



Let's Begin the Journey



An Overview of Special Education and the IEP Process





As a statewide Non-Profit organization, we connect with parents, caregivers, educators and other professionals to promote healthy, positive and caring experiences for New Mexico families and children. We have served New Mexico families for over 35 years. Our staff reflects the unique diversity of the communities throughout our state.

Children do not come with instructions on how to deal with the difficult circumstances that many families experience. Parents Reaching Out believes that families' needs go beyond the bounds of formal services. *What we can offer to each other is uniquely ours. We have all been there.*

Our Mission

The mission of Parents Reaching Out is to enhance positive outcomes for families and children in New Mexico through informed decision making, advocacy, education, and resources. Parents Reaching Out provides the networking opportunities for families to connect with and support each other. This mission supports *all families* including those who have children with disabilities, and others who are disenfranchised. Parents Reaching Out achieves this by:

- ♦ Developing family leadership
- ♦ Connecting families to each other
- ♦ Building collaborative partnerships
- ♦ Providing families knowledge and tools to enhance their power

Our Beliefs

- ♦ Families need support wherever they are in their journey.
- ♦ All families care deeply about their children.
- ♦ Families may need tools and support to accomplish their dreams.
- ♦ All families are capable of making informed decisions that are right for their family.
- ♦ Families in the state benefit from our organization having the staff and materials that meet their diversity.
- ♦ Systems that listen carefully to the family perspective improve outcomes for our children.

We invite all families and those serving families and children in New Mexico to make *Parents Reaching Out your one stop resource for a stronger family.* Our publications, workshops, and Resource Center offer tools for informed decision-making and building partnerships in communities. Our trained staff and network of volunteers are here to serve you.

Parents Reaching Out is the home of:

NM Parent Training and Information Center (NMPTI)
NM Family to Family Health Information Center (NMFFHC)

Parents Reaching Out

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From I-25—take the Gibson Blvd Exit 222 and go East on Gibson. Turn right at Yale Blvd. Go South on Yale about 2 blocks. On the right side before Randolph turns into Airport Plaza, turn into the Bill Gordon and Associates Building parking lot. Use the north side entrance, Parents Reaching Out is located on the 2nd floor and to the right as you get off the elevator. Welcome!

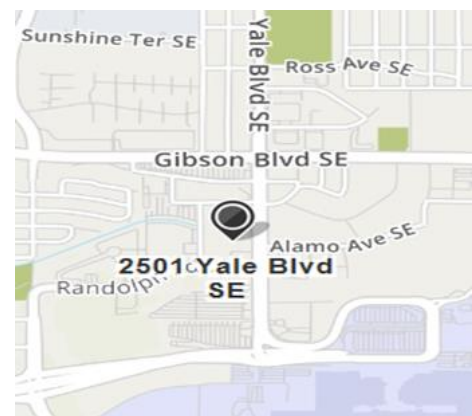


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Parents Reaching Out has made every attempt to ensure that the information contained in this publication is as timely and accurate as possible. All material is provided for informational and educational purposes. The organization expressly disclaims liability for errors and omissions in the contents contained within.

Introduction

As a parent, you want what is best for your child. Each child grows in so many ways—physically, socially, intellectually, and spiritually. Our children bring their own set of gifts as members of a family and develop at different rates. When children experience delays in one or more areas they can benefit from therapies, support services, and special education to help them overcome or work around these lags in their development.

This booklet is designed to help parents build a basic understanding of Special Education and the processes involved with the Individualized Education Program (IEP). Perhaps the single most important thing you may learn as you begin this journey is that you are the most knowledgeable person on the face of the planet when it concerns your child.

As you enter into the world of special education you will find a new language—ACRONYMS! Acronyms are usually formed by using the first letters of a series of words to stand for that term, description, or organization. Just like other journeys you may take, it is okay to stop and ask for directions along the way. If you are in a meeting to discuss your child and you hear or see acronyms that you don't understand, ask, "What do these letters mean?". In this book, acronyms will first appear in parenthesis beside the words so that you'll know what they mean. For example: Present Levels of Performance (PLP) describes your child's strengths and needs at this moment. We hope this book provides tools for a successful journey!

Sometimes what has happened in the past creates a barrier for the future. For many families, the two little words special education may bring fear to their hearts because they have heard stories of failure or know about failure from their own experiences. We invite families to look past these barriers. There are many success stories about children who receive special education services.

Each success seems to have common themes:

- Highly Involved and Informed Parents
- High Expectations
- Parents Who Ask Questions and Get Answers
- Dedicated Teachers
- Accountability
- Informed Decisions
- A Partnership Between Home and School

It is our hope that the information in this book will help open doors so that families can create their own success story!

Acknowledgments

We thank our valued parents and partners who helped by giving input to this publication and making it a useful tool for families and professionals.

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Setting Your Sights on School

Chapter 1



“Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. 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.”

- Individuals with Disabilities Education Act (IDEA)

Setting Your Sights on School

All parents want to send their children to a school where they will get a good education, be safe, accepted, and valued. The Individuals with Disabilities Education Act (IDEA) states that the place to start is the school the child would attend if they did not have a developmental delay, i.e. the child's neighborhood school. In addition, families who have students with disabilities are free to consider the same options as other families, such as charter schools, magnet schools, or other schools of choice.

For several reasons, it is helpful for parents to visit their child's future school before the school year begins. During these visits parents will see the culture, structures, and routines of the school. This knowledge can assist families in planning for meetings. It also helps them discover ways that their family and their child might become active members of the school community.

Get off to a good start! Tips for School Visits

Schools have guidelines for visitors to ensure a safe environment and minimize interruptions to learning activities. Parents and other family members who want to visit schools should keep in mind a few guidelines to get the most out of their visit.

Planning ahead will make your school visit successful. Pre-arrange the visit well in advance so that you can meet with school personnel and visit classrooms when they are in session. On-site visits to with the principal or other schools staff are most productive when you can see the daily routine in classrooms and observe programs in action. Don't wait until the last few weeks of school or summertime for your visit.

When you visit during the school day, keep these suggestions in mind:

- Before the visit, become thoroughly familiar with the questions you want to ask. You may want to write questions in a notebook that you'll bring on your visit.
- Schedule meetings with administrators, teachers, and staff throughout the day at times convenient to them. Be respectful of everyone's time during these meetings.
- Note taking can be a distraction. While in the classroom, it is sometimes easier to observe and then jot down notes after the class has been dismissed.
- Remember that you are a guest. Be a gracious and appreciative observer. If you have questions, ask them during an activity break so they can be answered without distractions.
- Become familiar with the schools policies regarding visitors. Ask for a copy of the school handbook and a school map before your visit.

What Should I Look for When I Visit the School?

As you visit the school think about what makes a good school setting for your child. Picture your child as part of the group when deciding on program options. As you observe classrooms and activities, look for answers to these questions:

- How is communication encouraged?
- Does the program appear to match the way my child learns?
- Does the program appear to complement our family values? Do activities encourage respect for cultural traditions?
- Do program staff appear open to suggestions from families and others?
- How are families involved in program or school activities and decision making?

- Would my child be in this program if he or she did not have a developmental delay or disability?
- What opportunities will my child have to access the general curriculum?
- What is the ratio of adults to children in this program?
- What is the ratio of children with challenges or disabilities to children who are typically developing?
- Is there evidence that activities are modified to meet individual needs?
- Does the arrangement of the room allow my child to move freely? Is there room for any equipment my child may need?
- For group activities, do the children sit in chairs or on the floor? Can my child join the group easily?
- Does the program include lunchtime or snacks? If yes, is food provided? Can meals and eating area be modified as needed for my child?
- Does the staff need training in how to handle the medical or educational needs of my child? (Examples: seizures, feeding, etc.)
- Are the therapy services that my child might need incorporated into program activities or are they offered in separate settings?
- What are the program hours? Are these reasonable for my child and family? Is the travel time from our family's home to the program reasonable for our child?

Schooling Options

Some families consider options to their home public school which could include charter, private or even on-line education. Some districts also offer magnet schools or schools of choice. It is important to remember that all schools that receive IDEA funds (this includes charters schools) are responsible for providing Special Education services to children who qualify. To learn more, speak with other parents, attend school choice events, open houses or call us, Parents Reaching Out at 1-800-524-5176.

Additional Resource

Students aren't the only ones who receive grades in New Mexico. Public and charter school grades can be found online at <https://newmexicoschools.com/>

Notes: _____

What if my child is struggling in school?



Chapter 2



What options are available for my struggling student?

When a child struggles in school, it is important to find out why and make sure the child gets the help he or she needs. As the expert on your child, you can play a vital role in working with the school to ensure your child's success. Children can struggle for a variety of reasons, and schools have several processes for addressing your child's needs. These include a Multi-Tier System of Supports (MTSS), Response to Intervention (RTI), 504 plans, and special education services.

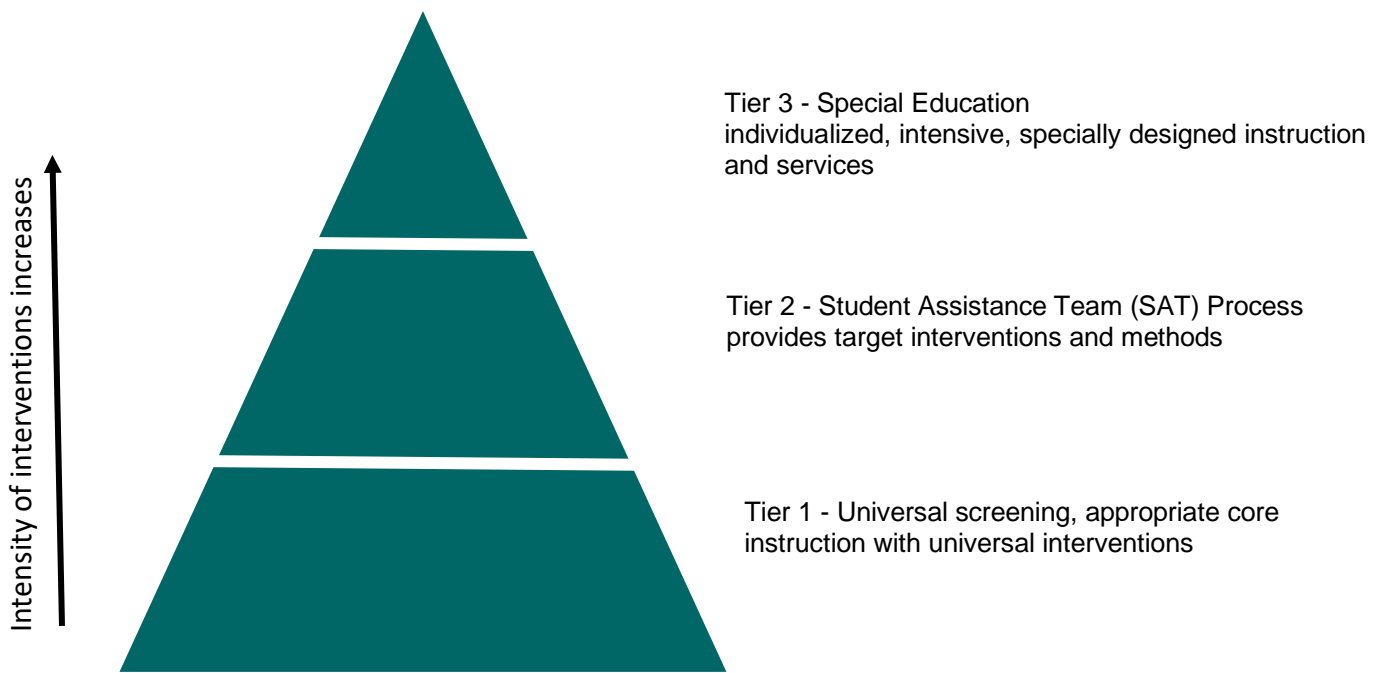
What is Response to Intervention?

RTI is a process (not a place) that schools use to help children who are struggling. This process is based on the possibility that these struggles may be due to how the subject matter is taught, the curriculum itself or even in language proficiency. It is not a "quick fix" or a one size fits all solution. RTI looks at how students are making progress with the current instruction in the classroom to find better ways to help students make academic and functional progress during their school experiences.

RTI requires that families and educators work together to discover not only what works for our children, but also what does not work and may contribute to school failure. RTI is intended to identify struggling learners early in order to increase the likelihood that children can be successful and remain in general education.

