

Thank you for joining us!

The webinar, Supporting Immigrant and LEP Parents in the Special Education Process, will be starting shortly.

You are welcome to print the webinar slides, which are posted as “handouts” in GoToWebinar

Basic Rights: Supporting Immigrant and LEP Parents in the Special Education Process

A Webinar for Direct Service Providers

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Proyecto Acceso a la Educación Especial

Workshop Overview

Parents and the Special Education Process

- * Immigrant parent and student rights
- * Step 1: Evaluations
 - * School
 - * Independent
- * Step 2: Team meeting
- * Step 3: The IEP
- * When parents disagree with the school district

Workshop Goals



1. Learn how laws can protect immigrant and LEP children in the special education process.
2. Learn tools that immigrant and LEP parents can use to be part of the special education process and get needed services.

Immigrant Parent and Student Rights

- * According to the US Supreme Court, ALL CHILDREN have the right to attend public school, regardless of their immigration status. Plyler v. Doe, 457 U.S. 202 (1982).
- * It is illegal for schools to discriminate against a student or a parent on the basis of immigration status. Civil Rights Act of 1964.

See resources and MAC/MLRI flyer for places parents may contact if their rights or their child's rights are being violated.

Protections

Federal Law

- * Individuals with Disabilities Education Act (IDEA)
- * Civil Rights Act of 1964 (Title VI)
- * Equal Educational Opportunities Act of 1974

State Law

- * Chapter 766

The right to a Free and Appropriate Public Education (FAPE) applies to all students with disabilities regardless of immigration status.

Parents Are Important!



- * Parents know their child best
- * The law says:
 - * Parents are equal Team members
 - * **All** written letters, forms, evaluation reports in the parent's primary language
 - * **All** meetings in the parent's primary language (interpreter)
 - * Parental consent
- * It's the law but it doesn't always happen in practice

When a Parent's Primary Language Is Not English

- * Qualified interpreters at all Team Meetings
- * IEPs, evaluations, and school notices in parent's primary language

What to do if parents are denied language access:

- File a complaint with PRS <http://www.doe.mass.edu/pqa/prs/>
- Contact MAC's Helpline for guidance

QUESTIONS?

Special Education Process and Timeline

1

REFERRAL



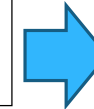
School asks parent for written consent to evaluate the child within 5 SCHOOL DAYS



School completes
EVALUATION*
within 30 SCHOOL DAYS of parent consent



TEAM MEETING**



Parents receive **IEP**
within 45 SCHOOL WORKING DAYS
of parent consent



Parents **RESPOND** to IEP
within 30 days of receiving it

2

3

*Every 3 years

**One time each year

Step 1: Evaluations

1

REFERRAL



School asks parent for written consent
to evaluate the child within 5 SCHOOL
DAYS



School completes
EVALUATION*
within 30 SCHOOL DAYS of parent
consent

*Every 3 years

**One time each year

Types of Evaluations

- * Required assessments
 - * Educational
 - * All areas related to child's disability (may include FBA or observation)
 - * Psychological, home, or health assessment ***at parent's request***
 - * Transition and functional/vocational assessments starting at age 14
- * Functional behavioral assessment
- * Observation

Evaluations and English Learners

- * Testing in child's native language.
- * Testing must be administered in a non discriminatory manner.
- * All students identified as English learners must be tested yearly for English proficiency apart from testing based on disability (ELD level).
- * Evaluation reports must be provided in parents' primary language.

If the Parent Disagrees with the School Evaluation

Parent requests independent evaluation



OPTION 1

District pays for evaluation costs using sliding fee scale (for example, districts pay 100% for a family of 4 with an income up to 95,400/400% of Poverty Level)

- If student is eligible for free or reduced lunch the school must pay
- Family annual income and sources must remain confidential.

OPTION 2

Parent chooses not to provide financial information



Within 5 days the district must either:

- agree to pay for the evaluation
- or
- Initiate a hearing with the BSEA

Note: under option 1 the school cannot initiate a hearing with the BSEA

QUESTIONS?

Step 2: The Team Meeting

1

REFERRAL



School asks parent for written consent to evaluate the child within 5 SCHOOL DAYS



School completes
EVALUATION*
within 30 SCHOOL DAYS of parent consent



TEAM MEETING**

2

*Every 3 years

**One time each year

Purpose of the Team Meeting

- * To discuss evaluation(s)
- * Decide if a child is eligible for special education
 1. Does the student have a disability?
 2. Is the student unable to progress effectively in regular education due to the disability?
 3. Does the student require special education services?

