming the student cannot benefit from any type of instruction in that area. For these students, computer aided instruction may enable them to increase learning, communication skills, develop friendships, and participate in extracurricular activities that were previously thought unattainable.

When no such goals are stated in the child's IEP, the school must show that the student could not develop such skills even with computer aided instruction or an augmentative device. This will be extremely difficult for the school district to prove.

In general, computer technology may open up many new opportunities to students with disabilities. Schools may not simply use the excuse that the provision of such technology will amount to the "best" education, and not an "appropriate" education.

May my child take assistive technology devices home?

- **ANSWER: YES. Assistive technology devices may be taken home at night, on weekends, or over the summer if use in other settings is included in the IEP as determined by the IEP team.** Furthermore, the school system may have to provide a second device for use at home, if transport is impractical.

Schools often give the excuse that the devices are expensive and perhaps fragile. This excuse can limit the child's development and moreover, it is irrelevant. If a child uses a communication device at school, for example, there is no reasonable justification to restricting it to that setting. Communication devices can be most closely compared to a part of the child's body, substituting for his/her own verbal apparatus. Viewed in this manner, a child cannot be expected to leave part of his/her body at school.

IEP goals should equate the device with other "things" children are permitted/expected to take home with them. For example, an IEP goal should state that the child is to develop greater functional skill in the use of the device. If this is present on the IEP, learning the device becomes a substantive part of the child's program. As such, the child would be able to take the device home just as any other child can take home a textbook or other school resource to practice his/her lessons.

A second IEP goal should state that the child should develop increased substantive skill in expressive communication, social skills development, and demonstration of academic skills. To achieve these goals, the child will have to take the device home to practice his/her lessons, just as other children take home their texts.

Where applicable, a third IEP goal must focus on communication partners, such as parents, siblings, and friends. Use of an augmentative communication device requires special skills on the part of these persons. Just as the IEP must state that all persons in the child's school day must learn these skills, so too should it state that these skills will be learned by persons in the child's home and community.

If these types of goals are included in the IEP, schools will not be able to justify restricting devices to school grounds.

Louisiana Assistive Technology Access Network (LATAN)

LATAN assists individuals with disabilities to achieve a higher quality of life and greater independence through increased access to assistive technology as part of their daily lives. LATAN serves Louisiana citizens of all ages with all types of disabilities and limitations due to aging who need assistive technology and daily living aids. This includes aids that individuals use to assist them in daily activities, such as canes, wheelchairs, communication devices, hearing aids, keyboard alternatives, and vision aids. For more information on Assistive Technology and how to obtain it, or information on how to reach the Assistive

technology Coordinator for your area, call LATAN at: 1-800-270-6185 (voice/TDD/TTY) or (225) 925-9500. More information about LATAN can be viewed online at www.latan.org .

For information concerning assistive technology see: Bulletin 1706, Subpart A § 105 & § 905; 20 U.S.C. § 1401(1-2); 34 C.F.R. § 300.5-300.6 & 34 C.F.R. § 300.8.

**SAMPLE LETTER
REQUESTING AN ASSISTIVE TECHNOLOGY EVALUATION
(Be sure to keep a copy for your records)**

(Date)

(Name of Director or Supervisor of Special Education)

(Name of School)

(Address of School)

Dear (Name of Director or Supervisor):

I am the parent of (name of student). I have studied the reports of the school's assessment of my child and feel that (he/she) was not evaluated with respect to (his/her) needs for assistive technology devices and services. I therefore request that an assessment of those needs be conducted as soon as possible.

Thank you for your help. I look forward to hearing from you by (insert date one week from date you mail the letter) if you do not plan to consider my request. Otherwise, please contact me so that we can arrange a time and a place to further discuss additional evaluation of (name of student)'s need for assistive technology.

Sincerely,

(Parent's name, address, and telephone number)

cc: (School Principal)

3.3 INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Introduction

The IEP is a written plan, designed specifically for one student. It is developed at a meeting with the parent, school personnel and, if appropriate, the student. Although the IEP is not as detailed as a teacher's lesson plan, the IEP must list annual goals for each area of need, the manner in which progress will be measured, and when progress reports will be provided. For children who take alternate assessments, the IEP must also list a description of benchmarks or short-term objectives for each area of need. The IEP must include a description of the student's present levels of educational performance, and how the disability affects the child's involvement and progress in the general curriculum.

The IEP also states the student's education needs and the special education and related services the school will provide to meet those needs. Beginning at age 16, the IEP will include a statement of the necessary transition services for those students. The IEP is the basic program plan for a student with a disability, and the placement in a particular school, class, or activity is based on the IEP.

The parent is a member of the IEP team and has the right to participate in writing the IEP at the IEP meeting. The other members of the IEP team include: the student's special education teacher, regular education teacher (if the child is participating in regular education), a representative of the local educational agency, other individuals who have knowledge or expertise regarding the child and where appropriate the student. Parents should prepare for the meeting and give their ideas so that the IEP is workable, complete, and appropriate for the student's educational needs. The school district must ensure that the IEP is accessible to each of the student's teachers and service providers. In addition, each teacher and provider should be informed of his/her responsibilities and of the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.

The IEP for every student with a disability must address how the student will be involved and progress in the general curriculum. The IEP must also address all of a student's identified special education and related services needs based on need and not the disability. The IEP team must consider certain special factors when determining the IEP, including the behavior of a student that impedes his/her learning, any limited English proficiency, Braille needs, communication needs, and assistive technology needs. In addition, the IEP must consider, as appropriate, the results of the student's performance on any general State or district-wide assessments.

Types of Individualized Education Plans

- The **Initial IEP** is developed for a student with a disability who has met criteria for one or more of the exceptionalities outlined in the Pupil Appraisal Handbook, Bulletin 1508, and who has never received special educational services, except through an interim IEP, from an approved Louisiana school or program.
- The **Review IEP** is revised annually, or more frequently if needed, to consider the appropriateness of the program, placement and any related services needed by the student.
- The **Interim IEP** is developed while an evaluation is being conducted for students who have severe or low incidence impairments documented by a qualified professional. The interim IEP shall also be developed for students who have been receiving special educational services in another state, including services comparable to those described in the previously held IEP, until the school system adopts the previously held IEP or develops, adopts and implements a new IEP that is consistent with Federal and State law.

Preparing for the IEP Meeting

It is important to properly prepare for the IEP meeting. The more information you have at hand, the more productive the meeting will be. Being prepared will also reduce any anxiety you may be experiencing.

The steps listed below are suggestions you may want to consider when preparing for your IEP meeting.

- **Talk to your child.** Find out how your child feels about school. Find out his or her likes and dislikes. Ask if there is something your child would like to do better.
- **Visit your child's classroom.** Make an appointment to observe your child in the classroom.
- **Review your child's records.** Make an appointment with your school prior to your IEP meeting and review what is contained in your child's record.
- **Before the IEP meeting, be sure you understand the nature and basis of your child's classification.** Do you have enough information? Have you reviewed the evaluation reports? Do you understand the meaning of the classification?
- **Prepare to share what you know about your child.** Jot down some notes about your child to bring to the meetings, such as interests, hobbies, relationships with family and friends, behavior at home, things your child does well, and things with which your child has difficulty.
- **Prepare your own questions.** Look at components of the IEP form and write a list of questions you would like to discuss at the meeting. Bring the list with you.

- **Find out who will be attending the meeting.** Call the school and ask who will be participating at the meeting. Is there anyone not included from school or outside the school whom you would like to invite? Notify the district if you intend to bring someone from outside the school (friend, advocate, outside evaluator, etc.). It should be someone who has knowledge of your child and/or special education services. Make sure the school system's personnel list above will be in attendance.
- **Be prepared to discuss your expectations for your child.** Jot down what you think your child needs and the extent of progress you would like to see during the year. You should consider your child's vocational and pre-vocational needs. This applies to children of all ages.
- **Bring any recent evaluations or reports done outside the school** that you think will be of value.
- **Bring samples of your child's work from activities done in or out of school** that you feel say something about your child. These could be out-of-school samples as well as schoolwork.
- **Talk to other parents.** Talk to others you know who have attended IEP meetings to learn from their experiences. If you do not know other parents, call one of the local parents' associations to ask for information.
- **Ask your child if he or she would like to attend the meeting.** Talk it over with him or her, and discuss it with school personnel.
- **Keep a file of your communications with the school.** Record the times, dates, and the names of the people you speak with and the subject matter of the conversation. You might include letters you send, letters you receive, telephone calls, report cards, and samples of your child's work.

Tips for Parents

The following tips are meant to help you before, during, and after your IEP meeting:

- Remember that you have an equal role on the IEP team.
- Be prepared for the meeting.
- Get anger and frustration out before the IEP meeting. Take a friend with you and, if necessary, have the friend speak for you.
- If you get upset or angry, ask that the meeting be discontinued until a later date.
- Learn and use assertiveness skills.

- A parent should be allowed to tape an IEP meeting.
- You may disagree with the IEP. You do not have to sign it. You may sign it and write an explanation of why you object to certain parts.
- An IEP must be developed prior to placement in special education.
- Goals should be written in language you understand and in a manner to show progress.
- All related services should be listed.
- The IEP should list specific services. The child's education is not limited to academics. Any service the child needs to benefit from his or her educational plan should be listed.
- Insist that services listed in the IEP are based on needs, not on availability of services.
- Get a copy of the IEP for your records. One must be provided without cost to you.
- You may request a review of your child's IEP at any time during the school year.
- Observe your child's program to ensure goals are met and services are provided, and monitor your child's progress.

The IEP Form

The school district may draft the goals and objectives prior to the IEP meeting. It is completed during the IEP meeting, usually by a teacher. If a school district uses a draft IEP, it must allow for changes to the draft document, following full parental participation. It is crucial that you understand everything that is written on the form.

NOTE: Before proceeding with the conference, make sure that you have received a copy of your rights, a copy of the State Department of Education brochure on "Least Restrictive Environment," a copy of the "Extended School Year Fact Sheet," and that you were given an opportunity for an oral explanation. Also, if it is an initial IEP conference, be sure you receive a copy of your child's evaluation and had an opportunity for oral explanation of the evaluation. **It is important that you understand your rights and your child's rights before the IEP meeting, and that you understand the information contained in your child's evaluation.**

A complete IEP is made up of the following forms:

- Transition Services form (for students age 16 and over)
- General Student Information Form

- Instructional Plan form
- Accommodations form
- Program / Services form
- Placement / Least Restrictive Environment form
- Site Determination form

Transition Services page

This page must be completed at least annually once the student turns 16, but may be completed earlier if the IEP team agrees.

General Student Information page

Primary Exceptionality is chosen from several categories under which qualifying students receive special education and related services [see LA State Bulletin 1508]:¹

- Autism
- Developmental Delay
- Specific Learning Disability
- Emotional Disturbance
- Mental Disability
- Traumatic Brain Injury
- Multiple Disabilities
- Orthopedic Impairment
- Deaf-Blindness
- Visual Impairment
- Hearing Impairment
- Speech or Language Impairment
- Other Health Impaired
- Gifted
- Talented

IEP Participant Signatures must be those of people who actually attended the IEP meeting. Signing indicates attendance only; it does not mean acceptance or agreement.

Official Designee of System [sometimes called ODR] is the person in attendance who has the authority to commit system resources to meet the student's needs.

General Student Information should not just recite test scores, list a multitude of weaknesses, or catalogue every behavior issue the student has ever experienced.

1. Bulletin 1508 and other useful materials can be easily downloaded from the Louisiana State Department of Education website at www.louisianaschools.net.

Instructional Plan page

Educational Need Area...the top section must be filled out for every subject area in which a student receives special education services. Likewise this should also be completed if the student has goals for behavior, life skills, social skills, etc.

Measurable Short-term Objectives must be listed for students taking alternate assessment, and may be listed for students taking regular assessment if the IEP team agrees to do so.

Accommodations page

Accommodations are to be designed for the general class setting and are not limited to those listed on this page.

Accommodations listed in bold on this page may be offered during statewide assessment IF they are checked off on this page, actually provided during class throughout the year, and also are indicated on the Program/Services page.

Program/Services page

Louisiana Educational Assessment Program [LEAP] ... this section must be completed and indicate whether the student will take LEAP or alternate assessment. If alternate assessment is the IEP team's decision, then an additional form must be completed and attached to the IEP.

LAA 1 is LEAP Alternate Assessment, Level 1 for students with significant cognitive disabilities. The test is performance based and usually tests the student's level based on functional skills. A student who takes LAA 1 is not currently working toward a diploma.

LAA 2 is LEAP Alternate Assessment, Level 2 for students with persistent academic disabilities. A student who takes LAA 2 may be currently working toward a diploma. *This is new - Beginning with the 2009-2010 school year, students taking LAA 2 MAY earn a regular high school diploma.*

Accommodations for LEAP must be checked here, must also be checked on the Accommodations page, and must actually be given in class throughout the year.

Supports needed for School Personnel is the perfect place to write that the IEP team recommends a specific type of training for personnel or if some team members believe an additional paraprofessional is needed, etc.

The Student's Total Instructional Day grid indicates how many minutes per day are spent in various settings. The total number of minutes spent in general education settings will indicate whether the student's placement is in general, resource, or self-contained classes.

Extended School Year Program [ESYP] must be checked if the student is to be screened for participation in ESYP. There is a separate ESYP IEP form that should be completed at an IEP meeting before the student begins attending ESYP.

Placement/Least Restrictive Environment page

The Placement/Service Determination Checklist should list actual reasons why the student's needs can or cannot be met in a particular environment.

Site Determination is not *placement*. It refers to the physical location of the student's programming [the actual school location]. *If the site is not the school the student would have attended if he/she were not disabled, then a separate Site Determination Form must be completed and attached to the IEP.*

Parent/Student Decisions...this is the signature that indicates the parent [or the surrogate parent, or the guardian, or the adult student] agrees with and accepts this IEP.

ODR signature...the Official Designee of System must sign here, indicating that the system is now obligating itself to implement this IEP.

Specific IEP instructions, copies of each of the IEP forms, and related documents can be found at <http://www.doe.state.la.us/LDE/eia/505.html>

IEP Implementation Assurance

After the IEP conference, a parent ensures implementation by:

- Observing classroom activities;
- Asking how a parent can be of assistance in the classroom or to the teacher;
- Watching the student's emotional state (happy, unconcerned, enthusiastic, despondent, etc.)
- Progress reports and other correspondence with teacher(s).

For information on the IEP see: Bulletin 1530, Bulletin 1706, Subpart A § 320-324 and 34 C.F.R. § 300.320-300.324.

**SAMPLE LETTER
REQUESTING IEP MEETING
(Be sure to keep a copy for your records)**

(Date)

(Name of Principal)

(Name of School)

(Address of School)

Dear (Name of Principal):

I am the parent of (name of student). I recently reviewed my child's IEP and I believe it needs to be changed. I request that an IEP committee meeting be held as soon as possible.

Thank you for your help. I look forward to hearing from you within ten school days of the date you receive this letter so we can arrange a time for the meeting.

Sincerely,

(Parent's name, address and telephone number)

cc: (Supervisor or Director of Special Education)

3.4 PLACEMENT

Introduction

A child's educational placement is the setting where he/she will receive instruction. Placement is not a building or a specific school. In considering the educational placement of each exceptional child, the IEP/Placement Committee must ensure that the placement is based upon the IEP and is made in conformance with the principle of least restrictive environment. A discussion of a child's placement should come only after a thorough discussion of the child's program. Parents of each child with a disability shall be members of any group that makes decisions on the educational placement of their child.

Least Restrictive Environment

Federal and state law requires that students with disabilities be educated in the least restrictive environment (LRE). This means that students must be educated, to the maximum extent appropriate, with students who do not have disabilities. Your child's IEP meeting should begin with the **assumption that your child will be educated in the school he or she would attend if he or she did not have a disability**. Any other recommendation, including a recommendation that your child attend special classes in the home school, must be justified in writing on the IEP. Separate schooling or other removal of children with disabilities from regular environments occurs **only if** the nature and severity of the disability is such that education in regular classes can't be achieved with supplementary aids. However, your child cannot be denied placement or removed from a regular classroom solely because of needed modifications in the general curriculum.

The principle of LRE is based upon the fact that, in school, children learn more than academics. They learn how to relate to others; they learn values; they learn how they are seen; they learn to grow. Children learn by example from their chronological peers. More restrictive settings do not prepare students for less restrictive environments when they move out into the world.

Segregated settings prepare students to function in segregated settings. While this statement *is not* meant to deny that some good programs can be found at special schools, it *is* meant to emphasize that no segregated setting can provide students with the full range of situations they will need to experience in order to learn how to handle the "real world." How better to learn how to act appropriately in public than by being in public situations? How better to learn how to maneuver around obstacles than by being exposed to them?

Ironically, students with severe disabilities are probably the ones who benefit the most from integration or inclusion. In general, the more severe the disability, the harder it is to transfer skills from one setting to another. This is why model programs for students with severe

and multiple disabilities stress teaching students to function in typical school and community settings.