The Graphic below illustrates how RTI works. This model has three levels, or tiers, of instructional and/or behavioral interventions. Each tier has a layer of instruction, intervention, and/or services that responds to the student's needs. The goal of RTI is to ensure success for all students, and provide early assistance to students who are experiencing academic and/or behavioral challenges, or need opportunities for advanced learning. Tier 1 is typical instruction in a general education setting. If your child is struggling, they may receive Tier 2 interventions. This is extra support that could include small group instruction or more frequent assessment of your child's progress. Tier 3 is a completely individualized program designed within a special education framework. It is not a separate place, but an individualized approach to instruction and learning.

Systems of Support in Public Schools



What is a Multi-Tier System of Supports (MTSS)?

The Every Student Succeeds Act (ESSA) was signed into law in December 2015. ESSA represents a shift to empowering state education agencies to deliver results for students with both greater accountability and flexibility, and not just focusing on the compliance aspects. This includes providing technical assistance, support and monitoring of schools requiring more rigorous interventions (MRI), comprehensive school improvement (CSI) and targeted school improvement (TSI). MTSS is a framework that provides tiered levels of support for students according to their needs. The goal is to provide high-quality instruction and interventions matched to student need, monitoring progress frequently, and using data to make educational decisions. Though the term is sometimes used interchangeably with Response to Intervention (RtI), MTSS is more comprehensive, going beyond academics to include social and emotional supports and resources for implementation. Identifying students with issues that negatively affect their ability to learn is a priority for all schools. The earlier a student is identified the more effective the interventions will be. The MTSS framework will assist schools in assessing student needs, strategically allocating resources and design and deliver instruction to all students within the school.

MTSS can include things like professional development for teachers and focuses on creating ways for school staff to team up to help your struggling student.

So, to recap: The RTI framework can be used as part of an MTSS approach. This is one reason why the two ideas have become closely linked. But whether your school uses RTI, MTSS or both, the goal is to ensure that all students get what they need to learn.

What if my child needs more than what RTI or MTSS can provide?

In some cases tier 2 interventions (this is the tier where the Student Assistance Team (SAT) is working with your child) are not enough and a student will benefit from special education services. Special education is specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability as defined by the Individuals with Disabilities Education Act (IDEA). IDEA is the law that governs how, where, and how often special education services are provided.

What is Special Education?

Special education is a service, not a place. If a child is evaluated and found eligible, they can receive special education services. Special education provides supports, services, modifications, and accommodations to help a child benefit from his or her education. An Individualized Education Plan (IEP) will be developed for your child that reflects his or her needs. An IEP becomes the law for your child's education. To determine if your child needs special education services, they must have a comprehensive educational evaluation for special education completed.

There are various ways children can end up being referred for an evaluation for Special Education services. A child might have a disability that requires supports and services in order to benefit from their education. In other cases, the Student Assistance Team may initiate the evaluation. At times children are referred to Child Find, and in other cases the parent might be the one initiating the process with the school.

Child Find

Public schools are required to have activities to ensure that they will identify all children ages 3-21 who may have disabilities and need special education services. These can include regular screenings of young children, children's health fairs that include early identification activities or training opportunities for teachers on early signs of disabilities. Contact the Child Find office in your school district for more information and guidance on beginning the evaluation process. It is always recommended that you make your request for an evaluation in writing.

Special Education Evaluation

An educational evaluation includes many pieces, such as information from parents and teachers, classroom observations, and a formal assessment of your child’s academic and functional abilities completed by a licensed educational diagnostician. The evaluation should provide a complete picture of your child and cover all suspected areas of disability, including areas that may not be typically associated with the disability.

Always remember: no single person, no single test makes the decision for your child. All decisions are team decisions, and you are an important part of the team.

This educational evaluation looks at how the disability affects the child’s access to their education, and is different from a medical evaluation which provides a diagnosis.

How do I get an evaluation for my child?

As a parent, you have the right to request that your child be evaluated for special education services by the school district whether or not your child is receiving RTI services. According to IDEA law, a parent must give written consent to have their child evaluated. If a child is suspected of having a disability, the school district has 60 calendar days to complete the evaluation process from the time the parent provides consent. Your child’s teacher may also refer him or her for an evaluation. A sample letter to request an evaluation can be found in the letter section at the end of this book. We recommend that you send the letter requesting an evaluation to the School Principal and the Special Education Director at your school District.

Additional Resource

For more information about evaluations, please refer to PRO’s publication, “What’s the Big IDEA? #7: Evaluations” or call Parents Reaching Out

What Happens After my Child is Evaluated?

The school will schedule an Eligibility Determination Meeting (EDT). You may request a meeting with the diagnostician prior to the EDT. This can help you to understand the results of the educational evaluation and fully participate as a team member at the EDT. At the meeting, the team decides if a child’s education is “adversely affected” by a disability that falls under one or more of these categories determined by federal law.

- Autism
- Deaf-Blindness
- Developmental Delay (Unique to New Mexico for children ages 3-9)
- Emotional Disturbance
- Hearing Impairment, Including Deafness
- Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impaired (OHI)
- Specific Learning Disability (SLD)
- Speech or Language Impairment
- Traumatic Brain Injury
- Visual Impairment, Including Blindness

In addition to the federal law, New Mexico also provides special education services for child under the following categories:

- Speech-language pathology services
- Gifted

Autism Spectrum Disorder (ASD)

ASD is a developmental disability that covers a broad range of needs and strengths. It affects social and communication skills, and may also impact behavior. New Mexico requires that 11 “best practices” be considered and discussed by the team if a child is eligible under the category of ASD. You can access these best practices at: <https://webnew.ped.state.nm.us/wp-content/uploads/2018/01/IEP-Checklist-Considerations-%E2%80%93-Autism-Spectrum-Disorder.pdf>

Deaf-blindness

Children with a diagnosis of deaf-blindness have both hearing and visual impairments. The combination of these disabilities creates communication and other needs that are too extensive to be met in programs solely for the deaf or programs for the blind.

Developmental Delay (DD)

Developmental Delay means a delay in one or more of the following areas: physical development; cognitive development; communication; social or emotional development; or adaptive (behavioral) development. This category is only for children ages 3-9. IDEA allows each state to decide how they will apply this category. After the age of nine, your child will be placed in a new category if they are eligible. This will require an evaluation to determine if your child continues to have a disability that requires specialized instruction.

Emotional Disturbance (ED)

Children covered under the term “emotional disturbance” can have a number of mental disorders. They include anxiety disorder, schizophrenia, bipolar disorder, obsessive-compulsive disorder and depression. Children who are eligible under this category often have significant behavioral needs that can interfere with their ability to access their education.

Hearing Impairment, including Deafness

The term “hearing impairment” refers to a hearing loss not covered by the definition of deafness, and this type of hearing loss can change over time. A hearing impairment is not the same thing as an auditory processing disorder. Children with a diagnosis of deafness have a severe hearing impairment and are not able to process language through hearing.

Intellectual Disability (ID)

Children with this type of disability have below-average intellectual ability. They may also have significant challenges with communication, self-care and social skills, and may struggle accessing academic curriculum.

Multiple Disabilities

A child with multiple disabilities has more than one condition covered by IDEA. This category is typically used when it is difficult to determine which disability has the largest impact, but the student has multiple needs that cannot be addressed by a single program or service.

Orthopedic Impairment (OI)

A child who is eligible under this category has a chronic physical or structural limitation of the skeleton, joints, muscles, and/or fascia that adversely affects a child’s educational performance. These disabilities may be

present from birth or acquired, and students may need supports and services to access the educational environment.

Other Health Impairment (OHI)

The umbrella term “other health impairment” covers conditions that limit or heighten a child’s strength, energy or alertness and response to the environment. A student with ADHD may be eligible under OHI if they meet criteria and show a need for specialized instruction.

Specific learning disability (SLD)

The term “SLD” covers a group of learning issues. The conditions in this group can affect skills in the areas of reading, writing, listening, speaking, reasoning or doing math. Some of the issues that could fall in this group include:

- Dyslexia
- Dysgraphia
- Dyscalculia
- Auditory processing disorder
- Nonverbal learning disability

Speech or language impairment (SLI)

The category of speech or language impairment covers a range of communication disorders. It may include stuttering, problems with articulation, a language impairment, or a voice impairment that adversely affects a child’s educational performance. A language impairment may include difficulties with understanding spoken language and using speech appropriately.

Visual impairment, including blindness

A visual impairment, including blindness, is impairment in vision that, even with correction, adversely affects a child’s performance. This includes partial sight and blindness.

Traumatic Brain Injury (TBI)

TBI is a brain injury that is caused by an accident or some kind of physical force which can cause issues in one or more areas, including cognition, language, memory, attention span, reasoning, abstract thinking, problem-solving, sensory and motor abilities; social behavior, and speech. It does not include brain injuries that are congenital or caused by birth trauma.

How do I prepare for the EDT?

The school will have a meeting at which the Eligibility Determination Team (EDT), which includes you, the parent, decides if your child fits in one of these categories and as a result of the disability and requires specially designed instruction. If so, a meeting will be scheduled to write an Individualized Education Plan (IEP). Discussing evaluation results can be emotionally challenging for parents. Often getting evaluation results opens the door to services and there is great relief in that. However, even in situations where you feel you already “know” what your child needs, actually hearing the words and comparisons to their peers from a professional can instigate feelings of shock, denial and anger. All of these emotions are natural. One of the most important things to remember is that you are not alone. Connecting with other parents through our Parent to Parent program can be very helpful, you might even find it useful to take someone to your meeting for emotional support.

What Information Will I Find in the Evaluation Report?

A good evaluation should have all of the following elements:

- Background – the student’s educational, social, family history/background, and the difficulties that led to a referral for evaluation.
- Description of the evaluations used, what they measure, and how the scores are reported.
- Report of how the student responded to testing. Was rapport established between the student and the evaluator? Are the scores valid based on the evaluator’s observations?
- Scores with the diagnostician’s interpretation (graphs are always helpful).
- Conclusions/educational recommendations.

The evaluator will note if the student does/does not meet the criteria for particular eligibilities that are being considered. In order for a student to be eligible for special education services, he or she must have a disability as defined by the regulations and have a need for services. However, the evaluator does not decide whether or not the student qualifies for special education services. That decision is made by the Eligibility Determination Team – which includes you, the parent.

What if my child doesn’t qualify for Special Education?

If the team decides that your child doesn’t qualify for special education services but you disagree, you have options such as requesting an Independent Educational Evaluation (See page 33), a 504 plan or other dispute resolution strategies. It is important that you understand the reason why services were denied in order to develop your next steps. If you need help considering all of your options call us, Parents Reaching Out at 1-800-524-5176.

What is a 504 plan?

Children with disabilities or perceived disabilities who are not eligible for special education may qualify for extra help and accommodations under Section 504. Congress passed Section 504 of the Rehabilitation Act in 1973 to protect people with disabilities from discrimination in programs that receive federal funds. Because all public schools and many independent schools receive federal dollars, they are required to follow Section 504. If your child qualifies for Section 504 services, she or he may receive specialized instruction, related services, classroom accommodations, or adaptations to the education environment. Qualified students are also guaranteed equal access to all academic and nonacademic activities and programs, including after school programs.

What services can my child get through a 504 plan?

All services need to be provided in the least restrictive environment (LRE), which is usually the general education classroom. The services or accommodations your child receives will depend on his or her individual needs. Some examples of services that can be available include:

- Transportation
- Speech and language services
- Equal opportunity to participate in non-academic and extra-curricular activities
- Home-based instruction
- Modified attendance policies
- Giving medication
- Changing grading procedures
- Classroom modifications
- Behavior plans

What rights do I have under Section 504?

Under Section 504, parents or guardians must be involved with each step of the process. You have the right to be included in the evaluation, identification, and placement process. Written consent for initial evaluation and initial placement is required. If you disagree with the team's decision, a grievance may be filed with the district's Section 504 Coordinator. You can also make a complaint directly to the U.S. Department of Education Office for Civil Rights (OCR) without going through the district.

The information provided here is not a complete explanation of the law. For more information and help, call us at the New Mexico Parent Training and Information Center at 1-800-524-5176.

For more questions and answers from OCR, you can visit their website at:

<http://www.ed.gov/about/offices/list/ocr/504faq.html>

Timelines to Remember:

From the time that the parent gives permission to evaluate, the initial evaluation must be completed within 60 calendar days. Parents Reaching Out recommends the following time lines based upon laws and best practices:

- Initial evaluations must be completed 60 calendar days from the time that the parent gives informed consent to evaluate.
- After the initial referral, an IEP meeting should be held within 15 calendar days of completion of testing (evaluation).
- You should receive the invitation to the IEP meeting at least 5 school days before the scheduled date of the meeting.
- Once your child begins receiving Special Education services, all evaluations should be completed within 60 calendar days or less. An IEP meeting should be held within 10 days after the evaluations have been completed.
- Unless other arrangements are documented in the IEP, the IEP should be implemented upon approval.
- An IEP meeting must be held at least once a year (annual review). However, if you have a concern you can call a meeting at any time.
- Re-evaluations must be conducted every 3 years.