Limited English proficiency must not be the determinant factor for the student requiring special education services.

- * Before a child's IEP ends every year

Who Will Be At the Team Meeting?

- * Team members

- * The parent(s)
- * Classroom teacher
- * Special education teacher
- * School administrator
- * Evaluator
- * Other people that you or school request
- * Student if age 14 or older
- * Person from a transition services agency (if student age 14 or older)

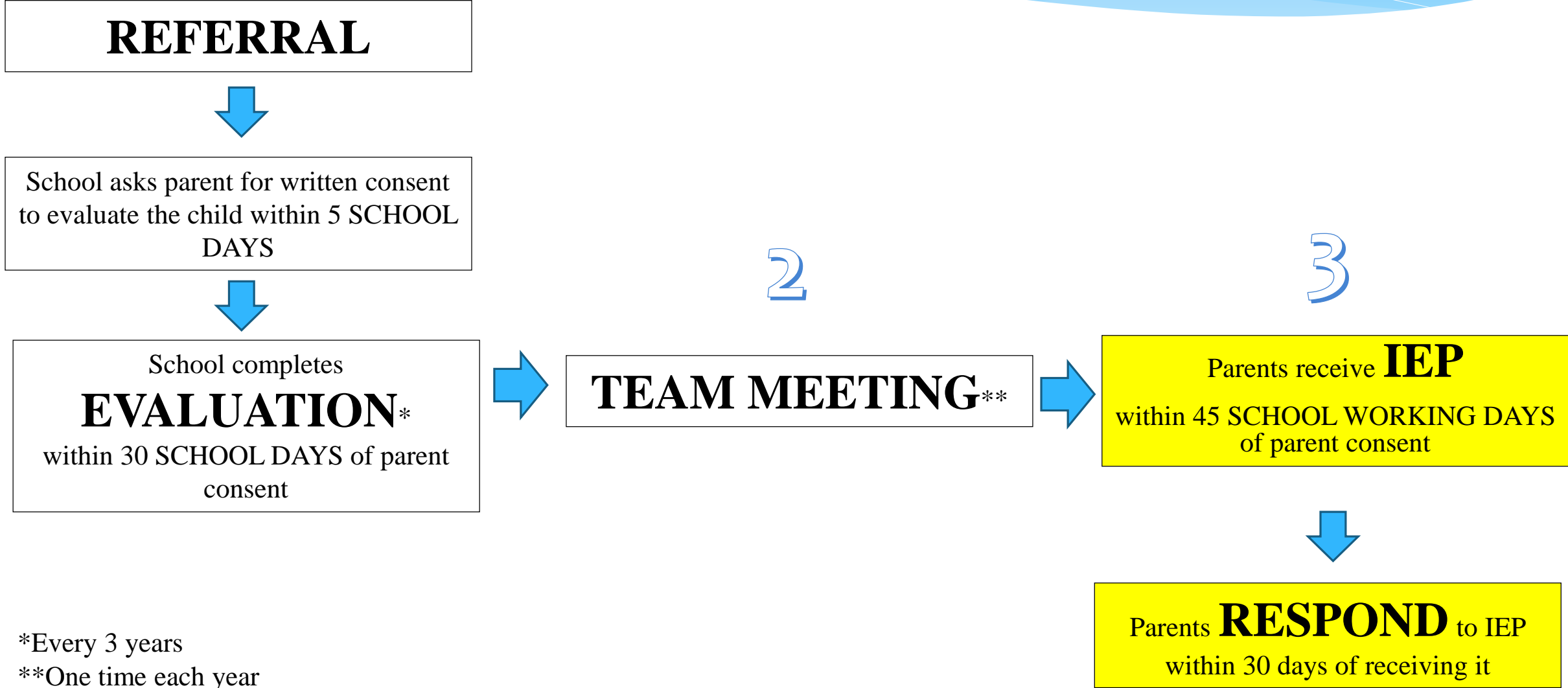
- * A qualified interpreter must be provided if needed

Preparing for the Team Meeting

- * Request evaluations before the meeting
- * Invite an advocate, service provider, independent expert, or a friend
- * Write down parent concerns and questions
- * Address need for a qualified interpreter if this has been a problem before

QUESTIONS?