In keeping with this philosophy, under both federal and state law, placement must be:

- With students who are not disabled, to the maximum extent possible;
- In the school the student would attend if not exceptional, unless the IEP specifies a different placement;
- As close to home as possible;
- In regular classes with the assistance of supplementary aids and services, unless the school system can show the student's educational goals cannot be achieved satisfactorily in such a setting.

Federal and state law also require that placement decisions:

- Be made annually;
- Be based on the IEP/Placement document;
- Be based on the individual needs of the student;
- Take into consideration any harmful effects to the student.

Under state law:

- No student may be placed in a setting that violates the maximum pupil/teacher ratio or the three-year chronological age span unless the school system has obtained a waiver from the state;
- All special education programs must meet the standards of the state board;
- Physical education services must be provided to students with disabilities in the regular physical education program and may be different from regular physical education only if the student needs adaptive physical education;
- Least restrictive environment rules may not be waived by anyone, including the parent.

On each IEP site determination form, the school system must certify:

- The student is being placed in the school s/he would attend if not exceptional;

- The school and class selected are chronologically age appropriate for the student;
- The school selected is accessible to the student for all school activities;
- The classroom is comparable to and integrated with regular classes.

If any of the above certifications cannot be made, a detailed explanation must be given explaining the reasons for the selection of the school.

Inclusion

Many of the criticisms of LRE, which is also referred to as "integration" or "inclusion," have missed the real meaning of the concept. The principle simply means that when a school district educates a child with a disability, it should do so in a way that least limits or restricts that child's opportunities to be near and interact with other typical children. It does not mean, "Do away with special services," or "Integrate, but do not give the necessary support services to the child and teacher to make it work." Rather, inclusion does mean:

- Educating all students with disabilities in regular school settings regardless of the degree or severity of their disabling condition(s);
- Providing special services within the regular schools;
- Supporting regular teachers and administrators;
- Having students with disabilities follow the same schedules as non-disabled students;
- Involving students with disabilities in as many academic classes and extracurricular activities as possible, including art, music, gym, field trips, assemblies, and graduation exercises;
- Arranging for students with disabilities to use the school cafeteria, library, playground, and other facilities along with non-disabled students;
- Encouraging friendships and social relationships between non-disabled and disabled students;
- Arranging for students with disabilities to receive their education and job training in regular community environments when appropriate;
- Teaching all students to understand and accept human differences;
- Placing students with disabilities in the same schools they would attend if they did not have disabilities;
- Taking parents' concerns seriously; and

- Providing an appropriate individualized educational program.

Inclusion does not mean:

- "Dumping" students with disabilities into regular programs without preparation or supports;
- Locating special education classes in separate wings at a regular school;
- Grouping students with a wide range of disabilities and needs in the same program;
- Ignoring student's individual needs;
- Exposing student to unnecessary hazards or risks;
- Placing unreasonable demands on teachers and administrators;
- Ignoring parents' concerns;
- Isolating students with disabilities in regular schools;
- Placing older students with disabilities at schools for younger students or other age-inappropriate settings; and
- Maintaining separate schedules for students in special education and regular education.

For more information on LRE, call Project PROMPT for a copy of "Purposeful Integration ... Inherently Equal." For more information on Inclusion, call the Clearinghouse on Inclusive Education.

Continuum of Educational Placements to Meet LRE Requirements

A range of educational placements must be available in order to implement each child's IEP. When deciding your child's placement, you should start at the top of the continuum and work downward, if necessary, to the placement appropriate for your child based on the completed IEP document.

The continuum, at a minimum, includes the following:

1. Instruction in regular classes, including
 - (a) supplemental aids and services provided to the student, and/or
 - (b) special education instruction
2. Instruction in special classes, all or part of the day;

3. Special school, all or part of the day;
4. Homebound;
5. Instruction in hospitals and institutions.

Movement to More Restrictive Placement

Before a student can be moved to a more restrictive setting, s/he must be reevaluated. Informed parental consent must be obtained before conducting any reevaluation, unless the Local Education Agency can show that it took reasonable measures to obtain that consent and the parents did not respond. The reevaluation must meet all the requirements of Bulletin 1508. Frequently, school systems will suggest more restrictive placements, such as a special school or homebound instruction, when all possible programs and interventions in a less restrictive setting have not been explored. Parents should ask for information about alternatives that have been tried before consenting to a more restrictive placement. They should also carefully review any reevaluation that supports movement to a more restrictive setting to ensure that the evaluators have a basis for concluding that such a change is necessary.

Direct Service Rules

For the most part, school systems must directly provide special education services unless there exist in the school system an insufficient number of exceptional children who need similar alternative settings. When that situation occurs, the school system can consider some alternatives:

- Placement in an approved cooperative program operated by more than one school system;
- Placement in an approved public day educational program outside of the school district;
- Placement in an approved non public day educational program in or outside of the school district;
- Placement in an approved public or non-public residential educational program.

School systems should only approve placements outside the system after considering:

- The alternative educational placements available within the school system or through a cooperative agreement;
- The short-term and long-term educational needs of the child;

- The potential for creating a new alternative placement within the school system or by cooperative agreement;
- The proximity of the placement to the child's home.

Residential Placement

A residential facility is one in which the student both lives and goes to school. If a student needs 24-hour residential placement, then the school district must see that it is provided at no cost to the parent. This is only an option if the school district is not able to provide the services locally and **the student cannot benefit from education without the structure and support provided by a residential facility.**

If a student is placed in a residential program, the school district or state must pay for room and board and non-medical costs at the residential facility. Medical costs for which the school district does not have to pay include medication and services that can only be provided by a physician, optometrist, or dentist. Psychotherapy is one service which can be provided by a psychiatrist as part of the IEP and is not considered to be a medical service because it is a service other professionals (such as psychologists) can provide.

If a student in a residential placement receives education services at the facility, then the facilities, equipment, and programs must be appropriate for the student, and similar to what the student would have at the regular school, although they do not have to be exactly identical.

Private School Placement

If the parent takes their child out of the public school because h/she strongly believe the child's education needs are not being met and places him/her in a private school, the parent may be able to get reimbursement for the cost of the placement. In that case, the parent would have to prove through Due Process proceedings that the school district did not make FAPE available to the child in a timely manner prior to the enrollment, and that the private placement is appropriate. **Removal from the public school and placement in a private setting without prior approval of the IEP committee subjects parents to considerable financial risks should they not succeed in proving the public setting was inappropriate, and it is recommended that a parent seek the advice of an attorney before taking this step if reimbursement of the financial cost is a priority.** For more information, see Bulletin 1706, Subpart A § 461 and 462.

Accessibility

Public schools are subject to the accessibility rules of the Americans with Disabilities Act and

Section 504 of the Rehabilitation Act. If a student has a physical disability, the program in which he or she is placed must be free of architectural barriers. Depending on when the building was constructed and whether or not has undergone any substantial renovations, this does not necessarily mean that the entire building and campus must be physically accessible. Although every classroom may not have to be accessible, every program does. For example, if a student uses a wheelchair, he or she must be able to use the entrance and a bathroom, as well as common areas in the school (such as the cafeteria and library). Also, his or her classes must either be on the first floor or be accessible by elevator. Complaints about lack of accessibility in school programs should be directed to the

**United States Department of Education
Office for Civil Rights, Dallas Office
1999 Bryan Street, Suite 1620
Dallas TX 75201**

Placement During Due Process Hearings and Court Appeals

If the parent chooses to challenge the school's assessment, program, or placement in a due process hearing, the current placement must continue until the hearings and appeals are finished, including any court action that may follow the due process hearing. This is called "stay put". This means that if the child is where the parent wants him/her to be and the parent is contesting the school district's proposal to change the placement, the child will stay in the current placement until the entire process is complete.

However, if the placement is not where the parent wants, s/he will usually have to wait until the end of the hearings and appeals process before there is any change in the placement. If the parent loses at the hearing, the placement will not be changed.

If the child is not currently in public school and the parent is trying to get him/her in school, then there must be placement in the public school, with parental consent, during any hearings and appeals.

There are two exceptions to the above: First, during the hearings and appeals process, the placement can be changed with the consent of all parties. Second, when the appeal involves a change in placement due to disciplinary action, the child may be placed in an interim alternative setting during the pendency of the hearing. For more information about placement issues involving disciplinary actions, please see Advocacy Center's publication entitled "[Discipline](#)."

For information on least restrictive environment and placement, see: Bulletin 1706, Subpart A § 114 - 120; and 34 C.F.R. § 300.114 – 300.120.

3.5 EXTENDED SCHOOL YEAR PROGRAM

Introduction

Extended School Year Program (ESYP) is the provision of educational and related services for students with disabilities who need more than a regular 180-day school year.

The State Department of Education has developed a large body of written materials about ESYP that have been summarized here. What follows below is a general description of the Louisiana ESYP policies and procedures. Copies of the relevant bulletins are available upon request.

Students who meet the following conditions must be screened annually to determine their eligibility for ESYP:

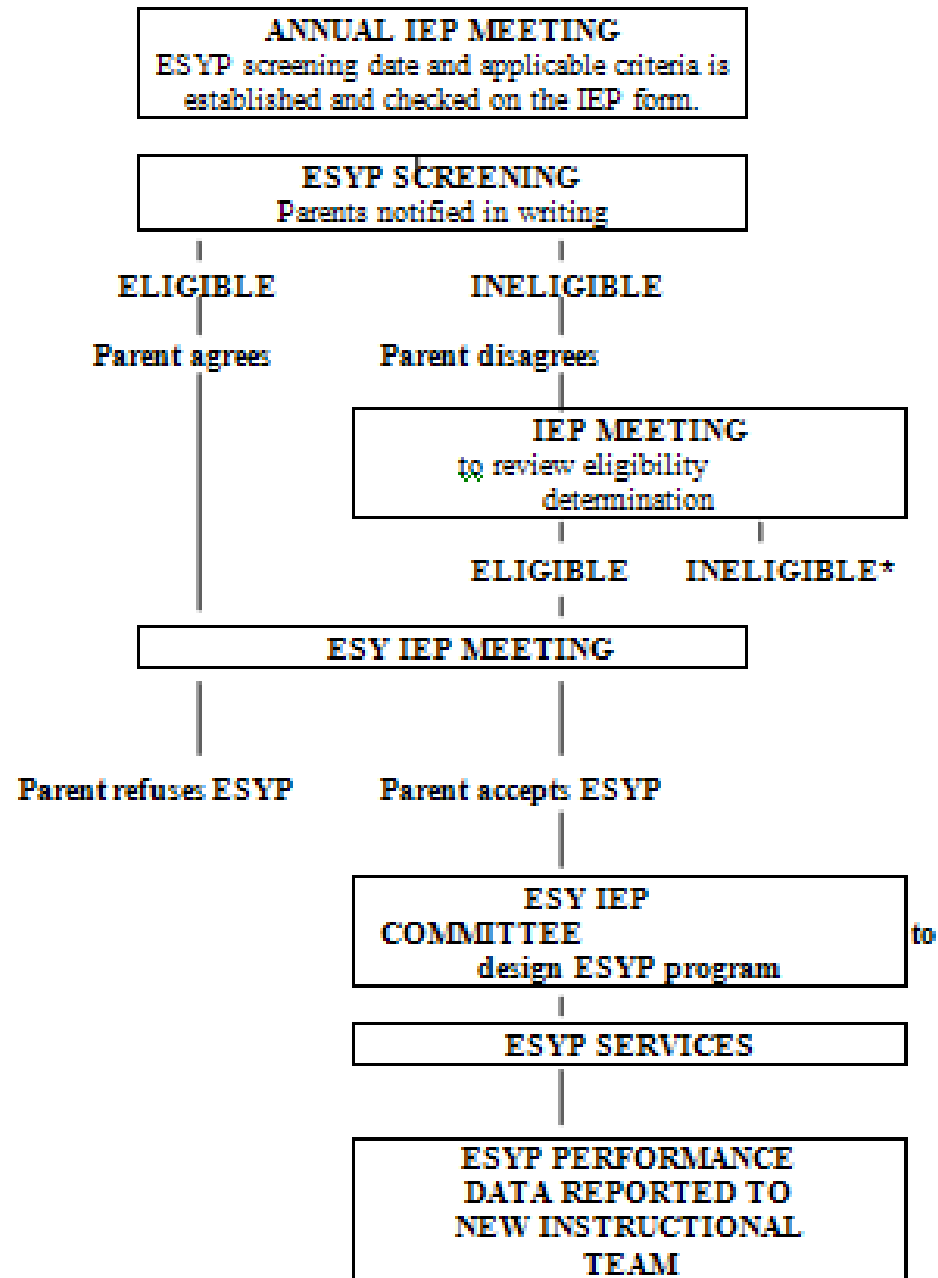
1. Are ages 3-21;
2. Are classified with a disability according to the Pupil Appraisal Handbook;
3. Have a current evaluation; and
4. Have a current IEP

Students must be screened every year, regardless of previous participation or nonparticipation in ESYP.

The Extended School Year Program was established to provide services for students who qualify under the specific criteria formulated by the state. Although the ESYP may not be identical to the student's program during the regular year, the program will be individually designed, reflecting high priority needs, and include the services necessary to conduct the program. Furthermore, parents will have the opportunity to actively participate in designing and implementing their child's extended year program. Both parents and school personnel should discuss together the meaning of the eligibility criteria and their applicability to specific students. Parents are advised to view these ESYP procedures as a learning process for everyone, to arm themselves with knowledge about the standards and about their child, and to participate fully in the process.

Extended school year services may not be limited to particular categories of disability, nor may they be unilaterally limited as to type, amount, or duration of services. However, school districts are not required to develop new ESY programs in integrated settings if similar services are not provided for students without disabilities. ***The procedural flow chart on the next page illustrates the elements of the ESYP process.***

ESYP PROCEDURAL FLOW CHART



* Parents retain the right to due process.

Annual IEP Development and Monitoring

The student's annual IEP serves as the basis for making decisions about extended school year programming. It is therefore critical that an appropriate IEP be written for every child. For ESYP purposes, goals and objectives should be written in a manner that will enable the teacher and/or parents to measure and document the child's progress throughout the school year. If the child's actual program changes during the school year, the IEP should be re-written to reflect those changes.

The annual IEP form should contain a list of all the criteria under which the child might qualify for ESYP. The screening date should also be listed. This is the date by which school personnel must have determined whether a child is eligible for ESYP. Within five operational days of the ESYP screening date, parents must be sent written notification of the screening results.

Eligibility Criteria

The purpose of ESYP is to provide continued programming for students who are individually determined to be in need of such programming. Therefore, it is not an enrichment or supplemental service comparable to optional or even remedial summer school for regular education students. To be found eligible for ESYP, a student must meet one of the following seven criteria or qualify under the extenuating circumstances:

Regression-Recoupment

To qualify for ESYP services under this criterion, a student must demonstrate a consistent pattern of regression (reverting to a lower level of functioning) in essential skill areas over school breaks and failure to recoup (re-learn) the lost material in a reasonable amount of time.

All pre-school age (3-5 years) students with disabilities, and all students classified as having moderate mental disabilities, severe mental disabilities, profound mental disabilities, deaf-blindness, autism, multiple disabilities, or traumatic brain injury, must be screened for possible eligibility under this criterion.

The IEP committee targets at least 4 of the objectives on the child's IEP that are the most essential to the child's functioning. The teacher tests the student to get the level he/she is at before 2 different breaks of 5 consecutive days or more. When the child returns to school, he/she is given the same tests as before the breaks to see if he/she is performing at the pre-break level. If the child takes more than 5 attempts at the task to return to the pre-break level then your child may qualify for ESYP services.

Teachers must keep documentation of students' performance on essential skills before and after school breaks in order to discover whether a pattern of regression-recoupment difficulties exists. They also must consider any parental reports and records regarding regression-recoupment problems. Where a pattern of such problems exists, the school

system must offer ESY services. See the section below on documentation for further discussion of parental record keeping.

One difficulty under this standard is the showing of a regression or recoupment problem in a child who is making very little progress in his/her educational program. In other words, if skills are not being learned, then there is little to lose during breaks. It is important that the regular school year education program for all children be monitored so that different goals, skills, and approaches to learning can be tried if the student is not making any progress during the school year. Parents should remember that they could request an IEP meeting at any time during the regular school year to address such issues. ESY cannot solve the problem of a poorly designed or inappropriate regular school year educational program.

Another difficulty under this standard is that the teachers collect regression/recoupment data before and after school vacations, which usually last only one or two weeks. Therefore, students who may suffer significant regression over the summer may not show similar problems over shorter breaks. The state guidelines do provide a means of recording regression-recoupment data over the summer break. Talk to your child's teacher about including the summer break period as a data collection period. Parental reports and any past school records of such difficulties may also be brought to the attention of screening personnel.

Children who do not qualify under this criterion should also be considered under the other criteria described below. Evidence of regression/ recoupment problems is also relevant in determining eligibility under the Critical Point of Instruction Criterion.

Critical Point of Instruction (CPI)

To qualify for ESY under this criterion, **there must be evidence** that the student needs extended school year services to achieve a critical point of instruction to **prevent** one or more of the following from occurring:

- CPI 1: Movement to a more restrictive educational setting due to a lack of academic or social skill development (whenever a child loses general education time or an increase in special education time due to a lack of academic or social skill development, the child's parents should be aware that the child may satisfy this criteria);
- CPI 2: Loss of significant progress made toward the acquisition of a **critical** self-help skill, **critical** community access skill, or critical social/behavior skill.