The IEP



Chapter 3



What's in an Individualized Education Program (IEP)?

IDEA says that each child who has a disability, needs special education services and meets the criteria will receive a Free and Appropriate Public Education (FAPE). At the core of FAPE is the Individualized Education Program (IEP). The IEP is developed at a meeting with school personnel, parents and when appropriate, the student. The IEP is a legally binding document designed to set goals, identify services/supports, and measure individual student progress. Writing a strong, effective IEP requires a team effort.

Think of the IEP as a map to the future. As equal members of the team, parents have an extremely important role to play in the IEP process. Parents are the navigators and consistent ones who are always there while other team members may come and go. The IEP is designed to ensure that your child's unique needs are met.

The following areas will be included in the IEP:

- Student profile
- Consideration of special factors
- Discipline
- Present Levels of Academic Achievement and Functional Performance (PLAFPs)
- Extended School Year (ESY)
- Participation in state mandated assessments/district assessments
- Instructional Accommodations and Modifications
- Goals
- Transition planning
- Medical or significant health information
- Schedule of services
- Level of service
- Least Restrictive Environment (LRE)
- Setting
- IEP Progress Documentation
- Age of Majority
- Meeting participants
- Parents rights
- Case manager
- Prior Written Notice (PWN)
- Procedural safeguards and due process rights

Who should attend the IEP meeting?

It is important that families attend and participate fully in the IEP process. Parents are encouraged not to attend the meeting alone. They will be hearing a lot of new information and a note taker/supporter is invaluable. It is a good idea to bring someone along who knows the student well – a neighbor, relative, friend, advocate, etc. If needed, the school is required to provide a qualified spoken language or sign language interpreter for families.

Team members:

- Parents
- Student (participation required at age 14 and older)
- General education teacher
- Special education teacher
- District representative (Titles may vary; must be able to commit district funds)

- Related service providers
- Interpreter if needed
- Others invited by the school or parents with knowledge of the student's needs

IDEA states that a general education teacher is a required member of the team. Think about this. How will the team consider supports and modifications to the general curriculum if a general education teacher does not take part in developing the plan?

See PRO's Parent Report on page 38 for help preparing for the IEP

The student profile

As the expert on your child, you have an opportunity to share valuable information with the team. Your vision of your child's future provides a road map for the IEP. For example, if you want your child to graduate from high school with a standard diploma and go to college, you want to make sure to get this on the IEP so that the team can support those specific goals.

The student profile also includes your child's strengths and challenges in the home, community, and school. If your child's strengths and challenges are well-documented, this will guide the team in helping your child build upon current strengths and develop new skills. The following areas should also be discussed, if needed:

- Employment Options for Youth of Transitioning Age
- Community Participation
- Recreation and Leisure
- Post-Secondary Training and Learning
- Daily/Independent Skills Needed for Adulthood
- Positive Social Relationships
- Health Considerations

Consideration of Special Factors

The federal government requires that the team considers the following factors to make sure things aren't overlooked and that the team has not decided that your child qualifies for special education services unfairly. Special factors include:

- Visual impairment/blindness - Does your child need to be taught Braille in order to continue learning?
- Hearing impairments/deafness – Does your child need sign language or another method of communication to continue learning?
- Limited English Proficiency – Does your child use another language to communicate and/or learn? Many times students who use more than one language may appear to have a processing delay or speech concerns when they are really sorting through the languages and do not, in fact, have a disability.
- Assistive technology needs – This can include many things, from a pencil grip to a voice-output device for communication. School teams often think of assistive technology as high-tech solutions, but that is not always the case. If you have questions about assistive technology, be sure to ask when this section of the IEP comes up. You may need to request an assistive technology evaluation.

- Behavior - Does the student have any behaviors that get in the way of his or her own learning, or the learning of other students? This will be addressed in more detail in the Discipline section of the IEP.

Discipline

The IEP team will determine if your child is capable of following the school-wide discipline plan. As a parent, it is very important to review the school-wide discipline plan ahead of time so that you understand the expectations. This is often available online at the school website or from school leaders. If your child needs different expectations as a result of their disability the IEP team can adjust the discipline plan to meet your child's unique needs.

What is a Functional Behavior Assessment (FBA)?

A Functional Behavior Assessment (FBA) is conducted when there is a behavior that is making it hard for your child to learn. Behavior is a form of communication, and sometimes it is the only way a child has to communicate. The FBA is designed to understand what the child is communicating and to understand why the child is behaving the way he/she is. (What is the function of the behavior?) This is done by looking at what happens before and after the behavior. After the FBA is conducted, if needed, a Behavior Intervention Plan is designed by the team to meet the needs of the student.

What is a Behavior Intervention Plan (BIP)?

A BIP is designed to teach and reward desired behaviors. It looks at a specific behavior, the reasons for the behavior, and puts interventions into place to help prevent behaviors that can impede their or other's education. A good BIP includes positive interventions that allow for a student to learn more appropriate ways to meet their needs. Behavior Intervention Plans should not be punitive, they are a tool to prevent unwanted behaviors from continuing to happen.

Additional Resource

For more information about FBAs, BIPs, and Discipline for students receiving special education services, please refer to PRO's publication, *"Positive Directions for Student Behavior: What Families and Educators Need to Know To Support Student Success"* or call Parents Reaching Out.

Present Levels of Academic Achievement and Functional Performance (PLAAPFs)

This section describes your child’s current abilities, skills, challenges, and strengths in the areas of academics, social skills, and physical development. It explains how learning issues affect your child’s ability to learn the general education curriculum. It also explains how your child handles academic subjects and everyday functional activities, from making friends to tying shoelaces.

Your child’s present levels in academic areas will be taken from a variety of sources, including evaluation results, test scores, classroom observations, and work samples. If your child has any physical challenges, difficulty with processing sensory information, or struggles with speech or language, these things should be noted in the present levels of functional performance. These present levels serve as a baseline or starting point in working towards annual goals. Additional areas to consider include:

- Problem-solving
- Social/emotional
- Behavior
- Life Skills
- Energy Level
- Sustained attention
- Memory function
- Impulsivity
- Processing speed
- Motor skills
- Self-Regulation

Note: This list is not exhaustive

Extended School Year (ESY)

ESY is designed for students who may forget their routines and learned information after breaks, or who have a difficult time recouping previously learned information. Data should be collected and documented if you feel this may be an issue for your child. ESY is not designed to help your child make progress, but to maintain the skills and knowledge they have learned throughout the school year.

Additional Resource

For more information about ESY, please refer to PRO’s publication, *“What IEP Teams Should Know About Extended School Year Services (ESY)”* or call Parents Reaching Out.

Participation in state mandated assessments/district assessments

According to New Mexico law, students with IEPs must participate in state mandated assessments, just as their peers do. These assessments are an opportunity to show your student you have high expectations for them, and a great way to have more data about your child's strengths and weaknesses. Students with IEPs can take the same test as their peers in general education, with or without accommodations. There is also the option of taking a state assessment that is aligned to alternative standards; this decision is made by the IEP team if it is determined that the student is not able to participate in the same assessment that other students are required to take. State guidance indicates that the alternative assessment should be considered for students with a "significant cognitive disability." In New Mexico a High School student must take the state mandated assessment to receive a traditional diploma. If you have questions about graduation requirements or "opting out" of state mandated testing, please contact PRO or the New Mexico Public Education Department for more information so you can make an educated decision that is best for your child.

Accommodations and Modifications

Accommodations and modifications are designed to help a child equally access their educational setting and curriculum. **Accommodations** change *how* a student learns the material.

Modifications are a change in *what* the student learns. It changes the curriculum for students who are farther behind than their peers and students are not expected to cover the same material as their peers. Modifications to the curriculum may impact your child's graduation options. More information on this can be found in the section on Transition Planning on page 21.

Your child may need accommodations or modifications to participate and be successful at school, and the IEP team will select them based up on your child's unique needs. It is important to note that accommodations should not take the place of any necessary services and should not stop the learning process. Some common accommodations and modifications are listed below and on the following page.

General Accommodations

- Provide large print textbooks
- Provide preferential seating (specify if that will be in the front or back of the classroom)
- Provide adaptive writing tools, pencil grips, slanted surface
- Provide alteration of the classroom arrangement
- Use of a study carrel (enclosed cubicle)
- Allow hands-on activities & use of manipulatives
- Provide peer or scribe note-taking
- Allow no penalty for spelling errors or sloppy handwriting
- Allow frequent movement or breaks
- Follow a routine/schedule
- Provide study sheets and outlines
- Allow answers to be given orally or accept short answers
- Provide visual and verbal cues/prompts
- Provide visual daily schedule
- Provide homework sheets with highlighted instructions
- Provide immediate feedback

- Use both oral and printed directions
- Allow use of computers and calculators
- Provide audiobooks
- Allow use of sensory tools
- Provide color coded materials for each class
- Allow use of assistive technology (such as Dragon speech)
- Provide space to calm down and relax
- Allow use of tape recorder or assistive technology device to record directions/lectures
- Allow student to leave classroom 2-3 minutes early to avoid crowded hallways
- Provide photocopy materials rather than requiring student to copy from the board or text book
- Allow additional or extended time to complete assignments or tests
- Provide alternatives to reading aloud in front of the class
- Reduce visual distractions in the classroom
- Allow open-book or open-note tests
- Read test and directions to student
- Provide study guides prior to tests
- Allow tests to be untimed or taken in alternative setting
- Allow extra credit
- Allow choice of test format (multiple-choice, essay, true-false, oral)
- Provide assistance with executive functioning, self-regulation & time management skills
- Provide weekly communication tools (agenda log, phone calls, texts, or emails)
- Provide books and other written materials in alternate formats (Braille, large print, audio format, or digital text)

General Modifications

- Allow pass/no pass option & equate into overall grade
- Provide word bank of choices for answers to test questions
- Provide calculator and/or number line for math tests
- Provide film or video supplements in place of reading text
- Allow to answer fewer or different test questions
- Allow outlining, instead of writing for an essay
- Provide alternative books/materials
- Provide modified workload or length of assignments/tests
- Create alternate projects or assignments
- Allow modified grades based on IEP
- Shorten assignments to focus on mastery of key concepts
- Provide partial grade based on individual progress or effort
- Provide possible answers for fill-in-the-blank sections
- Highlight important words/phrases in reading assignments

- Learn different material than peers (work on multiplication while classmates move on to fractions)
- Allow alternate ways to present or evaluate (give projects or oral presentations instead of written)

General Behavior Accommodations & Modifications

- Allow breaks between tasks
- Cue expected behavior
- Provide daily feedback to student
- Provide contingency plans
- Use de-escalating strategies
- Use positive reinforcement & reward positive behaviors
- Use non-verbal cues or code word to communicate inappropriate behavior
- Use peer supports and mentoring
- Model expected behavior by adults
- Have parent sign homework/behavior chart
- Set and post class rules
- Chart progress and maintain data
- Use proximity/touch control
- Pair student with students modeling good behavior for classwork, projects, and mentoring

Remember

Accommodations and modifications must be carefully selected for your child based upon their unique needs.

Goals

IEP goals should address a need that is identified in the Present Levels of Academic and Functional Performance, and they should line up with your child's plans after high school. IEP goals can address many areas, not just academics. Your child may have goals designed to help develop skills in the areas of thinking and problem solving, organization, time management, communication, sensory processing, life skills, and physical, social and emotional development. Keep in mind that your child's goals must be linked to a need that is documented in the IEP.

Goals should be SMART.

- **S**pecific
- **M**easurable
- **A**ction words
- **R**ealistic and Relevant
- **T**imed

Scenario: Your child is in the fifth grade, but is reading at an early third grade level.

Present Level of Performance: Given third grade material, Maria reads 50-70 words per minute (wpm) with 4-6 errors.

Weak Annual Goal: Maria will get better at reading.

SMART Annual Goal: Given fifth grade material, Maria will read 120 wpm with 2-3 errors by the beginning of sixth grade measured by special education reading teacher.

To make sure Maria is making progress towards this goal, we will measure her progress every nine-weeks.

