

TIPS FROM THE TRENCHES

Advice from a Parent and Lawyer About Services and Funding Options Available
for Special Needs Children

Rights to Education and Related Services

- ❖ IDEA
 - The IDEA is the federal law that establishes the public education requirements for special education. IDEA requires that every child with a disability to receive a Free and Appropriate Public Education (“FAPE”). This is the most important word to remember in special education.

- ❖ 504
 - Section 504 of the Rehabilitation Act of 1973 also protects the civil rights of individuals with disabilities. Focus is on accomodating for disabilities on broad scale – like providing a ramp for someone using a wheelchair.

IDEA

- ❖ The IDEA establishes how to Identify Children with Disabilities and the process that school districts must follow to ensure that children with disabilities get FAPE.
- ❖ That process called an Individualized Education Plan
- ❖ IDEA defines disability using categories. Children must have an “educational disability” and need special education as a result of that disability. There are 13 recognized categories of educational disability, including Autism, Specific Learning Disabilities, or a diagnosed emotional disturbance
- ❖ Many families do not use the IDEA and its IEP program that could. IEP helps with specific learning situations, but also, with transition planning such as job training and related social skills training.

Individualized Education Plan (IEP)

- ❖ The IEP is the heart and soul of what IDEA offers children with disabilities. Its reach includes:
 - where your child will be placed in school
 - the services that are needed to ensure they get a free and appropriate education (FAPE) in the least restrictive environment (LRE).
- ❖ The IEP is very specific about Measuring Results
 - where are the services provided and how often
 - It also is required to set out specific goals, with measurable criteria, to help both the parents and the district assess your child’s educational progress.

Managing the IEP Process

- ❖ www.yourchildsrights.com has a document titled "Managing the IEP process."
 - The document provides a step by step script for parents to use at the beginning of the IEP process, or when they are frustrated with their current process and want to start over.
 - Document encourages parents to spend time early in the process looking at their child's needs, minute by minute, hour by hour
 - This process results in list of broad goals which serve as the basis for discussions with school district on how to reach those goals in a collaborative manner.

Testing

- ❖ When to get a private evaluation?
 - Work with district first to get a free suite of tests. Schools required to identify disabled children. Parents can ask Child Find or School for testing
 - speak to experts about what types of tests best identify your child's strengths and weaknesses, and communicate information to district before testing. You can even bring an expert to the IEP meeting to explain
 - If you do not trust test results, or that type of testing was appropriate, you can ask for a second meeting or for mediation.
 - If nothing else works, tell the district you are getting private testing

What Happens if IEP Process does not achieve the results you are looking for?

- ❖ Do not sign the IEP plan offered by the school district
 - Ask for more -- write a letter identifying what you believe your child needs and why the proposed IEP does not adequately address those needs – and clearly copy a lawyer.
 - Have a second meeting and try to work out differences. If that fails --
 - File for Due Process - basically a claim that the plan offered by the school district does not provide FAPE for your child.

What if Child does not qualify as disabled under the IDEA?

- ❖ Section 504 offers some services for a broader spectrum of children, its definition covers any person who:
 - has a physical or mental impairment that substantially limits one or more major life activities,
 - has a record of such an impairment or is regarded as having such an impairment.
 - The broader definition covers students who are transitioning out of special education programs because they reach age 21, or graduate from high school.
 - It also includes students with ADHD, and those whose learning disabilities do not manifest a significant discrepancy between intellectual ability and achievement

How does 504 work?

- ❖ 504 applies to people with any disability that substantially limits a major life activity, like learning.
 - Section 504 services include visual aids, extended time, preferential seating, one-on-one tutor, assistive technology .
 - Section 504 requires development of a plan. However, the plan does not need to be written, and the IEP process is not required --but is often used-- for the 504 plan
- ❖ Entities that receive federal funding must ensure that students get FAPE -- which means an education comparable to that provided to students without disabilities.
- ❖ Catholic schools do not, and other private schools might not, receive funding

Secondary Insurance

- ❖ Get rid of co-pays and add coverage which may not be available through your primary.
 - Medical Assistance is available to children with ASD through state or federal programs, even if you earn a good living.
 - The Pennsylvania Department of Public Welfare administers Medical Assistance, and makes the process difficult, but any child on the spectrum qualifies without regard to income or any other question on the form. This is sometimes referred to as the “Loophole.”

Insurance Disputes

- ❖ Use Act 62, and if not available, Codes are Key
 - Act 62, the Autism Insurance Act, requires that insurance plans (for companies that enroll more than 50 employees) pay for most assessment and treatment . Even plans not required to follow Act often pay for a lot more of the testing and other services than they are willing to admit.
 - Codes. Find a representative that will talk with you about the various codes their company uses to describe services connected to what you are looking to get covered.
 - Be creative, there may be a code for something that fits, or comes close to fitting what you seek

Grants

- ❖ New and unique scholastic or social growth programs or school placements may be available at no cost. Grants for summer programs are often available.
 - Bureau of Autism Services gives \$500 grants for programs like camps attended by children diagnosed with ASD.
 - Short application that requires bill from a camp or program, and an autism verification, which is one page form that doctor can just sign.