

Preparing for Your Student's Special Education Case Conference

Question and Answer



What is IN*Source's website? www.insource.org

When is the training on Section 504, Title II in Crown Point? The training will be held, in person, on October 20th. For more information, please visit www.insource.org/training/classes/calendar/

I have had some of my parents tell me that when they call the local Insource office that they are busy and things are behind. What would you recommend if a parent experiences this at the local level? It is a challenge due to the limitations on local or regional IN*SOURCE offices. Parents can contact the main office for responses to immediate questions or needs. Please keep in mind that IN*SOURCE is an organization whose mission is to provide parents, families and service providers in Indiana the information and training necessary to assure effective educational programs and appropriate services for children and young adults with disabilities.

What if a family is trying to get a child who say has ADHD and sensory issues; their child is struggling in class, but the school is not wanting to discuss have special education services for the child. What would be the steps for the parents to take? In regards to referral for evaluation: There are many reasons why a student may be struggling that are not necessarily related to disability. The parent should send a request in writing to the school and express concerns, including diagnosis, if there is one. The school has 10 school days to review and respond. Once the school receives the parents' written approval for evaluation, the school must meet time-frames to complete the evaluation and convene a case conference.

How long do schools keep the records on file? Schools are required to keep a master file on record for a specific time frame. Parents can request copies of the records, but there may be an associated fee for copying the records.

How often are schools required to meet for the 504plan? The act does not specify a requirement for a 504 plan but a reasonable time-frame would be at least once per year. A parent could request to meet more often.



When would a child with a 504 be eligible to have an IEP? Section 504 of the Rehabilitation Act of 1973 is a civil rights law that protects anyone of any age with a qualifying disability from discrimination. When we think of children with disabilities, most of us automatically think about special education and Article 7. It is important to understand that Section 504 and Article 7 (IDEA) have somewhat differing goals. This is best understood through the description of a free, appropriate, public education that both laws require. Under IDEA and Article 7, FAPE is described as special education and related services that are necessary for a child to **benefit** from education. It can provide **remediation, related services and specialized instruction**. Under Section 504, FAPE entails an education (which can include **specialized instruction and related services**) that meets the child's individual needs **as adequately** as the needs of those without disabilities are being met. It provides **access**. IDEA requires that children benefit from their education; Section 504 requires equal access to education (though students should benefit as well).

The criteria for qualifying under Section 504 are much broader and therefore easier for students to qualify under. Sometimes students have been evaluated for special education and found to not qualify; this evaluation could then serve as a Section 504 evaluation and the child might qualify for a 504 plan, receiving accommodation, specialized instruction or related services as determined by the team.

If a child with a 504 plan is not making adequate progress under their 504 plan, the parent could request a special education evaluation. Parents need to think about what "evidence" they might present to support their concerns. This could be report cards, consistently poor or failing grades, failing standardized tests such as ISTEP, or significant behavioral challenges. If there are any "diagnoses" from a doctor or psychologist, that could be good information to present as well. I always encourage parents to make this request in writing. The school then has 10 instructional days to review the child's records and make a determination about evaluating. The school must respond to the parent in writing, either yes (providing necessary consent form), or no, but must explain the reason for the refusal. Parent can choose to disagree with the refusal and do one or more of the following: 1. May ask to meet with the school; 2. Request that the school mediate the issue; 3. And/or file for a due process hearing.

Do you find that schools discuss other services, like VR and the waiver during IEP meetings? Is this a requirement? As a CM, I have been told by some parents that they were told about the waiver from other parents, rather than the school. Schools are not necessarily required to discuss or provide information on Medicaid Waiver services as this is not a DOE service. However, as a student progresses, VR services should be discussed.

If a school wants a student to attend half days due to behaviors what are the options for the parent? Schools are able to proceed with disciplinary actions such as expulsion, if appropriate. Schools and parents should work together and reconvene a case conference to look at current plans, including behavior plans, to determine if changes need to be made.

