

NAVIGATING SPECIAL EDUCATION

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01

DEFINITIONS

Key Terms You Need to Understand

WHAT DOES IT MEAN TO BE IN SPECIAL EDUCATION?

Special Education is Not a Place.

Individuals with Disabilities in Education Act (IDEA) of 2004 defines Special Education as:

“specifically designed instruction, at no cost to parents, to meet the unique needs of a student with a disability.”

WHAT IS FAPE?

The goal of special education is for students to receive a **Free and Appropriate Public Education (FAPE)**.

- Free – at no cost to parents / caregivers
- Appropriate – “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances” (*Endrew F.*)
- FAPE is the legal standard that schools are required to meet. The standard is not creating a program designed to ensure students will reach their full potential.

WHAT IS LRE?

IDEA states that each child with a disability is entitled to receive FAPE in the Least Restrictive Environment.

The very Least Restrictive Environment is one in which the disabled student is educated alongside typically-developing peers.

The State Department of Education keeps data on how many students are educated in the LRE.



02

ELIGIBILITY

Who is eligible for special education?

MEDICAL VS. EDUCATIONAL DIAGNOSIS

- Although your child may have a medical diagnosis, that does not automatically qualify them for special education services.
- A student is eligible for special education if they have at least one of 13 disabilities (Autism, for example) AND requires special education and related services (Speech, OT, PT, etc.) due to that disability.
- In Maryland, there is a 14th disability category – developmental delay – which applies to students ages 3 through 7 who meet one of three criteria.

HOW IS ELIGIBILITY DETERMINED?

- Eligibility is determined by assessment (i.e. testing).
- The student should be evaluated in ALL areas of suspected disability.
- Once evaluation is completed, there will be an **eligibility determination meeting** at which the team (including parents/guardians) will determine whether the student requires special education and related services as a result of this disability.
- Schools have an **affirmative** duty to locate and evaluate all children who are suspected of having a disability (Child Find).

ELIGIBILITY DETERMINATION PROCESS

- Preschool Aged Children
 - Children who have received services through Infants and Toddlers are eligible for evaluation for an IEP at age three.
 - Children ages 3 - 5 can be evaluated through Child Find (Developmental Evaluation Services for Children)
- School Aged Children
 - You or your child's teacher may submit a written request (called a referral) to the school principal for a special education screening meeting.
 - If the screening meeting results in an evaluation for eligibility, you will need to provide your consent for testing to take place.

HOW LONG WILL IT TAKE TO DETERMINE ELIGIBILITY?

The IEP team must complete an initial evaluation of a student within:

- 60 days after parents provide consent for assessment; and
- 90 days after the school receives the written referral

This timeframe INCLUDES holding the eligibility determination meeting.

03

IEP DEVELOPMENT

Developing an Individual Education Plan

INITIAL IEP MEETING

- IEP must be developed within 30 days after a student is found eligible for special education services.
- Services cannot begin until parents/guardians give their consent.
- Parents have the right to receive information in their native language if it is not English (can request that an interpreter attend meetings).

THE IEP TEAM

PARENTS

You are an equal member of the team.

ADMINISTRATOR

Someone with the authority to allocate resources

TEACHERS

At least 1 general ed & 1 special ed teacher

SOMEONE WHO CAN INTERPRET TEST RESULTS



Illustration by [Storyset](#).

WHAT'S IN AN IEP?

- Statement of Student's Eligibility (called primary disability)
- Present levels of academic achievement and functional performance (this section should drive the entire IEP)
- Accommodations (for testing and instruction)
- Related services, supplementary aids, support and services, program modifications, and personnel supports
- Measurable annual goals
- For children 14 and older, a statement of transition services
- The extent to which the student will not participate in general education (LRE)
- How progress will be measured and when periodic reports will be provided (should be quarterly)
- IEP starting and ending dates, frequency and location of services

04

IMPLEMENTATION

Making Meaningful Progress



WHEN?

The IEP should be implemented immediately after parents give their consent.

In Child's Neighborhood School (called the Home School Model at elementary level)

- Inside general education
 - Could be co-taught class;
 - provided by general ed teacher;
 - push-in from special education teacher or related service provider
- Outside general education
 - Small-group with special educator or related service provider
 - One on one with special educator or related services provider

WHERE?

In a discrete program

- If your child's needs cannot be met at their home school.
- See xMinds website for list of programs that are applicable to autistic students:
<https://xminds.org/placements>

WHERE?

WHAT WILL SUPPORT LOOK LIKE?

ACCOMMODATIONS

Assistive Technology Frequent breaks
Reduced Distractions Extended Time

SUPPLEMENTARY AIDS, SUPPORTS, & SERVICES

Visual schedule Scribe
Breaking assignments into smaller chunks
Token Economy Word Banks
Picture supports for readings

RELATED SERVICES

Speech Language Therapy
Occupational Therapy
Physical Therapy
Counseling
Transportation

PROGRESS MONITORING



QUARTERLY

Progress report on
IEP goals with
every report card.



