

How do I get help for my child with a school problem?



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1. Can I Get Help For a child who is having a Developmental or School Problem?

YES. A child from birth to 21 years of age with developmental problems who is having trouble in school may get help. Sometimes you may notice the problem yourself, or it may be noticed by a teacher or other professional.

2. Who gives this help?

For children birth through three years of age, the help may come from community agencies or public schools. All public schools must provide help for children between the ages of three and twenty-one. This is guaranteed by a law called Individuals with Disabilities Act (IDEA).

3. What kind of help is available to children below three years?

Texas has an extensive program for infants and young children who have known handicaps or conditions that make them susceptible to developing a disability. This program is called the Early Childhood Intervention Program (ECI). Children with severe visual and hearing problems are entitled to services by their public schools. For information call 1-800-922-9234.

4. What kinds of problems are addressed by the law for children three through twenty-one years?

Children are eligible for Special Education services beginning at age three if they have any of the following problems: mental retardation, autism, pervasive developmental disorder, learning disabilities, blindness (visual impairment), deafness (hearing impairment), traumatic brain injury, emotional disturbance, physical problems including orthopedic impairment, speech and language disorders, and as "other health impaired" (OHI) for children who have medical health problems that interfere with their ability to learn. Children with ADHD may be qualified as OHI when a physician feels this is a medical/neurological problem that interferes with learning.

5. How can I get help for my child?

If you believe a child has a problem with learning, you can ask the school principal or other administrator, in writing, to have the child evaluated to see if he/she is eligible for Special Education services. The school should complete its testing process and have a written report of the results no longer than sixty calendar days from the time you request the evaluation. The request needs to be in writing, signed and dated so that it is clear when the sixty-day time line begins. The school will also need your written permission to test your child.

When a child is failing or working below grade level, the school is obligated to test the child. However, if a child is not failing and, for example, the parents are utilizing extraordinary private tutoring, etc., the school may still be obligated to evaluate the child. When a school strongly believes a child does not have a disability that requires Special Education services, it may refuse to conduct an evaluation. If that occurs, the school must give you the reason, in writing, and inform you of your child's right to an independent outside evaluation.

6. Who else can ask for help for my child?

A referral can be made by you, someone in the school district or someone outside a school district, such as an ECI program or physician. However, parents must sign written permission before the school can begin such testing.

7. Is there any charge for this?

No. Any testing the district performs or requires as part of an assessment is at no charge to the parents. ECI Services birth through 3 years of age is free. However, with your permission, the ECI may file insurance claims with Medicaid or other insurers.

TIPS FOR COMMUNICATING WITH THE SCHOOL AND OTHER AGENCIES

1. Keep a special notebook used just for recording information about problems, contact people, and any information that will help you in the future. Be sure to date everything.
2. Know what it is that you want for your child. You need to be as specific as possible.
3. Communicate openly with all involved in the care of your child. Avoid assuming that agencies and persons will not be willing to listen or give you the help that your child needs.
4. Know your child's and your rights and be reasonable in your requests.
5. Don't sign anything that you do not understand or agree with.
6. Bring a knowledgeable relative, friend or other professional with you into meetings if you feel uncomfortable and/or intimidated.
7. Consider hiring the services of a professional Advocate.
8. Local parent support groups are an invaluable resource in helping you to understand your child's educational plan and special services available. Many parents have been through what you are going through now. Some groups offer special training in negotiating with the schools.

8. What if a child goes to a private school?

The public school system in your district is still required to evaluate your child, at your request, to determine if he/she has a disability that requires Special Education services. The public school must offer appropriate services. However, if the child remains in private school, neither the public nor private school is obligated by law to offer help for your child. The exception is in children 3 to 4 years who can dually enroll in public and private school.

9. Who will test the child? What kind of tests will be given?

These will be given by specially trained persons. They are called by various names (diagnosticians, psychologists, speech and language pathologists, and counselors). Some tests are called intelligence tests; they tell how well a child does in certain subjects (reading, math, spelling, etc.) Other tests can tell whether a child behaves or does things in a certain way. Additional testing can tell if a child learns better by listening, seeing, feeling, or by utilizing all of these (multi-sensory learning). The evaluation must be designed to identify your child's specific problems. Testing must be done in your child's native language. Additionally, the tests must provide specific information about your child's educational needs that will assist in developing an individual education plan (IEP).

10. Does a child need a physical examination if he/she is having trouble learning?

Yes. There are some medical problems that can cause difficulty with learning and behavior. These need to be checked. Problems with hearing and seeing also need to be looked for. Sometimes a doctor may know some form of medication that can help a child do better in school under certain conditions. However, unless the school requires a physical examination, it does not have to pay for it and you will be responsible for the cost.

11. Will anyone be talking to the child's parents while this is going on?

Yes. Part of the assessment will involve getting information from parents about their child and family. Your ideas about your child's experiences, abilities, needs, and behavior in and outside of school, and his/her feelings about school are very important. You should feel free to ask to meet with the persons testing your child before or after testing if you have any questions. If you do not understand something in your child's evaluation results, be sure to speak up and ask questions.