- After the first 9 weeks, given third grade material, Maria will read 110 to 120 wpm with 2-3 errors.
- After the second 9 weeks, given fourth grade material, Maria will read 70-100 wpm with 2-3 errors.
- After the third 9 weeks, given fifth grade material, Maria will read 70-100 wpm with 2-3 errors.
- At the end of the year, Maria will read fifth grade material 120 wpm with 2-3 errors.

Transition Planning

The IEP team will develop a course of study based upon your child’s needs and interests after high school. In New Mexico, at age 14 (age 16 according to IDEA and in some states) students must have transition services included in their IEP’s to help them get ready for future employment, post-secondary schooling, and independent living. These transition services must be based on your child’s needs, interests, and goals. Your child is interviewed before the IEP to gather their input. At this time your child will be expected to participate and, if able, attend their IEP.

Transition services vary greatly from one child to another and should include career development and job skills, community access, employment and/or post-secondary education, and independent daily living skills. Transition planning should include vocational assessments to help identify areas of interest and potential employment skills, and it should link students to additional supports, such as the Developmental Disability Waiver (DD waiver) or the Division of Vocational Rehabilitation (DVR).

Transition planning also includes decisions for graduation options. There are three different pathways to graduation in the state of New Mexico, these are: Traditional, Modified, and Ability Pathway.

Note: The pathway your child takes will affect their options after High School.

Parents need to think about transition beginning in Kindergarten. Your child will need certain academic foundations to be successful. Their early years will influence the options that are available to them when they reach transition age.

Additional Resource

For more information about the DD Waiver, please refer to PRO’s publication, “New Mexico Healthcare Financial Resource Handbook: A Guide for Families and Individuals with Special Healthcare Needs” or call Parents Reaching Out.

If you have questions about the graduation pathways, please refer to PRO’s publications, “A Bridge to the Future: Educated Transition Choices for the Ability Graduation Option” and “The Journey Continues with Educated Transition Choices: Standard and Career Readiness Graduation Options” or call Parents Reaching Out.

Medical or significant health information

If your child has a health condition that affects him or her at school, this will need to be noted in the IEP. Some students will need a health plan attached to their IEP, which includes information about what to do in case of emergency or when and how medication needs to be given. Students with severe allergies, asthma,

diabetes, seizures or other medical conditions commonly have health plans as part of their IEP. Other questions addressed in this section include whether your child requires:

- Emergency evacuation plan
- Mobility assistance
- Regular PE with Accommodations / Adapted PE
- Transportation

Schedule of Services

Every child with an IEP receives Special Education services. The schedule describes what services will be provided to help your child reach their goals. Depending on the needs of your child, related services may be provided, such as therapies, social work, nursing, transportation, and/or interpreting, among others. It explains to the minute what services your child receives, by whom, where and how often.

Level of Service

The Level of Service is determined by what percentage of the day your child spends receiving special education and related services. It is calculated for staffing and funding decisions. The service levels are:

- Level 1 – minimum – 10% or less of the school day
- Level 2 – moderate – 11% -49% of the school day
- Level 3 – extensive – 50% or more of the school day
- Level 4 – maximum – approaching a full school day.

Least Restrictive Environment (LRE)

LRE looks different for every child. The general education classroom is always the first consideration, and a student should only be removed from that setting if their needs cannot be met. LRE includes a continuum of placement options from the general education setting to homebound. When the team is deciding the LRE for a student, they must ask the following questions:

- Can the student be served in the general education classroom with supports and services?
- How will a Special Education classroom better meet the needs of the student?
- Why is a general education placement reduced or limited?
- What is being done to help the student get back to the general education classroom?
- What are the potential benefits or harm in the placements being considered?

LRE is based on the unique needs of your child, and a child’s eligibility category or diagnosis should not determine placement. LRE can change over time and is individualized to meet your student’s current needs.

Additional Resource

For additional guidance on LRE, please refer to the New Mexico Public Education Department’s Technical Manual, *“Making Placement Decisions in the Least Restrictive Environment”* at:
<http://webnew.ped.state.nm.us/officesandprograms/special-education/technical-manuals/>

Setting

Setting is determined by dividing the number of hours a student is in a segregated location (such as a special education classroom or therapies not provided in the classroom) and is shown as a percentage. This percentage determines the level of funding the district receives.

IEP Progress Documentation

School teams are required to report your child's progress towards their IEP goals. It must be done at the same time report cards are sent out, but can be done more frequently if the IEP team chooses.

As a parent, it is important to understand how the team is measuring progress. You have the right to ask your child's teachers and service providers for the data they are using to determine if your child is making sufficient progress towards their goals. If you don't understand the data, you can ask that it be explained in a different way. If your child is not making progress, you can call a new IEP meeting to discuss concerns and how to better support your student.

Age of Majority

When your student turns 18, he or she becomes a legal adult and is responsible for making his or her own decisions about education. IEP teams must let students and parents know about this, beginning at age 14. If you think your child will not be able to make his or her own educational decisions because of the impact of their disability, you can look into guardianship or a Power of Attorney for educational decisions.

Meeting participants - Signatures

Your signature on the IEP shows that you attended and participated in creating the IEP. It does NOT mean that you agree with everything in the IEP. Parents Reaching Out recommends waiting until the end of the meeting after you have fully participated to sign this page. It is important to know that refusing to sign the IEP does not mean the school will not implement it. The district must have a current IEP at all times. You have a couple of options if you disagree with the IEP.

- Call Parents Reaching Out or seek support
- Sign, and next to your name write: I disagree with this IEP
- Sign the IEP and write a letter about the parts of the IEP that you disagree with and why. Ask that the letter be added to your student's file.
- Request that the parts of the IEP that you disagree with be implemented on a short-term basis, and that the team meets again to review the data. This will need to be documented clearly in the Prior Written Notice (PWN).
- Document your counter proposals in the PWN.
- You also have the right to request alternative dispute resolution, file a state complaint or file for a due process hearing. More information can be found in the section on **Dispute Resolution**.

Parents' Rights and Procedural Safeguards

It is very important for you to understand yours and your child's rights. You will be a much better active participant in the IEP if you understand your rights. You have the right to ask for the school district to explain your rights at this meeting, or at another time. You are also welcome to call PRO and we will be happy to walk you through it. PRO recommends taking the time to read through the document. You can find the most current version of the document on the New Mexico PED website at: <http://webnew.ped.state.nm.us/bureaus/special-education/>

Case Manager

Each student with an IEP has a case manager (or sponsor teacher) who ensures that everyone involved in implementing the IEP knows what to do and how to carry out his/her responsibilities. It is important to ask who your case manager is, they are a good contact person if you have concerns. Ask the case manager how you can be involved.

Prior Written Notice (PWN)

The Prior Written Notice, or PWN, is usually reviewed at the end of the IEP, but it is often considered the most important part of the document. The PWN tracks the things that team members propose and the reasons that those things are accepted or rejected, along with the reason. Make sure to keep track of all of the things that you are asking for and make sure that they are documented in the PWN. If the team rejects a proposal, the reason needs to be clearly documented. This part of the IEP is important if you need to pursue dispute resolution later.

Prior Written Notice must also be provided to the parent any time the district is suggesting a change in identification, evaluation, the educational services and setting, or what a free appropriate public education is for the student.

Family Tip

See PRO's forms "*Parent Concerns with Proposals*" and "*Family Proposal Worksheet*" for helpful tools for Prior Written Notice at the end of this book.

Informed Decisions

One of the more important highlights under IDEA is that parents must make informed decisions about their child's education.

Making an informed decision means that you:

- Understand ALL of the options before you make your final decision, and
- Understand why that particular option was chosen.

The description of each proposal and why proposals were accepted or rejected should be written in the IEP and/or the Prior Written Notice of Proposal document (PWN). Asking questions is a good way to get the information you need or to clarify terms so that you can make the best decisions for your child's education.

Tips for a Successful IEP

The importance of preparing for the IEP meeting cannot be overstated. Some parents find it valuable to bring their own report to the IEP meeting and ask that it be added to the IEP record of meeting as supporting documentation. In addition to your Parent Report, you may want to make a separate list of questions about the supports your child needs in order to be successful in school and later in life. We recommend that you start your list of questions one to two weeks prior to the meeting, once complete send those to the IEP team as far in advance as possible. A few days before the meeting, look at your list and prioritize your questions. Here are some very important tips.

- Write what you and your child envision for his or her future, including this year, the next five, ten, or twenty years.
- Share your story and the impact the school experience has on your family
- Pull out your child's last two IEPs
 - Look at the goals. Will they help your child reach the future you envision?
 - Have these goals changed at all in the last two years?
 - If goals haven't changed, you need to ask why
- Know the date of your child's annual IEP
- Write down any concerns you have- academically, behaviorally, socially, emotionally

- Share with the school in writing:
 - Your vision statement
 - Your concerns and proposals
 - A request for a longer meeting time, if needed
 - A request for a draft IEP
 - Request that the IEP be projected as it is written
 - Who you will be inviting to attend
- Consider inviting the team for an IEP outside of the school setting
- Be positive and come with an open mind
- Bring snacks
- Help your child participate in the development of the IEP
- Use NM PED guidance and IDEA regulations to support your case
- Ask questions
- Be respectful
- Ask for a break if you need one
- Keep notes on items you are proposing for documentation in the PWN
- Say “thank you”
- Know that you can table the IEP meeting for the following reasons:
 - Not enough time scheduled
 - Not enough data
 - Need time to process information
 - A needed participant is unavailable
 - Meeting is not productive
 - Emotions are too high

After the IEP



Chapter 4



The Meeting is Over – Now What?

It is important to keep the lines of communication open with the rest of the IEP team, and positive relationships will help to ensure that your child is getting the support that he or she needs. IEPs meetings are usually held annually, but you have the right to call a new IEP meeting at any time.

- Stay involved and be visible at your child's school. Attend school meetings.
- Communicate frequently with your child's teachers and team members. Schedule regular meetings either in person, by telephone, or use a daily notebook.
- Give positive feedback throughout the year to the teachers, administrators, team members and others involved when they do things that work well for your child.
- Choose your battles wisely. There are most certainly times when parents need to speak up and take action. Use your strongest advocacy skills for the issues that are the most important for your child's success!

Communication and Relationships

The time and energy you spend creating good relationships will pay off. Many new doors will open when you know the service providers, educators, and others in your child's life. Taking the time to talk establishes good communication and builds friendly relationships. Children succeed when the adults in their lives work as a team to solve problems and create opportunities.

Relationships are two-way and can benefit families as well as schools and agencies. We, as parents and families, are the true experts on our children. Educators and other professionals are beginning to understand that they can be valuable consultants for parents because they have a great deal of information and expertise to offer families and children. Knowing the people in our children's educational environments and community can make a difference. It helps us become more influential and respected members of the teams that make decisions about our children's education. It helps us become more effective advocates for our children.

If you have concerns, PRO recommends the following strategies for effective communication:

- Be mindful of your emotions
- Prioritize and plan
- Actively listen to understand the other person's perspective
- Clarify your statements
- Have options in mind and offer them for discussion as needed
- Focus on the positives

Effective communication will also help you know if your child is making progress or if something in the IEP needs to be changed. As a parent, you have the right to call an IEP meeting at any time, but many questions and concerns can be addressed informally. To document informal conversations, PRO suggests using a letter or email of understanding. A letter of understanding does the following:

- Allows for true misunderstandings to be resolved quickly
- Keeps a reasonable timeline
- Allows for clarification
- Keeps the issues focused
- Shows you are keeping the lines of communication open
- Provides documentation of the conversation and date
- Calls for accountability of verbal conversations

- Shows that you tried to resolve issues at the local level
- Provides a record if more formal complaints are needed

Additional Resource

For more information communicating with the school team, see PRO's publication *"Open Line and More: A Guide for Effective Communication"*.

Advocacy Tips

There may be times in your journey that you have a concern about your child's services or progress toward goals. Ideally, we want to solve problems without destroying relationships. Informal ways of resolving conflict work best. Always begin at the lowest level in the chain of command. Begin at the school level then move to the district's Special Education Director before contacting the Public Education Department.

Communicate. Talk to the teacher and school principal. Let them know what you are thinking and why. These conversations can be very valuable. Many problems can be solved by this step alone. Your situation will certainly be viewed in a more favorable light if you've tried informal communications first. Letter writing is also a good tool to use to make sure that everyone involved gets the same information.

Build your support network. Use friends, relatives, and experts to support you and help you think about resolving your conflict. Bring someone with you to meetings. This person can take notes, listen to what others say, ask questions, and provide moral support.