Step 3: The IEP



IEP Contents

- * Parent/Student Concerns
- * Student Strengths and Key Evaluation Results
- * Parent/Student Vision Statement
- * Present Levels of Performance
 - * General Curriculum
 - * Other Educational Needs
- * Goals and Objectives
- * Service Delivery

The IEP and LEP Students

- * Bilingualism is a strength, not a deficit—the IEP should reflect this
- * Team must discuss the impact of language needs of the LEP student as related to FAPE
- * Team must consider whether primary language instruction is necessary for the LEP student to receive FAPE
- * School district must indicate specific needs and required instruction to address language needs throughout the IEP

Service Delivery Grid

Service Delivery

What are the total service delivery needs of this student?

Include services, related services, program modifications and supports (including positive behavioral supports, school personnel and/or parent training/supports). Services should assist the student in reaching IEP goals, to be involved and progress in the general curriculum, to participate in extracurricular/nonacademic activities and to allow the student to participate with nondisabled students while working towards IEP goals.

School District Cycle: 5 day cycle 6 day cycle 10 day cycle other:

A. Consultation (Indirect Services to School Personnel and Parents)

Focus on Goal #	Type of Service	Type of Personnel	Frequency and Duration/Per Cycle	Start Date	End Date

B. Special Education and Related Services in General Education Classroom (Direct Service)

Focus on Goal #	Type of Service	Type of Personnel	Frequency and Duration/Per Cycle	Start Date	End Date

C. Special Education and Related Services in Other Settings (Direct Service)

Focus on Goal #	Type of Service	Type of Personnel	Frequency and Duration/Per Cycle	Start Date	End Date

QUESTIONS?

IEP Transition Requirements

When child turns 3

- * Before child's 3rd birthday, district must provide IEP and services if child is eligible

Turning 14

- * Transition Assessments
- * Services at school and in the community
- * Prepare the student for work, higher education and independent living after high school
- * Student is invited to Team Meeting

IEP Placement

- * Decision is made by the IEP Team
- * The Team can only consider the unique needs of the child
- * Inclusion with nondisabled students as much as possible
- * Many placement types
 - * Full inclusion (least restrictive) to residential (most restrictive)

Parent Response to the IEP

- * Full Acceptance
- * Full Rejection
- * Partial Rejection

Services Dropped from IEP

- * Partially reject the IEP
- * Services continue until you and the school agree or go to a hearing
 - * “Stay Put” Rights

Contact MAC’s Helpine for a sample partial rejection letter

Services Not Added to the IEP

- * Partially reject the IEP
- * Partially reject leaving out/omission of services
- * Ex: Maria
 - * transition age
 - * travel training

QUESTIONS?

If The Parent Still Disagrees With the School: Problem Resolution

- * Request Mediation through the Bureau of Special Education Appeals
- * Request a Hearing through the Bureau of Special Education Appeals
- * Massachusetts DESE Problem Resolution System (PRS)
<http://www.doe.mass.edu/pqa/prs/>
- * U.S. Office of Civil Rights (U.S. DOE)

Contact the MAC Helpline for help with these options

Take-Away Points

1. All of the rights discussed apply regardless of the parent or student national origin/immigration status.
2. Children receive better services when parents are involved.
3. Interpretation/translation is required by law and essential for many parents to participate.
4. Evaluations must be conducted in the student's native language if necessary.
5. The IEP must address the language needs of LEP students.
6. School districts cannot eliminate services from the IEP without parent consent or a decision from a hearing officer to do so (“stay put”).

Contact MAC's Helpline at 617-357-8431 for information as needed.

Additional Statewide Advocacy Resources

- **Massachusetts Advocates for Children** 617-357-8431
www.massadvocates.org
- **The Federation for Children with Special Needs** 800-331-0688
<http://www.fcsn.org> (Western MA) 877-388-8180
- **The Disability Law Center** 617-723-8455
- **The Children's Law Center** 781-581-1977
- **Mental Health Legal Advisors Committee** 800-342-9092

The Federal IDEA Regulations (34 CFR 300):

<http://www.ed.gov/legislation/FedRegister/finrule/2006-3/081406a.pdf>

Massachusetts Special Education Regulations (603 CMR 28):

<http://www.doe.mass.edu/lawsregs/603cmr28.html>

Immigration-Related Resources

Boston Mayor's Office for Immigrant Advancement	617-635-2980
Central West Justice Center (Central and Western MA)	800-649-3718
Justice Center of Southeast Massachusetts (Southeast MA)	800-244-9023
Greater Boston Legal Services	617-603-1700
Irish International Immigration Center (legal clinics for immigrants of all countries)	617-542-7654
Massachusetts Immigrant and Refugee Advocacy Coalition http://miracoalition.org/know-your-rights	