All students with disabilities in special education programs, ages 3-22 by the screening date, may be eligible for ESY via the Critical Point of Instruction criterion.

Critical Point of Instruction 1:

In determining eligibility for CPI 1 the major questions to be answered are:

(A) Is the student in danger of moving to a more restrictive setting or program? (any loss of regular education time or more special education time should be examined) and, if so,

(B) Is there evidence to indicate that ESYN could prevent this movement?

- An example of how ESYN could prevent the movement is if your child can almost accomplish the critical skill and would accomplish it if given intensive work in specific need areas such as : drill in math, study and organizational skills, phonics, skill building, etc.
- Some examples of why ESYN could not prevent the move are: too low of a reading level (3 grades below) or a lack of interest or motivation.

Parents of students who are having difficulties either academically or behaviorally in their current placements should be particularly aware of these components and should question school personnel about their applicability, particularly if there have been formal or informal indications that a change in setting or type of program may be necessary. In determining whether ESYN could prevent such a movement, screening personnel must examine the reasons for the possible move. For example, a child in a specially designed regular instruction (SDRI) program who is falling further and further behind in all academic areas and cannot meet the parish's pupil progression standards for continued promotion may be in danger of being moved to an ARP program. In most such cases, ESYN would not prevent such a move, because a summer program would not enable the child to catch up in all the areas of deficiency. However, a child with specific deficiencies in one area, such as reading or math, which can be significantly improved through intensive instruction, may be able to maintain an SDRI program if such instruction is provided through ESYN. Similarly, if there is evidence that a child who is in danger of being moved from regular classrooms with resource to a self-contained classroom because of behavior problems could, with appropriate, intensive behavior skills training, remain in the less restrictive setting, the child should be found eligible for ESYN.

Critical Point of Instruction 2

A critical point of instruction for self-help, community access, and social/behavioral skills refers to the point at which a student has almost achieved the skill. For example, "giving a cashier the correct amount of money" is a skill aimed at enabling the student to access the community.

In determining eligibility for CPI 2, the major question to be answered is whether there is a possibility that the student may be in danger of losing significant progress made toward acquisition and / or maintenance of:

(A) Critical self-help skills (i.e. toileting, dressing, body care/hygiene etc.);

(B) Critical community access skills (i.e. crossing streets, buying items at a store, using the telephone for information/emergency services etc.); or

(C) Critical social/behavioral skills (i.e. communicating with others for needs and wants, controlling behavior unacceptable in social/educational settings-hitting others, screaming etc.).

Parents whose children are found not eligible under other criteria, but who feel ESY is needed, should pay particular attention to component 2, and should see if the child's situation fits within its standards.

Self-Injurious Behavior

To qualify for ESY under this criterion, a student must be found to **consistently** exhibit self-injurious behaviors that require intervention to ensure that appropriate social behavior is achieved or maintained. Self-injurious behaviors (i.e. banging one's head, severely scratching oneself, pinching oneself, biting oneself etc.) are self-directed and negatively impact the health and well being of the student. Students who exhibit self-injurious behavior(s) should have a goal(s) and objectives on their IEP that address the reduction and/or elimination of the self-injurious behavior.

All students with disabilities receiving special education services who self injure should be screened for eligibility under this criterion.

The questions to be answered in determining eligibility under this criterion are:

1. Does the behavior result in self-injury?
2. Is continued intervention necessary to reduce the self-injurious behavior(s)?,
3. Is continued intervention necessary to ensure appropriate behavior is achieved or maintained?

If the data indicates that the student is in need of continued intervention to maintain appropriate behavior or reduce self-injurious behavior, the student should be found eligible for ESY.

Employment

To qualify for ESY under this criterion, a student must have identified needs associated with maintaining paid employment during the summer months.

All students with disabilities ages 16-22 who are employed by the screening date should be screened for eligibility under this criterion.

The following conditions must be met for a student to qualify for ESY under this criterion:

(A) The student is employed at a job site, prior to the screening date, and that employment is expected to continue throughout the summer months:

(B) There are vocational or employment goal(s) and objective(s) on the student's current IEP; and

(C) There is documented evidence that the student is in need of support in order to maintain paid employment.

Transition

All students with disabilities who are enrolled in special education, who have a transition services page on the IEP, and who are expected to exit the local education agency at the end of the school year should be considered under this criterion.

The questions to ask to determine eligibility under this criterion are:

(A) Are there transition services action steps for which the local education agency is responsible that will not be completed by the end of the school year?

(B) Does the student need transition services during the summer months?

The student is eligible for ESY under this criterion if he or she is in need of services to complete action steps that are the responsibility of the local education agency.

Excessive Absences

For the purpose of ESY, excessive absence is defined as a situation in which a student, classified as disabled and enrolled in the special education program, is absent in excess of 25 school days for health related reasons without the provision of hospital/homebound services.

If the health related absences have affected the student's educational progress and the ESY could help the student get back on track, then the student should be found eligible for ESY under this criterion.

Late Entry

Students who enroll after January 1st and prior to the screening date and have insufficient records/documentation to determine eligibility should be considered for ESY under the late entry criterion.

Students should qualify for ESY via the late entry clause if:

1. The student enrolls between January 1st and the ESY screening date;
2. Accompanying records do not include sufficient information upon which ESY eligibility can be determined;
3. Insufficient time is available to collect all of the instructional data necessary for determining eligibility via any of the criteria;
4. The student is failing to make projected progress on his/her IEP; and
5. The instructional team has reasonable evidence that ESY could have a significant impact upon the student's ability to master identified goals and objectives.

Additional Considerations/Extenuating Circumstances

There are unusual situations or extenuating circumstances in which a student, classified as a child with a disability and enrolled in the special education program, may need ESY but does not meet any of the eligibility criteria. The intent of the extenuating circumstances is to "catch the student who meets the spirit but not the letter of existing criteria." In other words its purpose is to include students who do not qualify under the ESY criteria but need the services in order to receive FAPE. The IEP team, in deciding whether or not a student needs ESY services must answer the question: will a break instruction negatively impact the student or cause him/her to lose skills which will restrict his/her ability to function as independently as possible?

Some examples of situations that may fall under extenuating circumstances are:

- A student in a self-contained classroom may be able to increase his/her general education time if she/he receives ESY.
- A student has 20 health related absences by the screening date and the instructional team expects s/he will be absent for at least 6 more days due to a diagnosed health condition.
- A student is addressing critical social objectives/skills on his/her IEP and started to make progress late in the school year. She is now at 50% and 60% of criterion level in those skill areas. Since the child has begun making improvements in the area the IEP team may find it necessary to offer ESY services to the child in order to progress and achieve his/her goals.
- A student has an assistive technology device and it is essential for the student to use the system / technology through the summer to maintain her or her functioning level of the device.

This is not an exclusive list and is only examples of situations that may fall under the extended circumstances criterion.

Documentation

Throughout the school year, the child's teachers should keep records that will enable them to determine whether the child may be eligible for ESY. As described above, the type of documentation will vary depending upon the child's program and the criteria under which s/he is screened. Parents with questions about the data collection process should discuss these with their child's teachers.

Teachers are given very specific guidelines from the State Department of Education regarding the type of documentation that should be kept. This is to insure consistency and accountability regarding the provision of ESY services. The more informed parents are about the eligibility criteria, their child's program, and the way data are collected, the more likely they will be to successfully challenge any inappropriate decisions.

It may be advisable for the parents to keep their own documentation of the child's achievements and problem areas, particularly with respect to skills that are used primarily in the home. Schools must consider evidence submitted by the parents regarding the child's progress. If the school does not keep sufficient documentation to justify a determination that the child is not eligible for ESY, it must give great weight to evidence provided by the parent that suggests that the child is eligible. The records kept by parents need not be complicated. One easy way to document progress and problems is via a narrative log.

For example, for a child who might be eligible under the regression/recoupment criterion, the parent might wish to note whether the child has more difficulty performing a particular skill at home after s/he has been absent from school for several days. For a child who does not receive any education services for a specific summer, it is particularly important for the parent to document any regressions noted, as well as any problems the child encounters recouping material in the new school year. Parental observations are particularly critical here because there may not be a continuity of information or documentation techniques from one regular school year to the next.

For a child who might qualify under critical point of instruction, the parent should keep records of any statements regarding the child's possible need to be moved to a more restrictive setting or to an ARP program, as well as the stated reasons and specific problem areas. In addition, they should try to be aware of how close the child is to mastering a critical skill (particularly if performance at home differs from performance at school).

Screening

Instructional personnel must screen all students for ESY eligibility no later than the screening date indicated on the annual IEP. Screening involves a review by the child's educational team of the documentation regarding all possible categories of eligibility. Students who may be eligible under more than one criterion must be screened for all such criteria and determined eligible or not under each one. Screening results are reported to the special education supervisor and the parents.

Notice and Opportunity to Challenge

Parents must be notified in writing whether their child has been found eligible for ESY within five operational days after the screening date. If parents disagree with a finding that the child is not eligible, they may request an IEP meeting to review the eligibility determination. (All students being considered for ESY under excessive absence extenuating circumstance will have their eligibility determined at an IEP meeting). At the eligibility IEP meeting, the team should discuss all possible criteria or extenuating circumstances under which the child might qualify, and review and discuss all documentation kept by teachers and parents. If the committee determines the child ineligible, the parent retains the right to challenge this decision via due process proceedings. If the student is found to be eligible, an ESY IEP to develop the program will be held. This may occur immediately following the eligibility IEP if all parties agree and are prepared to proceed.

Extended School Year Programing

Planning -- The ESY IEP

For every student found eligible for ESY services, an ESY IEP meeting must be scheduled (not necessarily held) within 15 business days of the screening date. Parents play an important role in the development and implementation of the program and should be involved in all phases of the extended school year program for their child. Because the programming is interrelated to eligibility determinations, parents should be as familiar as possible with the eligibility criteria before attending an ESY IEP meeting. As with all IEP meetings, the ESY IEP meeting should first involve a **discussion** of the student's needs before a specific plan is written.

The ESY program must be **individually designed** to meet the educational needs of the student. This means that 1) the ESY program should be related to each student's individual areas of need as identified through the eligibility screening process and 2) the school system may not offer pre-determined fixed length programs to eligible students. Therefore, at the ESY IEP meeting there should **first** be a determination of what the student needs to work on during the summer, **then** a decision as to how long (duration) and how often (frequency) such instruction is needed, what type of setting is appropriate, and what personnel are needed to provide these services.

ESY IEP Goals and Objectives

The ESY IEP committee must keep in mind that the extended school year program is an extension of the regular school year program. In general, the extended school year program must be related to the areas of need as identified from the eligibility criterion/criteria by which the student qualifies. The extended school year program is not to be considered an isolated summer program, or an attempt to remedy all areas of deficit.

When possible, the ESY IEP should carry forward specific goals and objectives from the regular school year IEP, which relate to the areas in which the student was found to need ESY instruction. For example, if a student was found eligible under component three of the critical point of instruction criterion, the IEP committee should identify goals and objectives on the annual IEP that address the critical skills upon which the student needs to continue to work. Only if the IEP committee determines that the regular school year goals and objectives are not meeting the educational needs of an eligible student may the ESY IEP committee write new goals and objectives. Any new goals and objectives must be related to the criteria under which the student was found eligible, and must be for the extended school year period only. If the student is found eligible under more than one criterion, all should be looked at in designing the ESY goals and objectives.

Setting, Services and Personnel

After the instructional plan for ESY has been developed, the ESY IEP committee must identify the setting best suited to instruction, as well as the services and personnel necessary to implement the plan. Bulletin 1871 contains considerations that the state department requires the committee to examine in making these decisions.

Generally, in choosing a setting for ESY services, the IEP committee must consider the least restrictive environment for the student as well as the appropriateness of the setting to the provision of instruction. In addition, the committee must determine whether opportunities for integration with non-disabled persons are important to the attainment of each objective. In making these determinations, it must be realized that opportunities for integration on school campuses may be limited because most typical students do not attend summer school. Where integration is important to the objective, alternative sites within the child's neighborhood or community may need to be considered for some portions of the instruction.

The committee must also specify the frequency and duration of ESY services, taking into consideration the focus of the ESY instructional plan. For example, a student attempting to master a specific critical skill might need to be provided an intensive instructional schedule that provides the opportunity for repeated practice of the skills to be acquired whereas a student working to maintain a skill may only need periodic assessment of his/her performance with reinforcement as necessary. In determining how much time is needed for the ESY program, the committee needs to consider travel time, specific times of day when identified skill activities (e.g. eating) naturally occur, the longest period of time the student can go without instruction, and the child's attention span.

In determining the personnel to provide ESY services, consideration should be given to the child's typical summer environment, and whether school personnel can deliver needed instruction in such settings. Related services are to be planned as needed, based upon each individual student's needs.

IMPORTANT NOTE: Because ESY occurs when most schools are not in use, and because special education administrators may not be able to determine specific

school sites and hours of operation until after each child's ESY IEP is designed, the exact site and hours of ESY services may not be known until after the ESY IEP meeting. That is, the parent may leave the meeting knowing that the child will be given three hours of instruction at a school site twice a week, and four hours of community instruction once a week for eight weeks beginning in mid-June, but the specific days, hours, and sites may not be determined until some time after the meeting (but before the beginning of ESY). While this is inconvenient for parents, it is necessary to enable school system personnel the flexibility to provide truly individualized summer programs.

Transportation

Reasonable transportation must be offered to students who are eligible for ESY services, and agreed upon transportation should be listed on the ESY IEP.

Refusal of ESY Services

If parents of a child found to be eligible for ESY wish to do so, they may decline ESY programming for their child. This may occur before, during, or after the ESY IEP meeting. Sometimes parents decline services because they interfere with other summer plans, because of logistical problems, or simply because they believe the child needs a summer vacation. While this is ultimately a matter of parental choice, if the reason for refusing services is because of logistical problems (such as the lack of an offer of reasonable transportation) or dissatisfaction with the program offered, the parent(s) should first be sure those issues have been thoroughly and properly addressed at the ESY IEP. The reason for refusal of services should be noted on the ESY IEP. Furthermore, the reason that the parent declined extended school year services must be noted on the ESY Form of the IEP.

Implementation of ESY Services

Once a student's extended school year program has been planned through the ESY IEP process, the program must be implemented. School systems must provide all services as described on the ESY IEP. To the maximum extent possible, ESY must be provided in a setting that contributes to the student's integration and which is the least restrictive option for that student. If the school system does not operate summer programs for non-disabled students, efforts should be made to utilize non-traditional settings (for example, public libraries, parks, or camps) to provide needed opportunities for integration.

In order to ensure that all services listed on each student's ESY IEP are provided, school systems must employ sufficient numbers of staff, including teachers, paraprofessionals, related service staff, and transportation personnel, to fully implement all necessary services. School systems may attempt to provide the necessary services in a variety of ways. Flexible scheduling may be necessary.

School systems are required to keep records of ESY instructional activities and to make efforts to facilitate communication among regular school year and extended school year

teachers. Parents can help with this process by keeping their copies of ESY IEP, progress reports, and other work, and sharing it with the child's regular teachers in the fall. They can also help by providing information and records about the child's regular school year activities to the ESY teachers at the beginning of the summer program.

For information concerning extended school year see: Bulletin 1872.

3.6 TERMINATION OF SPECIAL EDUCATION SERVICES AND SCHOOL ATTENDANCE

Introduction

Some parents have questions and concerns regarding their child's continued involvement in special education and/or requirements for, and alternatives to, attendance at school. Hopefully, the information regarding educational rights and the ways to get appropriate services contained elsewhere in this guide will prevent parents from reaching a point where they choose to exit special education, or withdraw their child from school altogether, out of frustration over inappropriate services. However, if such actions are contemplated, it is important that parents understand the procedures and legal issues involved.

Termination of Services

A student who is currently receiving special educational services may formally exit special education when any of the following occurs:

- The student no longer meets the requirement for age eligibility. A student is entitled to services through the end of the school year in which he/she reaches his/her 22nd birthday. If a student's program were a nine-month program, he would receive services until the end of the ninth month. If the student's program is a twelve month program, services would be provided until the end of the twelfth month;
- The student is re-evaluated and found to no longer meet all the criteria of Bulletin 1508.

- The student graduates from school receiving a high school diploma, a high school equivalency diploma (GED), or other approved certificate such as a skills certificate or certificate of achievement.

Note: Once a student receives a diploma or a GED she/he can be denied any further special education services, even if she/he is less than 22 years of age. If a student receives a skills certificate or certificate of achievement, he or she may return to school to obtain another certificate until he or she reaches the age of 22.

School Attendance Requirements

All parents (or other persons who have control or charge) of any child of school age (ages seven to seventeen) are required by state law to send their children to school as well as assure the attendance of the child in his/her classes during the regular school day. These requirements apply to parents of children with disabilities as well as children without disabilities. Parents who refuse to send their children to school may have charges filed against them and, if found in violation of the law, face exposure to fines and/or jail time. In addition, children who are habitually truant may be charged with delinquency in juvenile court, and parents who do not control their children's school attendance may also be charged as "families in need of supervision" in that court. Sometimes when families become involved with juvenile court, needed services are provided which can help strengthen the family. However, families involved in the juvenile court system are subject to supervision by social workers or probation officers, and the court, and lose the freedom to take some actions.

