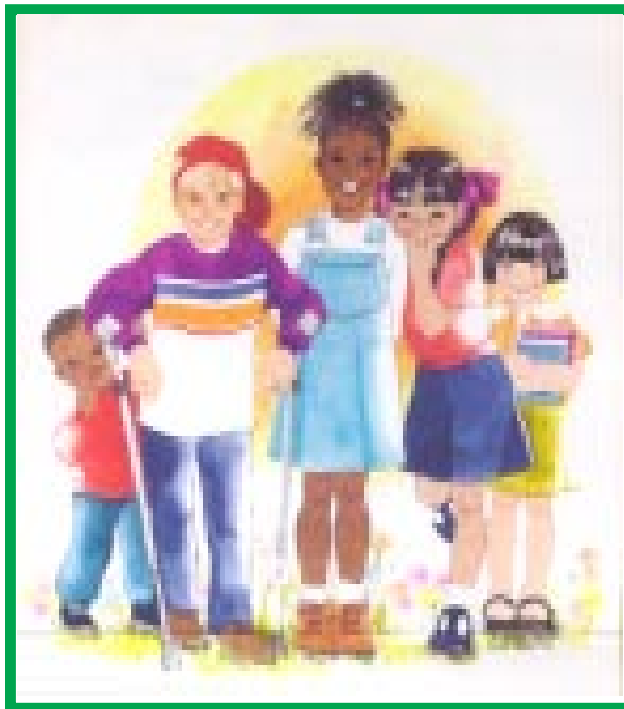


SPECIAL EDUCATION IN ALABAMA

**A RIGHT,
NOT A FAVOR**



Alabama Disabilities Advocacy Program
The University of Alabama
School of Law Clinical Programs

Special thanks to the Alabama Council for Developmental Disabilities for providing financial support through federal funds.

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SPECIAL EDUCATION IN ALABAMA

A RIGHT, NOT A FAVOR



Alabama Disabilities Advocacy Program
The University of Alabama
School of Law Clinical Programs

**ADAP dedicates this edition of
Special Education in Alabama
A Right, Not A Favor
to everyone committed to
advocacy for children in
special education**

Sixth Edition - 2000

This book provides an updated overview of special education and the Individuals with Disabilities Education Act, as amended in 1997.

Although *Special Education in Alabama: A Right, Not A Favor* is copyrighted, readers are encouraged to use the information contained herein to help inform parents of their rights in special education. Duplication of this book is expressly authorized for any noncommercial use. When quoting or duplicating material taken from this manual, however, please credit the Alabama Disabilities Advocacy Program.

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INTRODUCTION

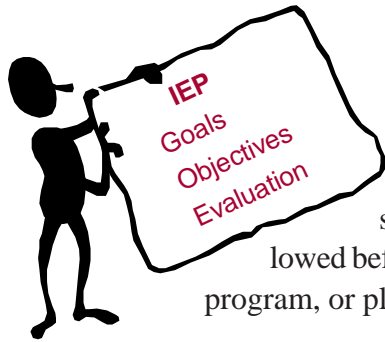
Children with disabilities in Alabama have the legal right to free and appropriate programs of special education and related services. State and federal laws require teachers and school administrators to work together with parents to create individualized education plans for children with disabilities. The State of Alabama and its local schools have received millions of dollars from the federal government for the specific purpose of providing services to children with disabilities. Thus, when school officials provide special education, they do so not simply out of kindness or concern, but because children with disabilities are entitled by law to these services. In other words, SPECIAL EDUCATION IS A RIGHT, NOT A FAVOR.



Few areas of the law are developing as rapidly as special education law. Important new laws are expanding the rights of children and adults with disabilities, and court decisions are defining those rights almost daily. It is vitally important that the parents of children who are entitled to special education understand their rights and advocate on behalf of their children. It is the purpose of this manual to assist in that advocacy effort.

The special education process must begin with each individual child. Professional evaluations must be performed to determine a child's strengths, weaknesses, and learning needs. If evaluations show that a child needs special education services, federal law requires that school

officials and parents work together to develop an Individualized Education Program (IEP). The IEP for each child must set out the goals and objectives of the program, the related services

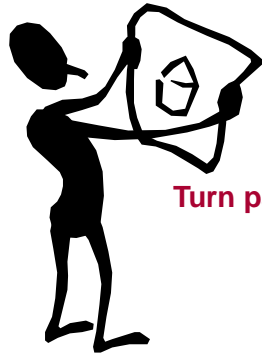


the child will receive, and evaluation procedures. For a child already in a special education program, this same process must be followed before his or her classification, program, or placement can be changed.

Parents sometimes find that the special education process does not, in reality, work this way. Often, school officials first determine what special education programs they already have in place and then work backwards, attempting to fit the child into the school's existing program. Such an approach is against the letter and spirit of the law. Special education is not a location, but a set of services and supports tailored to each child's individual needs. It is important that parents insist that school officials follow the legally required process. Unfortunately, school officials sometimes do not fully explain the special education process, or they may even conceal the fact that legal rights exist.

This manual explains how the special education process is supposed to work in Alabama. It defines some of the terms and concepts involved in the education of children with disabilities, and it answers some of the questions that parents may have about legal rights. Chapter 8 discusses a law that is of tremendous importance for children who have not yet reached school age. This manual

describes some of the important provisions of the law for younger children and encourages parents to advocate on behalf of children with disabilities, no matter what their age. To assist in that effort is one of the purposes of the Alabama Disabilities Advocacy Program.



Turn page for a lot more information.

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INDIVIDUALS WITH DISABILITIES EDUCATION ACT

What is the purpose of the Individuals with Disabilities Education Act?

The purpose of the Individuals with Disabilities Education Act (IDEA) is to ensure that all children with disabilities have available to them a free appropriate public education that includes special education and related services to meet their unique needs. The IDEA provides money to states to assist them to meet their obligations under the law. If a state submits an annual plan (to the Office of Special Education Programs in the U. S. Department of Education) which conforms to the procedures outlined in the law, it can receive federal funds to supplement the cost of educating children with disabilities. The IDEA thus requires that states educate children with disabilities, and it gives them financial assistance to help them accomplish this task.

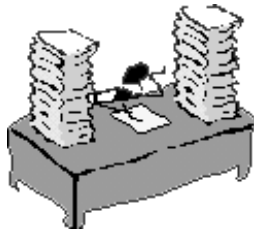
At what ages are children with disabilities entitled to special education services?

Part B of the IDEA and other laws affecting the education of children with disabilities require that public schools in Alabama provide services for eligible children from age 3 to 21; and Part C of IDEA (formerly Part H) gives states the option to provide early intervention services for children with disabilities from birth through age

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two. Please see Chapter 8 of this manual for a discussion of the rights and entitlements of infants, toddlers, and their families.

What laws besides the IDEA affect the education of children with disabilities?



As Chapter 8 of this manual explains, in 1986 Public Law (P.L. 99-457) inaugurated a program to encourage states and communities to provide services for infants and toddlers with disabilities (from birth until their third birthday) and their families. The purpose of this program, also known as Part C of the IDEA, is to provide assistance to states to develop and implement a statewide comprehensive, coordinated, multidisciplinary, interagency program of early intervention services for infants and toddlers with disabilities and their families.

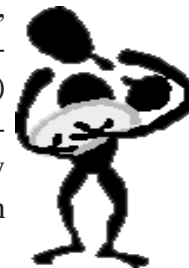
Also, more generally, the civil rights of persons with physical and mental disabilities are protected by Section 504 of the Rehabilitation Act of 1973. Section 504 prohibits recipients of federal funds (including public schools) from discriminating on the basis of disability. Sections applicable to preschool, elementary, and secondary education require school systems to provide students with disabilities a “free appropriate public education,” and related services. Students with disabilities are to be educated with other students to the maximum extent appropriate. Section 504 is intended to eliminate evaluation procedures which result in misclassification and establish procedural safeguards which allow parents or guard-

ians to express opinions on evaluation and placement of their children.

Finally, the Americans with Disabilities Act (ADA), Public Law 101-336, gives broad, federal antidiscrimination protections to persons with disabilities. The areas protected by the ADA are employment, state and local governmental programs and services, public accommodations, and communications. The ADA's purpose is to extend legal protections to people with disabilities similar to those in other federal civil rights laws. Title II of the ADA, which applies to all programs of state or local governments, appears to be the section that will have the most effect on education as it pertains to individuals with disabilities.

How do the services provided under the IDEA, Part B, differ from those for infants and young children?

Chapter 8 of this manual has more detail on this question, but, generally, service provided under Part B (3-21 years) has traditionally been focused on the child as the client. Services under the Early Intervention Program (Part C) are designed with the recognition that services to very young children must be delivered in the context of their families. The clients for the Part C program are the child and family. In accordance with that idea, services are planned according to an "Individualized Family Service Plan" (IFSP) rather than under an "Individualized Education Program" (IEP). If the family chooses, the IFSP contains information



about the family's strengths and needs, and services that the family will receive.

The eligible population under Part C is broader than under the IDEA. Participating states must serve all infants and toddlers who are developmentally delayed or who have a diagnosed physical or mental condition likely to result in delay. In addition, states may elect to serve children who are at risk for future delay. States must determine the risk criteria which may include biological and/or environmental risk factors.

Under the IDEA, Part B, all services included in an IEP must be provided at no cost to parents. Part C allows the provision of certain services on a sliding-fee scale if authorized by state law.

What is the difference between Section 504 of the Rehabilitation Act of 1973 and the IDEA?

The IDEA covers children with disabilities which affect the child's ability to learn. Chapter 2 of this manual lists the disabilities included under the IDEA. Children with disabilities who are not included under the IDEA may still be protected under Section 504.



Section 504's definition of a disability is broader than the IDEA. Under Section 504, a person is considered disabled if that person:

1. Has a physical or mental impairment which substantially limits one or more major life activities
2. Has a record of such an impairment, or
3. Is regarded as having such an impairment

Examples of disabilities under Section 504 which may not be covered by the IDEA include:

1. Physical injuries, or other physical impairments,
2. Alcohol/drug addiction, and
3. Communicable diseases (including AIDS)

Students who are not covered by the IDEA, but who are covered under Section 504, receive a "504 Plan"—a road map to an individualized education plan that is very similar to an IEP.

Students with disabilities under Section 504 may require modifications to the school building, classroom, or services in order that they may attend school safely. Such modifications might include:

1. Redesign of equipment
2. Reassignment of classes or other services to accessible sites
3. Assignment of aides
4. Alteration of existing facilities
5. New construction
6. Administration of medication, or
7. Assistance with toileting or with other health needs

Each school program or activity, when viewed in its entirety, must be readily accessible to persons with disabilities. Such programs and activities include, but are not limited to, counseling, competitive or recreational athletics, transportation, health services, special interest groups or clubs, and student employment.

