# NFB of Maryland Advocacy Seminar — Outline for IEP Advocate Training

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## What is IDEA??

* The federal law that provides the basis for both IFSPs and IEPs
* A brief history of its creation/scope/impact
* Comparison with Section 504 of the Rehabilitation Act of 1973
* How laws interact

## In your advocacy, consider:

### Role of the NFB advocate

#### Importance of an NFB advocate

* Emotional distance
* Living proof of high expectations

#### Navigating the push-back from schools/agencies

* Professionalism
* Documentation
* Illustrating benefits of providing FAPE (free appropriate public education)
* Helping them find free or low-cost resources

### Arming parents for success

* Connect with NFB Affiliate
* Connect with NFB Chapter
* Connect with NOPBC

### Purpose of the IEP:

* Preparation for:
	+ Post-secondary education
	+ Post-secondary employment
	+ Independent living

### The IEP WILL come to an end

* When the student graduates, the IEP ends
* Student can stay until graduation after 21st birthday
* If skills not learned by this time, the IEP still ends

### Keep expectations HIGH

* “Supports” may not replace instruction
* Short-term supports are fine if they provide a “bridge” to independence while necessary instruction is occurring

### Legal matters

* Your role in the meeting: You are an expert on blindness; not an attorney.
* IEPs must be written; all IEPs must address the matters we will soon discuss
* Section 504 plans are almost always insufficient
	+ 504 deals with access – educational **OPPORTUNITY**
	+ IEPs deal with access AND instruction – **PREPARATION FOR POST-SECONDARY LIFE**
	+ 504 plans do not need to be written and can be changed by the school at any time (and without notice)

### Maryland-specific rules:

#### Braille: COMAR section 13A.05.01.08A(6)(a)(1)

* Must provide for braille use and instruction “unless the IEP team determines that instruction in braille is not appropriate for the student in accordance with 34 CFR § 300.324(a)(2)(iii)” “after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;”
* Shortened version: Must provide braille unless an assessment of current and future reading and needs convinces the IEP team that braille use and instruction is INAPPRORIATE
	+ Considerations:
		- Audio is not an appropriate consideration for this purpose
		- Is listening reading?
		- Is speaking writing?
		- Reading and writing with print: Consider
		- Functionality – now and in the future
		- Sustainability – now and in the future
		- Working distance
		- Fluency/Speed
		- Reading Comprehension
		- Writing legibility
			* Short- and long-term
			* Own writing and writing of others
		- MUST have Braille UNLESS the IEP team determines that Braille is INAPPROPRIATE – both now and in the future

#### Orientation and Mobility COMAR section 13A.05.01.08A(6)(a)(2), (b)-(d)

* If IEP team determines that O&M is not necessary, STILL MUST order a formal O&M assessment
	+ Essentially, must have an O&M assessment in ALL cases
* The O&M assessment must:
	+ Include input from the student's parent or guardian;
	+ Include input from the student's classroom teacher; and
	+ Take into consideration the student's:
		- Age
		- Current and future needs
		- Ability to function in familiar and unfamiliar areas
		- Ability to function under various lighting conditions

#### Five-day Rule: COMAR section 8-405(d)(1)(i) and 8-405(e)(1)-(3)

* **NO LATER THAN** five **BUSINESS DAYS** before the scheduled IEP or other team meeting, the school must provide the parents:
	+ an accessible copy of each assessment, report, data chart, draft individualized education program, or other document that either team plans to discuss at the meeting; COMAR section 8-405(d)(1)(i)
	+ an accessible copy of the final or draft IEP; COMAR section 8-405(e)(1)-(3)

## Before the IEP

### Consult with the family

* Need to be on the same page
* If you cannot be on the same page, determine, BEFORE THE IEP MEETING, let parent know that you will either: refrain from contributing on items you do not support OR you cannot advocate for the child at all