Thus, it is possible for a family to be seriously impacted if school attendance laws are ignored. Therefore, it is strongly recommended that parents make every effort to send their children to school, even when there are disagreements over programming. Moreover, for a parent to decide on his or her own that the child would be better off staying at home may violate the child's right to education in the least restrictive environment, and place the child's best interests at odds with the parent's actions.

Home Schooling

Despite the many benefits of education with peers in a school setting, some parents choose to educate their children at home. The state permits home schooling if certain requirements are met. The home study program must be approved by the Board of Elementary and Secondary Education and must offer a sustained curriculum of a quality at least equal to that offered by public schools at the same grade level to children with similar mental or physical disabilities.

Parents of special education students who wish to consider home schooling should consider the extra impact of segregation from the normal school environment upon a child with disabilities. Special education laws were designed to overturn the system of segregation

and isolation of children with disabilities. Parents should be sure that any efforts to provide approved home schooling are done in order to truly benefit the children rather than because it is more convenient for the parent, or because the parents are tired of fighting for appropriate services within the school system.

For state laws concerning school attendance see: LSA-R.S. 17:221, LSA-R.S. 17:226, LSA-R.S. 17:233-234. For state laws concerning home schooling see: LSA-R.S. 17:236.

4. DISCIPLINE

A Guide for Parents



(This is Section 4 of the Advocacy Center guide "Educational Rights of Children With Disabilities in Louisiana: A Guide for Parents.")

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4.1 INTRODUCTION

Under Louisiana law, school officials have the right to discipline students for inappropriate behavior that occurs in the school, on the school playground, on the school bus, and during any intermission or recess. In the case of students with disabilities, school officials are required to follow certain steps before taking any disciplinary action.

Both federal and state law contain certain requirements that school systems must follow prior to imposing a disciplinary action on students with disabilities. Section 504's regulations concerning change in placement further pertain to disciplinary actions.

4.2 EXCLUSIONS OF STUDENTS WITH DISABILITIES FROM SCHOOL

If certain procedural safeguards are followed correctly, children with disabilities can be subject to disciplinary procedures to the extent that such procedures would be applied to children without disabilities. School personnel may consider any unique circumstances on a case-by-case basis when determining whether the child's placement should change as the result of a violation of a code of student conduct. While a school system may be able to discipline a child with a disability and change his or her placement, ***once a child with a disability has been removed for 10 days in a school year, the child must be provided educational services during any subsequent terms of removal.***

Short Term Removals – 10 Days or Less

When a child with a disability violates a code of student conduct, school personnel may remove that child from his/her current placement to an appropriate interim alternative education setting, another setting, or suspension, for not more than 10 consecutive school days. Additional removals of not more than 10 consecutive school days in the same school year for separate incidents of misconduct may also take place, as long as those removals do not constitute a change in placement.

The extent to which services will be provided during short term removals will be determined by school personnel, in consultation with at least one of the child's teachers. The services should be designed to enable the child to continue to participate in the general education

curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

Change in Placement – More than 10 Consecutive Days, or Series of Removals

A change in placement occurs when a removal is more than 10 consecutive school days, or there has been a series of removals that constitute a pattern. One of the factors to be considered in determining whether the removals constitute a pattern is the "cumulative effect" of the subsequent periods of suspension. This means is there a traceable pattern to the exclusions. For example, if a student gets suspended before every field trip, this could be a pattern constituting a change in placement.

IDEA lists three factors in determining the "cumulative effect" of exclusions that would constitute a change of placement. They are:

- (1) The length of each removal,
- (2) The total amount of time the child is removed, and
- (3) The proximity of removals to one another.

These factors and the maximum allowable exclusion time will be determined on a case-by-case basis by the school, and are subject to review through due process and judicial proceedings.

When a removal is a change of placement because it is a removal for more than 10 consecutive school days or because it is a series of removals that constitutes a pattern, the child's IEP team must be convened to determine appropriate services. The child must receive, as appropriate, a functional behavioral assessment, behavior intervention services and modifications that are designed to address the behavior violation so that the behavior that led up to the disciplinary action does not happen again.

Special Circumstances – 45-Day Removals

School personnel have unilateral authority to remove a student to an interim alternative educational setting, such as placement in an alternative school, a smaller classroom, or by providing services at home, for up to 45 school days, in cases where:

- The student carries or possesses a weapon to or at school, on school premises, or to or at a school function;
- The student knowingly possesses or uses illegal drugs, or sells or solicits the sale of controlled substances, while at school, on school premises, or to or at a school function; or
- The student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

Definitions:

A **weapon** is defined as a "weapon, device, instrument, material or substance, animate or inanimate, that is used for or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length. (18 U.S.C. 930(g)(2))

A **controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(C) of the Controlled Substances Act (21 U.S.C. 812(c)).

An **illegal drug** is a controlled substance, but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of Federal Law.

Serious Bodily Injury means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty. (18 U.S.C. 1365 (h)(3).

Note: *Bruises, scratches, or other minor injuries would not fall into this category of "serious bodily injury"*

Change in Placement by a Hearing Officer

A hearing officer has the authority to order a change in the placement of a child with a disability to an appropriate interim educational setting for not more than 45 school days, if the hearing officer, through an expedited due process hearing, determines that maintaining the current placement of the child is substantially likely to result in injury to the child or others.

Notification

Not later than the date on which the decision to take disciplinary action is made, the local education agency shall notify the parents of that decision, and notification of all procedural safeguards must be provided.

Note: Any interim alternative educational setting must be selected so as to allow the student to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications designed to address the behavior so that it does not recur.

4.3 MANIFESTATION DETERMINATION REVIEW (RELATIONSHIP TO DISABILITY)

Relatedness Decision = Manifestation Review

A manifestation determination or manifestation review is an assessment of the student's behavior and how it relates to or is influenced by the student's disability. It is only required if a school is implementing an exclusion or series of exclusions that constitute a change of placement. It is designed to determine if the behavior that warranted the exclusion was caused by (a "manifestation" of) the student's disability.

IDEA refers to this determination as a "manifestation review." It requires that the IEP team and other qualified personnel carry out the review to determine whether or not the behavior was related to the child's disability.

The IEP team must consider all relevant information in the student's file, including:

- The child's IEP;
- Any teacher observations; and
- Any relevant information provided by the parents.

The IEP team must determine whether:

- The conduct in question was caused by, or had a direct and substantial relationship to the child's disability; or
- The conduct in question was the direct result of the local education agency's failure to implement the IEP.

If the local education agency, the parent, and relevant members of the IEP Team determine that either or both of these conditions apply, the conduct shall be determined to be a manifestation of the child's disability. If the conduct was the direct result of the LEA's failure to implement the IEP, the LEA must remedy the situation immediately.

Court cases have said that the determination process should take into account the whole student, not just his or her label. A student does not have to be classified as Emotionally/ Behaviorally Disordered for a behavior to be related to his or her disability. Students with mental and learning disabilities, for example, can exhibit inappropriate behavior due to a high level of frustration. Parents should be skeptical of a school's claim that a certain behavior is not related to the disability if the sole reason given is the absence of a specific behavior disorder. Also, it is not enough for school officials to state that a student knows right from wrong, and decide from that finding that the behavior is not related to or influenced by the exceptionality.

4.4 DISCIPLINARY ACTION

Disciplinary Action - Behavior *Is* Related to Disability

In general, if it is determined that the behavior **is related** to a student's disability, then the **student cannot be excluded** in the form of a suspension or expulsion. If the student has been removed, he or she should be returned to the original placement. An IEP meeting must be held to conduct a functional behavioral assessment, develop or change the behavioral plan and consider modifications to the student's educational program to address his/her behavior needs. The modifications can include the following: (a) additional related services, such as counseling; (b) a change of class schedule; (c) a change of teacher.

As discussed previously, if the disciplinary action involves weapons and/or controlled substances, or if the child inflicted serious bodily injury upon another person while at school, on school premises, or at a school function, IDEA permits school systems to change the placement of a student with a disability to an appropriate interim alternative educational setting, but this exclusion may not exceed forty-five days.

If the local education agency (LEA) believes that maintaining the current placement is substantially likely to result in injury to the child or to others, but the parents do not agree to an interim change of placement, the LEA must request an expedited due process hearing at which a hearing officer will make the final determination.

Disciplinary Action - Behavior *Is Not* Related to Disability

If school officials determine that a student's behavior is not related to his/her disability, then the school can use discipline policies applied to non-disabled students. Such discipline procedures may include exclusion in the form of a suspension or an expulsion. A suspension can take one of two forms: (a) an in-school cessation of educational services for one school day or longer; and/or (b) a temporary removal of the student from school for not more than nine school days from the date of an incident involving disorderly conduct. Expulsion involves the removal of the student from school for ten or more consecutive school days.

Nevertheless, even when the behavior was not related to the child's disability and he or she is subject to the same disciplinary procedures as a child without a disability, the student will continue to receive his/her special education services, just in a different environment. **In other words, a free and appropriate public education, or FAPE, must be provided.**

The IEP committee must meet to determine programming, placement, and to develop an appropriate behavior management plan to address the behavior that caused the exclusion to occur.

4.5 CHALLENGING DISCIPLINARY DECISIONS

Because expulsions or repeated suspensions can have a serious impact upon a student's educational progress, it is important to challenge inappropriate imposition of these forms of disciplinary action on special education students. If a student is suspended as the result of an inappropriate manifestation determination, or if a parent disagrees with an interim placement, parents should be prepared to dispute the determination that the student's behavior is not related to his or her disability. This is very important because the full range of rights under special education law are available only to those students whose behavior is related to their disability. ***If an expulsion is being recommended, consider obtaining legal assistance.***

The parent of a child with a disability who disagrees with any decision regarding placement, or with the manifestation determination decision, may request an expedited due process hearing.

If school officials decide that the student's behavior was not related to his/her disability, and this decision appears to be wrong, request an expedited hearing, especially if school officials try to schedule a disciplinary hearing with regular education disciplinary personnel. The student loses many rights and protections if the parent agrees to proceed through the regular education disciplinary procedures.

All of the procedural safeguards that apply to due process hearings apply to expedited due process hearings. The hearing shall occur within 20 school days of the date the hearing is requested, and shall result in a determination within 10 school days after the hearing.

While the due process proceedings are pending, the child shall remain in the interim alternative setting until the decision of the hearing officer has been made, or until the term of the alternative placement has expired, whichever occurs first.

Challenging Expulsion Hearing Decisions

If a parent of a child who is either receiving special education services or 504 services proceeds to an expulsion hearing and the hearing officer upholds a school's expulsion recommendation, that decision can be appealed. For children who are receiving special education services, the hearing officer's decision should be appealed to the State Department of Education. For children who are receiving services under Section 504, the appeal should be made to the local school board.

4.6 BEHAVIOR PROBLEMS AND THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Avoiding discipline issues, through communication and use of the IEP process, is much preferable to dealing with them after there have been serious incidents.

IDEA requires that a child's IEP team consider the use of positive behavioral interventions and supports, and other strategies, to address behavior for any student whose behavior impedes his or her learning or that of others.

4.7 TIPS FOR PARENTS

It is most important for parents to keep aware of behavior problems occurring in school. Parents should take measures to prevent their child's behavior from interfering with his/her educational program. If a parent receives numerous calls from teachers, the principal, etc. or if the student is repeatedly called to the office or put into in-school suspension, the student may be in danger of being formally suspended or recommended for expulsion.

If the child is frequently disciplined, it is advisable for the parent to send a written request for an IEP meeting to the student's teacher or special education supervisor for the purpose of discussing his/her behavior problems. In particular, request that an IEP meeting be held as soon as possible if:

1. The student has been assigned to an in-school discipline program on several occasions;
2. The student has spent time in an in-school suspension program;
3. The student's educational program was interrupted due to one or more suspensions; or
4. The student's inappropriate behavior is such that it requires an immediate review.

If the student consistently exhibits behavior problems in school, the parent should discuss this at each IEP meeting. A discussion of the student's behavior problems at an IEP meeting should include the following:

1. A review of the behavior in question and how it relates to the student's disability;
2. The need for a behavior management program; and
3. A review of any behavior management program previously used with the student. If a structured behavior management program is written into the student's IEP, such program cannot be considered a disciplinary action.

To prepare for an IEP meeting where the student's disruptive behavior is to be discussed, a parent should first become very familiar with the student's evaluation and current IEP. Look for information in the evaluation that indicates areas of problem behavior. For example, the evaluation may indicate that the student is impulsive and does not think before s/he acts,

that s/he talks back to persons in authority, or that s/he exhibits poor control in frustrating situations.

If there is a behavior management program in place, a school psychologist, or other trained person (such as a social worker or behavior disorder specialist), should be in attendance at the meeting to review the program and to suggest revisions, if necessary. If there is no such plan or program for the student, request that a qualified person be present so that the IEP committee can discuss the type of program that should be developed.

Parents should try to be objective and honest with the committee. If the student is receiving frequent referrals for discipline, and if the parent believes the behavior is related to his/her disability, the discussion should focus on developing a program to address the behavior. Parents should try to steer the committee into a discussion of why the behavior is related to the child's disability. Parents should openly discuss problem areas with behavior at home, and ask how his/her program at school can be incorporated into his/her home life. Above all, parents should try not to become defensive, and to offer any cooperation and assistance in carrying out a behavioral program.

4.8 SECTION 504 AND DISCIPLINE

The Office of Civil Rights (OCR) has determined that Section 504 also applies where the period of suspension is long enough to constitute a change in placement (i.e., more than ten days in length) or where an expulsion has occurred. The OCR has also found in some cases, that a series of short suspensions may be the same as a change in placement. There are no firm guidelines on this, but if a student is repeatedly suspended from school, a re-evaluation may be necessary prior to any further suspensions. The OCR will also investigate the method used to determine whether the behavior is or is not related to the student's disability, such as whether the appropriate people participated in making the determination. Therefore, in addition to the right to dispute disciplinary action taken against a student in a due process hearing, through appeals, or through the formal complaint process, a parent may also file a complaint with the OCR. **For § 504 complaints**, contact:

Office of Civil Rights, Dallas Office
U.S. Department of Education
999 Bryan Street, Ste. 1620
Dallas, TX 75201.
Phone: (214) 661-9600

Parents can also file an OCR complaint online at:
<http://www.ed.gov/about/offices/list/ocr/complaintprocess.html>.

For more information on how to challenge school related decisions, see Advocacy

4.9 STUDENTS NOT CURRENTLY IN SPECIAL EDUCATION

A student who has not yet been determined to be eligible for special education and related services and who has engaged in behavior that violated any school rule or code of conduct may assert any of the protections discussed in this chapter if the school system had knowledge, as defined below, that the student was a student with a disability prior to the behavior that resulted in the disciplinary action.

The school system has knowledge if:

- The parent of the student expressed in writing to administrative or supervisory personnel of the child's school system, or to the child's teacher, that the student was in need of special education and/or related services;
- The parent of the student has requested an evaluation of the student; or
- The teacher of the student, or other personnel of the school system has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education of such agency or to other supervisory personnel of the agency.

Exceptions:

A local education agency shall not be deemed to have knowledge that the child is a child with a disability if:

1. The parent of the child has refused to allow an evaluation for special education services;
2. The parent of the child has refused special education services; or
3. The child has been evaluated and it was determined that the child was not a child with a disability.

If no such knowledge is shown, the school system may follow the disciplinary procedures applicable to students without disabilities who engaged in similar behavior.

If a request is made for an evaluation in the course of such disciplinary measures, the school system must conduct that evaluation in an expedited manner. Until the evaluation is completed the student remains in the educational placement determined by school

authorities. This placement must be of the nature to allow pupil appraisal personnel to complete the evaluation.

Bulletin 1706, Subpart A provides that students who are in the process of being initially evaluated for special education have all the rights of those students currently in special education.

If a student is undergoing evaluations to determine if he/she is eligible for special education, it becomes very important to prevent him/her from being suspended or expelled, because evaluations must include observations of the student in a classroom setting. Parents should use the same sorts of advocacy efforts outlined above. However, because there will not be written evaluation reports with which to document the student's disability, the parent may have to rely upon anecdotal evidence, reports from the student's teachers, and any other evidence contained in the student's educational records that show the school system suspects him/her of having a disability that would influence or relate to the behavior in question.

For more information concerning discipline, see Louisiana Bulletin 1706, Subpart A § 530 - 537; 29 U.S.C. 1414; and 34 C.F.R. § 300.530 - 300.537.

5. SOLVING PROBLEMS

A Guide for Parents



(This is Section 5 of the Advocacy Center guide "Educational Rights of Children With Disabilities in Louisiana: A Guide for Parents.")

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5.1 INTRODUCTION

From time to time, parents may be dissatisfied with one or another aspect of their child's educational program. When dissatisfied, always first try to resolve differences with the school system in as informal a manner as possible. Often a meeting with the child's teacher or principal will get the quickest and best results, and because you will have an ongoing relationship with the school system, it is worthwhile to try to maintain an amicable relationship. Nevertheless, when informal methods do not work, more formal ones, such as mediation, filing a formal complaint with the State or with the Federal Office of Civil Rights, a due process hearing, or even litigation, may be necessary.