Students may be eligible for services under Section 504 but they are not categorically eligible under the IDEA, Part B. This group includes students who are 22 or older (depending on state law) or who are post-secondary students.

The process for determining whether a student is eligible for protection and services under Section 504 is similar to the process used under IDEA. This process is discussed in Section 3 of this manual. In essence, a committee of persons knowledgeable about the child should review evaluations and other documentation about the child. If the committee determines that the student is disabled, the student is entitled to regular or special education and related aids and services that are designed to meet the student's individual educational needs.

The procedural safeguards which apply under Section 504 include:

1. Notice of nondiscrimination policy
2. An opportunity for participation by the student's parents or guardian, and
3. The right to be represented by counsel

In order to enforce Section 504, the school district must designate at least one person to coordinate compliance with Section 504 and adopt a grievance procedure

with appropriate due process standards for prompt resolution of complaints. (See Appendix B.)

What does Alabama law say about the education of children with disabilities?

The Alabama Exceptional Child Education Act (Act 106) (Alabama Code 16-39-1 et seq.) provides that all “exceptional” children, as defined by this law, must be provided with at least 12 consecutive years of free and appropriate instruction and special services in the public school systems of Alabama.



Act 106 requires the local boards of education to provide “appropriate instruction and special services” to all exceptional children. In 1991, Act 91-474 established a preschool special education program for children with disabilities, ages three through five. Act 91-474 (Code of Alabama 16-39A-2) requires all county and city schools to provide a free appropriate education for these children.

Special services, as defined in Alabama Code 16-39-2 (Supp. 1985), include but are not limited to :

1. Administrative services
2. Transportation
3. Diagnostic and evaluation services
4. Social services
5. Physical and occupational therapy
6. Job placement
7. Orientation and mobility training
8. Braille services and materials
9. Typists and readers for the blind
10. Special materials and equipment, and

11. Such other similar personnel, services, materials, and equipment as may be approved by the State Board of Education

The State Board of Education has the responsibility for ensuring that the local boards of education comply with Act 106. If a local board fails to fully comply with the state law, the state Attorney General may bring a civil injunctive suit against the local board of education at the request of either the State Board of Education or a private citizen. If the State Board of Education fails to live up to its responsibility under the law, the state Attorney General should bring civil suit against the State Board of Education in Montgomery County (Alabama Code 16-39-5 Supp. 1985). To ADAP's knowledge, however, the Attorney General's Office has never sought to formally enforce Act 106.

Who is responsible if the special education process does not work?

In each state, the ultimate responsibility to ensure that appropriate special education services are provided to eligible children with disabilities rests with the State Education Agency (SEA). In Alabama, that is the Alabama Department of Education. To resolve disputes, it is usually best to begin at the lowest administrative level and work up: talk to your child's teachers, your school's principal, your school district's special education coordinator(s), individual members of your local board of education, or appeal directly to the board of education. If you cannot resolve your problem at the local level, it may be necessary to alert the appropriate state officials. (See Appendix B for addresses and phone numbers.)

TERMS AND CONCEPTS

Who are “children with disabilities?”

The term “children with disabilities” (as used in the IDEA) includes children who, because of their disabilities, require specially designed educational programs and related services. Disabling conditions include specific learning disabilities; hearing impairments, including deafness; visual impairments, including blindness; speech or language impairments; orthopedic problems; mental retardation; serious emotional disturbances; autism; traumatic brain injury; other health impairments; deaf-blindness; and multiple disabilities. Children from age 3 to 6 with developmental delay(s) are also considered to be disabled. Under state law, children who are gifted are also eligible for special education services. Gifted children are entitled to many of the rights described in this manual, but, unlike children with disabilities, can rarely have their cases reviewed by a federal court.



What is a “free appropriate public education?”

Under state and federal law, a child with a disability is entitled to a free appropriate public education, which is an education designed to meet the child’s individual edu-

cational needs. An appropriate program is made up of “specially designed instruction” and the “related services” needed to help the child benefit from the instruction. The program can be provided in a regular or special class or school, depending on the child’s needs. The law requires that the education program be fitted to the child, not the child to an existing program.

An appropriate program is not necessarily the most expensive program available. Nor is it necessary that the program maximize the potential of the child. It is, however, a planned program of education that takes account of each child’s individual needs and allows the child to make reasonable educational progress. The program must be provided without cost to the child and parents.

What is a “related service” under the IDEA?

In order to benefit from special education, some children with disabilities need certain “related services.” Such services may include, but are not limited to, the following: audiology; speech therapy; occupational and/or physical therapy; psychological services; counseling services; transportation; therapeutic recreation; parent counseling and training; rehabilitation counseling; school health services; social work services in schools; and assistive technology and devices. In addition, the services of a physician or other medical specialist must be provided or paid for if necessary to diagnose a child’s problem, to determine the child’s need for special education, or to determine the type and amount of related services needed. Finally, schools must provide health services

needed to ensure a child can benefit from an educational program, so long as these services can be provided without a physician.

As is the case with the other rights discussed in this manual, the provision of needed related services is not optional for the school district. These services cannot be denied or limited because they would be inconvenient or costly for the school district. If a district cannot provide the service itself, it must arrange for another agency or person to provide it. In either case, the service must be provided without charge to the parents.

It is important to remember, however, that a child is not entitled to receive all the related services he or she may need for any reason, but only the kind and amount of related services needed to assist the child to “benefit” from the special education program. Parents must be prepared to show in what way the related services they request are necessary for the child to benefit from the special education program described in the child’s IEP. Evaluation reports which parents obtain from private professionals must also state clearly why the service is needed in order for the child to benefit from the program.



What do the terms “least restrictive environment” (LRE) and “continuum of alternative placements” mean in the context of special education?

For a special education program to be appropriate, it must provide children with disabilities the opportunity for interaction with their age peers to the maximum extent appropriate. When a special education program is developed for a student with disabilities, a decision must be made regarding the amount of time the child will attend regular education classes. The presumption is that the child will spend all of the time in a regular education classroom with appropriate supports and services to enable the child to participate. In practice, most children with disabilities attend separate special education classes for only a small portion of their day. Some children, however, spend less time in regular education and more time in a “special” education class.

Each school district must have different types of educational settings available for children with disabilities. This is referred to as a “continuum of alternative placements.” The “least restrictive” placement is in a regular classroom setting in the child’s neighborhood school. The “most restrictive” placements include special centers for children with disabilities, private schools which serve only students with disabilities, institutional placements, or services which are delivered in the child’s home (homebound services). The placement which is selected for a child must be the one that gives the child the greatest amount of contact with other children while still meeting the child’s individual needs. This is called the “least restric-

tive environment” for that child. A placement must not be based simply on the administrative convenience of a school district; rather, the school district must determine the educational setting that is most appropriate for the student.

What does the term “inclusion” mean in relation to children with disabilities?

Inclusion is a growing concept. As discussed above, the IDEA requires that students with disabilities be educated in the LRE, and that school systems make available a continuum of all alternative placements for students with disabilities ranging from “least” to “most” restrictive. Other laws, however, such as Section 504 of the Rehabilitation Act make it illegal to deny individuals with disabilities access to, and benefit from, services, programs, and activities that are available to people without disabilities.



A growing number of parents and advocates are taking the position that all children should be included in regular classroom settings. These parents and advocates contend that children with disabilities can be successfully educated in regular classroom settings as long as appropriate supplementary aids and services are provided and the IEP is developed so that it can best be implemented in a regular classroom. Inclusion simply means that all children, regardless of disabil-

ity, should be placed in regular school settings so that they can participate in all aspects of regular school life.

What are the “due process” procedures under the IDEA?

This question is discussed more fully in Chapter 7 of this manual. Due process procedures give parents a way to challenge decisions that the school district has made regarding their child. These procedures provide an important system of safeguards for parents when they believe that their child is not receiving appropriate services and they have been unable to resolve the problem in an informal way.

Parents have the right to use due process procedures whenever the school district refuses to accept a proposal the parents have made, or when the school refuses the parents’ request for an independent evaluation of their child. These procedures include a hearing before an impartial hearing officer, which is like a small trial. If parents are not satisfied with the outcome of the hearing, the law also provides the right to take the case to federal or state court. Another option for parents is mediation. (See Chapter 7 of this manual for a more detailed description of this process.)

Parents have the right to receive written notice before the school takes any action concerning the evaluation, classification, program, or placement of their child. Parents can disagree with any proposed action and initiate due process procedures. When parents disagree with the proposed action and begin due process procedures, the school

district generally cannot implement its proposal. Once due process procedures are begun, the child's classification, program, and placement remain the same until the dispute is resolved, unless the parents and the school agree to a change or the child is in an interim alternative educational setting.

EVALUATIONS

What is the purpose of an evaluation?

No child may be identified as eligible for special education, have his or her classification changed (for example, from learning disabled to mentally retarded), be provided special education services, or be moved from one placement to another until a full and free evaluation has been done. Federal law requires that the child be evaluated in all areas related to the suspected disability. For example, a child suspected of having mental retardation should at least be given a vision and hearing screening, an individual intellectual evaluation, an adaptive behavior rating, and a test of individual educational achievement. The child should also be tested in any other areas which relate to the suspected disability, including health, social and emotional status, and motor abilities. Notice must be given to parents before a child is evaluated for the first time, and parental approval is required prior to conducting the evaluation. If parents refuse an initial evaluation, the school district can seek to obtain one through the due process procedure.

After the evaluation is completed, it must be reviewed by a team of qualified professionals and the child's parent. Any information provided by the parent and the parent's input will be considered, along with the school's and other service providers' evaluations and observations in making the eligibility determination. The parents must

also be included in all subsequent decisions concerning special education services.

All necessary evaluations must be done without cost to the parents. The evaluations are used to determine whether a child is eligible for special education services, to identify the nature of the child's learning needs, and to help decide what type of educational program the child requires.

Evaluations must take into account a child's English language fluency and ethnic background, so that the testing and evaluation will not be racially or culturally discriminatory. All tests used must also be selected and given so that the suspected disability of the child does not affect the test results, unless a particular test is designed to measure the nature or degree of the disabling condition. For example, the intelligence of a child with visual problems cannot be evaluated by means of a written test. However, if the child is being tested to determine if a visual problem exists, a written test may be appropriate.

An evaluation consists of more than testing the child. Information from a variety of other sources, including the parents, the teacher, health professionals, and others who work with or know the child should also be gathered and considered. The child's school records should be reviewed along with reports from the child's current teacher. A classroom observation may also prove useful to understanding the child's needs and learning patterns. In the case of children suspected of having a learning disability or emotional conflict, classroom observation is an important part of the evaluation process.