Ask for work
samples!

05

ANNUAL REVIEW

Did the Student Make Meaningful Progress?

ANNUAL REVIEW MEETING

- IDEA requires that the IEP team meet AT LEAST every year to assess student progress
- You should receive an invitation to the Annual Review at least 10 days prior to the meeting
- You should receive a copy of all documents to be discussed at the Annual Review 5 days prior to the meeting (i.e. Draft IEP)
- Make sure that the Present Levels in the draft IEP have been updated
- Goals should not simply be carried over from one year to the next

EFFECTIVE PARENT PARTICIPATION

- Read the quarterly progress reports throughout the year
- Maintain data (including email / text correspondence with school) throughout the year
- Save examples of your child's work
- Complete the Parent Report before each Annual Review
- Read all the 5-Day Documents that you receive before the meeting and note your questions
- Present outside reports, evaluations, etc. to the IEP team for their consideration, if applicable

WHAT IF YOU DISAGREE?

- Periodic Review
 - You may call a meeting anytime you think changes to the IEP should be made (one reason to read quarterly progress report)
 - The IEP team should call a meeting whenever the student is not making “sufficient progress” on a goal
- Prior Written Notice (PWN)
 - Anything you or the school proposes, including requests that are denied, should be recorded in the PWN.
 - This is a permanent record of things that you and the school agreed or disagreed on.
 - You should receive a copy of the PWN within 5 days after any IEP meeting.

DISPUTE RESOLUTION

- Administrative Review
 - You can request that the MCPS Office of Resolution and Compliance (RACU) review a decision made regarding evaluation, identification, placement, or provision of FAPE
 - File MCPS Form 336-43A
 - RACU will complete the review within 20 calendar days
- Mediation
 - If you and the school cannot reach agreement, you can request mediation through the Office of Administrative Hearings (OAH)
 - Invokes the “stay put rule”
- Due Process
 - An administrative law judge, appointed by the OAH runs the hearing and makes the decision
 - You should hire an attorney, but you are not required to

06

RE-EVALUATION

The “Triennial”

TRIENNIAL RE-EVALUATION

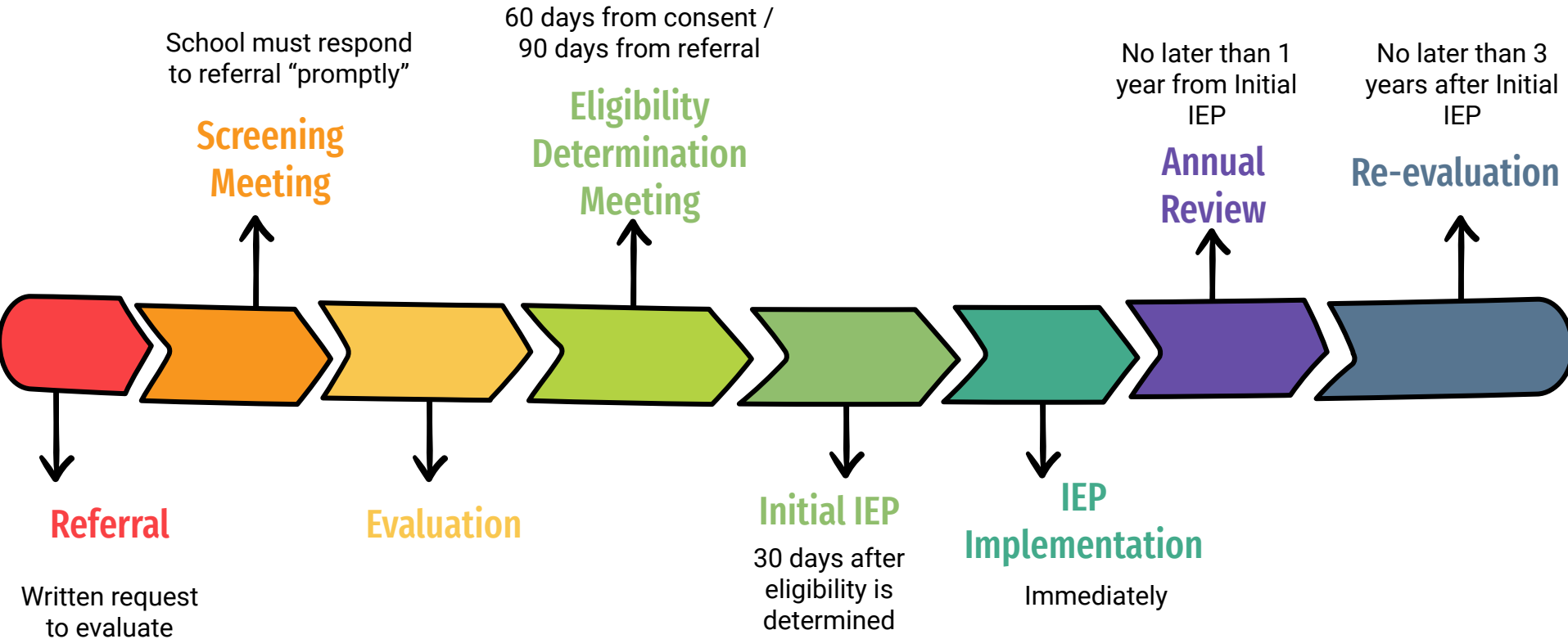
- Must be conducted every 3 years to find continuing eligibility for special education services.
- At the **re-evaluation planning meeting**, the IEP team will agree which, if any, assessments need to be performed.
- MCPS will conduct relevant assessments.
- Assessments must be completed within 60 days after the planning meeting / parents give written consent.
- Parents may opt to have private testing done at their own expense.
 - MCPS must consider the results of private testing, but is not required to adopt recommendations provided by an outside evaluator.
- If parents disagree with the outcome of MCPS's assessments, they may request an Independent Educational Evaluation (IEE).