Stay Informed. Find out which laws, regulations, policies, or rules apply to your situation. School district policies or rules cannot supersede state regulations or standards and the state regulations cannot supersede federal law. Attend workshops or support groups. Visit libraries or agencies. Check out web sites.

Be a Problem Solver!

- Identify your goal. Know exactly what you want and why you want it. Be able to describe the problem and how it can be resolved favorably. If the problem is complex, list the intermediate steps that will move you toward a final solution.
- Define the problem. Before you can solve a problem, you need to identify it. Some problems are clear. Sometimes there are several interrelated problems that have no easy solution. Separate each problem. Decide which needs to be solved first. A list may help.
- Look for the cause. Decide if you have been denied services because of the interpretation of rules and regulations, lack of money, unavailability of the service in your area, or some other specific reason. Don't be afraid to ask for an outside opinion.
- Think about solutions. Most problems have solutions. Ask those involved for possible solutions. Big problems may have simple solutions. Look at the possibilities. Be creative.
- Find the power source. Ask questions. Find out who has the power and authority to make the decision you want. Ask what they need to make a favorable decision. If they are unwilling or unable to help you, find someone who can help them change their minds.

Record Keeping

Record keeping is one of the most important and empowering ways you can help your child. As you begin to keep records together, you will better understand your child's disability and your child's history. The time and effort you give to keeping accurate records will help you to secure the services and supports that your child needs to be successful.

Tips for getting started:

- Keep all records in chronological order including the following:
- IEPs – Prior and Current
- Evaluations
- Doctor's and Therapist Reports
- Progress Reports and Goals
- Written Communication
- Phone logs/ text logs/ emails
- Samples of your child's work

Having good records can change the tone of the meeting and help you to be an equal participating team member.

The Family Education Rights and Privacy Act (FERPA)

You have rights with regard to the confidential information the school keeps about your child. These rights include:

- The right to inspect and review your child's file; you may also receive copies of the information contained in the files at no cost to you if you cannot afford them
- Limiting access to people who need to see the file only
- Challenging information in the file if you feel it is inaccurate or misleading
- Asking the school to remove information you disagree with. If the request is denied you have three options:
 - Attach a letter to the page telling why you disagree, OR
 - Request mediation, OR
 - Request a due process hearing

School districts must have your written permission to release records to any other entity with the exception of another school district. The law requires districts to transfer records to each other.

Dispute Resolution



Chapter 5



When there are disagreements

Ideally, we want to solve problems without destroying relationships. PRO recommends starting at the lowest possible level in the chain of command, moving from the teacher to the principal, your district's Special Education Director, the Public Education Department, etc. We encourage you to use the **Advocacy Tips** below to help you begin resolving problems:

Get Help. Use friends, relatives, and experts to support you and help you think about resolving your conflict. Bring someone with you to meetings. This person can take notes, listen to what others say, ask questions, and provide moral support.

Communicate. Talk with the teacher, principal, and one other person in the chain of command. Let them know what you are thinking and why. These conversations can be very valuable. Often problems can be solved by this step alone.

Identify the Problem. Before you can solve a problem, you need to identify it. Some problems are clear, but sometimes there are several interrelated problems that have no easy solution. Separate and identify each problem and decide which needs to be solved first. Make a list. It often helps to see it on paper.

Identify your Goal. Know exactly what you want and why you want it. Be able to describe the problem and how it can be resolved. If the problem is complex, list steps that will move you toward a final solution. Clarifying what you want usually takes some thinking -- brainstorming all possible solutions and the pros and cons of each. Don't be afraid to look outside the system. Ask others for information and suggestions for possible creative solutions.

Identify the cause of the problem. Determine the specific cause of the problem. Decide if you have been denied services because of the interpretation of rules and regulations, lack of money, unavailability of the service in your area, or some other specific reason. Don't be afraid to ask for an outside opinion.

Identify a solution to the problem. Most problems have solutions. Money may be needed; someone's mind may need to be changed; regulations may need to be interpreted differently. If possible, ask each person involved for possible solutions. Be creative. Identify who can help solve the problem.

Know Your Rights. Find out which laws, regulations, standards, policies, or rules apply to your situation. Find out how they have been interpreted in situations like yours in the past. Know the appeals process just in case. Remember that school districts cannot make a policy or rule that supersedes state regulations or standards, and the state cannot make a regulation that supersedes federal law.

Options for Dispute Resolution

If the team cannot find a solution that works for everyone, you have several options available under your parental rights and procedural safeguards through IDEA. These options include the following:

- Independent Educational Evaluation (IEE)
- Mediation
- Facilitated IEP (FIEP)
- State Complaint
- Due Process Hearing

Independent Educational Evaluation (IEE)

If you disagree with the evaluation the school district provided, you have a right to request an Independent Educational Evaluation (IEE). An IEE is essentially a second opinion by someone who does not work for the school district. This evaluation must be at no cost to the parent. In New Mexico, school districts are required to keep lists of independent evaluators and they must provide this list to parents without “unreasonable delay.” However, if the parents have a person that meets the district criteria, they may select that person. The IEP team must consider the IEE (whether it is obtained at public or private expense) like all other information used to make informed decisions for the child. However, the IEP team is not required to take every recommendation. If the team refuses the information provided by the independent evaluator, they must provide Prior Written Notice of Proposal to the parent with an explanation of why the request was rejected.

If you choose to pay for an independent or other outside evaluation, the IEP team must also **consider** this information along with all other information when developing the IEP.

Make sure that all requests for IEEs are in writing. If you request an IEE when you are in a IEP meeting, it should be documented in the prior written notice. PRO recommends requesting an IEE in a letter format to ensure that the right people see it and can move the request forward.

Mediation

Mediation is a meeting or a series of meetings run by a third-party with the hope of finding a mutually agreeable resolution to the issues. Mediation is voluntary for both parties, and can be accessed through the alternative dispute resolution (ADR) process or through a state complaint.

Mediation usually involves an independent third party assigned by the state public education department, but less formal mediation options may be offered through the school district. A successful mediation ends with a legally binding agreement that can be enforced in a court of law.

Mediation can be useful when there are disagreements about multiple issues, or when the issues involved may not be directly related to the IEP. It can allow parents and school teams an opportunity to resolve concerns without permanently damaging relationships.

Additional Resource

For more information on the mediation process, please see NM PED’s fact sheet at:
<http://webnew.ped.state.nm.us/bureaus/special-education/laws-rules-guidance/>
or call Parents Reaching Out.

Facilitated IEP (FIEP)

A facilitated IEP is an IEP run by an independent third party, usually assigned by the state public education department. An FIEP is voluntary for both parties, and can be accessed through the alternative dispute resolution process (ADR) or through a state complaint.

A facilitated IEP can be a helpful option when there are concerns that district resources are playing too large a role in the determination of what a free and appropriate public education (FAPE). It can allow for an independent party to focus on following the IEP process when emotions may be too high. A successful FIEP ends with an IEP that addresses the academic and functional needs of your child.

Additional Resource

For more information about FIEPs, please refer to NM PED's fact sheet at:
<http://webnew.ped.state.nm.us/bureaus/special-education/laws-rules-guidance/>
or call Parents Reaching Out.

State Complaint

A formal state complaint is another option available under IDEA's parental rights and procedural safeguards. The complaint is made with the New Mexico Public Education Department's Special Education Bureau, and it allows for an investigation about noncompliance with IDEA and/or the IEP for concerns that have occurred within the last year.

As a part of the state complaint, you will want to gather as much documentation of your concerns as possible. This could be your own notes about conversations and time frames, or written communication with team members or district administration. You will also want to be prepared to explain your concerns, and align them with pieces of IDEA or the IEP. Perhaps the most important piece of the state complaint process is providing your "proposed resolutions" – this allows for you to ask for solutions that you would like to see.

There are several options available through the state complaint process:

1. Allow for the complaint to go through the investigation process
2. Request mediation
3. Request a facilitated IEP

The investigation process, and the assignment of findings, can take up to 60 days. The findings could include compensatory services for your child and/or a corrective action plan for the school district.

Requesting mediation is another option through the state complaint. It is voluntary for both parties, and involves an independent third party who works between the families and the school district to find resolutions that everyone can agree upon. If agreement is reached through this process, a legally binding agreement is signed and the **state complaint is withdrawn and the investigation process stops**.

You can also request a facilitated IEP (FIEP) through the state complaint process. This option brings in a third-party, independent facilitator assigned through the state. The facilitator runs the IEP and helps to ensure that the special education process is being followed correctly.

Additional Resource

For more information about the state complaint process, please refer to the NM PED's fact sheet at:
<http://webnew.ped.state.nm.us/bureaus/special-education/laws-rules-guidance/>
or call Parents Reaching Out.

Due Process Hearing

When you disagree with the school district about your child's IEP or his or her placement and you have tried to resolve issues without success, you may want to consider filing for a due process hearing. You have the right to request a due process hearing if there is a dispute about the identification (eligibility), evaluation, educational placement or the provision of a free and appropriate public education (FAPE) under IDEA and New Mexico state law. You must submit this request in writing for events that have occurred within the last two years, or two years that you knew or should have been aware of the problem. The due process hearing is conducted by a state-appointed hearing officer who is knowledgeable about special education laws. You have the right to be represented by an attorney, and the school district will be represented by an attorney. Due to the more legal nature of the due process hearing, PRO has limited involvement with due process hearings. However, we can help you in accessing and understanding the information, and provide you with an appropriate referral if needed.

Due Process Hearing Resolution Session

A Due Process Hearing Resolution Session is another option in New Mexico to try to resolve disputes. When a parent requests a due process hearing, the school district must provide an opportunity for a meeting to resolve the concerns quickly and avoid the emotional and financial cost of a hearing. This session can allow each party to have more control over the outcome because issues are resolved between them, not decided upon by a hearing officer.

A resolution session is attended by relevant members of your child's IEP team and a district representative with the ability to make decisions for the district. The school district is not allowed to have an attorney unless you are represented by an attorney. A successful resolution session ends with a legally binding agreement that can be enforced in a court of law. Under New Mexico law, the district must schedule an IEP to address any IEP related issues that were resolved in the resolution session. You have three business days to void any agreement if you change your mind.

Additional Resource

For more information about Due Process, please refer to NM PED's fact sheet at:
<http://webnew.ped.state.nm.us/bureaus/special-education/laws-rules-guidance/>
or contact Parents Reaching Out for an appropriate referral.

Parent Report and Sample Letters

Chapter 6

Parent Report Samples

Letter Templates:

Request for an Independent Evaluation

Letter of Understanding

Initial Request for Special Education Services

Positive Feedback

Sharing Concerns

Request for an IEP Meeting

Request for Records

Requesting Mediation



Sample Parent Report

Parent Report for _____ Grade: _____ Date: _____

- 1. Share your hopes, dreams and goals for your child as an adult (employment, independent living, further education, etc.):**
 - We hope James can find meaningful employment in the computer field.
 - Our hope is for James to have close and supportive friends
 - Our dreams are for James to be able live independently and be happy.
- 2. List your child's strengths or positive points:**
 - James is very curious and wants to learn new things.
 - James loves science fiction and soccer.
- 3. Share any issues or challenging areas for your child, such as:**
 - James will only wear one type of clothing—labels bother him. (Sensory)
 - He is easily distracted by noises and others around him. (Learning)
 - He is afraid of large crowds or open spaces, etc. (Space/Environment)
 - James gets overstimulated, especially in large groups. (Behavior)
- 4. What does your child like to do at home? What does your child dislike to do?**
 - James likes to play computer and video games.
 - He does not like chores outside and gets angry if he's asked to change activities.
- 5. Does your child play with other children? (at home, neighborhood, other places)**
 - James will sometimes allow children to play next to him. I think he wants to play with other children but does not appear to know how to play with other children.
- 6. What kind of positive reinforcement (and rewards) do you use at home?**
 - At the end of the week, if James has finished his daily chores he earns a pizza. James loves pizza!
 - If James has a good day, we will let him spend some extra time playing video games.
- 7. Communication builds partnerships to improve outcomes for your child. What type of home-school communication works best for you?**
 - I can only receive emergency calls at work. A communication notebook or an agenda to communicate would help.
 - Email and text messages work best for me.

We request that our Parent Report and the attached Concerns with Proposals be placed in our child's file. Thank You.

Parent Report

Name: _____ Grade: _____ Date: _____

1. Share your hopes, dreams and goals for your child as an adult (employment, independent living, further education, etc.):

2. List your child's strengths or positive points:

3. Share any issues or challenging areas for your child, such as:

4. What does your child like to do at home? What does your child dislike to do?

5. Does your child play with other children? (home, neighborhood, other places)

6. What kind of positive reinforcement (and rewards) do you use at home?

7. Communication builds partnerships to improve outcomes for your child. What type of home-school communication works best for you?