How do parents get an evaluation for a child currently in regular education?

Parents who believe that their child is entitled to special education services can request that the school district evaluate the child. It is important that this request be in writing and that it set out the reasons why the parents believe the child has a disability which is interfering with his or her ability to learn. The school district must then evaluate the child without cost to the parents. (See Appendix for a sample letter requesting an evaluation.) If parents believe that certain tests or evaluation procedures are necessary, but the school district refuses to use them, the parents may request an independent evaluation at public expense or may initiate due process procedures. If the school agrees that the child's present program is not appropriate, it must arrange to do an evaluation of the child and be prepared to recommend a change. The school must perform the appropriate assessments and determine the child's eligibility for special education within 60 days.

What if the school district proposes to evaluate a child who is in regular education?

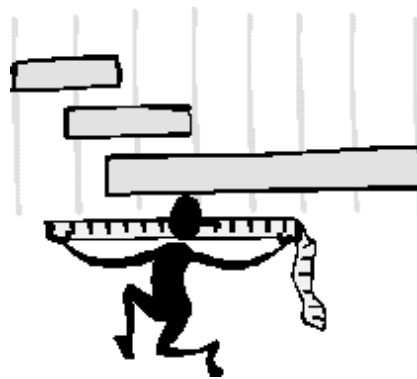
If the school district wishes to evaluate a child who is in regular education, it must first obtain the parents' written agreement. The parents must be notified in writing of the proposed evaluation and may refuse to agree to it. Unless the written permission of the parents is received, an initial evaluation cannot take place unless and until the school district obtains a favorable decision in a due process hearing. A parent's consent to an evaluation does

not constitute consent to placement of the child in special education services.

When the school district requests that the parents agree to an initial evaluation, it must tell the parents why it wishes to do the evaluation, the specific types of tests which will be used, and the approximate date of each test. Parents have a right to review and obtain copies of all relevant school records and to meet with school personnel to discuss the reasons for the proposed evaluation and the procedures and types of tests that will be used.

What if the parents or the school district want a reevaluation of the child?

A school district must give parents written notice before reevaluating a child, but the district does not have to get prior approval from the parents. School districts must review a child's program each year and must conduct a reevaluation of the child at least once every three years. However, if the district is proposing a change in the child's classification (for example, from learning disabled to mentally retarded), or in the child's education program or



placement, it must conduct a reevaluation even if less than three years have passed.

Parents may also request that a reevaluation be done more frequently than every three years. It is often very useful for parents to request a reevaluation if they believe that their child's current special education program has not been working. The results of a reevaluation may help determine what the problem is and what should be done about it. If the district refuses the parents' request or does not respond within a reasonable time, or if the parents believe that the reevaluation was not adequate, they may request an independent evaluation or a due process hearing.

How can parents obtain an independent evaluation of their child?

Parents who are dissatisfied with the school district's evaluation or reevaluation of their child or with the district's refusal to conduct an evaluation or reevaluation may request that the school pay for an independent evaluation. The request should be in writing. If the local school denies the request, it must set up a hearing so that a hearing officer can decide whether the district's evaluation is appropriate (in which case the district does not have to pay for the independent evaluation) or not appropriate (in which case a free independent evaluation must be provided). However, many schools ignore this obligation. If a parent has received no response to a request for a free independent evaluation, or the school has said no but has not set up the hearing, the parent may request, in writing, that a hearing be scheduled and/or may file an administrative complaint.

Of course, parents are always free to obtain an independent evaluation of their child at their own expense without asking the school district. The school district must consider the results of any independent evaluation. If parents are considering asking for a hearing, an independent evaluation of the child performed by a specialist from outside the school system is fairly essential. The evaluator may then become the parents' "expert witness" at the hearing.

Parents who pay for an independent evaluation that they then use at a due process hearing should ask the hearing officer to order the district to reimburse them for the cost of the evaluation. They should be prepared to show at the hearing why the school's evaluation was inadequate (for example, it did not cover certain aspects of the child's disability).

Another way exists for parents to get reimbursed for the cost of an independent evaluation used at a hearing. Under the attorney fees provision of the federal special education law, parents who use an attorney and experts at a hearing are entitled to be reimbursed for costs by the school district if they win.

It is important that the specialist who does the independent evaluation have the necessary qualifications. For example, a child with a disability is usually evaluated by a "certified school psychologist." An independent evaluation by a "clinical" psychologist may also be valuable on certain issues. No matter who evaluates the child, it is critical that the parents make sure the evaluator is licensed and qualified to make recommendations regarding school placement and programming.

If you are considering requesting a due process hearing, you should also ask the evaluator you are intending to use if he or she is willing to testify at a hearing. It is also important that any independent evaluator be familiar with the eligibility standards for special education (e.g., “appropriate,” not “maximal” or “best”) and for related services (e.g., need to show why the related service is necessary to assist the child to benefit from his/her special education program). It is also important that the evaluator review the district’s evaluations and recommendations. If at all possible, the evaluator should also visit the child’s present program and the one being recommended by the district. Resources such as local mental health/mental retardation centers often provide evaluations at reduced or no cost to parents.

THE PROGRAM DEVELOPMENT STAGE

What is an individualized education program (IEP)?

An IEP is a written statement of the special education and related services that a child with a disability needs in order to be educated properly. In addition, the IEP must include regular or specially designed physical education, vocational education, extended school year programs, behavior modification programs, and assistive technology devices when needed. The IEP must also describe any necessary modifications to the child's regular education classes.

Since a school district must provide all programs and services contained in an approved IEP, it is important that the specific types and amounts of all of the services that the child needs be listed in the IEP. If the district then fails or refuses to provide them, parents may file an ad-

ministrative complaint to force the district to comply with the IEP (see Chapter 7). The IEP must be reviewed and revised at least once each year to reflect the child's needs.



The IEP is an extremely important part of the special education process. It not only serves as the blueprint for the child's program, but in many ways will determine the child's placement (where the program will actually be delivered). For example, if the IEP states that the child will spend 25% of his or her program with nondisabled students (for example, in art, music, or gym), the child cannot thereafter be placed full-time in special classes or a school composed entirely of other children with disabilities since no opportunity for participation in the regular program will then exist.

IEPs must be reviewed periodically, but not less than once every year. When the IEP is reviewed, the IEP must be revised to address any lack of expected progress toward annual goals, the results of any reevaluation, any information provided by parents, the child's anticipated needs, and "other matters."

The IEP team must consider strategies including: behavioral interventions that may mitigate conduct that impedes the child's learning or that of others; the need for instruction in English; the child's communication needs; and the need for assistive technology.



The IEP Must Contain

1. A statement of the present levels of academic performance, including how the child's disability affects his/her progress in the general education curriculum, and for preschool children how their disability affects the child's participation in appropriate activities;

2. Measurable annual goals, including benchmarks or short-term objectives that enable the student to participate in the general curriculum and help meet any other educational need resulting from his/her disability;
3. Special education and related services to be provided;
4. Program modifications or supports for school personnel that will be provided not only for the student to attain annual goals and be involved in the education curriculum, but also to participate in extracurricular and other nonacademic activities;
5. Explanation of the extent, if any, to which the student will not participate in regular education classes;
6. Projected date for the start of services and their anticipated frequency, location, and duration;
7. How the student's progress toward the annual goals will be measured;
8. How the parents will be informed, as often as parents of nondisabled students, of their child's progress toward annual goals, and the extent to which that progress is sufficient to enable their child to achieve the set goals by the end of the school year;
9. At least one year before the child becomes an adult under state law, a statement that the child has been informed of the transfer of rights to him/her as an adult;
10. A statement of whether the child will participate in state or district-wide assessments; if so, a statement of any modification needed for the child's participation; if not, a statement of why the assessment is not appropriate for the child and how the child will be assessed.



What is an IEP meeting?

An IEP is developed at a meeting involving, at least, a representative of the school district who provides or supervises special education services and who is in a position to commit the school's financial resources to the child's program; the child's teacher; the child, where appropriate; the parents; and any other persons whom the parents or school system wish to attend, including their attorney or advocate. The school district must take appropriate steps to ensure that the parents attend and must provide the parent with adequate notice. If parents have difficulty communicating with school officials, either because they speak a language other than English or because they do not communicate orally, the school district must provide an interpreter or otherwise make certain that parents will be able to understand the IEP and to participate in the meeting at which it is developed.

Federal laws require that the IEP be individualized to meet the child's needs and that it be developed in cooperation with the parents. However, school officials often arrive at the meeting with a proposed IEP already prepared. While this "draft" IEP is often useful as a starting point, the district cannot refuse to consider the input of the parents, their advocate, or their outside expert.



Parents should not accept pre-printed or computerized IEPs that do not address the child's learning needs. For instance, if a child has trouble learning how to read, the IEP should include a special reading program; the IEP of a child who has emotional or behavioral problems should include a behavior program. Often, schools present parents with IEPs that include only a "watered-down" version of the regular education curriculum or that present vague, generalized goals. Parents should not accept this type of standardized IEP and instead should insist that the IEP meet all of their child's special learning needs.

Parents also should not be pushed into signing their child's IEP. Although school systems often state that signatures on an IEP indicate attendance, rather than approval, a parental signature on the IEP is generally equated with approval for the proposed program. If a parent signs an IEP with which she/he disagrees, it is important to indicate disagreement in writing on the IEP document.

As discussed previously, an IEP meeting must be held at least once per year. However, both the parent and the school may request an IEP meeting more frequently as the need arises.

How should parents prepare for the IEP meeting?

Although parents may not be experts in the area of special education, they are experts on their child's strengths, weaknesses, and learning patterns. Therefore, the full participation of parents is important in developing an appropriate IEP. Further, the parents' knowledge

of their child will help them in deciding whether a proposed IEP is “appropriate.” Parents should not be afraid to ask questions at the IEP meeting or to speak up if they disagree with the educators.

If the parents have an IEP for their child from the current or previous school year, they should review each section of the IEP prior to the meeting. Do they agree that their child requires special education in each goal listed? Are the “objectives” or tasks appropriate, or has the child already learned these skills? Should other areas be included? Are all necessary related services being provided and are the type and amount listed sufficient? Do the parents believe the child could spend more time in class with nondisabled students? If no IEP yet exists, the parents should think about these IEP areas prior to the meeting. The checklist below provides other areas for parents to consider before, during, and after the IEP meeting.