07

TIMELINE

Process Recap

IEP PROCESS



08

RESOURCES

For your reference

Division of Prekindergarten, Special Programs, and Related Services

Amy S. Cropp
Director

Autism Spectrum Disorders Services

Kristin Secan, Supervisor

Instructional Specialists

Domenick Fabii

Susan Mason Gavreau

Lisa Grant

Robin Daisey

Jennifer R. Benson
Instructional Specialist

Pre-K Central IEP Team
Diane Sentz, Instructional Specialist

DHOH/Vision Services

Susan Russell, Ed. D, Supervisor

Instructional Specialists

Louise Colodzin

Michelle Fyock

Elizabeth Nehrbass, Ed.D

Robyn Miller, AuD

Speech Language Services

Shelley McAuliffe, Acting Supervisor

Sandy Aisenberg, Instructional Specialist

Child Find/Early Childhood Disabilities/ITP

Faith Fischel, Supervisor

Mary Rose Catena, PEP Coordinator

Marie Kroll, Instructional Specialist

Physical Disabilities

HIAT

InterACT

OT/PT

William McGrath, Supervisor

Infants and Toddlers Program

Kathy Toscano, Coordinator

Tory Pegram, Coordinator

Nancy Hiltbrand, Coordinator

Marie Marino, Coordinator

Lauren Mangrum, Coordinator

Child Find/Developmental Evaluation Services for Children (DESC)

Kate Simon, Instructional Specialist

Cindy Meehan, Instructional Specialist

Jill Cahill, Instructional Specialist

Instructional Specialists

Eithne Ellis

Marilyn Jacobs

Lynn Tozzi

Linda Wilson

MONTGOMERY COUNTY PUBLIC SCHOOLS

Expanding Opportunity and Unleashing Potential



Department of Special Education Services

Central Office Support Structure

TEAMS	SUPERVISOR	INSTRUCTIONAL SPECIALIST
Team 1a	Dr. Cynthia M. Webb	Mrs. Susan B. Ryan
Team 1b	Ms. Claudette R. Smith	Mrs. Sarah E. Kio
Team 2a	Dr. Melissa A. Brunson	Mr. Bryan E. Hunter
Team 2b	Mrs. Kelly J. Jiron	Ms. Gerry L. Edwards
Team 3a	Mrs. Lora S. Johnson	Mrs. Amy H. Shorb
Team 3b	Mrs. Kia Middleton-Murphy	Mrs. Ashley S. Doyle

If you cannot get your problem resolved at the school level, contact your SpEd Area Supervisor.

Team 1a: Einstein, Northwood, Blair, B-CC

Team 1b: Wheaton, Wootton, Edison, Churchill, Richard Montgomery

Team 2a: Seneca Valley, Rockville, Blake, Paint Branch, Whitman

Team 2b: Kennedy, Magruder, Blair Ewing, Quince Orchard, Walter Johnson

Team 3a: Springbrook, Poolesville, Gaithersburg, Northwest

Team 3b: Clarksburg, Watkins Mill, Damascus, Sherwood, RICA

<<https://www.montgomeryschoolsmd.org/departments/special-education/supervisors.aspx>>

BEDTIME READING

MCPS Special Education Compliance Manual

<https://docs.google.com/presentation/d/1-VBlfddyBIJj9HhGz3Mkr7WPxk95mRZxyTJfyhGY5-8/edit#slide=id.g17b014cad92_0_79>

Parental Rights: Maryland Procedural Safeguards Notice, Revised January 2021 (you should receive a copy of this at every IEP meeting)

<<http://www.marylandpublicschools.org/programs/Documents/Special-Ed/mpsn/MDProceduralSafeguardsNoticeEnglish.pdf>>

ADVOCACY SERVICES

If you feel that you need help representing your child's needs throughout the IEP process, consider whether hiring a non-attorney advocate would be beneficial.

Monica Martinez, Special Education Advocate
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I do not provide legal services, but I do advocate for disabled students' educational rights.

THANKS

Do you have any questions?

mmartinez@martinezadvocacy.com

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