5.2 INFORMAL RESOLUTION

The first course of action in resolving differences with school personnel should be a phone call and/or a visit. At an informal meeting with the teacher and/or the principal, you can clearly and calmly explain the problem and, if possible, offer what you believe would be a solution to the problem. If school personnel agree with your position you can follow up your phone call or meeting with a letter outlining the problem and reiterating the agreed-upon solution. If school personnel agree that there is a problem but offer a different solution, you may wish to consider the proffered solution. You may accept the school system's solution, accept it on a trial basis, or attempt to compromise with school personnel. You may ultimately agree upon a solution that incorporates some of the school system's ideas and some of your own.

If attempts to resolve the problem at the school level do not work, you may next wish to contact the Special Education Supervisor at the parish level. In larger parishes there may be a designated Complaint Management Officer. You can request an IEP meeting to discuss your concerns at any time. You can send your request to the principal of the school, and/or to the director of the special education department for your district. The Louisiana School Directory contains the names, addresses, telephone numbers, and fax numbers of school district and state education personnel. This directory can be downloaded from the Internet at www.louisianaschools.net. Click on school directory at the top right corner of the homepage.

A sample letter to request an IEP meeting is attached at the end of this section.

In situations where you and school officials cannot settle your differences through informal meetings and negotiations, you will need to decide whether to accept the school's position

or to have an outside party settle the argument. Even where you are not satisfied with the school official's final offer, you still may not be ready for an impartial due process hearing.

**SAMPLE LETTER
REQUESTING IEP MEETING
(Be sure to keep a copy for your records)**

(Date)

(Name of Principal & Title)

OR

(Name of Director / Supervisor of Special Education & Title)

(Address)

Dear (Name of Principal or Director / Supervisor of Special Education):

I am the parent of (name of student), who attends (name of school). I have concerns about my child's educational program, and I request that an IEP committee meeting be held as soon as possible to address these concerns.

Thank you for your help. I look forward to hearing from you within ten school days of the date you receive this letter so we can arrange a time for the meeting.

Sincerely,

(Parent's name, address and telephone number)

cc: (Supervisor or Director of Special Education OR cc Principal)

5.3 MEDIATION

In situations where there appears to be a chance of resolving a dispute without a due process hearing the Louisiana State Department of Education makes available a process of mediation. Mediation is voluntary and available only if both you and the school district agree to it. It cannot be used to delay or deny a parent's right to a due process hearing. The state pays the costs of mediation.

In mediation, a mediator, trained and selected by the Department of Education, will talk with you and school personnel, separately and together. The mediator may suggest compromises, or may advise one side or the other that it is clearly wrong, or the official may take some other approach. Sometimes mediators prefer that lawyers not participate, but most of the time you will be allowed to have counsel with you at the mediation session. Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings. The parties may be required to sign a confidentiality agreement prior to the mediation.

You have the choice about whether to ask for mediation, whether to accept mediation if it is offered to you, and whether to accept the proposal of the mediator. **You cannot be forced to accept mediation or to accept the results.** An advantage of mediation is that it gives you one more chance to try to get your problem resolved without going through the time, trouble, expense, and stress of a due process hearing. If the law is clearly on your side or the school's side, the mediator might so advise you and the school officials. School personnel might accept such advice from a mediator, even if they do not agree with you. However, if agreement is not very likely, mediation might simply turn out to delay a solution to your problem. You always have the right to ask for a due process hearing, so if mediation appears unlikely to succeed, you do not have to go on indefinitely -- you can simply ask for a hearing.

If mediation is successful, an agreement is drawn up by the mediator and is signed by both you and the school officials. In some cases the agreement may specify that it is a settlement of all outstanding legal claims. Both parties are bound to implement the agreement, and a written, signed mediation agreement is enforceable in a state or federal court that has competent jurisdiction.

A sample letter requesting mediation is attached at the end of this section.

**SAMPLE LETTER
REQUESTING MEDIATION
(Keep a copy of this letter for your records)**

(Date)

(Name and address of
Supervisor of Special Education)

Dear (name of Supervisor of Special Education):

We, Mr. and Mrs. (your name), are the parents of (child's name and address of the residence of the child), who was born on (child's date of birth). (Child's name) is currently a student at (name of school) in (name of town), Louisiana.

We have met with representatives of the school district but have been unable to resolve our differences as to the problem (description of the nature of the problem relating to the proposed initiation or change, including facts relating to the problem for (child's name). We therefore are submitting a request for mediation. The resolution that we propose is (include a resolution of the problem).

We look forward to receiving confirmation of this request and a date for this meeting.

Thank you.

Very truly yours,

(Parent's name, address and telephone number)

cc: School principal

A quick checklist of what your letter must include:

- The name of the child
- The address of the residence of the child
- The name of the school the child is attending
- A description of the nature of the problem relating to the proposed change, including facts relating to the problem
- A proposed resolution of the problem

5.4 FILING A STATE COMPLAINT

If you feel your school district is violating the educational rights of your child or a number of students, you may file a complaint with the Louisiana Department of Education. The local education agency must attempt to resolve the dispute through an early resolution process. If the dispute is not resolved within 15 calendar days from the date the complaint was received, the State Department of Education must review, investigate, and resolve the complaint within forty-five (45) calendar days from the close of the 15 day resolution period.

Complaints must be made in writing, and must include the following information:

- your signature, name, address, and a phone number where you can be reached during the day;
- state that the educational agency has violated a federal or state law regarding the educational rights of an exceptional child;
- outline the facts upon which that statement is based,
- if alleging violations with respect to a specific student, the name and address of the student and the name of the school the student is attending,
- in the case of a homeless youth, the name and available contact information for the student and the name of the school the student is attending, and
- a proposed resolution of the problem.

State in the letter that you are filing a formal complaint. The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received.

The original complaint should be mailed to:

**Complaint Management
Division of Special Populations
Louisiana Department of Education
P.O. Box 94064
Baton Rouge LA 70804-9064
Fax No. 225-342-1197**

Upon receipt of the complaint, the Louisiana Department of Education will refer the complaint to the local education agency representative in charge of attempting to resolve the dispute during the fifteen (15) day early resolution period (ERP). The investigation will not commence until the expiration of the ERP.

Within forty-five (45) calendar days of the expiration of the resolution period, the state is required to complete its investigation and issue a written decision addressing each unresolved allegation of the complaint. If it is determined that a violation has occurred, the school

system will be required to take corrective action within a specified time period. If a written decision is not received within 45 days of the expiration of the ERP, the complainant should call the investigator. If the decision does not address all the issues raised, clarification can be requested.

Filing a complaint does not bar the right to file a due process request. If the State complaint involves issues that are the subject of a pending due process hearing request, the State must set aside any part of the complaint that is being addressed by a due process complaint until the due process proceeding has concluded. Any issues in the State complaint that are not part of the due process request should be investigated and a determination should be made in the manner and within the time lines outlined above.

5.5 U.S. OFFICE FOR CIVIL RIGHTS (OCR) COMPLAINTS

If it appears that the school has violated Section 504 of the Vocational Rehabilitation Act, a complaint may be filed with the United States Department of Education's Office for Civil Rights (OCR). OCR is the federal agency primarily responsible for enforcing Section 504. OCR will usually visit the school to conduct an investigation of the charges. It is important to remember that violations of IDEA are often also violations of Section 504.

The Section 504 complaint must be filed within 180 days from the date when the action took place. However, OCR can extend the filing period. If it has been more than 180 days since the school district refused to provide a service for the child, the parent can repeat the request to the school to provide the service. If the school district still refuses to provide the service, he/she can file a complaint within 180 days from the second request. The parent can call OCR for assistance in writing the complaint, and could also contact the Advocacy Center. (See "How To Prepare a Complaint to the Office of Civil Rights" at the end of this section.)

Preparation for the meeting with the OCR investigator assigned to the case is essential. First, organize the child's records. The parent should be prepared to tell the investigator where he/she can obtain copies of the child's records, including all relevant medical, educational, and psychological information. The investigator should be provided with names, addresses, and telephone numbers of any persons, such as attorneys, nurses, special education professionals, or other parents, who can support the complaint. A short history of the problems with the school district should be prepared, including a summary of contacts with the school officials, names of the school officials, and the dates of contacts. The parent should be ready to support the complaint by presenting evidence concerning the kind of programs and services the student should be getting. Simply criticizing the program is not enough. Allegations and charges should be kept factual. The meeting with the investigator is not required, but it is helpful.

The parent should not hesitate to monitor OCR's investigation of the complaint. S/he should call or write a short letter checking up on the progress of the investigation. Also, s/he should keep OCR informed of any changes with respect to the child's program or evaluation. Copies of any letters or other documents the parent sends to or receives from OCR should be kept.

There are some risks involved in filing a complaint with OCR. For example, once a complaint with OCR is filed, the parent may have to wait until OCR has finished its investigation before a lawsuit can be filed. However, most courts will not make the complainant wait until the OCR investigation has ended. On the other hand, OCR may suspend its investigation if a due process hearing or lawsuit is pending.

OCR will not necessarily begin investigating the complaint immediately. It is common for them to take several weeks before even beginning to look into some complaints. However, OCR must send the complainant a letter saying that they have received the complaint and stating when they will start to investigate. Allow OCR two weeks to reply to the complaint. If the complainant has not heard from them in two weeks, a follow-up letter should be written asking when they will respond to the original complaint. If an answer is not received within a reasonable time, a letter to the Office for Civil Rights in Washington D.C. about the regional office's failure to act may be written.

A sample OCR complaint is attached at the end of this section.

How To Prepare a Complaint to the Office of Civil Rights

If you have reason to believe that an organization that receives money from the Department of Education is treating you unfairly because of your race, national origin, sex, handicap or age, you can file a complaint by writing to:

**United States Department of Education
Office for Civil Rights, Dallas Office
1999 Bryan Street, Suite 2200
Dallas, TX 75201**

Your letter must contain the following:

1. Your name, address and telephone number.
2. Basis on which you believe you or others may have been discriminated against. Please specify what you believe is the basis of the alleged discrimination (i.e., race, national origin, color, sex, handicap or age).
3. Person(s) affected by the discrimination. You may name an individual, provide lists of individuals or describe a group of persons.
4. Name and address of the organization (school board, public school, university, vocational school, governing board or other institution) you believe is discriminating.
5. Approximate date(s) of any act(s) you alleged to be discriminatory.
6. A brief description of what happened which you believe was discriminatory. It is important that you be as specific as you can in determining the issue(s) that must be investigated.
7. Your original signature.

Any additional information that you believe may be helpful in the investigation of your complaint may be included.

5.6 IMPARTIAL DUE PROCESS HEARING

Introduction

A due process hearing is an administrative hearing that may be held to resolve disagreements between school officials and parents, which cannot be settled in a more informal manner. An impartial hearing officer who has been trained by the state in special education law conducts the hearing.

Parents or a school system may request a due process hearing when a conflict arises concerning the identification, evaluation, educational placement, or the provision of a free appropriate education to an exceptional child or a child suspected of being exceptional.

When a due process hearing is requested on behalf of a student, that student is usually entitled to remain in his/her current program and placement until the issue is resolved, unless the parents and school system agree otherwise. This is called the right to stay-put. In other words, if a school system proposes a change that parents disagree with, and the parents request a due process hearing to challenge the proposed change, the change does not take effect until the issue is resolved via due process proceedings. There are a few exceptions to this as it relates to disciplinary actions by the school. More information about those exceptions can be found in Advocacy Center's publication entitled "Discipline".

IDEA 2004 added a requirement that once a parent requests a due process hearing, the school system must convene a resolution meeting that will offer the parties an opportunity to resolve the dispute without proceeding to a hearing. The resolution meeting can be waived with the agreement of both the parents and the school, or by participation in mediation.

Due process hearings require a great deal of advance preparation, and usually involve expenditures of significant amounts of time, money, and emotional energy. Therefore, they should be invoked only when less formal attempts to resolve problems have failed or are unavailable.

Expedited due process hearings are available for cases involving challenges to interim alternative settings or manifestation determinations. Both of these issues revolve around a school's ability to discipline a child with a disability. The procedural safeguards that are discussed in this chapter for due process hearings apply to expedited due process hearings except that a state may establish different procedural rules and shorter timelines for expedited hearings.

Legal Representation

Due process hearings are usually fairly formal and involve rules of evidence and procedures similar to those used in court proceedings. They also require a great deal of advance preparation, including the study and organization of documents, legal research, and preparation of witnesses. While it is not required that parents be represented by a lawyer or paralegal at a due process hearing, experience shows that those who are represented usually do better. Persons trained in legal procedure can assist in preparation of the evidence, can ensure that the facts and evidence are presented to the hearing officer according to the formal rules, and can make any necessary objections and legal arguments for the record. This is important because if either party appeals the hearing decision, the reviewer will study the record made at the original hearing. There may not be another chance to present evidence.

In addition, if the hearing decision is appealed to court, all parties will definitely need lawyers. It is an advantage if the lawyer who may later represent parents in court has worked with them from the beginning in the due process hearing.

Because of the short time limits imposed once a hearing is requested, it is important to seek legal advice and representation before asking for a due process hearing. A legal representative may be able to assist in resolving problems by means other than a formal hearing, or may advise that particular concerns be documented and other preparations made before a hearing request is made. Many lawyers, even those experienced in special education law, need more than a few days or even a few weeks to adequately prepare for a due process hearing. Therefore, they may decline to represent a parent who seeks them out only after a hearing has been scheduled.

Finding Representation

The school district is required to inform parents of any free or low-cost legal assistance that might be available if the parent requests such information or if either the parent or school system requests a due process hearing.

State and local bar referral associations should have lists of attorneys with interest and/or expertise in education law. Other parents of disabled children may also know of attorneys with experience in these areas. Attorneys whose clients win at due process hearings can recover their fees from the school system. Thus, some attorneys may be able and willing to provide representation for a lower than usual fee (or for no fee) if the case is strong enough that they expect to recover their fees later.

The Advocacy Center may be able to provide representation at due process hearings for cases posing priority issues where no other legal representation is available. Parents may also choose to be represented or assisted at due process hearings by persons other than attorneys, such as paralegals or other persons who are experienced in special education issues. Often it is helpful to have another person present for support during a hearing even if the person is not specially trained.

Requesting a Hearing

To request a hearing, a parent should send a written request to the parish superintendent of special education. ***A sample request letter is included at the end of this section. The school system also has a form for filing a due process request, and the school should provide a copy of this to you.***

1. The due process complaint must include the following information:
2. The name of the child;
3. The address of the residence of the child;
4. The name of the school the child is attending;
5. In the case of a homeless child or homeless youth, available contact information for the child and the name of the school the child is attending;
6. A description of the nature of the problem and facts relating to the problem, and
7. A proposed resolution of the problem to the extent known and available to the party at the time.

Resolution Process

Within 15 days of receiving notice of a parent's due process complaint, and prior to the initiation of a hearing, the local education agency (LEA) must convene a meeting with the parent and the relevant members of the IEP Team who have specific knowledge of the facts outlined in the due process complaint. The parents and the LEA decide who are the relevant members of the IEP team who should attend the resolution meeting. A representative of the public agency who has decision-making authority must be included. The local education agency may not have legal representation at the meeting unless an attorney accompanies the parent.

The resolution meeting may not be held if one of the following conditions is met:

1. The parents and the LEA agree, in writing, to waive the meeting and go straight to a hearing, or
2. The parent and the LEA agree to engage in the mediation process.

The purpose of the meeting is for the parents to discuss the due process complaint with the LEA, and to give the LEA the opportunity to resolve the dispute. The resolution period is 30 days from the date of receipt of the complaint, and if the dispute is not resolved within the 30-day resolution period, the due process hearing may occur.

Time and Place of the Hearing

If the complaint is not resolved during the resolution period, then the parties will proceed to a hearing. The hearing must be scheduled by the school system at a time and place

that is reasonably convenient to the parents and the child. If a proposed hearing date is inconvenient for the parents, they should notify the hearing officer immediately and request another date.

Rights at the Hearing

Parents involved in due process hearings must be given the following rights:

- To bring their child;
- To have the hearing open to the public;
- To bring a legal representative and/or another person who can provide assistance and support;
- To present evidence and witnesses and to question school district witnesses;
- To prevent the use of evidence that was not shared with them at least five working days before the hearing;
- To receive a written record or tape recording of the hearing and
- To receive a written copy of the hearing officer's decision.

Decision of the Hearing Officer

The hearing officer is supposed to issue a written decision within forty-five (45) calendar days, which will begin to run at the end of the thirty (30) day resolution period. The decision of the hearing officer is final unless appealed.

Appeal

Any party aggrieved by the decision and the findings of the hearing officer has the right to bring a civil action in State or Federal court. The civil action must be filed within ninety (90) days after notification of the hearing officer's decision.

The court will review the evidence and the record, ask for additional information and argument if needed, and decide if the hearing officer was correct under the law. There are no time lines for resolution of a court action, so if a decision is needed quickly, the party who files may need to ask for an emergency hearing.