IEP Checklist

Before attending an IEP meeting:

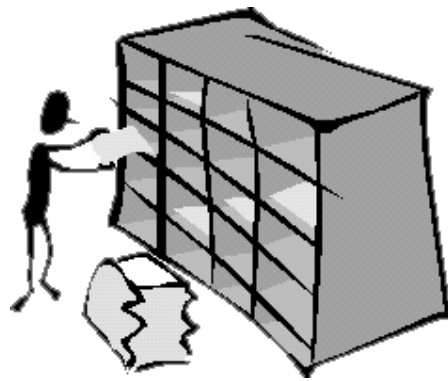
1. review all school records, including school district evaluations;
2. review the results of any outside evaluation done on the child;
3. talk with people who have worked with or evaluated the child;
4. identify those areas in which the child needs special attention, including, if appropriate, vocational areas;
5. identify and/or review the goals (both long and short term) for the child and the type of educational setting the child needs.

During the IEP meeting:

1. get an explanation of all evaluation results, terms and recommendations;
2. find out how much progress the child made in achieving the goals and objectives in the previous IEP (if one exists), which teaching methods and materials worked, and which did not;
3. review each aspect of the district's proposals, including current levels and goals, and compare these to the parents' own observations of their child;
4. discuss parents' academic and vocational goals for the child and the types of skills they want their child to learn;
5. make known any agreement or disagreement with the district's recommendations and ask that any modifications or additions be included in the IEP;
6. discuss the type and amount of any related service the child requires;
7. discuss the amount of special education and regular education the child requires;
8. discuss any modifications to the child's regular education classes that may be necessary.

At the end of the IEP meeting:

1. make sure that all columns and blocks of the IEP have been filled in;
2. make sure that the type and amount of all related services appear on the IEP;
3. make sure that the amount of time the child will participate in regular education appears on the IEP;
4. make sure to request a copy of the IEP.



PLACEMENT

To the extent the child's needs permit, he or she must be provided with opportunities for contact with nondisabled students. Therefore, programs that provide more contact are preferred over those that offer less contact.

The list of possible placements includes: a regular class in a regular school with support services; a special class in a regular school; a special class in a school that is made up of only students with disabilities; and a private school placement. A student's placement in the general education classroom, with supplemental aids and services, is the first option that the IEP Team must consider.

LRE Options

The Administrative Code for the Alabama State Department of Education offers students with disabilities the following list of LRE options:

Regular Environment. The student with disabilities receives special education and related services for less than six hours per week.

Resource Environment. The student with disabilities receives special education and related services for at least six but no more than 21 hours per week.

Separate Environment. The student with disabilities receives special education and related services for more than 21 hours per week.

Public Separate Day School Facility. The student with disabilities receives special education and related services in a private, separate day-school facility at public expense for greater than 50% of the school day.

Public Residential Facility. The student with disabilities receives special education and related services in a public residential facility for greater than 50% of the school day.

Private Residential Facility. The student with disabilities receives special education and related services in a private residential facility at public expense for greater than 50% of the school day.

Home/Hospital Environment. The student with disabilities receives special education and related services in hospital or home programs. Regular education students do not become eligible for homebound services just because they may have a temporary health or medical problem. Pregnancy and the normal recuperative period following delivery does not automatically make a special education student eligible for homebound services.

Correctional Facilities. The student with disabilities receives special education and related services in short-term detention facilities (community based or residential) or correctional facilities.

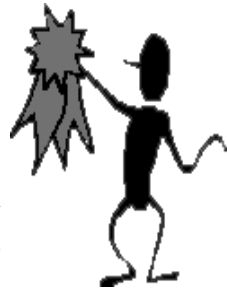
Private Schools. The student with disabilities receives education in a parochial or other private school paid for through private resources but who receives special education and related services at public expense from a local education agency.

It is important to remember that school districts must offer an appropriate placement to a child with disabilities

as soon as possible after the IEP has been worked out. Although a short delay to work out arrangements (such as transportation) may be needed, the law forbids “undue delays.” If parents are told that there is a “waiting list” for placements, they should file an administrative complaint, request mediation, or request a due process hearing. Even when the parents agree with the IEP, a placement can still be inappropriate if the other youngsters in the proposed class are not of a similar age, if the IEP cannot be carried out in that placement, or if the placement does not give the child maximum contact with nondisabled children.

When is a child eligible for a day or residential placement in a private school?

A child must be offered a free residential placement in two situations: first, when the only appropriate education program is at a facility located so far away that daily transportation is not practical or would be harmful to the child, room and board must be provided; and second, residential placement must also be provided when the child requires the intensity and structure of a residential facility in order to make a reasonable degree of educational progress.



If approval is received from the school for a private school placement, parents cannot be required to pay for any program or any related service which is listed on the IEP or which is required of the private school. If the child

has been approved for placement in a residential program, room and board must also be provided without charge. Parents may have to pay for some expenses (for example, some medical charges or clothing). Children who are placed in private schools by their districts are entitled to all of the rights that children receive in public school placements. These rights include all necessary related services, free transportation, and access to due process procedures.

Prior to the 1997 amendments of IDEA, there was no guidance as to how IDEA funds should be used to serve children who, by parental choice, attend private schools. The new law states that the amount expended for the provision of services to these private school children “shall be equal to a proportionate amount of Federal funds” made available to the school district. Another new provision states that IDEA services, at the school district’s option, may be provided at the private school, including parochial schools, “to the extent consistent with the law.”

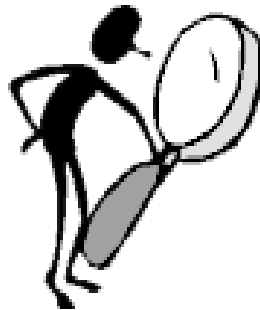
When do special education services end?

In general, a child’s right to special education services ends when the child either receives a regular high school diploma or reaches the age of 21, whichever comes first. If the child receives something other than a regular high school diploma, such as a Certificate of Attendance or an Occupational Diploma, the school district is still obligated to provide special education services to the child. Graduation from high school with a regular high school diploma is a change in placement requiring parental notice.

OTHER ISSUES

What should parents do when their child's current special education program is just not working?

A child may be properly evaluated, have a completed IEP and be getting special education services, but not be making any progress or even be regressing. What can parents do in such a situation? While there is no single answer for every situation, it is essential for the parents to try to identify the source of the problem:



Is there some difficulty with the IEP? Are the program and goals appropriate? Does it contain all needed related services? Are there program areas which should be, but are not, included?

Is the problem with the placement? Is the composition of the class or the teacher/student ratio correct? Is the class able to provide the services called for by the IEP?

Is the problem with implementation? Are all classroom and related services listed on the IEP being provided?

Parents may wish to observe their child's class, meet with the teacher or other school personnel, or request a reevaluation of the child. It might also be advisable to consult with professionals outside the school to get ideas as to what should be changed and how.

If parents conclude that the child's program needs to be changed, they can request a new IEP meeting. The hearing and complaint procedures described in Chapter 7 of this manual are also available if disputes develop between the district and the parents. In any case, the clearer parents are about the problem, and the more they can contribute, the greater the chance of obtaining a solution.

What are the child's rights to free transportation?

If a child has a disability and needs transportation to get to and from the class or placement, the school district must provide or pay for this transportation. This is true even if the child is attending a private school and the class or placement is provided at a public school. Transportation is a "related service" and, if needed, must be listed on the child's IEP. The IEP should also indicate the specific type of transportation required (e.g., door-to-door school bus, lift-bus, or tokens for use on public transportation).



There is no absolute limit on the length of a child's bus trip to and from school; however, requiring students with disabilities to ride the bus longer than other students

may be considered a violation of Section 504. Also, time spent in transportation cannot be considered instructional time and should not take away from the student's time in the classroom. Like all other services, transportation must be appropriate for the individual child, and should take into account the individual child's condition and needs. If parents believe the type or length of the transportation services offered by the district is inappropriate, they can request mediation or a hearing.

What are a child's rights to vocational training?

Children and young adults with disabilities are entitled to the same opportunity to receive vocational education and training as are nondisabled children. Youngsters with disabilities may even be entitled to vocational or pre-vocational programs at an earlier age than their nondisabled peers if such programming is necessary for them to be appropriately educated. Beginning at age 14, the IDEA requires school districts to consider a student's course of study needs for transition into the work force, higher education, etc., and beginning at age 16, the school district is required to consider the child's needed transition services.

Some students with disabilities can participate in regular vocational education programs with few, if any, changes to the curriculum or teaching methods. Other students can participate in regular vocational programs if the programs are modified or they are provided with special equipment or textbooks. Still others, who have more severe physical or mental impairments, may require

completely different types of vocational programs to train them for competitive work. Alabama schools offer the op-



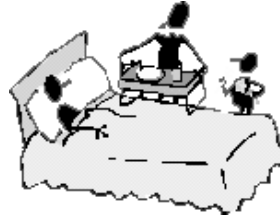
tion of an “Occupational Diploma” designed to teach basic living and employment skills for students with disabilities.

All students with disabilities are required to have an equal opportunity to access a school’s vocational education or training programs. Every child with disabilities considering participation in vocational education must receive an assessment in order to determine what he or she would need to be able to succeed in the vocational program. Vocational evaluations and assessments, like all other types of evaluations, must be provided without cost by the school district.

The student’s IEP should state the special vocational services and the modifications to the regular vocational program that the student needs. Parents may file a complaint if their school district refuses to consider the student’s need for vocational education; refuses to provide the aids, services, or modifications to a regular vocational program needed by the student; or refuses to develop and provide the special vocational education program the student requires.

When is a child with disabilities entitled to receive health services at school?

IDEA requires schools to provide school health services to students with disabilities if these services are needed to obtain an educational benefit from the school.



These services may be as simple as administering a prescription once a day, but they may be as complicated as providing nursing services for the entire day. A school need not provide medical services which require a physician, however, except for evaluations necessary to plan for a child's IEP.

When is a child with disabilities entitled to an extended school year program?

Certain children with disabilities have the right to receive a program of special education and related services beyond the 175-day school year normally provided to non-disabled children. To be eligible, it must be shown that a child would lose skills or behavioral controls during the summer or even during shorter breaks in the school year. This loss of skills is referred to as "regression." If the child is likely to experience significant regression which cannot be made up even after an appropriate recoupment period, the child may be entitled to extended year services (ESY).

A child's eligibility for ESY services must be considered annually at the IEP meeting. Just because a child receives ESY one year does not automatically entitle him/her to services the next year. Note, however, that it is not

permissible for a school system to deny ESY services to a child due to insufficient documentation of previously experienced regression. In other words, the school cannot tell the parent to keep the child home without ESY services for the summer to document regression for consideration at next year's IEP meeting.

Parents who believe their child is entitled to an ESY program should keep notes on any regression and problems they notice with their child as a result of weekend, holiday, or summer breaks in the child's program. Although the right to an extended school year is not limited to children with any one type of disability, eligible children are most often those with autism, severe emotional disturbances, and severe or profound retardation. The child's eligibility for ESY programming and the type and length of the program and related services required must be listed on the IEP. Parents should take the initiative to bring up ESY services at the IEP meeting.