We request that our Parent Report and the attached Concerns with Proposals be placed in our child's file. Thank You.

Sample Parent Concerns with Proposals

Parent Concerns with Proposals for Michael (date of IEP meeting)

- Concern:** Michael wants to have friends but he doesn't understand social cues. He has a hard time with unstructured times and gets in trouble. He's been sent to the Principal's office several times.
- Proposal:** Review the Functional Behavior Assessment completed last May and gather new information to update it. Within one month from today's meeting, reconvene the IEP team to develop a positive Behavior Improvement Plan.
- Concern:** Michael does not answer questions quickly because he doesn't process verbal information well. He can recall large chunks of information on topics that interest him. He may have the answer, but will "freeze" if he needs to answer quickly.
- Proposal:** Provide "thinking time" for Michael to respond to a question. Repeat and or rephrase the question in calm tones to give Michael an opportunity to respond. Provide cuing as needed (during classroom, playground and other activities).
- Concern:** Michael doesn't like changes in the routine, and he might refuse to do something new the first time. He doesn't respond well to people who enter his "personal space."
- Proposal:** Provide cues to Michael and time to allow him to transition from one activity to another. Provide teacher/staff training on identifying and addressing behaviors that result from Michael's disability. (We have information and we'd like to find a way to share information and resources with staff.)
- Concern:** Michael doesn't like sharp or loud background noises. He tries to block them out and this interferes with his learning.
- Proposal:** Revise Occupational Therapist's schedule to include regular classroom consult on strategies/environmental changes to improve his tolerance level and reduce effects of excess noise.
- Concern:** Communication from school is inconsistent. I'm only called when he's in trouble.
- Proposal:** Weekly two-way communication between home and school that describes progress toward goals and positive encounters with Michael as well as concerns.

Please add this document to prior written notice and to my child's file.

Parent Concerns with Proposals

Child's Name: _____ IEP Meeting Date: _____

Concern:

Proposal:

Concern:

Proposal:

Concern:

Proposal:

Concern:

Proposal:

Concern:

Proposal:

Concern:

Proposal:

Concern:

Proposal:

Please add this document to prior written notice and to my child's file.

Sample Family Proposal Worksheet (Note taking during IEP meeting)

Family Proposal Worksheet

The Family Proposals Worksheet is a tracking tool to use during the IEP meeting

IEP meeting for: Michael		Age:	Date:
Proposals		Outcomes	
Concerns/ Discussion Questions	Proposal and Reason	Action	Person Responsible
		Accept	Reject
		Reason for Action	Start Date
Michael lacks understanding of social cues.--playground & class incidents—principal’ s office 3-4 times a week.	Review Functional Behavior Assessment from May. Gather new information. Reconvene IEP in 1 month to develop a Behavior Improvement Plan (BIP) with Positive Behavior Supports (PBS).		
Does not answer questions quickly --trouble retrieving specific answers.	More Speech/Language Therapy to include consult w/teacher to address memory problems.		
Refuses to comply with requests when routine changes. Issues with his “ personal space” .	Provide teacher/staff training on identifying and addressing behaviors that result from Michael’ s disability.		
Michael is frustrated by sharp or loud background noises--tries to block them out. Interferes with his learning.	Occupational Therapy to include regular classroom consult on strategies to improve his tolerance level/reduce effects of excess noise.		
Communication is not consistent.	Set up a weekly home-school communication system for progress updates and information sharing.		

Family Proposal Worksheet (Note taking during IEP meeting)

Family Proposal Worksheet

The Family Proposals Worksheet is a tracking tool to use during the IEP meeting

IEP meeting for:	Age:	Date:				
Proposals		Action		Outcomes		
Concerns/ Discussion Questions	Proposal and Reason	Accept	Reject	Reason for Action	Start Date	Person Responsible

Sample Letter: Request for an Independent Educational Evaluation at Public Expense

Your Name
Street Address
City, State Zip Code
(Daytime telephone number)

Name of Director of Special Education
Your School District
Full Address

Dear (name of Director),

My son/daughter, (give full name), who is currently attending (name of school, grade, teacher) was evaluated for special education services (give month and year of this evaluation). I am writing to inform you that I disagree with the testing, and I would like to have my child re-evaluated.

(The following section is optional – you are not required to provide a reason)

I am requesting an Independent Educational Evaluation at public expense, for the following reasons:

1. (Briefly list your reason(s), being very specific).
2. (Area of concern, for example: neuro-psych, learning styles, P/T, O/T, Speech etc.)

I would like to have a list of independent evaluators, the district's criteria for IEEs; and a copy of the evaluation and eligibility requirements set forth for Independent Educational Evaluation.

I look forward to hearing from you soon. Thank you for your consideration.

Sincerely,

Your full name

cc: School Principal

Sample Letter: Letter of Understanding

Your Name
Street Address
City, State Zip Code
(Daytime telephone number)

Today's Date

Name of Teacher or Administrator
Your School District
Full Address

Dear _____

I appreciated meeting with you on (date). It is my understanding of our phone conversation (or meeting) that: *(Be specific and # each statement. Example: You believe it is not possible for my child to change teachers because if she does, others will want to do the same thing.)*

1. That even though my child is eleven years old and struggles to read her sister's second grade books, her reading comprehension tests show she is on grade level.
2. That although other children laugh at her and isolate her socially, we cannot institute a mentorship or give her a designated school job because then everyone would want the same thing.
3. That it is appropriate for my child to spend three hours on homework each night because she needs to "learn responsibility."
4. That while my child has Attention Deficit Disorder, her real problem is that "she doesn't pay enough attention."

If this is not your understanding of our conversation, I would really appreciate it if you would clarify your position on these points. Please let me hear from you soon, say by Wednesday (DATE), if I have misunderstood you. Again, thank you for the phone call (or meeting) and we look forward to working with you on my children's behalf as members of the IEP team.

We can be reached at (phone number) and our address is _____.

Sincerely,

(Your Full Name)

Sample Letter: Request for an Initial Evaluation for Special Education Services

Your Name
Street Address
City, State Zip Code
(Daytime telephone number)

Today's Date

Name of Principal
Street Address
City, State Zip Code

Dear (Name of Principal),

I am writing to request that my son/daughter, (full name), be evaluated for all suspected areas of disability. I understand that I have to give written permission in order to have (name of child) tested. This letter should be considered as the written consent to evaluate my child as required by the Individuals with Disabilities Education Act (IDEA) and state regulations.

I have been worried lately that he/she is not doing very well in school and that he/she may need some special help in order to learn. He/she is in the (grade level and name of the teacher) at (name of the school).

(Write a short paragraph that describes one or two specific reasons for your concern about your child and the conferences you have had with your child's teacher.)

Example: Specifically, I am worried because (name of your child) struggles with every reading assignment. He/she is reading below grade level and this affects all of his/her school work.

I would like to know more about the tests, the testing process, and when my child will be scheduled for the testing that I am requesting. I would be happy to talk with you or another school official about my child.

You can send the information to me through the mail or call me at (daytime phone number). The best times to reach me during the day are (times). I hope to hear from you within the coming week.

Sincerely,

Your full name

cc: Director of Special Education (local school district)

Sample Letter: Positive Feedback

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Today's Date (Include month, day, year)

Full name of Teacher, Principal, or Superintendent
Name of School/Organization
Street Address
City, State, Zip Code

Dear _____

I am writing to let you know that I am very pleased with (full name of your child's) special education program. (First name of your child) has had great success with (briefly say what went right and name the professionals working with your child).

We look forward to continuing progress. Thank you for all your efforts on behalf of my child. My daytime telephone number is (000) 000-0000.

Sincerely yours,

Your full name

cc: Principal of the school and/or
Director of Special Education receives a copy.

Sample Letter: Sharing Concerns

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Today's Date (Include month, day, year)

Full name of Person to whom you're writing
Title
Name of School/Organization
Street Address
City, State, Zip Code

Dear (Name of person; use title and last name),

In this paragraph explain who you are, give the full name of your child and his or her current class placement, and, VERY BRIEFLY, explain the reason you are writing.

In this paragraph explain what you would like to have happen or what you would like to see changed. You may BRIEFLY say what you would not like, but spend most of this paragraph saying what you want.

Say what type of response you want. For instance, do you need to meet with anyone, do you want a return letter, or a phone call?

Finally, give your daytime telephone number and let them know that you expect to hear from them soon (or give a date such as, "by the 15th").

Sincerely yours,

Your full name

cc: Send copies of this letter to anyone that you feel need to be kept in the loop!

Sample Letter: Request for an IEP Meeting

Your Name
Street Address
City, State Zip Code
(daytime telephone number)

Today's Date (Include month, day, year)

Name of Principal
Street Address
City, State Zip Code

Dear (Name of Principal or case manager),

I am writing to request an IEP meeting. I would like to discuss making some possible changes in (child's name, grade level, and teacher) IEP as I feel that...(list concerns)

I would also like to have the following people (name each teacher or specialist) attend. I think his/her ideas about the changes we may make will be valuable.

I (or my husband/wife and I) can arrange to meet with you on (days) between (give a range of time, such as between 3:00 and 5:00pm). Please let me know what time would be best for you.

I look forward to hearing from you soon. My daytime telephone number is (000) 000-0000.

Sincerely,

Your full name

cc: (Special Education Director)
(Individuals that you want to attend the IEP meeting)

Sample Letter: Request for Records

Your Name
Street Address
City, State Zip Code
(Daytime telephone number)

Today's Date (Include month, day, year)

Name of Principal
Street Address
City, State Zip Code

Dear (Name of Principal),

I am writing to schedule a time to review all of my child's records, both cumulative and confidential.

My child's name is ..., his/her grade is ..., and his/her teacher is..., I am planning to be at the district office on (specific date, and time) at which time I would like to review my child's records. If this time is inconvenient, please call me at (home or work phone) to reschedule.

I will also need copies of all records (if only needing specific records please note) and would like to pick up these records at the time of my visit. (If you are not planning on viewing records ask that they be mailed to you at the school's earliest convenience.)

Sincerely,

Your full name

cc: Special Education Director

Sample Letter: Working Out Concerns or Differences at the Local Level

Your Name
Street Address
City, State Zip Code
(Daytime telephone number)

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

Full name of Person to whom you're writing (Local level begins with principal)

Title

Name of School

Street Address

City, State, Zip Code

Dear (Name of person, use title and last name),

In this paragraph explain who you are, give the full name of your child and his or her current class placement. VERY BRIEFLY, explain the reason that you are writing this letter.

In this paragraph explain what you would like to have happen or what concern or difference you are experiencing. You may BRIEFLY say what you would not like, but spend most of this paragraph saying what you need for your child.

Say what type of response you want. For instance, do you need to meet with anyone, do you want a return letter, or a phone call?

Finally, give your daytime telephone number and address and let them know you expect to hear from them soon (or give a date, "by the 00th").

Sincerely,

Your full name

cc: Special Education Director (local school district)
Superintendent (local school district)

Sample Letter: Requesting Mediation

Your Name
Street Address
City, State Zip Code
(Daytime telephone number)

Today's Date

Full name of Person to whom you're writing (usually the Special Education Director)
Title
Name of School
Street Address
City, State, Zip Code

Dear _____,

This letter is in reference to my son/daughter, (give full name), who is currently attending (name of school, grade, teacher). We have been in a dispute at the school regarding (give name of child) services. I am requesting mediation with a state sponsored mediator. I understand that this process is voluntary on my part and is at no cost, and that any discussions in the mediation sessions are strictly confidential.

In this paragraph say what type of response you want. For instance, give the times and dates that are most convenient for you to meet. Say what type of response you want, a written letter stating time and date of mediation.

Finally, give your daytime telephone number and let them know you expect to hear from them soon.