## Basic Roadmap of an Individualized Education Plan (IEP)

### Parts of the IEP:

* Contact information
* Eligibility
* IEP Team
* Special Factors
* Present Levels
	+ Academic Achievement
	+ Progress on goals
	+ Functional Performance, including ESSENTIAL ASSESSMENTS
	+ Medical diagnoses, medications (and the effects of same upon vision), clinical visual acuity and/or field results
	+ Challenging behaviors
	+ Daily living skills
	+ Transition present levels, if 16 or older during the IEP (younger age in many states)
	+ PARENTAL CONCERNS
	+ How disability affects participation in general curriculum
	+ STRENGTHS
	+ NEEDS
* TRANSITION SERVICES
* Participation in local and state assessments
* GOALS
* Special educational & related services, supplementary aids & services, and program modifications
* Related Services
* Supports for School Personnel
* Gifted
* Extended School Year (ESY)
* Placement: LEAST RESTRICTIVE ENVIRONMENT

### Eligibility

* Must document all areas of disability

### IEP Team

* Required team members must be present
	+ **Parent(s)**
	+ **Regular education teacher unless child is not included at all in regular education**
	+ **Special education teacher**
	+ **A Local Education Agency (LEA) representative who:**
		- is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities AND
		- is knowledgeable about the general education curriculum AND
		- is knowledgeable about the availability of resources of the local educational agency
	+ **Individual who can interpret the instructional implications of evaluation results (can be someone listed above)**
	+ **At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate**
	+ Whenever appropriate, the child with a disability.
		- **There is NO age requirement for student attendance** (consider it an opportunity for self-advocacy skill building)
* Discretionary participation
	+ Attendance not needed IF:
		- Attendance is not necessary ONLY if the person’s area is not modified or discussed in the meeting.
		- Non-attendance must be agreed upon by BOTH the parent and the LEA.
		- **NOTE:** LEA's attendance can NEVER be excused.
		- **NOTE:** Attendance by telephone may be a good option in some cases.
	+ Excusal
		- the member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting
		- the parent and the local educational agency consent to the excusal
		- Written agreement and consent required.
* **Parents must be afforded a reasonable opportunity to attend**

### Special factors—34 C.F.R. section 300.324(b)(2)

* Braille provision—for students with “visual impairment, including blindness”
* Communication needs
* Assistive technology
* Behavior that impedes learning
* Limited English proficiency

### Present levels of academic and functional performance

#### Regular education

* Academics
* Functional performance (in relation to non-disabled peers)

#### Performance in areas of instruction related to child’s area of disability/disabilities

#### Report on progress of any current IEP goals

#### Assessments

* Regular education
	+ Assessments related to child’s needs related to area of disability/disabilities
* Braille provision
	+ Literacy versus Learning Media Assessment: National Reading Media Assessment (NRMA)
* Functional Vision Assessment (FVA) – Keep in mind: we want to maximize the child, not the vision
	+ Near and distance acuities
	+ Color discrimination
	+ Light Sensitivity and/or preference
	+ Glare concerns
	+ Contrast Sensitivity
	+ Depth Perception
* Reading rates (and stamina), font size & type; focal reading distance; squinting, eye rubbing, etc.; fluency; stamina; comprehension
* Writing ability (speed; legibility for self & others, ST & LT)
* Ability to function in classroom environment (using classroom materials, posters, lighting, etc.)
* Expanded Core Curriculum Assessment
	+ Compensatory or functional academic skills, including communication modes (sadly, this is where braille is)
	+ Orientation and mobility
	+ Social Interaction Skills
	+ Recreation and Leisure Skills
	+ Career Education
	+ Use of Assistive Technology
	+ Independent Living Skills
	+ Sensory Efficiency Skills
	+ Self-Determination/Self-advocacy Skills
* FUNCTIONAL IS INCLUDED
	+ Some schools will claim that they must focus only on academics
	+ They must focus on functional also
	+ Remember the purpose of the IEP: preparation for:
		- Post-secondary education
		- Post-secondary employment
		- Independent living

#### Parental concerns

* MUST be included
* Consider developing a written list before the meeting and adding to it at the meeting, if necessary

#### Description of how the child’s disability/disabilities adversely impact his/her participation in the general education curriculum

#### Description of child’s strengths

* Should be found in and pulled from Present Levels.
* Need real, skill-oriented items.