All due process protections which apply to the regular school year program apply to the ESY program. Any disputes between the parents and school officials as to the child's eligibility for ESY or the type or length of the program required may be the subject of a hearing. For this reason, discussion of ESY services should occur more than 45 days before the end of the school year so that parents have adequate time to invoke due process protections if the school refuses to provide ESY services. As with the regular school program, a school district cannot

change a student's ESY services without the consent of the parents or the completion of all due process procedures. For instance, if the school district is proposing to cut back on the number of days in a child's summer ESY program, it must provide prior written notice to the parents. If the parents disagree and begin due process, the child must be provided the same length program he or she received the summer before until all due process procedures have been completed.

What are the parents' rights to see and obtain copies of their child's school records?

Parents have the right to see and get copies of their children's school records. If a child is to be evaluated, if the parents have requested a pre-hearing conference or a hearing, or if an IEP meeting is scheduled, the parents and their representative must be allowed to see or be given



copies of their child's records prior to these events. All requests to see records should be made prior to these events and should be made in writing.

The education "records" of a child include all information directly related to that child which is kept or used by a school. Such records include evaluation and test results used by school officials in determining a child's classification, program, or placement. The notes of an individual school official that are not shared with any other person and that are not kept in the child's file, however, are not

considered to be education records, and parents cannot have access to them.

Parents may not be charged for the costs of finding or retrieving records, but may be charged for the actual cost of copying them (except the child's IEP), unless such a charge would have the effect of preventing the parents from obtaining the records. The school district is required to furnish the parents with a copy of the child's IEP at no cost to the parent. Procedures also exist for ensuring that school records are kept confidential, and for the correction of records that the parents believe are inaccurate, misleading, or a violation of their or their child's privacy.

Are children with disabilities subject to disciplinary procedures?

For students who are already identified as IDEA eligible and whose actions are determined to be a "manifestation" of their disability, the IDEA allows school districts to place these students in alternative settings for up to 45 days—to the same extent that they would for non-disabled children—only if:

1. the student brings a dangerous weapon to school or knowingly possesses, sells, or solicits illegal drugs at school or at a school function; or
2. the school can demonstrate to a due process hearing officer that the student's behavior is "substantially likely to result in injury to the child or others."

The hearing officer must consider the appropriateness of the child's current placement and whether the school

made reasonable efforts to address the behavior prior to the current incident of misbehavior. In both instances, the student must return to his original placement after the 45 day period unless the school district and the parents agree to another placement.



If the school district removes a child from his or her current educational placement, a change in placement (requiring parental notice and an IEP team meeting) occurs if:

1. the removal is for more than ten consecutive school days, or
2. the child is subject to a series of removals, cumulating to more than ten school days, which constitutes a pattern.

After a child with a disability has been removed from his or her current placement for more than ten school days in the same year, during any subsequent days of removal the school district must provide special education services. Also, if a change in placement occurs, the school district must engage in a manifestation determination to evaluate whether the behavior is caused by the disability. If so, the school district must conduct a functional behavioral assessment to formulate positive behavioral intervention strategies to address the behavior. This behavioral intervention plan should be made part of the child's IEP.

If a student accused of misconduct had not yet been declared eligible for IDEA services, the student may invoke the law's procedural and due process protections – including an expedited evaluation – if the school knew the student had a disability. The school is considered to have known the student had a disability if the parent expressed concern in writing to the school staff or requested an evaluation; if the behavior or performance of the child demonstrated the need for IDEA services; or if the child's teacher or other school personnel “expressed concern” about the child's behavior or performance to the school's special education director or to another person responsible for special education placements.

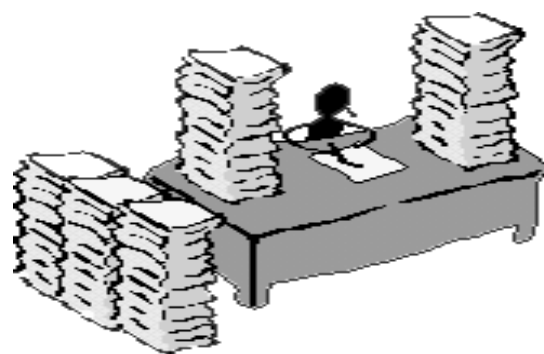
The IDEA specifies that schools may report a crime committed by a student with disabilities to the law enforcement authorities. If the school takes this step, copies of the student's special education and disciplinary records may only be transmitted to these authorities if the requirements of the Family Educational Rights and Privacy Act are met.

When is a child entitled to a surrogate parent?

If a child's parents or guardian cannot be identified; or if the school cannot discover the whereabouts of a parent or guardian; or if the child is a ward of the state who is placed in a facility other than a foster home, a capable adult must be appointed to serve as the child's surrogate parent. The surrogate parent must be independent and cannot have any conflicts of interest that would interfere with his or her ability to be a strong advocate for the child. A

surrogate parent cannot be an employee of any agency involved with the education of the child. A surrogate parent represents the child in all matters relating to that child's special education evaluation, classification, program, and placement in the same manner as would a birth parent.

Individuals appointed as surrogate parents are entitled to be trained regarding the role and responsibilities of a surrogate parent. It is the ultimate responsibility of the state department of education to ensure that surrogate parents are appointed for eligible children. In Alabama, foster parents are automatically considered to function as surrogate parents, and consequently are not formally appointed to the post. Because foster parents are not appointed surrogate parents, they are not always given the training that surrogate parents are entitled to receive. It is important for foster parents to know that they can request materials used to train surrogate parents. Foster parents can also decline to serve as surrogate parents if they do not feel comfortable in that role. Under such circumstances, the school would be required to appoint a surrogate parent for the child.



DUE PROCESS AND MEDIATION

When are parents entitled to notice of school officials' decisions?

School officials must notify parents in writing and in the parents' native language:

1. When school officials intend to evaluate or reevaluate a child who is, or who may be, in need of special education services. This notice must explain the reasons for the testing and must tell parents of their right to discuss the testing with the school district psychologist. Schools must also give parents written notice if they refuse to do a particular type of test which is requested by the parents and must explain the reason for the refusal.
2. When school officials decide to classify a child as eligible for special education services or to change a child's classification for one category to another (for example, from learning disabled to emotionally disturbed), or when they refuse to adopt or change a child's classification as requested by the parents.
3. When school officials decide to develop or revise a child's IEP or refuse to revise the IEP as requested by the parents. The development or revision of an IEP must take place at an IEP meeting to which the parents are invited.

4. When school officials recommend a change in a child's placement, or when they refuse to change a child's placement as requested by the parents.

What can parents do if they disagree with the proposed action or decision?

If the child is in regular education and the parents disagree with the school district's proposal to evaluate the child, to classify the child in need of special education services, or to place the child in a special education program, they should express their disagreement in writing. If the parents refuse to agree, the district cannot implement its proposals unless all hearing procedures have been completed and a final decision is rendered against the parents.



What is special education mediation?

The Alabama Department of Education employs a mediator to try to resolve informally special education disputes. When parents and school officials agree to use mediation, the mediator will meet with both sides in an effort to help them agree on a resolution of the problem. The mediator cannot force agreement or issue an order. However, an agreement reached through mediation can be made part of the child's IEP if it addresses an IEP

component. For example, an agreement reached through mediation on the amount of time the child will spend with a special education teacher will be placed in the IEP, and will thereafter be enforceable through an administrative complaint. On the other hand, an agreement reached to change a child's teacher due to a "personality conflict" will not be placed in the IEP in that language. By using careful drafting, however, mediation can address any and all areas of the parents' concerns.

To request mediation, or to find out more about it, parents can contact the Alabama State Department of Education, Division of Special Education Services. (See Appendix).

What is a Due Process Hearing?

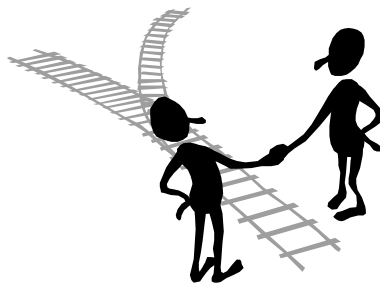
Any time parents disagree with their school district – either because of what the school is proposing for the child or because the school is refusing to agree to a change the parents think is needed— the parents can request a due process hearing before an impartial hearing officer. (For a sample letter requesting a due process hearing, see Appendix.) Most often, these hearings are about whether the child has been correctly classified or whether the child's current program or placement, or the ones the district is proposing, are appropriate. Hearings can also be requested concerning whether a child needs to be evaluated or whether the evaluation done by the district was done appropriately.

A due process hearing is less formal than a court hearing. However, there are several rules that do apply:

Parents may give the hearing officer a copy of an evaluation report done by the parents' evaluator. It is always better, however, to have the evaluator present at the hearing so that he or she can answer questions the district or the hearing officer may have about the report.

The school must give to the parents, at least five days before the hearing, copies of all written evidence (such as reports), and a list of all possible witnesses that may be used at the hearing. The parents, too, must give copies of their report and names of their possible witnesses to the school five days before the hearing.

At the hearing, the school has the burden of proving that its proposed evaluation, program, or placement is appropriate for the child. In response, the child's parents and their witnesses have to prove that the school's proposal is not appropriate for the child. It is not enough to show that the parents' proposal is better than the school's proposal. To prove that the school's proposal is not appropriate, parents and their witnesses must show that, given the child's strengths and weaknesses, he or she is not likely to make meaningful progress with the programs and services that the school is proposing.



Both the school and the parents have the right to ask questions of the witnesses from the other side. Both sides also have the right to make opening and closing statements setting out their positions on the issues at the hearing. However, these statements are not considered “evidence.”

The hearing will be recorded and a written copy of the transcript will be provided to the parents without cost. All witnesses at the hearing are required to testify “under oath.”

The parents can decide whether the hearing will be “open” (that is, anyone can attend) or “closed” (only those who are participating in the hearing can attend)..

The hearing officer’s findings, conclusions of law, and order must be received by the parents and the district within 45 days after the hearing was initially requested. The decision must be based solely on the testimony and other evidence presented at the hearing.

What happens at a due process hearing?

As mentioned above, in most cases the main question for the hearing officer to decide is whether the school’s proposal is appropriate to meet the child’s special education needs. The hearing officer may also be asked to decide whether the child’s program and setting are appropriate to meet the needs of the child. A hearing officer cannot order that a child be placed in a particular public or private school, but the hearing officer does determine the special education needs of the child and the details of the program and placement that would be appropriate.