Sincerely,

Your full name

cc: Superintendent of District

Additional Resources



Most Commonly Used Acronyms

504	Section 504 of the Rehabilitation Act
ADA	Americans with Disabilities Act
ADD	Attention Deficit Disorder
ADHD	Attention Deficit Hyperactivity Disorder
APE	Adapted Physical Education
ASD	Autism Spectrum Disorder
ASL	American Sign Language
AT	Assistive Technology
AYP	Adequate Yearly Progress
BIA	Bureau of Indian Affairs
BIE	Bureau of Indian Education
BIP	Behavioral Intervention Plan
BMS	Behavior Management Specialist
CFR	Code of Federal Regulations
COTA	Certified Occupational Therapist Assistant
CP	Cerebral Palsy
CYFD	Children, Youth and Families Department
DD	Developmental Disability
DOE	Department of Education
DVR	Division of Vocational Rehabilitation
EA	Educational Assistant
ED	Emotional Disturbance
EDT	Eligibility Determination Team
EI	Early Intervention
ELA	English/Language Arts
ELL	English Language Learner
ELP	English Language Proficiency
EOC	End of Course Exam
ESL	English as a Second Language
ESSA	Every Student Succeeds Act
ESY	Extended School Year
FAPE	Free Appropriate Public Education
FBA	Functional Behavior Assessment
FERPA	Family Education Rights and Privacy Act
HI	Hearing Impaired
ID	Intellectual Disability

IDEA	Individuals with Disabilities Education Act
IEE	Independent Educational Evaluation
IEP	Individualized Education Program
IHP	Individualized Health Plan
LD	Learning Disability / SLD: Specific Learning Disability
LEA	Local Education Agency
LEP	Limited English Proficient
LRE	Least Restrictive Environment
MD	Multiple Disabilities
MDT	Multi-Disciplinary Team
MET	Multi-disciplinary Evaluation Team
OCR	Office for Civil Rights
OHI	Other Health Impaired
OI	Orthopedic Impairment
OSEP	Office of Special Education Programs
OT	Occupational Therapist
PARCC	Partnership for Assessment of Readiness for College and Careers
PBS	Positive Behavior Supports
PEC	Public Education Commission
PED	Public Education Department
PLAAFP	Present Levels of Academic and Functional Performance
PRO	Parents Reaching Out
PT	Physical Therapist
PTA	Parent Teacher Association
PTI	Parent Training and Information Center
PTO	Parent Teacher Organization
PWN	Prior Written Notice
RTI	Response to Intervention
SAT	Student Assistance Team
SBA	Standards Based Assessment
SEA	State Education Agency
SID or SI	Sensory Integration Disorder
SLD	Specific Learning Disability
SLI	Speech Language Impairment
SLP	Speech Language Pathologist
SPED	Special Education
TBI	Traumatic Brain Injury
USDOE	United States Department of Education

Definitions and Words to Know

Adapted Physical Education (APE) — A component of the educational curriculum in which physical, recreational, and other therapists work with children who exhibit delays in motor development and perceptual motor skills. It is a related service some children might need in addition to or in place of physical education.

Advocate — An individual who represents or speaks out on behalf of another person's interests. A parent speaking out on behalf of his/her child is an advocate.

American Sign Language (ASL) — A method of communicating by using hand signs. Each sign represents either one word or a concept that is typically expressed with several spoken words. For words that do not have a sign, finger spelling is used.

Americans with Disabilities Act (ADA) — A law that took effect in 1992 which defines "disability" and prohibits discrimination by employers, by any facility open to the general public, and by state and local public agencies that provide such services as transportation. (Public Law 101-336)

Aphasia — A communication disorder that is characterized by partial or total inability to produce and/or understand speech as a result of brain damage due to injury or disease.

The Arc of NM — State-wide advocacy organization for individuals with disabilities. Contact them at 1-800-358-6493.

Assessment — Information gathered by qualified personnel on a child's development, and on the needs and priorities of the family when planning the Individual Family Service Plan. It is also a collection of tests that look at the strengths and challenges of children, youth, and adults to determine eligibility for state, local, and federal programs.

Assistive Technology (AT) — Any item, piece of equipment, or product system (acquired commercially off the shelf, modified, or customized) that is used to increase, maintain, or improve functional capabilities of individuals with disabilities. Public schools are required to consider the assistive technology needs of students with disabilities.

Attention Deficit Disorder (ADD) — A neurobiological disorder. Typically, children with ADD have developmentally inappropriate behavior, including poor attention skills and impulsivity. Characteristics arise in early childhood, typically before age 7, are chronic, and last at least 6 months.

Attention Deficit Hyperactivity Disorder (ADHD) — A neurobiological disorder. Typically, children with ADHD have developmentally inappropriate behavior, including poor attention skills, impulsivity, and hyperactivity. These characteristics often arise in early childhood, typically before age 7, are chronic, and last at least 6 months. Children with ADHD may also experience difficulty in the areas of social skills and self esteem.

Autism Spectrum Disorder (ASD) — A Developmental disabilities that share many of the same characteristics. Usually evident by age three, neurological disorders that affect a child's ability to communicate, understand language, play, and relate to others.

Behavior Intervention Plan (BIP) — A plan that is put in place to teach a child appropriate behavior and social skills. It should be positive in nature, not punitive.

Behavior Management Specialist (BMS) — An individual who has knowledge or training in behavioral theory, experience conducting functional analysis of behavior, and experience developing and implementing written positive behavior intervention plans.

Behavioral Assessment — Gathering (by direct observation and parent report) and analyzing information about a child’s behaviors. The frequency and duration of behaviors are noted. This information helps identify the “function” of behavior in order to plan ways to reduce or replace unwanted behaviors.

Bureau of Indian Affairs (BIA) — Government agency that oversees and assists the affairs of Native Americans.

Cerebral Palsy (CP) — A disorder of movement and posture control resulting from non-progressive damage to the brain during fetal life, the newborn period, or early childhood. Both genetic and acquired factors may be involved. It may be caused by a lack of normal fetal brain development or by injury to the brain.

Certified Occupational Therapist Assistant (COTA) — A person who works under the direction of occupational therapists to provide rehabilitative services to persons with mental, physical, emotional, or developmental impairments.

Child Find — A federal program which requires states to actively locate children, ages birth to 21, with developmental disabilities or who are at risk for developmental disabilities. Child Find particularly focuses on children who are not enrolled in school programs.

Children, Youth & Families Department (CYFD) — An agency that is dedicated to enhancing the safety, dignity, and well-being of the children, youth, and families of New Mexico. They protect children and adults from abuse, neglect, and exploitation. They seek to prevent abuse, reduce juvenile crime, promote quality child care, and support healthy families.

Code of Federal Regulations (CFR) — Every time a law is passed by Congress, regulations are developed by the US Department of Education. These regulations are always assigned a CFR code.

Comprehensive Educational Evaluation — Tests and observations by public school staff to determine if a child has a disability and requires special education and related services. The school's multi-disciplinary team is required to do the evaluation and have a meeting with parents to discuss the results. A parent may share any evaluation and assessment information done by another agency or qualified person.

Consumer — A term commonly used by professionals referring to a person receiving services.

Deaf — Having nonfunctional hearing, with or without amplification, for the ordinary purposes of daily living. An individual formerly referred to as being deaf is now classified as having profound hearing loss.

Deficit Based Assessment — A system that is based on finding all the things the person cannot do in order to determine eligibility for services. These limitations and challenges must be documented thoroughly as part of the process of applying for and receiving services.

Department of Education (DOE) — The federal agency that promotes student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Department of Health (DOH) — The government agency that promotes health and sound health policy to prevent disease and disability, improve health services systems, and assure that essential public health functions and safety net services are available.

Developmental Disability (DD) — Any physical or mental condition that begins before the age of 18 years, causes the child to acquire skills at a slower rate than his/her peers, is expected to continue indefinitely, and impairs the child’s ability to function in society.

Disability — A substantially limiting physical or mental impairment, which affects basic life activities, such as: hearing, seeing, speaking, walking, caring for oneself, learning, or working.

Division of Vocational Rehabilitation (DVR) — Agency that is part of the NM Public Education Department and is supported by state and federal funds. DVR helps people with disabilities achieve suitable employment outcomes. If appropriate for your situation, DVR should be contacted as your child begins the transition to adulthood (as early as age 14 but not later than 16) so that plans can be made in the IEP to meet your child’s vocational needs.

Due Process — A legal process for resolving a dispute between the family and the service agency. In special education, Due Process refers to a legal process for resolving a dispute between the family and the public school related to the identification, evaluation, or placement of a child with disabilities.

Dyslexia — A learning disability in which the child has difficulty with reading due to difficulty distinguishing written symbols. Example: transposing letters and words such as reading “top” as “pot”.

Dyspraxia — Difficulty with planning and performing coordinated movements, although there is no apparent damage to the muscles.

Early Intervention (EI) — Specialized services provided to families of infants and toddlers ages birth to three, who are at-risk for or are showing signs of developmental delay. Services are provided by the NM Department of Health Family Infant Toddler Program (FIT).

Educational Assistant (EA) — A person hired by the school district that provides assistance to students under the supervision of the classroom teacher.

Emotional Disturbance (ED) — A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance:

- a. An inability to learn that cannot be explained by intellectual, sensory, or health factors;
- b. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- c. Inappropriate types of behavior or feelings under normal circumstances;
- d. A general pervasive mood of unhappiness or depression;
- e. A tendency to develop physical symptoms or fears associated with personal or school problems.

English as a Secondary Language (ESL) — Instruction in language arts for LEP students which explicitly teaches listening comprehension, oral expression, pronunciation, reading and writing while supporting the skills and concepts presented in the regular English curriculum.

English Language Learner (ELL) — Refers to students whose first language is not English. This term includes students who are just beginning to learn English and those who have already developed considerable proficiency.

English Language Proficiency (ELP) — Language assessment scale which determines the level of proficiency of the child — non-English proficient, limited English proficient, or fluent English proficient.

Every Student Succeeds Act (ESSA) - The Every Student Succeeds Act (ESSA) was signed by President Obama on December 10, 2015. Each state is required to develop a plan for how ESSA will be implemented.

Extended School Year (ESY) — Delivery of special education and related services during the summer vacation in order to prevent significant loss of previously learned skills. The IEP team must consider the need for Extended School Year at each meeting and must describe those services specifically with goals. Not all special education students, nor all special education services in the IEP, require an extended school year. ESY services must be individually crafted.

Family Education Rights & Privacy Act (FERPA) — A federal law that protects the privacy of students' education records and guarantees the parent's right to review their child's files.

Family Infant Toddler Program (FIT) — A program of the NM Department of Health that provides early intervention services to families who have concerns about the development of their young child (birth to three).

Fidelity — The unfailing fulfillment of one's duties and obligations and strict adherence to vows or promises. *Fidelity means to implement a program as it was intended;* to ensure that all services are delivered correctly.

Free Appropriate Public Education (FAPE) — IDEA 2004 requires that agencies provide special education and related services at no cost to the parent so that a child with disabilities may benefit from public education. It requires that an Individualized Education Program (IEP) be developed for each child with a disability with measurable goals based on the child's needs and present levels of educational performance.

Functional Behavior Assessment (FBA) — A process that looks at why a child behaves the way he or she does, given the nature of the child and what is happening in the environment. Data is collected to determine the possible causes of problem behaviors and to identify strategies to address the targeted behaviors.

Functional Behaviors — Behaviors (basic skills, such as meal-time skills) the child has mastered, or needs to master, in order to get along as independently as possible in society.

Gifted — Gifted Education in New Mexico is under the umbrella of Special Education. A gifted child is defined as a school-age person whose intellectual ability paired with subject matter aptitude/achievement, creativity/divergent thinking, or problem solving/critical thinking is so outstanding that an Individual Education Plan (IEP) team decides special education services are required to meet the child's educational needs.

Head Start — A federal program focused on providing a comprehensive preschool program for children ages (3-5) of low-income families. Activities address individual needs to help children attain their potential in growth and mental and physical development before starting school. 10% of children enrolled are required to be children with disabilities.

Hearing Impaired (HI) — Loss of auditory ability ranging in degree from slight to profound. Hearing impairments are generally categorized as conductive (involving the middle and outer ear) or sensorineural (involving the inner ear or the auditory nerve). Hearing impairment can also be classified as congenital (existing at or dating from birth).

Independent Educational Evaluation (IEE) — Evaluation by a qualified examiner who is not employed by the school district which is responsible for the education of the child.

Individualized Education Program (IEP) — A written statement of a child's current level of development and an individualized plan of instruction, including the goals, specific services to be received, the people who will carry out the services, the standards and time lines for evaluating progress, and the amount and degree to which the child will participate with typically developing peers (Inclusion / Least Restrictive Environment). The IEP is developed by the child's parents and the professionals who evaluated the child and/ or are

providing the services. IDEA requires an IEP for all children in special education, ages three years through twenty-one.

Individualized Health Plan (IHP) – A health plan for a child with special health care needs in the school setting.

Individuals with Disabilities Education Act (IDEA) — The federal law that provides the legal authority for early intervention and special educational services for children birth to age 21. **Part B** outlines services for children ages 3-21. **Part C** outlines services for children birth to 3.