Award of Attorney Fees:

1. Award to Parents - the court, in its discretion, may award reasonable attorneys' fees as part of the costs of litigation to the parent of a student with a disability who is the prevailing party.
2. Award to School System, Against Parent's Attorney - the court may also award, in its discretion, reasonable attorneys fees against a parent's attorney to a prevailing

school system where the Court finds the action was frivolous, unreasonable, or without foundation, or where the attorney continued the litigation once it clearly became frivolous, unreasonable, or without foundation.

3. Award to School System, Against *Parent* or Parent's Attorney - the court may award, in its discretion, reasonable attorneys fees against the parent or the parent's attorney if the parent's request for due process or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.

For information on mediation see: Bulletin 1706, Subpart A § 506; 34 C.F.R § 300.506.

For state regulations concerning complaint management see: Bulletin 1573; Bulletin 1706, Subpart A § 151-153.

For information concerning OCR see: 45 C.F.R. § 84.

For information concerning due process hearings see: Bulletin 1706, Subpart A § 507-515; 34 C.F.R. § 300.507-300.515.

**SAMPLE LETTER
REQUESTING DUE PROCESS HEARING
(Keep a copy of this letter for your records)**

(Date)

(Name and address
of school superintendent)

Dear (name of superintendent):

We, Mr. and Mrs. (your name), are the parents of (child's name and address of the residence of the child), who was born on (child's date of birth). (Child's name) is currently a student at (name of school) in (name of town), Louisiana.

We have met with representatives of the school district but have been unable to resolve our differences as to the problem (description of the nature of the problem relating to the proposed initiation or change, including facts relating to the problem) for (child's name). We therefore request that a due process hearing be scheduled before an impartial hearing officer so that we may present our position. The resolution that we propose is (include a resolution of the problem).

We would also like to schedule an appointment to examine and copy our child's school records prior to the hearing. Please contact us immediately to schedule this appointment. Our telephone number is (phone number).

We hereby also request that the hearing be scheduled at (preferred time of day) at a location near our home and that the hearing be (open or closed) to persons other than those directly involved.

Thank you.

(Parent's name, address, and telephone number)

cc: Superintendent of state schools
School principal
Attorney or representative

A quick checklist of what your letter must include:

- The name of the child
- The address of the residence of the child
- The name of the school the child is attending
- A description of the nature of the problem relating to the proposed change, including facts relating to the problem
- A proposed resolution of the problem

6. SECTION 504 AND THE AMERICANS WITH DISABILITIES ACT

A Guide for Parents



(This is Section 6 of the Advocacy Center guide "Educational Rights of Children With Disabilities in Louisiana: A Guide for Parents.")

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6.1 SECTION 504 OF THE REHABILITATION ACT OF 1973

Introduction

Under Section 504, "No qualified handicapped person may be excluded from federally assisted programs or activities because a recipient's facilities are inaccessible or unusable". This means that because all public schools are recipients of federal funds, a student with a disability who is enrolled in a public school program is protected from discrimination by that program. Section 504 applies to programming and physical accessibility of elementary, secondary, and post-secondary schools. While there is some overlap between the concepts, "program accessibility" generally refers to making substantive program options available to all students, whereas "physical accessibility" refers to removal of physical barriers.

A sample request for a Section 504 evaluation is included at the end of this section.

Parents with Disabilities and Section 504

Section 504 applies to parents as well as students. When a parent with a disability attends a school function, the parent is considered a "qualified handicapped person" and is eligible for "other services" which are to be provided by the school system in accordance with Section 504. For example, a hearing impaired parent of a student must be provided with an interpreter (or other necessary accommodations), which would allow the parent to be able to fully participate in the school functions.

Students with Disabilities and Section 504

Section 504 requires that all public elementary or secondary education programs provide a free appropriate public education to each "qualified handicapped person," who is within the jurisdiction of that school regardless of the nature or severity of the person's disability. Some definitions that are important to understand in relation to section 504 are as follows:

"Handicapped Person" is defined as any person who:

- has a physical or mental impairment which substantially limits one more major life activities (including caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working);
- has a record of such impairment, ***or***
- is regarded as having such an impairment.

"Qualified Handicapped Person", with respect to public educational services, is defined as a person with a disability who is:

- of an age during which persons without a disability are provided such services;
- of any age during which it is mandatory under state law to provide such services to persons with a disability, **or**
- to whom a state is required to provide a free appropriate public education under 612 of the Individuals with Disabilities Education Act.

"Appropriate Education" is the provision of educational services that are designed to meet the educational needs of a child with a disability as adequately as children without disabilities. An appropriate education may include the provision of assistive technology devices and services if that would be necessary for a child with a disability to receive the same benefit from his or her program as a student without a disability.

Section 504 also applies to nonacademic and extracurricular services. These services should be provided in a manner that will allow students with a disability an equal opportunity for participation in those services. Some of these activities and services may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school, referrals to agencies which provide assistance to persons with disabilities, and employment opportunities.

Program Accessibility

Under Section 504, a student with a disability must have an equal opportunity to participate in his/her school's services and activities such as: counseling, athletics, transportation, health services, school-sponsored clubs, vocational programs, and social activities. These services must be offered in a way that gives students with disabilities an equal opportunity for participation.

In order to provide program accessibility, structural changes may be necessary. However, Section 504 does not necessarily require that each and every part of an existing facility be made accessible, nor does Section 504 necessarily require that structural changes be made where other methods are effective in achieving program accessibility. Compliance with this requirement may be achieved in a number of ways; however, priority must be given to methods that will assure that children receive services in the most integrated setting appropriate for the student. State law also requires that school systems give priority to those methods and activities (i.e., reassignment of classes) that offer programs and activities to persons with disabilities in the most appropriate integrated setting.

Program accessibility may be accomplished through one of the following ways:

- alteration of existing facilities;
- non-structural changes;
- redesign of equipment;
- assignment of communicative aids;
- reassignment of classes or other services to accessible buildings;
- assignment of aides to children;
- home visits; and

- delivery of health, welfare, or other social services at alternative accessible sites.

As noted, structural changes in facilities may not need to be made where other methods effectively ensure program accessibility.

Physical Accessibility

Under Section 504, **"Construction of new facilities (after June 3, 1977) as well as alterations that could affect access to, and use of existing facilities, must be designed and constructed so that the facility is accessible to and usable by handicapped persons."**

Alterations to facilities should provide physical accessibility "to the maximum extent feasible." Recipients of federal funds must comply with the American National Standards Institute, Inc. (ANSI) standards for making buildings accessible. The ANSI standards do provide for waivers that allow the use of other methods that accomplish accessibility; therefore, departures from the ANSI standards are permitted.

Under state law, all newly constructed facilities must meet ANSI standards and be readily accessible to, and usable by, persons with disabilities.

Section 504 & Related Services

In addition to physical and program accommodations as discussed above, Section 504, in its definition, includes related aids and services. Recent cases have held that certain services and devices are necessary for children with disabilities who, although they are not in special education, are eligible under section 504.

Some examples of services that 504 may include are:

- instruction in Braille and its uses,
- services addressing language and communication needs,
- behavioral strategies, or
- adapted computer equipment.

For a school to be required to provide a related service under 504, the service must be necessary to ensure the child has access to the same educational program students without disabilities.

How Section 504 Differs from IDEA

Both Section 504 and IDEA are aimed at eliminating discrimination against children with disabilities in public education systems and institutions. However, IDEA defines eligibility for services in terms of discreet and defined categories of eligibility that exclude some children with disabilities. Because Section 504 has an extremely broad definition of "handicapped," it

protects many students who are not eligible for special education services under IDEA. For example, a student with an orthopedic disability who is in regular education is protected by Section 504, as is a child diagnosed with Attention Deficit Disorder (ADD) whose disability is deemed not to meet certain classification criteria (such as learning disabled or behavior disordered) that are necessary to receive special education services. Also protected by Section 504 are children who are "perceived" as disabled, such as children who are HIV positive or who are hepatitis carriers.

Section 504 guidelines for education services are similar to those of IDEA. Section 504 guidelines state that an appropriate education is providing regular or special education and related aids and services so that:

- Education services are designed to meet "handicapped" children's individual educational needs as adequately as the needs of "non-handicapped" persons.
- Each "handicapped" child is educated with "non-handicapped" children, to the maximum extent appropriate to the needs of the "handicapped" child.
- Nondiscriminatory evaluation and placement procedures are established to guard against misclassification or misplacement of students, and a periodic reevaluation is conducted of students who have been provided special education and related services.
- Due process procedures are established so that parents and guardians can review evaluation and placement decisions made concerning their children and can participate and be represented by counsel in any impartial hearing.

There are other distinctions between the protections of Section 504 and the IDEA. IDEA regulations outline the fiscal, administrative, and programmatic standards by which "free appropriate public education" is provided to children with disabilities. Section 504, on the other hand, covers all services and programs that are generally made available to children without disabilities, and specifies that a child without a disability may not be provided with less than his or her non-disabled peers. For example:

- In contrast to IDEA, which is federally funded, Section 504 does not provide federal funds or directly control distribution of such funds.
- IDEA covers those children with disabilities aged three to twenty-one whereas Section 504 implicates rights of "handicapped" persons of all ages.
- The responsibility for the enforcement of Section 504 rests with the Office for Civil Rights, Department of Health and Human Services. The Department of Education is responsible for the implementation of the IDEA.

- IDEA requires that an IEP be developed for each child, Section 504 does not, though children who are eligible for Section 504 services should have a 504 plan setting forth accommodations that the child may need.
- Finally, unlike IDEA, the Section 504 regulations do not establish an administrative due process hearing and appeals mechanism.

Complaints for violations of the requirements of Section 504 may be filed with the U.S. Department of Education's Office of Civil Rights (OCR).

For 504 complaints, contact:

Office of Civil Rights, Dallas Office
999 Bryan Street, Ste. 1620
Dallas, TX 75201.
Phone: (214) 661-9600

You can also file an OCR complaint online at:

<http://www.ed.gov/about/offices/list/ocr/complaintprocess.html>.

**SAMPLE LETTER
REQUESTING A SECTION 504 EVALUATION
(Be sure to keep a copy for your records)**

(Date)

(Name of Superintendent or Section 504 Coordinator)
(Name of School System)
(Address)

Dear (Name of Superintendent Coordinator)

I am the parent of (name of student). I believe that s/he needs to be evaluated for services under Section 504 of the Rehabilitation Act of 1973.

I believe my child needs this evaluation because (give reasons) (see examples below).

I understand that the school must conduct a Section 504 evaluation of the needs of children with disabilities and devise appropriate programs for them, even if they are not eligible for special education under IDEA.

Thank you for your help. I look forward to hearing from you within five school days of the date you receive this letter.

Sincerely,

(Parent's name, address, and telephone number)

cc: (School Principal)

Examples:

1. Amy has an orthopedic impairment, which limits her use of her hands. She needs accommodations in order to participate in a regular classroom.
2. Brian has been diagnosed as having ADHD. Because of this disability, he may need a specialized program.

6.2 AMERICANS WITH DISABILITIES ACT PROTECTIONS

The Americans with Disabilities Act, which became effective in January 1992, takes Section 504 a step further. The ADA applies not only to federal programs and services and to places of employment that receive federal funds, but also to privately owned businesses that provide accommodations and services. It requires all public accommodations - including school buildings - to be accessible to persons with disabilities. Thus, a student cannot be denied placement in his or her neighborhood schools because the buildings are inaccessible. The ADA requires that reasonable accommodations be provided to a student that will enable him or her to attend and benefit from any educational programs. Further, like Section 504 of the Rehabilitation Act, the ADA applies to parents who must conduct business on school premises as well as to students.

To inquire about the regulations regarding the accessibility requirements of a particular building, contact the Louisiana State Fire Marshal's Office. They can be reached at:

Louisiana State Fire Marshal's Office
8181 Independence Blvd.
Baton Rouge, LA 70806
1-800-256-5452
<http://www.dps.state.la.us/sfm/>

Specific accessibility guidelines and information can be found through the Fire Marshal's office at www.dps.state.la.us/sfm. Information can also be found by contacting the United States Department of Justice ADA hotline at 1-800-514-0301, or at www.ada.gov.

6.3 REQUESTING ACCOMMODATIONS AND SUBSEQUENT ACTIONS

A parent who believes that his/her child may need or qualifies to receive special educational services under Section 504/ADA should approach the child's teacher to see if s/he has noted the same types of behaviors as the parent. The parent may also ask the child's principal who is responsible for evaluating children under 504/ADA and then write that person a letter requesting that the child be evaluated. The School Building Level Committee (SBLC) decides if the child qualifies for Section 504 assistance. If a parent makes a request to the SBLC to have a child evaluated and nothing happens, s/he should contact the Parish Coordinator for Section 504/ADA. (In order to find out who the parish coordinator is for the parent's district,

contact Families Helping Families at 1-800-776-7736.) Finally, if after contacting the parish coordinator the parent is still dissatisfied with the school's efforts in addressing the request, the parent may want to file a complaint with the office of Civil Rights.

For more information concerning the Americans with Disabilities Act of 1990 (ADA) see: 42 U.S.C. § 12101; 34 C.F.R. § 104. For more information concerning Section 504, see: 29 U.S.C. § 701-794; 28 C.F.R. § 35; and 28 C.F.R. § 36.

7. RESOURCES

A Guide for Parents



(This is Section 7 of the Advocacy Center guide "Educational Rights of Children With Disabilities in Louisiana: A Guide for Parents.")

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7.1 INTRODUCTION

There are many valuable resources - local, state, and national - for parents of children with disabilities. There are state agencies that have been established to provide services. Agencies such as the Office for Citizens with Developmental Disabilities have state offices in Baton Rouge, as well as regional offices around the state. Other entities - both local and statewide - have been established primarily to provide, not services, but information and referral. Still other statewide non-profit organizations exist to advocate for persons with disabilities. And there are many, many local volunteer groups, which advocate for people with a specific type of disability or serve a specific purpose, such as providing recreational opportunities for persons with disabilities. Finally, there are national advocacy groups and national services, such as information hotlines.

In preparing this booklet we considered different ways of providing you, the parent, with information about all of the many groups and services you may wish to contact from time to time. For example, we considered listing all advocacy and voluntary groups with a statewide focus. However, it soon became apparent that many of the statewide groups that formerly existed have disappeared in the last several years due to diminished funding or the effects of Hurricanes Katrina and Rita. Sometimes the statewide group may have ceased doing business, but local chapters still exist. We did not feel it was within the scope of this Guide to list every local group; on the other hand, we did not want the reader to think there was no entity in the state that dealt with the unique problems associated with a particular issue or disability.

We faced other dilemmas. Often, local groups operate out of someone's home. Therefore, when the group's chairperson changes, the address and phone number may change as well. The same holds true for some of the larger service-providing groups. Personnel change and so do office locations. We feared that the "Resources" chapter of this guide could become obsolete before it even got to the printer.

Ultimately, we decided to provide you with the chief sources of information in Louisiana and nationally. In this way, we avoid leaving out resources we may not be aware of, you get the most up-to-date information in that the sources we list are updated continually, and you save steps because these sources should be able to direct you to your local group.

We hope the resources we have listed will be able to meet your information needs. If you would like further resource information, please contact our intake department at 1-800-960-7705.

7.2 QUICK REFERENCE GUIDE

Always feel free to call Advocacy Center at 504-522-2337 or 1-800-960-7705 (Voice or Via 711 Relay) or 1-855-861-3577 (TTY) and ask for Intake.

For § 504 complaints, contact the Office of Civil Rights, Dallas Office; 1301 Young Street, Ste. 1169; Dallas, TX 75201. You can also file an OCR complaint online at: <http://www.ed.gov/about/offices/list/ocr/complaintprocess.html>.

The Louisiana School Directory contains the names, addresses, telephone numbers, and fax numbers of school district and state education personnel. This directory can be downloaded from the Internet at www.louisianaschools.net. Click on *School Directory* at the middle of the left hand side of the homepage.

Also on www.louisianaschools.net, you can click on **Most Requested Info** at the bottom right hand side of the page. This calls up a long menu of choices...choose **Schools Online**. This brings up a page with a map of Louisiana. When you click on a parish, it brings you to a page with links to the district website[s] as well as websites for individual schools.

The State Department of Education has a hotline available to answer questions on a variety of topics related to special education. When you contact the main line at **877-453-2721**, you will be prompted to press 1 for questions about special education. That line is staffed by special education experts from 8:00 to 4:30, Monday through Friday.

When problems arise, call/write the school principal, the special education director, and/or the superintendent. In addition, you could call the special education staff at the Regional Service Centers for the State Department of Education. State Department of Education attorneys Michele Staggs, Adrienne [Abie] Dupont, and Barbara Ballard are a good resource for technical assistance. [see the School Directory for telephone numbers.]

Some Useful Websites:

<http://www.louisianaschools.net> - LA State Dept. of Education

<http://www.ed.gov> - US Dept. of Education

<http://www.advocacyla.org> - Advocacy Center's website

<http://www.ndrn.org> - National Disability Rights Network [association of Protection and Advocacy System Agencies, including Advocacy Center]

<http://www.nichcy.org> - National Dissemination Center for Children with Disabilities

<http://www.laptic.org> - Families Helping Families Parent Training and Information Center

<http://www.copaa.org> - Council of Parent Attorneys and Advocates

<http://www.wrightslaw.com> - site of private practitioners Pete and Pam Wright

7.3 STATE RESOURCES

Advocacy Center

The Advocacy Center provides legal assistance, advocacy services, and information and referral to senior citizens over 60 years of age and to persons with disabilities.