At the hearing, both the parents and the school district can present any evidence that relates to the issues being decided by the hearing officer. This includes the testimony of parents, friends, teachers, or expert witnesses, as well as copies of any important part of the child's school record. Except for "expert" witnesses, testimony must be based on first-hand knowledge and experiences. It is helpful, and often essential, to a parent's case to present the testimony of any "outside" specialist who has independently evaluated the child to explain his or her diagnosis, recommendations, and opinions, including his or her opinion regarding the district's proposal. It may also be useful to present the testimony of persons who have worked with the child, such as teachers or counselors.

Should parents hire an attorney for the hearing and, if so, who pays?

Parents are not required to be represented by an attorney at a due process hearing. However, in almost all cases, school districts do have attorneys at these hearings. Therefore, parents may want to hire an attorney, especially if the case is complicated.

Under federal law, the parents of a child with a disability are entitled to be reimbursed by the school for the cost of the attorney and any other costs involved, such as the cost of an outside expert, if the parents ultimately win their case. The parents may also be entitled to reimbursement if, after the hearing process is started, the parties reach a settlement of the case that is favorable to the parents.

If the parents win their case at the hearing or administrative appeal stage, and the school refuses to reimburse them, a lawsuit can be filed in federal or state court asking the court to order the district to pay for the parents' attorney's fees and costs. In court, the parents can also request reimbursement for the attorney's fees and costs spent on the court case.

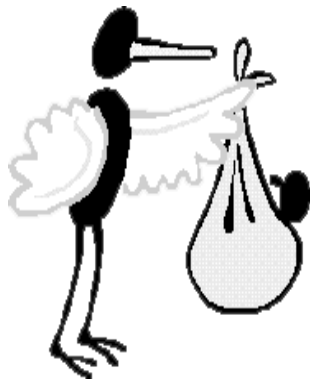
What can parents do if they are dissatisfied with the hearing officer's decision?

A lawsuit can be filed in state court or in a Federal District Court. If parents wish to go to court, the action should be filed as soon as possible after the hearing officer's decision is received. There are important time deadlines with regard to due process appeals. The parents should consult an attorney immediately following any adverse decision.

What happens to the child while the due process procedures are being used?

It is important to remember that no change in the child's program or placement can be made by a school district unless the parents agree or, if they disagree, until all due process procedures have been completed and a final decision against the parents has been issued. This is called the "stay put" protection, since the child's placement remains the same until the dispute is resolved.





INFANTS AND TODDLERS

What services are available for children with disabilities who have not yet reached age three?

Part C of the IDEA makes a range of services available (in states that choose to participate) to infants and toddlers who have, or are suspected of having, disabilities. In 1991, Congress reauthorized the Part C program as Public Law 102-119. In August, 1992 the United States Department of Education issued regulations for Part C of Public Law 99-457, the federal infant-toddler program. These regulations gave states that accepted federal funds for the program (all currently do) guidance on how they should organize and implement the early intervention programs called for in the law.

What is the purpose of Part C?

Initially enacted in 1986, Part C added a new program to the Individuals with Disabilities Education Act to encourage states to establish comprehensive, multidisciplinary systems of early intervention services. Part C recognizes four needs:

1. To enhance the development of infants and toddlers with disabilities and minimize their potential for developmental delay

2. To reduce the need for special education and related services after these infants and toddlers reach school age
3. To maximize the likelihood that individuals with disabilities ultimately will lead productive lives in the community, and
4. To enhance the capacity of families to meet the needs of infants and toddlers who have disabilities

If a state participates in Part C, what must the state do?

Part C provides money to each participating state to:

1. Develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency program of early intervention services for infants and toddlers with disabilities and their families
2. Facilitate the coordination of payment for early intervention services from federal, state, local and private sources (including public and private insurance coverage)
3. Enhance states' capacities to provide quality early intervention services and expand and improve existing services
4. Enhance the capacity of state and local agencies and service providers to identify, evaluate, and meet the needs of historically under-represented populations, particularly minority, low income, inner city, and rural populations

Part C gave the states that accepted this assistance five years to set up comprehensive, interagency, multi-disciplinary statewide early intervention systems. The law also required that each state must designate a lead agency and a state Interagency Coordinating Council (ICC) to advise and assist in the implementation of its statewide program. In Alabama, the Alabama Department of Rehabilitation Services serves as the lead agency for Part C.

Who is eligible to receive the services under Part C?

Participating states are required to serve children from birth through age two who are experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas:

1. Cognitive development
2. Physical development (including vision and hearing)
3. Communication development
4. Social and emotional development, or
5. Adaptive development

Each state must establish a definition of the term “developmentally delayed” that it will use in carrying out its statewide early intervention program. The definition must specify the levels of functioning or other criteria that will be used in determining a child’s eligibility and must say how the state will determine the existence of a delay in each of the five developmental areas listed above. A child who is developmentally delayed in any one of the five areas is eligible for Part C services.

The State of Alabama has defined eligible infants and toddlers as individuals from birth to age two, inclusive, who need early intervention services because:

1. They are experiencing developmental delays equal to or greater than 25% as measured by appropriate diagnostic instruments in one or more of the following areas: cognitive development, physical development, communication development, social and emotional development or adaptive skills, or
2. They have a diagnosed physical or mental condition which has a high probability of resulting in developmental delay

Children who have had their third birthday can remain eligible under Part C until the beginning of the following school year if they are receiving a free, appropriate education under Part B (preschool services) of the IDEA.

How will states find and identify children eligible for the Part C program?



States must establish a public awareness program focusing on early identification of eligible infants and toddlers. The regulations require states to inform the public about the statewide early intervention program and the child-find system, including how to make referrals and how to gain access to evaluations and services. Alabama has made available a toll-free Child Find number (1-800-543-3098) for use by any individual wish-

ing to bring an infant or toddler to the attention of the system.

What services will be provided to eligible children and families?

The Part C program broke new ground in federal policy by moving toward a family-centered approach that incorporates both services for the child and services to help parents enhance their child's development. Part C services are provided only with the parents' or guardians' consent. Parents and guardians can choose to accept all, part, or none of the services identified on the Individualized Family Services Plan (IFSP). If parents or guardians choose to access early intervention service under Part C, the early intervention services that are provided to eligible infants and toddlers must be:

1. Designed to meet the developmental needs of the eligible infant or toddler and the needs of his or her family related to enhancing the child's development
2. Selected in collaboration with the family
3. Provided under public supervision
4. Provided by qualified personnel following an individualized family service plan, and
5. To the maximum extent appropriate to the needs of the child provided in natural environments, including the home and community settings, in which children without disabilities would participate

The following services are specifically listed in the regulations. If appropriate for the child and family, they must be included in the family's Individualized Family Service Plan:

1. Assistive technology services and devices
2. Audiology
3. Family training, counseling and home visits
4. Health services necessary to enable the infant or toddler to benefit from the other early intervention services
5. Medical services only for diagnostic and evaluation purposes
6. Nursing services
7. Nutrition services
8. Occupational therapy
9. Physical therapy
10. Psychological services
11. Service coordination services
12. Social work services
13. Special instruction
14. Speech-language pathology
15. Transportation and related costs of travel
16. Vision services

Under the 1997 IDEA Amendments, the IFSP must also include a statement about the natural environments in which early intervention services will be provided, including a justification for the services that will not be provided in the natural environment, such as the home. The above list is not exhaustive. Accordingly, other services such as respite care and other family support services should be provided if appropriate.

Health services (item 4) that must be included in the IFSP as necessary to enable the infant or toddler to ben-

enefit from other early intervention services include:

1. Such services as clean intermittent catheterization, tracheotomy care, the changing of dressings or colostomy collection bags, and other health services, and
2. Training parents and others regarding provision of services and participating in the multidisciplinary team's assessment of the child and the child's family, and the development of integrated goals and outcomes for the IFSP

What are the Part C requirements for evaluations and assessments?

Part C requires the performance of a timely, comprehensive, multi-disciplinary evaluation of each child from birth through age two who is referred for evaluation. It also requires assessment of the child and the child's family.

Evaluations must be conducted by "appropriate qualified personnel" to determine a child's initial and continuing eligibility. Assessments are ongoing procedures used by appropriate, qualified personnel to identify a child's unique strengths and needs, and the services appropriate to meet those needs. Assessments also identify the resources, priorities, and concerns of the family, and the supports and services necessary to enhance the family's capacity to meet the developmental needs of their infant or toddler with the disability.

In keeping with its family focus, Part C makes provision for "family assessments." Family assessments must be family directed, and are designed to determine the resources, priorities, and concerns of the family related to

enhancing the development of the child. Any assessment conducted of the family must be voluntary. If the family agrees to a family assessment, that assessment must:

1. Be conducted by trained personnel
2. Be based on information provided by the family through a personal interview
3. Incorporate the family's description of its resources, priorities, and concerns

How long does the evaluation and assessment process take?



Evaluation and assessment must be completed within 45 days unless “exceptional circumstances” (such as sickness of the child) warrant extension.

Can early intervention services begin before evaluation and assessment are complete?

Yes. In special circumstances, if the parents consent, early intervention services for an eligible child may begin before the evaluation and assessment are completed. The regulations give this example: “e.g., a physician recommends that a child with cerebral palsy begin receiving physical therapy as soon as possible.” In such cases, an interim IFSP must be developed that includes the name

of the service coordinator and lists the early intervention services needed immediately by the child and family. The evaluation and assessment must still be completed within 45 days.

What is an Individualized Family Service Plan?

An Individualized Family Service Plan (IFSP) is a written plan developed by a multidisciplinary team, which includes the parents or guardian, that provides the framework for meeting the unique needs of the child and family identified by the comprehensive assessment. Federal guidance to states has consistently stressed the importance of parent/professional collaboration in planning and decision making.

The regulations require a specific set of contents for each IFSP which includes:

1. A statement, based on the evaluation and assessment, of the child's developmental status in each of the five specified developmental areas.
2. A statement, if the family consents to its inclusion, of the family's resources, priorities and concerns related to enhancing the development of the child.
3. A statement of the major outcomes expected to be achieved for the child and family, with the criteria, procedures and time lines to be used in measuring progress.
4. A statement of specific early intervention services necessary to meet the unique needs of the child and

family, including the frequency (number of days), intensity (length of time), location (actual place where services are provided), natural environment and method of delivering the services (how the service is provided) and the payment arrangements, if any. (A clarifying note states: “Parents retain the ultimate decision in determining whether they, their child, or other family members will accept or decline services.”)