#### Academic, developmental, and functional needs of the child

* Should be found in and pulled from Present Levels.
* EVERYTHING mentioned here should be provided for somewhere in the IEP:
	+ Goals,
	+ Supplementary aids and services, AND/OR
	+ Program modifications.

#### TRANSITION

#### Participation in local and state assessments

* Accommodations
* Necessary for high-stakes testing (SAT, AP, graduation requirements, etc.)

#### GOALS and a description of how and when progress will be measured AND when periodic reports of progress will be made

* Importance of goals
* Progress on goals must be provided at least as often as regular education report cards are—but they may be provided more often, if required in the IEP
* SMART Goals
	+ S – Specific
	+ M – Measurable
	+ A – Use Action Words
	+ R – Realistic and relevant
	+ T – Time-limited
* If rubrics are used in the measurement of the goal, include the rubrics in the IEP, either within the goal or as an attachment!

#### Special educational and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and the program modifications/supports for school personnel that will be provided for the child

* Accommodations, special education services, supplementary aids, modifications, and supports ALL are focused on allowing the child
	+ “to advance appropriately toward attaining the annual goals”
	+ to “be involved in and make progress in the general education curriculum . . . and to participate in extracurricular and other nonacademic activities”
	+ to “be educated and participate with other children with disabilities and nondisabled children in the activities described in this subparagraph”
* Should state the reason for the accommodation or modification (try to tie into needs, if possible)
	+ e.g., Due to child's use of Braille as a literacy medium, all textbooks provided in Braille in the classroom no later than those provided for peers.
	+ If it isn't documented here, it won't happen

#### Related Services

* Typically, includes services other than main/primary special education service

#### Supports for School Personnel

* Provides the time to help pinpoint problems, put out fires, etc.
* Puts everyone (including regular education teachers, paraprofessionals, administrators, etc.) on notice of which professional will be responsible for providing on-going professional expertise and guidance is vital to the provision of a quality education for this child
* Can include staff training on accessible assistive technology

#### Gifted

* This is NOT a federal right.

#### Extended School Year (ESY)

* VITALLY important for many
* Regression and recoupment are NOT the only factors to consider.
* “Emerging skills” and/or “At a critical point of learning” are usually a “winner” for blind students.

### Educational Placement (where child will receive services)

* NOTE: This is the LAST thing that we discuss.
* LEAST RESTRICTIVE ENVIRONMENT
* Important to remember that meeting the NEEDS of the child outweigh the minimization of the environment restrictiveness

### Other Federal laws at play

* Section 504 of the Rehabilitation Act of 1973
* Title II of the Americans with Disabilities Act (ADA)
* Effective Communications Dear Colleague Letter

## After the IEP meeting

### Changes to an IEP

### Once an IEP is in place, it cannot “expire”

## Other important points related to the education of blind children

### Avenues for action if needs are not met

### Frequency

### Independent Educational Evaluations (IEEs)

### Behavioral issues

### Enlistment of vocational rehabilitation services when applicable

### Alternatives to the local school district

## Free and low-cost resources

### Support

#### Maryland Bridges Helpdesk

* Flyer for the Free Maryland Bridges Helpdesk for Blind/Low Vision Transition Students, Their Families, Their Educators, and Their Community Allies
* Our Accessible web form
* **Email**: Helpdesk@imagemd.org
* Bridges Helpdesk Facebook page or Facebook Messenger

