

Welcome to the “Educational Advocacy for Educational Professionals” Webinar



Presented by:

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Teleconference call-in number: (650) 429.3300

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Dystrophy
Association
Fighting Muscle Disease

Marie Ritzo

Marie J. Ritzo is a clinical social worker at Children's National Medical Center in Washington, D.C. Ritzo provides social work services for the MDA clinic and the Surgical Care, Trauma and Burn Unit at Children's.

Ritzo received her master's degree in of social work degree from the University of Maryland School of Social Work and Community Planning, with a concentration in clinical work with children and families.



Jill Castle



Jill Anne Castle is a parent specialist for the Arizona Department of Education where she helps parents navigate the special education process. Castle is currently finishing her master's degree in educational psychology and is a candidate for BCBA (board-certified behavioral analyst) certification.

Castle has a 12-year-old son who is affected by Duchenne muscular dystrophy (DMD). She is dedicated to helping children with special needs get the support they deserve.

Federal Laws

- Section 504 of the Rehabilitation Act of 1973
- IDEA – Individuals with Disabilities Education Act (2004)

**Because these are federal laws,
they pertain to every state

Section 504

- An *antidiscrimination* law; as such, it is a civil rights law.
- Requires that obstacles to education be removed, modifications and accommodations made.
- Goal: To provide a child with special needs the ability to perform at the same level as his or her peers.

IDEA

- IDEA is an entitlement law. It requires schools to meet unique learning needs of students and to prepare them for further education, employment and independent living.
- Guarantees a fair and appropriate public education in the least restrictive environment.

Eligibility

A child is eligible for special education services and an Individualized Education Plan (IEP) if the disability falls into one of 14 categories:

- Autism
- Deafness
- Emotional Disturbance
- Hearing Impairment
- Intellectual Disability
- Specific Learning Disability
- Orthopedic Disability
- Deaf-Blindness
- Developmental Delay
- Multiple Disability
- Visual Impairment
- Speech/Language Impairment
- Traumatic Brain Injury
- Other Health Impairment

Steps to the IEP

- Request made that child be evaluated
- Child evaluated by multidisciplinary team
- Eligibility decided
- Child deemed “eligible”
- IEP meeting scheduled
- IEP meeting held and IEP written
- Services provided
- Progress measured and reported to parents
- IEP reviewed
- Child re-evaluated (every three years)

The 504 Plan

- Defines a person with a disability as having a physical or mental impairment that limits one or more major life activity
- Requires that a child be able to access an education, free of barriers that would otherwise exclude the child from the school, classroom, school work or activities

What's the Difference?

- Purpose
- Requirements for providing services
- Funding
- Evaluation Procedures
- Independent Evaluation
- Protections
- Due Process



Purpose

- IDEA ensures a free and appropriate education for students, ages 3-21 years, with disabilities defined by law
- Section 504 is a civil rights law and protects *all individuals* from discrimination

Requirements for Providing Services

- IDEA requires a written Individualized Education Plan (IEP) that identifies the disability and specifies the services to be delivered to address it. The IEP also mandates a transition plan for students 16 and over and a Behavior Plan if there is a behavioral component to the disability.
- Section 504 does not require a written document. It requires that “reasonable accommodations” be made so that the child can participate in the curriculum.

Funding

- IDEA funds states to provide services for eligible students
- Section 504 does not provide funding

Evaluation Procedures

- IDEA requires a multidisciplinary assessment of the child and re-evaluation every three years
- Section 504 is a less formal assessment process and is reviewed periodically

Independent Evaluations

- IDEA allows parents to ask for an independent evaluation – at the school district’s expense – if the parents disagree with the evaluation performed by the school district
- Section 504 does not allow independent evaluation at the school district’s expense.

Protections

- IDEA requires written notice to parents before any changes take place and due process rights to be followed at all times for discipline procedures.
- Section 504 requires written notice only if there is a “significant change in placement”

Due Process

- IDEA requires the school district to provide resolution sessions and due process hearing for parents who disagree with the IEP or placement
- Requires the school district to provide a grievance procedure. Compensatory damages are possible.

Things to Consider

- IDEA might be the stronger law for your child because it requires specific information, a specific plan, review and due process. It is comprehensive and provides funds to implement.
- Section 504 is the simpler of the two laws. It is not implemented with the same rigor and safeguards.
- Schools are more likely to provide services to younger students so it is advisable to get the IEP in place during the early years of the child's education.
- Advocates are available to help families negotiate with the child's school.