5. To the extent appropriate, a statement of “other” services (including medical and other services) that the child needs but that are not required under Part C, and the steps that will be taken to secure those services.
6. The projected starting dates for services and their anticipated duration.
7. The name of a service coordinator from the profession most immediately relevant to the child’s or family’s needs (or who is otherwise qualified to carry out all applicable responsibilities under Part C), who will be responsible for implementation of the IFSP and coordination with other agencies and persons. The service coordinator assigned to the family at the time of initial referral may continue to serve as service coordinator, or a new service coordinator may be appointed at the IFSP meeting.
8. The steps to be taken for transition to preschool special education or other services that are considered appropriate for the child upon reaching age three. These steps include discussions with, and training of, parents regarding future placements; preparing the child for changes in service delivery; and, with parental consent, transmitting information

about the child to the local educational agency to ensure continuity of services.

A review of the IFSP for a child and the child's family must be conducted every six months, but can be conducted more often if conditions warrant or if the family requests such a review. In addition, a meeting must be convened annually to evaluate the IFSP and revise its provisions.

All IFSP meetings have to be conducted in settings and at times that are convenient to families, and they must be conducted in the native language or other mode of communication used by the family. Services to the child begin following development of the IFSP.

Who can attend the IFSP meeting?

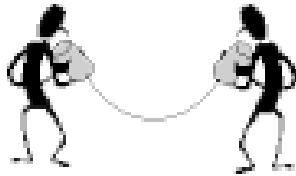
1. The parent or parents
2. Other family members as requested by the parents
3. An advocate or person outside the family, if the family requests it
4. The service coordinator
5. The person or persons directly involved in conducting the evaluations and assessments
6. As appropriate, persons who will be providing services to the child and family



What is “service coordination” under Part C?

Service coordination is the Part C program's strategy for making sure the system works for each eligible child

and family. The regulations say “service coordination means the activities carried out by a service coordinator to assist and enable an eligible child and the child’s family to receive the rights, procedural safeguards and services that are authorized to be provided under the state’s early intervention program.” Service coordinators are “responsible for coordinating all services across agency lines and serving as the single point of contact in helping parents to obtain the services and assistance they need.”



The regulations further define service coordination as “an active, ongoing process” including these activities:

1. Coordinating the performance of evaluations and assessments
2. Facilitating and participating in the development, review, and evaluation of IFSPs
3. Assisting families in identifying available service providers
4. Coordinating and monitoring the delivery of available services
5. Informing families of the availability of advocacy services
6. Coordinating with medical and health providers, and
7. Facilitating the development of a transition plan to pre-school services, if appropriate

Who will actually provide the services under Part C?

Part C gives states broad flexibility to use all available public and private services in the statewide early intervention system. States’ planners are expected first to

figure out how to link and expand existing services and then look at how to fill remaining gaps.

The law says that services are to be provided under public supervision. The lead agency is responsible for entering into formal interagency agreements as to each agency's responsibility for providing and paying for early intervention services. The Part C system must also include a policy for contracting with public or private service providers. A note in the regulations says that "states may elect to continue using services and individuals in both the public and private sectors that have previously been involved in providing early intervention services, so long as those agencies and individuals meet the requirements" of the law and regulations.

If an agency refuses to provide or pay for a service that is listed in a family's IFSP, the statute gives the lead agency the responsibility for resolving intra- and inter-agency disputes. The regulations specify that interagency agreements negotiated by the lead agency must include procedures for achieving timely resolution of disputes about payments or other matters, and for making a final determination that is binding upon all the agencies involved. The lead agency has the responsibility for making sure that services are provided to eligible children and families while the dispute is being resolved.



What legal rights do eligible children and families have under Part C?

P.L. 99-457 requires states to set up a system to protect basic rights of the children and families who are affected by the statewide early intervention program. The lead agency is responsible for establishing procedural safeguards and ensuring effective implementation of the safeguards by each agency in the state that is involved in the provision of early intervention services.

Parents have rights to examine relevant records, to appropriate confidentiality, and to other due process rights. The regulations require states to adopt impartial hearing procedures to resolve individual complaints brought by parents. States may adopt Part B (special education) procedures or develop others that meet similar standards.

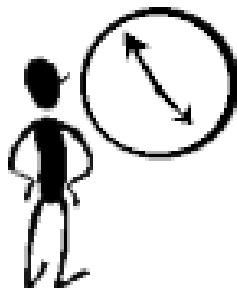
An impartial person must be appointed to carry out the complaint resolution process and to resolve disputes between parents and agencies. An agency is bound by the decision of the impartial decision-maker and is required to implement the decision unless it is reversed on appeal.

The impartial decision-maker must have knowledge about Part C and the needs of and services available to eligible children and families. This person's duties are to hear the presentation of relevant view points about the complaint, examine all information relevant to the issue, seek a timely resolution of the complaint, and provide a record of the proceedings, including a written decision. The person may not be an employee of any agency that

provides early intervention services or care to the child, and must not have a personal or professional interest that would conflict with his or her objectivity in the process.

Parents have the following rights with regard to the hearing or meeting with the impartial decision-maker:

1. To be accompanied and advised by counsel and by others with special knowledge or training in early intervention services
2. To present evidence and to confront, cross-examine, and compel the attendance of witnesses
3. To prohibit the introduction at the proceeding of any evidence that has not been disclosed to the parent at least five days beforehand
4. To obtain a written or electronic verbatim transcription of the proceeding, and
5. To obtain written findings of fact and the decision



The meeting or hearing must be held at a time and place reasonably convenient to the parents. The lead agency must ensure that the impartial proceeding is completed and a written decision is mailed to each of the parties within the appropriate time line after receipt of a parent's complaint. States that adopt Part B procedures may use either a 30-day or 45-day timeline. Alabama uses the 45-day timeline.

A clarifying note to the regulations encourages the use of mediation to resolve disputes more swiftly and amicably. However, the regulations caution that “while a state may elect to adopt a mediation process, the state cannot require the parents to use that process. Mediation may not be used to deny or delay a parent’s rights under this part. Regardless of whether mediation is used, the complaint must be resolved within the 45-day timeline.” Alabama has elected to adopt the mediation process.

If a parent is unhappy with the results of the impartial hearing, the regulations explain that “any party aggrieved by the findings and decision regarding an administrative complaint has the right to bring a civil action in state or federal court.”

Who will pay for the service under Part C?

The law requires that some services be provided at no cost. However, federal or state laws may authorize fees for certain services. In such cases, a state may charge on a sliding scale, but it may not deny services to people who cannot afford to pay the authorized fees.

The regulations list certain functions that must be carried out by the state at no cost to parents: child-find, evaluation and assessment, service coordination, the development, review and evaluation of IFSPs, and the implementation of procedural safeguards. If the state’s law requires provision of a free appropriate public education to children with disabilities from birth, the state may not charge parents for any services provided to children who are eli-

gible for early intervention (e.g., occupational or physical therapy) that are mandated by such a law.



APPENDIX A
SAMPLE LETTERS



PARENT'S NOTEBOOK

Purpose:

To keep an accurate record of meetings, phone conversations, and letters between you and school personnel and others about your child with a disability.

Suggested information:

Date:

Time:

Type of Communication: (telephone, letter, meeting)

Who you contacted:

What was discussed:

Important documents and records:

LETTER REQUESTING AN EVALUATION

(Be sure to keep a copy for your files)

(Date)

Name of Principal and Special Ed. Coordinator
Name of School
Address of School

Dear (Name of Principal and Special Ed. Coordinator):

I am the parent of (name of child). My child is having problems with his/her school work. (Insert the type of suspected disability.) Please evaluate him/her to see if there is a disability and whether he/she needs special education and related services. Please tell me in writing who will be performing the evaluation so that I may give my consent.

Thank you for your help. I look forward to hearing from you soon.

Sincerely,

*LETTER REQUESTING AN INDEPENDENT
EDUCATIONAL EVALUATION*

(Be sure to keep a copy for your files)

(Date)

Name of Principal and Special Ed. Coordinator
Name of School
Local Board of Education
Address

Dear (Name of Principal and Special Ed. Coordinator):

I am the parent of (name of child), a child with a disability receiving special education services at your school. Recently, you completed an educational evaluation on my child. I am in disagreement with the results of your evaluation. In accordance with §290-8-9-.2-.59(3) of the Alabama Administrative Code, I am requesting an Independent Educational Evaluation. I am aware that you have the obligation to pay for this evaluation at public expense or request a due process hearing to prove that your results are valid and appropriate. I will expect to hear from you within 10 school days regarding this matter.

Sincerely,

cc: Local Superintendent
State Department of Education

LETTER REQUESTING A REEVALUATION

(Be sure to keep a copy for your files)

(Date)

Name of Principal and Special Ed. Coordinator
Name of School
Address of School

Dear (Name of Principal and Special Ed. Coordinator, etc.):

I am the parent of (name of child). I recently reviewed my child's evaluation and it is (out of date, incomplete, inappropriate due to growth and changes). I request that my child be reevaluated. Please tell me in writing who to contact to schedule a reevaluation.

Thank you for your help. I look forward to hearing from you soon.

Sincerely,

*LETTER REQUESTING REVIEW AND REVISION
OF IEP*

(Be sure to keep a copy for your files)

(Date)

Name of Principal and Special Ed. Coordinator
Name of School
Address of School

Dear (Name of Principal and Special Ed. Coordinator):

I am the parent of (name of child). I recently reviewed my child's IEP which was developed in (month), (year), and I believe that it is (out of date, incomplete, based on insufficient evaluation information, etc.) I request that an IEP meeting be held as soon as possible to review and, if necessary, revise my child's IEP. Please contact me so that the meeting can be scheduled at a mutually agreeable time and place.

Thank you for your help. I look forward to hearing from you soon.

Sincerely,

LETTER REQUESTING MEDIATION

(Be sure to keep a copy for your files)

(Date)

Dr. Ed Richardson
State Superintendent of Education
Post Office Box 302101
Montgomery, AL 36130-2101

Dear Dr. Richardson:

I am the parent of (name of child). I have recently discussed my child's special education program with (name of school personnel with whom you have talked), at the (local school name and address). The problem is (describe problem). I request that this dispute be brought to mediation. Please contact me so that a meeting for this purpose can be scheduled at a mutually agreed upon time and place. Thank you.

Sincerely,

cc: Local School Principal and Special Education Coordinator

*LETTER REQUESTING A DUE PROCESS
HEARING*

(Be sure to keep a copy for your files)

(Date)

Dr. Ed Richardson
State Superintendent of Education
Post Office Box 302101
Montgomery, AL 36130-2101

Dear Dr. Richardson:

I am the parent of (name of child). I have recently discussed my child's special education program with (name of school personnel with whom you have talked), at the (local school name and address). The public education agency involved is (name of your city or county Board of Education). I request an impartial due process hearing.

The specific reason(s) for this Hearing Request are: (describe problems and your efforts to solve those problems).

Please contact me to schedule a time and place for the Hearing.