The Advocacy Center
8325 Oak Street
New Orleans LA 70118
(504) 522-2337
Toll free 1-800-960-7705 (Voice)
1-855-861-3577 (TDD)
Fax: (504) 522-5507
Website: www.advocacyla.org
Email: advocacycenter@advocacyla.org

To request services in Vietnamese, call 1-800-960-7705, extension 4.

Để đòi hỏi những công tác (dịch vụ) bằng tiếng Việt, xin gọi 1-800-960-7705, mở rộng 4.

For information in Spanish please call 1-800-960-7705, ext. 3. Para información en español por favor llame 1-800-960-7705, ext. 3.

ChildNet for Infants and Toddlers with Special Needs and Their Families

The Individuals with Disabilities Education Act requires that states maintain central directories of services and resources for infants and toddlers which are accessible to everyone in the state, best maximize development in the early months of life, and give the child and the family the best start possible.

Disabilities Information Access Line, Ask for ChildNet
1-800-922-DIAL (3425)
1-800-256-1633 TDD

In Baton Rouge:
(225) 342-7700
(225) 342-5704 TDD

Disabilities Information Access Line (DIAL)

DIAL links callers to public and private resources in every part of the state. DIAL can answer questions about disabilities; provide information on service providers, support groups and any other available assistance and assist families moving into or away from Louisiana in making new connections with service providers and support groups in their new communities.

DIAL is also able to do computer searches for goods, services, and assistance, as well as provide callers with either on-line referrals or printed reports by mail. DIAL's priority is to answer questions and help locate service for persons of all ages who have disabilities, have infants and children with disabilities, or are concerned about friends, neighbors, or clients who have a disability.

DIAL provides amended educational and informational literature to persons and organizations who request these materials. To order any of these publications, call the Disabilities Information Access Line (DIAL).

DIAL is a statewide referral system designed to help locate services for people with disabilities. It has a complete list of Regional Family Resource Centers that can further direct you to local assistance.

Disabilities Information Access Line

Toll free: 1-800-922-DIAL (3425)

TDD: 1-800-256-1633

In Baton Rouge:

Phone:(225) 342-7700

TDD: (225) 342-5704

Easter Seals of Louisiana

1010 Common Street, Suite 2000

New Orleans, LA 70112-2401

Phone:(504) 523-7325 (Voice)

Toll free:(800) 695-7325 (Voice/TTY in LA only)

E-mail: contact@laeasterseals.com

Website: www.louisiana.easterseals.com

FHF - Louisiana Parent Training and Information Center

Families Helping Families (FHF) is a network of regional family-directed resource centers that provide education and training, information and referral, and parent-to-parent support. See Appendix B for a complete listing of FHF regional centers.

The Parent Training and Information Center is a U.S. Department of Education funded project that is staffed by parents of children with disabilities who provide education, training, and advocacy to other parents of children with disabilities. To schedule or attend a Louisiana Parent Training and Information Center workshop, call the number below or any regional FHF center.

Louisiana Parent Training and Information Center

201 Evans Road

Building 1, Suite 100

Harahan, La. 70123

Phone: (504) 888-9111

Toll Free: 1-800-766-7736

Fax: (504) 888-0246

Email: info@fhfjefferson.org

Website: www.laptic.org

See Appendix B for Regional Families Helping Families Offices

LaCAN (Louisiana Citizens for Action Now)

LaCAN is a statewide network of individuals and families advocating for a system that supports individuals to live in their own homes rather than having to move to a facility to receive needed services.

Louisiana Citizens for Action Now (LaCAN)

713 N. Lewis Street

New Iberia, LA 70563

Phone: (337) 367-7407

E-mail: kay.marcel@cox.net

Website: www.lacanadvocates.org

LATAN (Louisiana Assistive Technology Access Network)

Regional centers provide information, training, and demonstrations of a wide variety of assistive devices. For information on assistive technology and how to obtain it, or for information on how to reach the Assistive Technology Coordinator for your area, contact LATAN at:

LATAN

3042 Old Forge Drive Suite D

Baton Rouge, La. 70808

Phone: (504) 925-9500

Toll Free: 1-800-270-6185 (voice/TDD/TTY)

Website: www.latan.org

LaTEACH (Louisiana Together Educating All Children)

LaTEACH works to recruit families and other interested persons around the state to receive information on laws, proposed legislation, administrative policies, and other issues that impact students. LaTEACH works to coordinate member advocacy through list serves, phone trees, and volunteer teams organized throughout the state by four area coordinators. For more information, contact:

Families Helping Families of Southwest Louisiana

LaTEACH

2927 Hodges Street

Lake Charles, La 70601

Phone: (337) 436-2570

Fax: (337) 436-2578

Pyramid Community Parent Resource Center (Serving Greater New Orleans)

Phone: (504) 899-1505

E-mail: pyramidcprc@aol.com

The Exceptional Parent

This website provides support, encouragement, & outreach for parents and families of children with disabilities, and the professionals who work with them.

Phone: 800-EPARENT (372-7368)

Website: www.eparent.com

7.4 LOUISIANA STATE AGENCIES

Louisiana Department of Health and Hospitals

Louisiana Department of Health and Hospitals

Physical Address: 628 N. 4th St.

Baton Rouge, LA 70802

Mailing Address: P.O. Box 629

Baton Rouge, LA 70821-0629

(225) 342-9500

Website: www.dhh.state.la.us

Developmental Disabilities Council

Louisiana Developmental Disabilities Council

P.O. Box 3455

Baton Rouge, LA 70821-3455

(225) 342-6804; (800) 450-8108 (In LA)

Website: www.laddc.org

Governor's Office of Disability Affairs

Governor's Office of Disability Affairs

P.O. Box 94004

Baton Rouge, LA 70804-9004

(877) 668-2722

E-mail: disability.affairs@la.gov

Website: <http://www.gov.state.la.us/index.cfm?md=subsite&tmp=home&subSiteID=3>

State Coordinator for No Child Left Behind (NCLB)

NCLB provides funding to help close the achievement gap between disadvantaged and minority students and their peers. NCLB is based on the four basic principles of stronger accountability for results, increased flexibility and local control, expanded options for parents, and an emphasis on teaching methods that have been proven to work. For information on regional coordinators, see Appendix E and F.

Dr. Scott Norton, Assistant Superintendent
Office of Student and School Performance
Louisiana Department of Education
1201 N. 3rd Street
Baton Rouge, LA 70802
(225) 342-3355; (877) 453-2721
E-mail: Scott.Norton@la.gov
Website: www.louisianaschools.net/ldc/offices/ssp.html

State Director of Children with Special Health Services Programs

Addresses issues related to innovative managed care arrangements, Medicaid, managed care, policies, access to care, epidemiology of chronic childhood conditions, and the identification of children with special health care needs.

Children with Special Health Services (Louisiana)
State Department of Health and Hospitals
Office of Public Health
1010 Common Street, Suite 610
New Orleans, LA 70112
Phone: (504) 568-5055
Fax: (504) 568-7529
Email: susan.berry@la.gov
Website: <http://www.dhh.state.la.us/offices/?ID=256>

Louisiana Department of Education, Students with Exceptional Needs

The State Director of Education ensures appropriate services and opportunities for children and youth with disabilities.

Susan Batson, Director

State Department of Education, Students with Exceptional Needs

Claiborne Building, 1201 North Third Street

P.O. Box 94064

Baton Rouge, LA 70804-9064

Phone: (225) 342-3513

Toll-Free: (877) 453-2721

Fax: (225) 342-0193

Email: susan.batson@la.gov

Website: <http://www.louisianaschools.net/divisions/specialp/default.html>

Louisiana State CHIP Program

(Health care for low-income uninsured children)

Louisiana's Children's Health Insurance Program

LaCHIP Processing Office

P.O. Box 91278

Baton Rouge, LA 70821-9278

Phone: (877) 252-2447

Website: www.dhh.state.la.us/MEDICAID/LACHIP/Index.htm

Office for Citizens with Developmental Disabilities

Office for Citizens with Developmental Disabilities

628 N. 4th St.

Baton Rouge, LA 70821

Phone: (225) 342-0095

Toll Free 1-866-783-5553

E-mail: ocddinfo@la.gov

Website: www.dhh.louisiana.gov/offices/?ID=77

Early Steps Programs

(for infants and toddlers with disabilities: ages birth through 2)

Louisiana Part C Early Intervention

Office of Citizens with Developmental Disabilities

628 N. 4th St.

Baton Rouge, LA 70821-3117

Telephone: 225-342-0095

Toll Free: 1-866-783-5553

Website: <http://www.dhh.louisiana.gov/offices/?id=334>

See Appendix C for a list of Regional Contacts

Programs for Children with Disabilities: Ages 3 through 7**Division of Standards, Assessments, and Accountability**

Louisiana Department of Education

1201 N. 3rd Street

P.O. Box 94064

Baton Rouge, LA 70804

(225) 342-3366

Website: www.doe.state.la.us/lde/saa/home.html

Coordinator for Transition Services**Division of Family, Career and Technical Education**

Louisiana Department of Education

1201 N. 3rd Street

P.O. Box 94064

Baton Rouge, LA 70804

(225) 219-4447

Website: www.doe.state.la.us/lde/family/home.html

Louisiana State Rehabilitation Services

LRS is a vocational rehabilitation program that helps people with disabilities obtain skills as well as provide other resources in order for clients to get a job, keep a job, and develop a career. See Appendix F for Regional LRS offices.

<http://www.dss.state.la.us/index.cfm?md=pagebuilder&tmp=home&pid=18>

7.5 DISABILITY SPECIFIC ORGANIZATIONS

Attention Deficit Disorder

To identify an ADD group in your state or locality, contact either:

Children and Adults with Attention-Deficit/Hyperactivity Disorder (CHADD)
8181 Professional Place, Suite 150
Landover, MD 20785
Phone: (301) 306-7070
Toll Free: (800) 233-4050 (Voice mail to request information packet)
Website: www.chadd.org

Attention Deficit Disorder Association (ADDA)
P.O. Box 7557
Wilmington, DE 19803-9997
800-939-1019
Website: www.add.org

Autism

Louisiana Department of Education, Students with Exceptional Needs
Susan Batson, Director
State Department of Education, Students with Exceptional Needs
Claiborne Building, 1201 North Third Street
P.O. Box 94064
Baton Rouge, LA 70804-9064
Phone: (225) 342-3513
Toll-Free: (877) 453-2721
Fax: (225) 342-0193
Email: susan.batson@la.gov
Website: <http://www.louisianaschools.net/divisions/specialp/default.html>

Louisiana State Autism Chapter
5430 S. Woodchase Court
Baton Rouge, LA 70808
Toll Free:(800) 955-3760
Website: www.lastateautism.org

Cerebral Palsy/Developmental Disabilities

UCP/Baton Rouge--McMains Children's Development Center
1805 College Drive
Baton Rouge, LA 70808

Phone: (225) 923-3420
Website: www.mcmainscdc.org

UCP of Greater New Orleans
2200 Veterans Memorial Blvd., Ste. 103
Kenner, LA 70062
Phone: (504) 461-4266
E-mail: info@ucpgno.org
Website: www.ucpgno.org

Down Syndrome

Down Syndrome Association of Acadiana (DSAA)
P.O. Box 81323
Lafayette, La. 70508 -1323
Phone: (337) 234-3109
Email: dssa@dsaa.info
Website: www.dsaa.info

Down Syndrome Association of Greater New Orleans (DSAGNO)
P.O. Box 23453
New Orleans, LA 70183-3453
Phone: (504) 259-6201
Website: www.dsagno.org

Down Syndrome Awareness Group of Baton Rouge
P.O. Box 82378
Baton Rouge LA 70884-2378
Phone: (225) 644-0375 or (225) 664-6546
Email: dsagbrsec@yahoo.com
phroberts@cox.net
Website: www.dsagbr.org

Epilepsy

Epilepsy Foundation of Louisiana
11762 S. Harrell's Ferry Rd., Ste. F
Baton Rouge, LA 70816
Toll Free: (800) 960-0587
E-mail: epileps@bellsouth.net
Website: www.epilepsylouisiana.org/epilepsy/

Learning Disabilities

**Anne Clouatre, Literacy Plan
Division of Special Populations
Louisiana Department of Education
P.O. Box 94064
Baton Rouge, LA 70804-9064
Phone: (225) 342-3513
E-mail: anne.clouatre@la.gov
Website: <http://www.doe.state.la.us/ld/eia/home.html>**

**Barbara Duchardt, Associate Professor of Special Education
Northwestern State University
Teacher Education Center, Room 104J, Pod D
100 Tarlton Dr.
Natchitoches, LA 71497
Phone: (318) 357-5154
E-mail: duchardt@nsula.edu**

Mental Health

**NAMI Louisiana
P.O. Box 40517
Baton Rouge, LA 70835
(225) 291-6262; (866) 851-6264
E-mail: info@namilouisiana.org
Web: www.namilouisiana.org**

**Mental Health America of Louisiana
5721 McClelland Drive
Baton Rouge, LA 70805
(225) 356-3701
E-mail: yblack@mhal.org
Website: www.mhal.org**

Mental Retardation and Related Developmental Disabilities

**The ARC of Louisiana
606 Colonial Dr., Suite G
Baton Rouge, LA 70806
Phone: (225) 383-1033
E-mail: thearcla@thearcla.org**

Website: www.thearca.org

**Special Health Care Needs
Family Voices Louisiana
1539 Jackson Avenue, Suite 200
New Orleans, LA 70130
Phone: (504) 299-9175
E-mail: familyla@bellsouth.net
Website: www.familyvoices.org**

Traumatic Brain Injury

**Brain Injury Alliance USA
National hotline: (800) 444-6443, or
E-mail: FamilyHelpline@biausa.org
Brain Injury Alliance of Louisiana (BIALA)
P.O. Box 57527
New Orleans, LA 70157
Phone: (800) 500-2026
Website: www.biala.org**

Speech, Language, and Hearing

**Bland O'Connor, Director
Louisiana Speech-Language-Hearing Association
8550 United Plaza Boulevard, Suite 1001
Baton Rouge, LA 70809
(225) 922-4512
E-mail: lsha@pncpa.com
Website: www.lsha.org**

Blind/Visual Impairments

**Jaclyn Packer, Ph.D., Director of Information Center
American Foundation for the Blind
2 Penn Plaza, Suite 1102
New York, NY 10121
(212) 502-7600; (800) 232-5463
E-mail: afbinfo@afb.net
Website: www.afb.org**

Spina Bifida

Spina Bifida Association of Greater New Orleans

P.O. Box 1346

Kenner, LA 70063

(504) 737-5181

E-mail: sbagno@sbagno.org

Website: www.sbagno.org

Tourette Syndrome

Linda Saunders, Program Manager

(225) 698-6599

E-mail: marni90@aol.com

Website: <http://tsa-usa.org/TSANatlLocal/Chapters/usachapters.html#louisiana>

7.6 NATIONAL RESOURCES

The Beach Center on Disability

The Beach Center offers support and services that help individuals help themselves. It offers a forum to be heard and to teach others. Information is in simple direct language on a wide variety of topics.

University of Kansas

Haworth Hall

1200 Sunnyside Ave; Room 3136

Lawrence, KS 66045-7534

Phone: (785) 864-7600

Fax: (785) 864-7605

TTY: (785) 864-3434

Website: www.beachcenter.org

Division of Early Childhood (DEC)

DEC is especially for individuals who work with or on behalf of children with special needs, birth through age eight, and their families. The DEC is dedicated to promoting policies and practices that support families and also provide optimal development of children. Children with special needs include those who have disabilities, developmental delays, are gifted/ talented, or are at risk of future developmental problems.

Website: <http://www.dec-sped.org>

Health Hotlines

Health Hotlines is a compilation of organizations with toll-free telephone numbers listed in DIRLINE.

DIRLINE is an on-line database containing information on approximately 15,000 organizations. These organizations provide information directly to those who request it. For information about access to DIRLINE Services contact:

DIRLINE INFORMATION**Specialized Information Services****National Library of Medicine**

8600 Rockville Pike

Bathesda, MD 20894

custserv@nlm.nih.gov

Website: www.nlm.nih.gov/pubs/factsheets/dirlinfo.html

Internet Resources for Special Children (IRSC)

The IRSC is the world premier gateway to disability and other health related resources on the Internet, featuring thousands of websites.

Website: http://orsaminore.dreamhosters.com/handy/links/uk_various.html

National Association for the Education of Young Children (NAEYC)

The National Association for the Education of Young Children (NAEYC) focuses on the well being of all young children. NAEYC focuses on the quality of educational and developmental services for all children from birth through age 8.