Court Decisions

- Private school tuition must be covered by the public school district if it fails to provide an appropriate education (Forest Grove)
- The school system does not have to reimburse private school tuition if the child is placed in a private school before eligibility is determined (Schaeffer v Weast)
- The school system has to provide a RN if the child needs one to attend school (e.g. student uses a ventilator) (Cedar Rapids)
- Parents who prevail in disputes over services are not entitled to recoup expert witness fees (Arlington v Murphy)
- Parents can represent themselves in school hearings (Winkleman v Parma City)

Collaborating with Parents

- Kubler-Ross Grief Cycle
 - Denial
 - Your expectations may not be high enough for us
 - Anger
 - Nothing you do it right
 - Bargaining
 - We may be over involved and micromanaging to do anything to fix things

Collaborating, cont...

- Depression
 - We may lack involvement
 - Everything is overwhelming
- Acceptance
 - Collaborative
 - In progressive disorders, it may be brief before more loss and cycle begins again

Flexibility in IEP

- We can't make long term plans
- Meet more frequently
- Creative solutions
- Whole child
- Use Assistive technology
- Universal design for classrooms



Cognitive/Behavior

- Part of neuromuscular disorder
- Even in excelling academics
- Lack of control in life/ OCD
- Understand rigidity; help support flexibility
- Use PBS or other methodology for other disorders
- Examples of spectrum intervention
- Differentiated instruction

Social Skills Goals

- Always include social skill goals
- Greetings, asking questions, giving compliments
- Empower the child in class; give them jobs
- Have them help others
- Buddy systems
- Peer support versus adults
- Disability awareness
- Creative solutions; Wii & game examples

OT



- Sensory integration issues
- Progressive disorders may require AT training versus intervention
- Get them access now

PT

- Seating is important for fatigue
- Listen to them: DO NOT PUSH THEM
- Positioning for writing, etc
- Strengthening precautions
- Be aware of distances
- Classroom / universal design



Adaptive PE

- Don't be afraid to use wheelchairs, etc
- Be creative
- Remember school events as well, such as the dreaded "field day"
- Great time for disability awareness
- Modified races, weights, etc
- Race story



Independence

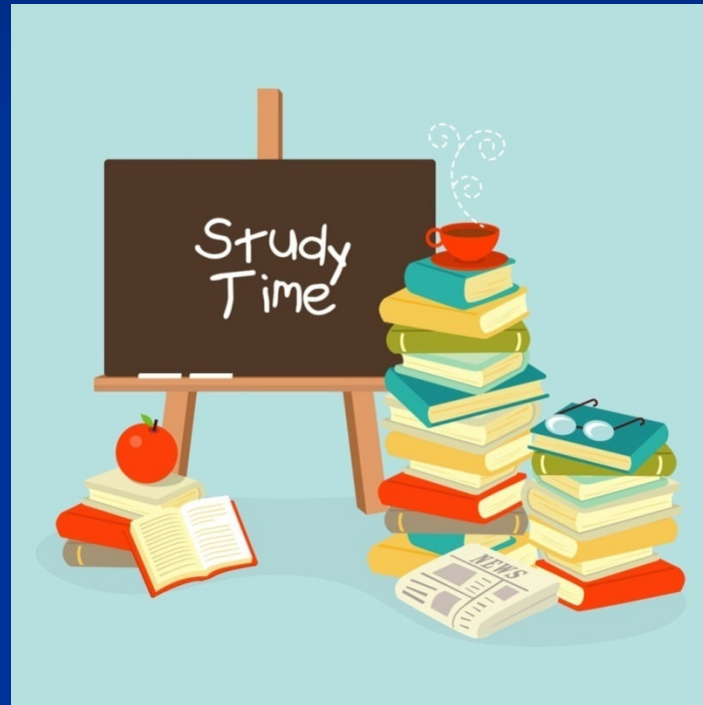
- One of the toughest things to get right with our kiddos
- Promote independence while serving needs and keeping them safe
- Out-of-the-box solutions
- Ask THEM



Tips & Suggestions

- Building rapport; don't wait until once a year
- Keep open communication with parents – even when things are going well 😊
- Ask scary questions, make questioners

Questions?



Thank You!

Today's webinar will be archived and available for viewing on MDA's website at

www.mda.org/services/webinar

For additional questions, please contact the MDA Health Care Services Dept.

at (800) 572.1717 or

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