Sincerely,

cc: Local School Principal and Special Education Coordinator
City or County Board

LETTER REQUESTING TO VIEW RECORDS

(Be sure to keep a copy for your files)

(Date)

Name of Principal and Special Ed. Coordinator

Name of School

Address of School

Dear (Name of Principal and Special Ed. Coordinator):

I would like an appointment to view the complete records of my (son, daughter), (name of child), as soon as possible. I would appreciate your prompt response to my request.

Sincerely,

*LETTER REQUESTING RECORDS FROM
SCHOOL*

(Be sure to keep a copy for your files)

(Date)

Name of Principal and Special Ed. Coordinator
Name of School
Address of School

Dear (Name of Principal and Special Ed. Coordinator):

I am the parent of (name of child), a child with a disability receiving special education services at your school. Please inform me in writing about the kinds of education records you have on (name of child). Please tell me where all these records are kept, and who I should contact so I can look at them and have copies made.

I look forward to hearing from you soon.

Sincerely,

RELATED SERVICES CHECKLIST

Listed below are some, but not all, of the related services specifically available under federal and state law. Check each service you think should be in your child's IEP. You may ask about other services which may benefit your child. Make notes about such things as how often the services should be given and how long each session should last.

- _____ adapted physical education
- _____ adaptive equipment and supplemental aids
- _____ audiological services
- _____ counseling with students or families
- _____ medical or psychiatric diagnostic services
- _____ orientation and mobility training
- _____ parent counseling and training
- _____ psychological services
- _____ school health services
- _____ social work services
- _____ speech therapy
- _____ special transportation
- _____ visual training
- _____ work therapy
- _____ other

APPENDIX B

RESOURCES



RESOURCES

Individuals with Disabilities Education Act:

Individuals who believe that a state or local school system has violated the IDEA should file a complaint with their state department of education. Complaints within the state of Alabama should be filed with the:

**Alabama State Department of Education
Special Education Services
50 North Ripley Street
Montgomery, AL 36130-3901
Help Line 1-800-392-8020
Child Find 1-800-543-3098
FAX (334) 242-0482
TDD (334) 242-8406**

Section 504 of the Rehabilitation Act of 1973:

Individuals who believe that a state or local school system has violated Section 504 should file a complaint with the Office of Civil Rights of the U.S. Department of Education. The complaint should be filed within 180 days of the discriminatory act. The complaint should include the following:

1. Identification of the complaint
2. Type of disability
3. Person discriminated against
4. Party initiating the discrimination
5. Nature of the discriminatory acts
6. Dates of acts
7. Additional background information
8. Attempted resolution

Complaints concerning violations within the state of Alabama should be filed with the Atlanta regional office. Appropriate complaint forms will be provided upon request.

**U.S. Department of Education Office of Special
Education Programs
Mary E. Switzer Building Room 4607
400 Maryland Avenue
Washington, DC 20202-2772**

**U.S. Department of Education Office of
Civil Rights
101 Marietta Tower P.O. Box 2048
Atlanta, GA 30301
(404) 331-2959**

Americans with Disabilities Act:

If an individual or an organization believes that disability-based discrimination has occurred, complaints may be filed with the following appropriate federal agencies:

**Department of Justice
Civil Rights Division
P.O. Box 66118
Washington, DC 20035-6118
(202) 514-0301 (Voice)
(202) 514-0381 or 0383 (TDD)**

Regulations, technical assistance, and enforcement of Titles II and III. If an individual is unsure which agency is the proper agency with which to register a complaint, the DOJ has been designated to receive and route all complaints to the appropriate federal agency.

**Equal Employment Opportunity Commission
(EEOC)
1801 L Street NW
Washington, DC 20507
(202) 663-4900 (Voice)
1-800-872-3362 (Voice)
1-800-800-3302 (TDD)**

Regulations, technical assistance, and enforcement for Title I.

**Department of Transportation 400 Seventh Street
SW Room 10424
Washington, DC 20590
(202) 366-9305
(202) 755-7687 (TDD)**

Regulations, technical assistance, and enforcement for Title II and III transportation provisions.

**Federal Communications Commission
1919 M Street NW
Washington, DC 20036
1-800-632-7260
1-800-632-6999 (TDD)**

Regulations, technical assistance, and enforcement for Title IV.

For further information concerning the ADA:

ADA Hotline 1-800-466-4ADA
General information and assistance.

**Architectural and Transportation Barriers
Compliance Board
1111 18th Street NW
Suite 501
Washington, DC 20036
1-800-USA-ABLE
1-800-USA-ABLE (TDD)**

Americans with Disabilities Act Accessibility Guidelines (ADAAG) required under Title III and technical assistance on architectural, transportation, and communications accessibility issues.

**Internal Revenue Service
Office of the Chief Counsel
P.O. Box 7604
Ben Franklin Station
Washington, DC 20044
(202) 566-3292 (voice only)**

The I.R.S. provides technical assistance on various tax code provisions designed to encourage businesses to hire people with disabilities.

**National Council on Disability
800 Independence Avenue SW Suite 814
Washington, DC 20591
202) 267-3846 (voice)
202) 267-3232 (TDD)**

Charged by statute with responsibility for developing recommendations for federal disability policy and overseeing the research priorities of the National Institute on Disability and Rehabilitation Research.

**Small Business Administration Office of
Advocacy
Office of Economic Research
409 Third Street SW Fifth Floor
Washington, DC 20416
(202) 205-6530 (voice only)**

**President's Committee on Employment of People
with Disabilities
1331 F Street NW
Third Floor
Washington, DC 20004
(202) 376-6200 (voice)
(202) 376-6205 (TDD)**

Provides technical assistance on employment provisions of ADA directly and through its Governor's Committees on Employment of People with Disabilities.

ALABAMA STATE RESOURCES

UNITED STATES SENATORS

The Honorable Jeff Sessions (R)
United States Senate
Washington, DC 20510-0101
(202) 224-4124
(202) 224-3149 (Fax)

The Honorable Richard C. Shelby (R)
United States Senate
Washington, DC 20510-0103
(202) 224-5744
(202) 224-3416 (Fax)

GOVERNOR

The Honorable Donald Siegelman (D)
State Capitol
600 Dexter Ave.
Montgomery, AL 36104
(334) 242-7100

STATE DEPARTMENT OF EDUCATION: SPECIAL EDUCATION

Director
Alabama Department of Education
Div. of Special Education Services
P.O. Box 302101
Montgomery, AL 36130-2101
(334) 242-8114; (800) 392-8020 (In AL)

PROGRAMS FOR CHILDREN WITH DISABILITIES: AGES 3 THROUGH 5

Pre-School Specialist/Coordinator 619
Alabama Department of Education
Division of Special Education Services
P.O. Box 302101
Montgomery, AL 36130-2101
(334) 242-8114; (800) 392-8020 (In AL)

**PROGRAMS FOR INFANTS AND TODDLERS WITH
DISABILITIES:**

AGES BIRTH THROUGH TWO

Alabama's Early Intervention System
Department of Rehabilitation Services
2129 East South Blvd., P.O. Box 11586
Montgomery, AL 36111-0586
(334) 281-8780
<http://www.rehab.state.al.us>

STATE VOCATIONAL REHABILITATION AGENCY

Commissioner
Department of Rehabilitation Services
2129 East South Blvd., P.O. Box 11586
Montgomery, AL 36111-0586
(334) 281-8780
<http://www.rehab.state.al.us/vr.html>

**OFFICE OF STATE COORDINATOR OF
VOCATIONAL EDUCATION FOR STUDENTS WITH
DISABILITIES**

Coordinator
Special Needs Programs, Department of Education
Gordon Persons Building
P.O. Box 302101
Montgomery, AL 36130-2101
(334) 242-9108

**STATE MENTAL HEALTH REPRESENTATIVE FOR
CHILDREN AND YOUTH**

Commissioner
Alabama Department of Mental Health
RSA Union Bldg.
P.O. Box 301410
Montgomery, AL 36130-1410
(334) 242-3218

STATE MENTAL RETARDATION PROGRAM

Associate Commissioner
Department of Mental Health/Mental Retardation
RSA Union Bldg.
100 N. Union Street
P.O. Box 301410
Montgomery, AL 36130-1410
(334) 242-3701

**STATE DEVELOPMENTAL DISABILITIES PLAN-
NING COUNCIL**

Director
Alabama DD Planning Council
RSA Union Bldg.
100 N. Union Street
P.O. Box 301410
Montgomery, AL 36130-1410
(334) 242-3973; (800) 232-2158

PROTECTION AND ADVOCACY AGENCY

Director
Alabama Disabilities Advocacy Program (ADAP)
526 Martha Parham West
The University of Alabama
Box 870395
Tuscaloosa, AL 35487-0395
(800) 826-1675
(205) 348-4928
(205)348-9484 (TTY)
E-mail: ADAP@law.ua.edu
<http://www.adap.net>

CLIENT ASSISTANCE PROGRAM

Coordinator
Department of Rehabilitation Services
P.O. Box 11586
Montgomery, AL 36111-0586
(334) 281-2276 (V/TTY)
(800) 228-3231 (V/TTY in AL)

**PROGRAMS FOR CHILDREN WITH SPECIAL
HEALTH CARE NEEDS**

Assistant Commissioner
Alabama Department of Rehabilitation Services
Children's Rehabilitation Service
2129 East South Blvd., P.O. Box 11586
Montgomery, AL 36111-0586
(334) 281-8780; (800) 846-3697
<http://www.rehab.state.al.us>

**REGIONAL ADA TECHNICAL ASSISTANCE
AGENCY**

Southeast Disability and Business Technical Assistance Center
United Cerebral Palsy Associations, Inc.
1776 Peachtree Road, Suite 208 N
Atlanta, GA 30309-2351
(404) 888-0022; (800) 949-4232
E-mail: sedbtac@ucpa.org
<http://www.sedbtac.org>

UNIVERSITY AFFILIATED PROGRAM

Director
Civitan International Research Center
University of Alabama at Birmingham
1719 Sixth Avenue South
Birmingham, AL 35294-0021
(205) 934-8900
<http://www.circ.uab.edu>

TECHNOLOGY-RELATED ASSISTANCE

Executive Director
STAR (Statewide Technology Access and Response for Ala-
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PARENT TRAINING AND INFORMATION PROJECT

Director

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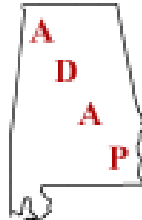
E-mail: seacofmobile@zebra.net

<http://www.hsv.tis.net/~seachsv/>

NICHCY STATE RESOURCE SHEETS

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Organizations that serve individuals with disabilities often have their own website. Please use one of the numerous web search engines to locate the organization(s) which will best serve your needs.



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