Intellectual Disability (ID) - (Formerly known as mental retardation.) Some common conditions include development from childhood at a below average rate, and/or difficulty in learning and social adjustments; severity ranges from mild to profound, with the vast majority being mild.

Learning Disability (LD) — A disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations.

Least Restrictive Environment (LRE) — This term means the placement that is as close as possible to the regular education environment. This is the educational setting that permits a child to receive the most educational benefit while participating in a regular educational environment to the maximum extent appropriate. LRE is a requirement under the IDEA law.

Limited English Proficient (LEP) — This term refers to a student whose native language is other than English or who comes from an environment where a language other than English is dominant. The student's difficulties in speaking, reading, writing, or understanding English may be sufficient to deny the individual the ability to meet the state's proficient level of achievement on state assessments; the ability to achieve in classrooms where the language of instruction is English; or the opportunity to participate fully in society.

Local Education Agency (LEA) — The local school district.

Multi-Disciplinary Team (MDT) — This team generally consists of the principal, the student's general education teacher, parents, special educators, and special services ancillary staff. They arrange for evaluations, consider evaluation results, and make recommendations to the Individualized Education Program Team (IEP Team).

Multi-disciplinary Evaluation Team (MET) – An evaluation team that crosses multiple disciplines in order to make sure that all of a child's needs are being addressed.

A Multi-Tiered System of Supports (MTSS) – is a systemic, continuous-improvement framework in which data-based problem solving and decision-making is practiced across all levels of the educational system for supporting students.

Music Therapy — A therapeutic service provided to meet recreational or educational goals for a child. Music therapy includes playing instruments, moving to music, creating music, singing, and listening to music. It is utilized in a variety of applications in schools, hospitals, and private settings through both individual and group approaches, often in conjunction with other types of therapy.

National Network of Partnership Schools (NNPS) — Established at Johns Hopkins University in 1996, NNPS invites schools, districts, states, and organizations to join together and use research-based approaches to organize and sustain excellent programs of family and community involvement that will increase student success in school.

Natural Environment — The natural or everyday settings where your child would be if there wasn't a developmental concern. Some examples are: home, childcare, parks, etc. For youth or adults with disabilities, this would be living in their own home instead of an institution or other setting.

Natural Supports — People and organizations from the community that persons without disabilities might have for support, e.g. friends, family, neighbors, church organizations, club members, sports team members, etc.

New Mexico English Language Proficiency Assessment (NMELPA) — A test administered in the school to determine a student's social and academic performance in English.

New Mexico House Bill 212 (NMHB212) — A law passed through the New Mexico House of Representatives to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and state academic assessments.

Occupational Therapist (OT) — A health and rehabilitation professional that helps people regain, develop, and build skills that are important for independent functioning, health, well-being, and security.

Office for Civil Rights (OCR) — A federal agency that enforces civil rights laws that prohibit

Office of Special Education Programs (OSEP) — Federal agency dedicated to improving results for infants, toddlers, children, and youth with disabilities ages birth through 21, by providing leadership and financial support to assist states and local districts. OSEP administers the Individuals with Disabilities Education Act (IDEA).

Other Health Impaired (OHI) — Educational classification that describes students who have chronic or acute health problems which cause limited strength, vitality, or alertness that adversely affects a child's educational performance.

Parent Teacher Association (PTA) — PTA is a national nonprofit organization dedicated to helping parents get involved in their children's education. The PTA is the original parent group in the schools.

Parent Teacher Contract (PTC) — A document signed by parents and teachers that outlines the duties each party will undertake in order to help the student be successful in school.

Parent Teacher Organization (PTO) — An independent parent group; in other words, any non-PTA group. There are no dues and the organization does not have a national voice. Most PTOs focus on parent involvement, school/teacher/student support, and community-building.

Parent Training and Information Center (PTI) — A project at PRO that serves families of infants, children, and youth with all types of disabilities as well as related professionals. Family Liaisons help families understand the special education system and the Individualized Education Program (IEP) process so they can make informed decisions, understand IDEA 2004, and effectively advocate for their child. The PTI is funded by the US Dept. of Education, Office of Special Ed. Programs (OSEP).

Parents Reaching Out (PRO) — A statewide nonprofit organization that enhances positive outcomes for families and children in New Mexico through informed decision making, advocacy, education, and resources.

Part B — Children and youth (ages 3-21) receive special education and related services under IDEA Part B.

Part C — Infants and toddlers with disabilities (birth-2) and their families receive early intervention services under IDEA Part C.

Partnership for Assessment of Readiness for College and Careers (PARCC) – The current state-mandated test of academic proficiency required for graduation and at certain grades.

Physical Therapist (PT) — A professional who is devoted to improving a person’s physical abilities through activities that strengthen muscular control and motor coordination.

Positive Behavior Supports (PBS) — A behaviorally-based systems approach to enhance the capacity of schools, families, and communities to design effective interventions that improve the environments in which teaching and learning occurs. Strategies focus on school wide, classroom, and individual systems of prevention and support that improve results (personal, health, social, family, work, and recreation) for all children and youth.

Preschool Special Education — An educational program designed to meet the unique developmental needs of a child with a disability who is three, four, or five years of age. It is a child-focused educational effort.

Present Levels of Academic Achievement and Functional Performance (PLAAPFs) — Statements written in the IEP that accurately describe the student’s current academic achievement and functional performance. The statements must describe the impact of the student’s disability on his/her educational/functional performance. The student’s strengths, weaknesses, and learning styles should also be documented.

Prior Written Notice (PWN) — This is a part of the IEP process requiring Districts to inform parents of their rights. It is a form that the school must use to tell parents why they're doing what they're doing, or why they're not doing what they're not doing. This must be done in writing.

Public Education Commission – a state agency responsible for the licensure and approval of New Mexico’s charter schools.

Public Education Department (PED) — State agency that oversees all aspects of education in New Mexico.

Response to Intervention (RTI) — The RTI process is a multi-step approach to providing services and interventions at increasing levels of intensity to students who struggle with learning. The progress students make at each stage of intervention is closely monitored. Results of this monitoring are used to make decisions about the need for further research-based instruction and/or intervention in general education, in special education, or both.

School Advisory Council (SAC) — Per NM House Bill 212 (2003) Section 27, each school is required to create an advisory council to assist the school principal with school-based decision making and to involve parents in their children’s education.

School-Parent Compact — The Elementary-Secondary Education Act requires that every school that receives Title 1 funds has a school-parent compact (agreement). It must be developed with and approved by parents of participating Title 1 children. It must describe how educators and parents will work together to improve student achievement.

Screening — The process of quickly looking at a child's development to find out if there are any areas of concern. It is used to recommend children for more in-depth evaluation.

Section 504 of the Rehabilitation Act — A law that provides that a percentage of federal funds spent on vocational education must be spent on the cost of special programs, services, and activities for individuals

with disabilities. This law is closely intertwined with P.L. 105-17 (IDEA'97). Children with disabilities who are not eligible for special education may qualify for accommodations under Section 504.

Section 619 — The section of IDEA 2004 that provides for special education and related services for children with disabilities aged 3-5 in the public schools.

Self-Stimulation / “Stemming” — Abnormal behaviors such as: head banging, watching the fingers wiggle, or rocking side to side that interfere with the child’s ability to “sit still” and pay attention or to participate in meaningful activity.

Sensory Integration Disorder or Sensory Integration Dysfunction (SID or SI) — The inability to process information received through the senses, causing problems with learning, development, and behavior.

Sensory Integration Treatment (SI) — A technique used in occupational therapy services, which provides playful, meaningful activities that enhance an individual’s sensory intake and lead to more adaptive functioning in daily life.

Service Coordinator — A person assigned to coordinate services and supports in the IFSP to ensure timely delivery of *early intervention* services. He/she facilitates IFSP reviews, ensures that a timely transition plan is developed, and facilitates a smooth, effective transition.

Service Providers — The agencies and/or contracted individuals that provide therapies and other services for the person eligible to receive specified services.

Southwest Educational Development Laboratory (SEDL) — A private, nonprofit education research, development, and dissemination corporation based in Austin, Texas. Improving teaching and learning has been at the heart of SEDL’s work for more than 40 years.

Special Education (SPED) — Specialized instruction tailor-made to fit the unique learning strengths and needs of the individual student with disabilities, from age three through high school (to age 22). A major goal of special education is to teach the skills and knowledge the child needs to be as independent as possible. Programs focus on academics and also include therapy or other related services to help the child overcome difficulties in all areas of development. These services are required by IDEA to be delivered in the least restrictive environment.

Specific Learning Disability (SLD) — A disorder that affects the ability to listen, think, speak, read, spell, or do mathematical calculations.

Speech and Language Disorders — Problems in communication and related areas that range from simple sound substitutions to the inability to understand or use language or use the oral-motor mechanism for functional speech and feeding. Some causes of these disorders include hearing loss, neurological disorders, brain injury, mental retardation, drug abuse, physical impairments, and vocal abuse or misuse.

Speech Language Pathologist (SLP) — A therapist who provides treatment to help a child, youth, or adult develop or improve articulation, communication skills, oral-motor skills and speech errors and/or difficulties in language patterns.

State Board of Education (SBE) — Sets public school and vocational education policy and controls, manages, and directs all public schools under applicable laws.

State Education Agency (SEA) — The agency that oversees all aspects of education in a state. In New Mexico, the SEA is the Public Education Department.

Student Assistance Team (SAT) — A school-based group of people whose purpose is to provide additional Tier II (classroom level) support to students who are experiencing difficulties that are preventing them from benefiting from general education, because they are either performing below or above expectations.

Tactile Defensiveness — A child with tactile defensiveness is hypersensitive to touch. The child may avoid or resist being touched or touching objects that are wet, or of an unfamiliar texture or temperature. The sensitivity is related to the way the nervous system processes touch sensations.

Telecommunications Device for the Deaf (Teletypewriter) (TDD/TTY) — Communication devices used by individuals with hearing impairments to receive and send messages via telephone. The sender types a message that is transmitted via telephone lines to a visual receiver (display screen or machine that types the message).

Therapy — A treatment for certain physical or psychological conditions. The most common forms of therapy provided through early intervention and special education include: occupational, physical, and speech/language therapies.

Transition — The movement from one service, location, or program to another. Young children with disabilities transition at age three from early intervention to preschool special education services or to other community settings and services (early intervention and special education). Adolescents transition from school to adult services.

Transportation — A related service. If it is determined that the child needs this service, the school district must provide the transportation, contract with another agency, or contract with the parents. Transportation means round trip, home to school and school to home services. If a parent has been offered a transportation contract but does not want to transport the child, the school district is still responsible for providing transportation and cannot force the parent to provide transportation.

Traumatic Brain Injury (TBI) — A disability that is the result of sudden, physical damage to the brain that can cause physical, behavioral, or mental changes depending on which area of the brain is injured.

United States Department of Education (USDOE) — Supplements and complements the efforts of states, the local school systems and other instrumentalities of the states, the private sector, public and private nonprofit educational research institutions, community-based organizations, parents, and students to improve the quality of education.

Resources and Key Connections

Beach Center on Disability

University of Kansas
3111 Haworth Hall, Room 3134
Lawrence KS 66045
Phone: 785-864-7600 Website: <https://beachcenter.lsi.ku.edu/>

Center for Development and Disability (CDD)

2300 Menaul Blvd. NE
Albuquerque, NM 87107
Phone: 505-272-3000 or 1-800-472-3235
Website: <https://hsc.unm.edu/cdd/>

Center for Parent Information and Resources (CPIR)

35 Halsey St., 4th Floor
Newark, NJ 07102
Phone: (973) 642-8100 Website: <https://www.parentcenterhub.org/>

Council for Exceptional Children

3100 Clarendon Blvd, Suite 600
Arlington VA 22201
Phone: 888-232-7733 Website: <https://exceptionalchildren.org/>

Disability Rights New Mexico (DRNM)

3916 Juan Tabo Blvd., NE
Albuquerque, NM 87111
Phone: 505-256-3100 or toll free in NM 1-800-432-4682 Website: <http://www.drn.org/>

Native American Disability Law Center

905 W. Apache Street
Farmington, New Mexico 87401
Phone: 505-566-5880 Toll-free: 800-862-7271 Fax: 505-566-5889
Website: <https://www.nativedisabilitylaw.org/>

New Mexico Public Education Department (Special Education Bureau)

300 Don Gaspar
Santa Fe, NM 87501-2786
Phone: 505-827-5800 Website: <https://webnew.ped.state.nm.us/bureaus/special-education/>