12. What happens after the testing is done?

Within thirty days after the testing is completed, the school will contact the parents to set up a meeting called an ARD (Annual Review and Dismissal). The ARD committee consists of at least one regular educator, one special educator, the persons who tested your child, and you. The district must give you 5 days notice of the meeting and must try to find a time you can attend, if you are not available at the time it proposes. This committee will decide if your child qualifies for Special Education services. If he/she is eligible, the committee will write an individual education plan (IEP) that tells you what special services your child will receive and what he/she will be learning in school. Copies of the test results and the committee decisions should be given to parents at the Annual Review and Dismissal meeting. The IEP must be reviewed periodically and as necessary, at least once a year. The team or the parent may call for a review earlier if: a) the student has not made expected progress toward annual goals, b) new information by parents might affect the child's education, c) the student has unanticipated needs. The committee must meet under these circumstances and make appropriate corrections. A complete reevaluation is permitted every three years. A written report will be sent to parents of children with disabilities at least as often as other parents receive reports on non-disabled youngsters.

13. What if parents do not agree with the school?

The goal of the ARD committee, of which you are a member, is to write an IEP that is agreeable to both the parent and the school district. If parents disagree with the plan, they should not sign it. If parents wish to challenge the plan, they can ask for a due process hearing. Information about mediation and filing a complaint is in the handbook on Parents' Rights given to them by the school. If this information is not in the material the school gives you, ask for it.

14. Are children's files kept private?

All records are kept in complete privacy. In fact, the school cannot let anyone see a child's records without parental permission.

15. Can a parent see any part of the record?

The school must show you any part of the record that you request. Under IDEA, copies of test results and the IEP should be given to you at the ARD meeting. In addition, the school must have a process of removing or changing information in your child's records, which you think is incorrect or inaccurate.

16. What if the child has a significant disability as high school graduation nears?

At fourteen, an IEP must include a statement of transitional services needs called and Individual Transition Plan. As much as possible, a young adult should be directly involved in the formation of this plan. His/her own educational desires, and what he/she wants to be as an adult should be considered, and is important. If the school does not initiate this plan, you should ask it to do so. This should be a specific plan for courses of study such as vocational skills or college preparation. This may also be of help to familiarize you with other services and agencies available in the community. One year before a child reaches his/her eighteenth birthday, a young adult with a disability must be informed of his/her rights. At age eighteen, unless you have guardianship, the right of continuing to make educational decisions reverts to your child. However, you will continue to receive ARD notices.

17. Does my child's disability impact on how he can be disciplined?

Yes. The discipline of a disabled student is regulated by both state and federal law.

1.) A student, under certain circumstances, can be put in an alternative education plan (AEP), but cannot be denied appropriate educational services within that setting.

2.) A student cannot be punished for behavior related to his disability.

3.) The IEP of a student known to have a behavior problem should include a Behavior Intervention Plan that stresses positive behavioral interventions and support.

Your child will be expected to comply with "The Student Code of Conduct" unless the ARD committee has excluded him/her from some of or all that it requires.

18. Do students with disabilities have to take the TAKS or similar type tests?

IDEA encourages schools to administer tests periodically to all students, in order to determine the benefits of the IEP and whether sufficient educational instructions have taken place to guarantee appropriate progress. Students with disabilities that are working and passing at grade level or without modifications should take the regular TAKS test the same as their non-disabled peers. Children working below grade level or who need modifications and are qualified for Special Education services under IDEA may take the State Designed Alternative Assessment (SDAA). A baseline SDAA is given the first time to determine what a student's level of achievement is in math, reading, and writing. The ARD Committee then makes a determination of what a student's progress should be when the child takes the SDAA in later years. Those qualified under 504 or under Dyslexia and related disorders placement must take the regular TAKS. This may create problems for 504 students at key points relative to promotion from grades 3 to 4, 7 to 8, and ultimately high school graduation.

19. Where will special services take place?

It is important to realize that Special Education is a service and not a placement. Services are most usually given in the inclusion (regular) classroom. The law states that, to the greatest extent possible, that children with disabilities should be educated in an inclusion classroom with their non-disabled peers. In children, birth to age three, services are most commonly given in natural environments, i.e. home, day care, or nursery school.

20. What is a 504 placement?

Students that have disabilities such as ADHD or Dyslexia, but do not qualify under IDEA, are eligible for services under Section 504 of the Rehabilitation Act of 1973. Students receiving 504 services are entitled to many of the same services as children qualified under IDEA. All schools are required to have a 504 coordinator and compliance plan. Where ADHD is considered a neurological disorder, such students can qualify as OHI (Other Health Impaired) under IDEA. All schools are required to have a 504 coordinator and compliance plan. Where ADHD is considered a neurological disorder, such students can qualify as OHI (Other Health Impaired) under IDEA.

21. Can a parent request testing for Special Education services under IDEA if a school wishes to use 504 placement first?

Yes. Parents can request an assessment under IDEA at any point in the process.

**USEFUL
TELEPHONE NUMBERS
AND WEB SITES:**

Texas Education Agency

(512) 463-9734
www.tea.state.tx.us/

The Council for Exceptional Children (CEC)

(703) 620-3660
1-888-CEC-SPED
TTY: 703-264-9446
www.cec.sped.org/

NICHY- National Information Center for Children and Youth with Disabilities

Voice/TTY 1-800-695-0285
(202) 884-8200
www.nichcy.org

Texas Council for Developmental Disabilities

1-800-262-0334 (toll-free in Texas)
(512) 524-4080
TDD (512) 424-4099
www.rehab.state.tx.us/tpcdd/Index.htm

Advocacy, Inc.

1-800-252-9686