### Academic Resources

#### Maryland's College and Career-Ready Standards for Unified English Braille

* MdCCRS for UEB Braille, Nemeth, and Tactile Graphics

#### Bridges Helpdesk Guides to Testing Accommodations for Blind/Low Vision Students in Maryland

College-related Exam Guides

* College Entrance Exams (PSAT®, SAT®, and ACT®) for Blind/Low Vision Students Guide
* College Board Credit-Earning Exam Accommodations for Blind/Low Vision Students Guide
* International Baccalaureate (IB) and Cambridge Assessments Credit-Earning Exam Accommodations for Blind/Low Vision Students Guide

Maryland Assessments Guides

* Kindergarten Readiness Assessment (KRA) for Blind/Low Vision Students Guide
* MCAP for English and Math for Maryland Blind/Low Vision Students Guide
* MCAP for Algebra 1 and 2, Geometry, Social Studies, and Government for Maryland Blind/Low Vision Students Guide
* MISA (Science) for Maryland Blind/Low Vision Students Guide
* Alternate MCAP and MISA for Maryland Blind/Low Vision Students Guide

For English Language Learners

* WIDA Screener for Kindergarten for Maryland Blind/Low Vision for Students Guide
* WIDA Screener for Maryland Blind/Low Vision Students Guide—Paper Tests
* WIDA Screener for Maryland Blind/Low Vision Students Guide—Online Tests
* WIDA Kindergarten ACCESS for Maryland Blind/Low Vision Students Guide
* WIDA ACCESS for ELLs for Maryland Blind/Low Vision Students Guide—Paper Tests
* WIDA ACCESS for ELLS for Maryland Blind/Low Vision Students Guide—Online Tests
* WIDA Alternate ACCESS for Blind/Low Vision for Students in Maryland Guide

### Braille books

#### American Action Fund

* Free Braille Books program
* ShareBraille
* Braille Reading Pals Club (birth through 7)

#### Seedlings

* Angel book program
* For-fee catalog

#### Braille Institute

* Special Collections

#### BRL—Beulah Reimer Legacy

* VERY reasonable book prices
* Run by an NFB member in Iowa

#### National Braille Press

* ReadBooks!
* Children’s Braille Book Club (subscription program)
* Catalog of Braille and electronic books

#### Temple Beth El Sisterhood

### Cane travel resources

#### Free long white canes

* Long white canes provided through a program of the National Federation of the Blind (NFB) and the American Action Fund (AAF)
* For blind/low vision children from birth through seven years old, the free Early Explorers, part of the Early Childhood Initiative program offered by the National Federation of the Blind (NFB)

#### Instructional videos for learning how to use the long white cane

* YouTube video discussing the importance of the long white cane and providing information and guidance to parents in the Hows and Whys of cane travel
* YouTube video, Little Long Canes, where master cane instructor Joe Cutter explains the reasons for early cane travel exploration and providing parents ideas for early instruction

### Braille Reference Resources (Literary, Math/Science, Music, Spanish)

#### Literary Braille

* Chart of the Braille English alphabet
* Chart of all contractions used in literary Unified English Braille (UEB)
* Full Code Book for Unified English Braille (UEB)

#### Nemeth Code (Math and Science Braille)

* Basic Nemeth Code “cheat sheet”
* Texas School for the Blind and Visually Impaired page about Nemeth Code for Advanced math (Algebra 1 and 2 and Geometry)
* Nemeth Code Manual
* Guidance for Transcription Using the Nemeth Code within UEB Contexts from the Braille Authority of North America (BANA)

#### Music Braille

* Music Braille Cheat Sheet
* Overview of Music Braille
* "Measure for Measure: Achieving Equality through Braille Music" A production by the National Federation of the Blind (NFB) illustrating the importance of Music Braille literacy
* Complete Music Braille Code guide, with explanations

#### Spanish Braille

* Symbols used in Spanish Braille, from the American Printing House for the Blind (APH)
* Great resources from www.spanishbraille.wordpress.com