NAEYC

1313 L St. N.W. Suite 500

Washington, DC 20005

Phone: (202) 232-8777

Toll Free: (800) 424-2460

Website: <http://www.naeyc.org/>

National Dissemination Center for Children with Disabilities (NICHCY)

NICHCY publishes a wealth of information about disabilities and disability-related issues. NICHY serves the nation as a central source of information on: Disabilities in infants, toddlers, children, and youth, IDEA, which is the law authorizing special education, No Child Left Behind (as it relates to children with disabilities), and research-based information on effective educational practices. NICHCY also provides state resource sheets, which list the major resources for persons with disabilities in each state. Call, write, or email for Louisiana's list.

NICHY

P.O. Box 1492

Washington DC 20013

Toll free: (800) 695-0285 • v/tty

Fax: (202) 884-8441

Email: nichcy@aed.org

Website: www.nichcy.org

APPENDIX A: DEPARTMENT OF HEALTH AND HOSPITALS REGIONS



Region I

Jefferson
Orleans
Plaquemines
St. Bernard

Region II

Ascension
East Baton Rouge
Iberville
East Feliciana
Pointe Coupee
West Baton Rouge
West Feliciana

Region III

Assumption
Lafourche
St. Charles
St. James
St. John
St. Mary
Terrebonne
Washington
Webster

Region IV

Acadia
Evangeline
Iberia
Lafayette
St. Landry
St. Martin
Vermillion

Region V

Allen
Beauregard
Calcasieu
Cameron
Jefferson Davis

Region VI

Avoyelles
Catahoula
Concordia
Grant
La Salle
Rapides
Vernon
Winn

Region VII

Bienville
Bossier
Caddo
Claiborne
DeSoto
Natchitoches
Red River
Sabine

Region VIII

Caldwell
East Carroll
Franklin
Jackson
Lincoln
Madison
Morehouse
Ouachita
Richland
Tensas

Region IX

Livingston
St. Helena
St. Tammany
Tangipahoa

Union
West Carroll

APPENDIX B: REGIONAL FAMILIES HELPING FAMILIES CENTERS

(Health & Hospital Regions)

REGION I:

Orleans, Plaquemines, St. Bernard

FAMILIES HELPING FAMILIES OF SOUTHEAST LOUISIANA

4118 Franklin Avenue

New Orleans, Louisiana 70112

Phone: (504) 943-0343

Toll Free: (877) 243-7352

Fax: (504) 940-3242

Email: info@fhfsela.org

Website: www.fhfsela.org

REGION II:

Ascension, E. Baton Rouge, W. Baton Rouge,

E. Feliciana, W. Feliciana, Iberville, Pointe Coupee,

FAMILIES HELPING FAMILIES OF GREATER BATON ROUGE

778 Chevelle Drive

Baton Rouge LA 70806

Phone: (225) 216-7474

Toll Free: (866)-216-7474

Fax: (225) 216-7977

Email: info@fhfgbr.org

Website: www.fhfgbr.org

REGION III:

Assumption, Lafourche, Terrebonne, St. Charles, St. Mary, St. James, St. John

BAYOU LAND FAMILIES HELPING FAMILIES

204 East Bayou Road

Thibodaux LA 70302

Phone: (985) 447-4461

Toll-Free: 1-800 331-5570

Fax: (985) 447-7988

Email: blfhf@bellsouth.net

Website: www.blfhf.org

REGION IV:

Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, Vermilion

**FAMILIES HELPING FAMILIES OF
ACADIANA**

501 W. University Ave.

Lafayette, La. 70506

Phone: (337) 984-3458

Toll-free: 1-800 378-9854

FAX: (337) 984-3468

Email: info@fhfacadiana.org

Website: www.fhfacadiana.com

REGION V:

Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis

FAMILIES HELPING FAMILIES OF SOUTHWEST LOUISIANA

2927 Hodges Street

Lake Charles, La. 70601

Phone: (337) 436-2570

Toll-free: 1-800 894-6558

FAX: (337) 436-2578

Email: info@fhfswla.org

Website: www.fhfswla.org

REGION VI:

Avoyelles, Concordia, Catahoula, Grant, LaSalle, Rapides, Vernon, Winn

FAMILIES HELPING FAMILIES AT THE CROSSROAD OF LA

2840 Military Highway, Suite A

Pineville, La. 71360

Phone: (318) 641-7373

Toll-free: 1-800 259-7200

Fax: (318) 640-4299

Email: fhfxroads@aol.com

Website: www.familieshelpingfamilies.net

REGION VII:

Bienville, Bossier, Caddo, Claiborne,

DeSoto, Natchitoches, Red River, Sabine, Webster

FAMILIES HELPING FAMILIES OF NORTHWEST LA.

Family Resource Center

1545 Line Ave., Suite 330

Shreveport, La. 71101

Phone: (318) 221-0315

Toll free: 1-888-989-0315

Fax: (318) 221-0301

Email: fhfnwla@bellsouth.net

Website: www.fhfregion7.com

REGION VIII:

Caldwell, E. Carroll, Franklin, Jackson, Lincoln, Madison,

Morehouse, Ouachita, Richland, Tensas, Union, W. Carroll

FAMILIES HELPING FAMILIES OF NORTHEAST LOUISIANA, INC.

5200 Northeast Road

Monroe, La. 71203

Phone: (318) 361-0487

Toll Free: 1-888-300-1320

Fax: (318) 361-0417

Email: info@fhfnela.org

Website: www.fhfnela.org

REGION IX:

St. Tammany, St. Helena, Livingston, Washington, Tangipahoa

NORTHSHORE FAMILIES HELPING FAMILIES

204 West 21st Ave.

Covington, La. 70433

Phone: (985) 875-0511

Toll-free: 1-800-383-8700

Fax: (985) 875-9979

Email: nfhf@bellsouth.net

Website: www.fhfnorthshore.org

REGION X:

Jefferson Parish

FAMILIES HELPING FAMILIES OF JEFFERSON

201 Evans Road

Building 1, Suite 100

Harahan, La. 70123

Phone: (504) 888-9111

Toll free 1-800 766-7736

Fax: 504-888-0246

Email: info@fhfjefferson.org

Website: www.fhfjefferson.org

APPENDIX C: STATE OF LOUISIANA - EARLY STEPS CONTACT LIST

Region I

SPOE (Specified Point of Entry)

Easter Seals of LA
Rebecca Baas, Program Director
Phone: (504) 595-3408
Fax: (504) 595-3158
Email: earlystepsr1@laeasterseals.com

Regional Coordinator

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Fax: (504) 599-0235
Email: joyce.ridgeway@la.gov

Community Outreach Specialist:

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Phone: (504) 888-9111
Fax: (504) 888-0246
Email: shunter@fhfjefferson.org

Region II

SPOE

Southeast Area Health Education Center
Brian Jakes Jr.
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Toll Free: (866) 925-2426
Fax: (225) 925-1370
Email: ahecbpj@I-55.com

Regional Coordinator

Valencia Allen
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Fax: (225) 925-7080
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Community Outreach Region II

Nora McKenzie

Region III

SPOE

Southeast Area Health Education Center
Brian Jakes Jr.
Phone: (985) 447-6550
Toll Free: (866) 891-9044
Fax: (985) 447-6513
Email: ahecbpj@I-55.com

Regional Coordinator

Timothy Butler
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Fax: (985) 449-5172
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Community Outreach Specialist

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Email: chrissy.kraemer@la.gov

Region IV

SPOE

First Steps Referral and Consulting
Mary Hockless
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Toll free: (866) 494-8900
Fax: (337) 359-8747
Email: teamfsrc@bellsouth.net

Regional Coordinator

Monica Dowden
Phone: (337) 262-1890
Fax: (337) 262-5233
Email: monica.dowden@la.gov

Community Outreach Specialist Region IV

Phone: (225) 925-7090
Fax: (225) 925-7080
Email: nmckenzie@fhfgbr.org

Region V

SPOE

First Steps Referral and Consulting
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359-8748 Davelyn.Patrick@la.gov Toll
free: (866) 494-8900
Fax: (337) 359-8747
Email: teamfsrc@bellsouth.net

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Fax: (337) 475-8055
Email: steve.ivey@la.gov

Community Outreach

Davelyn Patrick
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Fax: (337) 475-8055
Email: Davelyn.Patrick@la.gov

Region VI

SPOE

Families Helping Families at the
Crossroads

Patricia Dufrene
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Fax: (318) 640-5799
Toll Free: (866)-445-7672
Email: trishspoe6@yahoo.com

Regional Coordinator

Penny Thibodeaux
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Fax: (318) 484-2458
Email: pennu.thibodeaux@la.gov

Community Outreach Specialist

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Fax: (318) 484-2458
Email: cathy.dove@la.gov

Vacant
Phone: (337) 262-1892
Fax: (337) 262-5233

Region VII

SPOE

Families Helping Families at the
Crossroads

Kim Williams
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Toll free: (866) 676-1695
Fax: (318) 425-8295
Email: kim.spoe@gmail.com

Regional Coordinator

April Herron
Phone: (318) 741-2898
Fax: (318) 741-7445
Email: april.herron@la.gov

Community Outreach Specialist

Monica Stampley
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Fax: (318) 741-7445
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Region VIII

SPOE

Easter Seals of Louisiana
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Regional Coordinator

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Community Outreach Specialist

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Fax: (318) 362-6305
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Region IX**SPOE**

Southeast Area Health Education Center

Brian Jakes Jr

Phone: (985) 429-1252

Toll free: (866) 640-0238

Fax: (985) 429-1613

Email: ahecbpj@I-55.com

Regional Coordinator

Wanda Stroud

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Email: wanda.stroud@la.gov

Community Outreach Coordinator

Amy Brumfield

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Fax: (985) 429-1613

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APPENDIX D: STATE REGIONAL MAP (Educational Regions)



Region I

Jefferson
Orleans
Plaquemines
St. Bernard
St. Charles

Region II

East Baton
Rouge
East Feliciana
Iberville
Livingston
Pointe Coupee
St. Helena
St. Tammany
Tangipahoa

Region II

cont'd
Washington
West Baton
Rouge
West Feliciana
City of Baker
City of
Bogalusa
Zachary
Community
School District

Region III

Ascension
Assumption
Lafourche
St. James
St. John
St. Mary
Terrebonne

Region IV

Acadia
Evangeline
Iberia
Lafayette
St. Landry
St. Martin
Vermillion

Region V

Allen
Beauregard
Calcasieu
Cameron
Jefferson Davis

Region VII

Bienville
Bossier
Caddo
Claiborne
DeSoto
Red River
Webster

Region VII

cont'd
Bienville
Bossier
Caddo
Claiborne
DeSoto
Red River
Webster

Region VIII

Caldwell
Catahoula
East Carroll
Franklin
Jackson
Lincoln
Madison

Region VIII

cont'd
Morehouse
Ouachita
Richland
Tensas
Union
West Carroll
City of Monroe

APPENDIX E: LOUISIANA DEPARTMENT OF EDUCATION, OFFICE OF SPECIAL EDUCATION PROGRAMS

Regional Coordinators; No Child Left Behind Coordinators; Special Education Coordinators; Early Childhood Coordinators

REGION I

Gayle Miller, Region I Director
4000 Bienville St., Unit D
New Orleans, LA 70119
Phone: (504) 483-1900
Fax (504) 483-1913
Email: gayle.miller@la.gov

No Child Left Behind

Lee Ann Smith
School Improvement Coordinator
Phone:(504) 483-1906
Fax: (504) 483-1913
Email: lee.smith@la.gov

Special Education Coordinator

Tommy Thomas
School Improvement Coordinator
Phone:(504) 483-1908
Fax:(504) 483-1913
Email: tommy.thomas@la.gov

Early Childhood Coordinator

Stacy Marino
Phone: (504) 483-1910
Fax: (504) 483-1913
Email: stacy.marino@la.gov

REGION II

Paula Monroe, Region II Director
Southeastern LA University
SLU 10528
Hammond, LA 70402
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Fax: (985) 549-2864
Email: paula.monroe@la.gov

No Child Left Behind

Barry Dunlam (985) 549-2382
Lynn Delahage (985) 549-5427
Jenny Rogers (985) 549-2084
Fax: (985) 549-2864

Special Education Coordinator

Carolyn Kane
Phone: (985) 549-5428
Fax: (985) 549-2864
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Early Childhood Coordinator

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Fax: (985) 549-2864
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REGION III

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Nicholls State University
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Thibodaux, LA 70310
Phone: (985) 448-5080
Fax: (985) 448-4120
Email: ronald.briscoe@la.gov

No Child Left Behind

Deborah Toups
School Improvement Coordinator
Phone: (985) 448-5078
Fax: (985) 448-4120 (Fax)
Email: deborah.toups@la.gov

School Improvement Coordinator

Geraldine Davis
Phone: (985) 449-4309
Fax: (985) 448-4120 (Fax)
Email: debra.estevens@la.gov

Early Childhood Coordinator

Stephanie Blanchard
Phone: (985) 449-5046
Fax: (985) 448-4120 (Fax)
Email: stephanie.blanchard@la.gov

REGION IV

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No Child Left Behind

Stephanie Funderburk
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Special Education Coordinator

Melissa Mathews
Director
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Early Childhood Coordinator

Penny Black

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Fax: (337) 491-2948

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No Child Left Behind

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Email: norma.fruge@la.gov

Angie Bech, School Improvement Coordinator

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Stephanie Rogers

School Improvement Coordinator

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Special Education Coordinator

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Email: carla.amy@la.gov

Early Childhood Coordinator

M. Rose

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Fax: (337) 491-2948 (Fax)

REGION VI

Pat Thurman, Director
6593 Hwy. 1 Bypass (3110)
Natchitoches, LA 71457
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No Child Left Behind

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Early Childhood Coordinator

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Fax: (318) 357-2461
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Special Education Coordinator

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REGION VII

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No Child Left Behind

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Special Education Coordinator

Jennifer Bush

School Improvement Coordinator

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Early Childhood Coordinator

Sherri Caskey

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Fax: (318) 797-0899

Email: Sherri.caskey@la.gov

REGION VIII

Mary Dale Scoggins, Director

P.O. Box 1616

West Monroe, LA 71294-1616

Phone: (318) 325-0451

Fax: (318) 323-6721

No Child Left Behind

Trent Heard

School Improvement Coordinator

Phone: (318) 325-0451

Fax: (318) 323-6721

Email: trent.heard@la.gov

Special Education Coordinator

Vacant

School Improvement Coordinator

Phone: (318) 325-0451

Fax: (318) 323-6721

Email:

APPENDIX F: LOUISIANA REHABILITATION SERVICES

NEW ORLEANS REGION I

6620 Riverside Drive, Suite 101
Metairie, LA 70003
(504) 838-5180 (office)
(504) 483-5413 (fax)
1(800) 737-2957 (inside Louisiana only)
EMAIL: lrso@dss.state.la.us

Parishes Served: Jefferson, Orleans, Plaquemine, St. Bernard, St. Charles, St. James, St. John, St. Tammany

BATON ROUGE REGION II

3651 Cedarcrest Avenue
Baton Rouge, LA 70816-4010
Voice or TDD: (225) 295-8900
1-800-737-2959 (inside Louisiana only)
Fax: (225) 295-8966
EMAIL: lrbr@dss.state.la.us

Parishes Served: Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, Tangipahoa, Washington, West Baton Rouge, West Feliciana

THIBODAUX REGION III

1442 Tiger Drive
Thibodaux, LA 70301-4337
(985) 447-0809 (office)
(985) 449-5006 (fax)
1(800) 590-5762
EMAIL: lrsthib@dss.state.la.us

Parishes Served: Assumption, Lafourche, Terrebonne

LAFAYETTE REGION IV

825 Kaliste Saloom Rd.

Brandywine VI, Suite 350
Lafayette, LA 70508-4285
Voice or TDD: (337) 262-5353
1-800-520-0587 (inside Louisiana)
Fax: (337) 262 5727
EMAIL: lrslaf@dss.state.la.us

Parishes served: Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary, Vermilion

LAKE CHARLES REGION V

3616 Kirkman St.
Lake Charles, LA 70607-3006
Voice or TDD: (337) 475-8038
1-800-520-0589 (inside Louisiana only)
Fax: (337) 475-8037
EMAIL: lrslc@dss.state.la.us

Parishes Served: Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis

ALEXANDRIA REGION VI

900 Murray Street, Suite H-100
Alexandria, LA 71301
Voice or TDD: (318) 487-5335
1-800-520-0578 (inside Louisiana only)
Fax: (318) 487-5366
EMAIL: lrsalex@dss.state.la.us

Parishes Served: Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides, Vernon, Winn

SHREVEPORT REGION VII

1525 Fairfield, Suite 708
Shreveport, LA 71101-4303
Voice or TDD: (318) 676-7155
1-800-737-2966 (inside Louisiana only)
Fax: (318) 676-7176
EMAIL: lrsshr@dss.state.la.us

Parishes Served: Bienville, Bossier, Caddo, Claiborne, DeSoto, Lincoln, Natchitoches, Red River, Sabine, Webster

MONROE REGION VIII

122 St. John Street, Room 311
Monroe, LA 71201-7386
Voice or TDD: (318) 362-3232

1-800-737-2973 (inside Louisiana only)

Fax: (318) 362-3223

EMAIL: lrsmon@dss.state.la.us

Parishes Served: Caldwell, East Carroll, Franklin, Jackson, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll

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