



Webinar: Individualized Education Plan (IEP) Process Demystified: Support for Newcomer Families

September 18, 2024, 1:00 – 2:30 PM ET

Transcript

Introduction

Alex Laywell: Good morning or good afternoon, depending on where you are. Thanks so much for joining today's webinar, Individualized Education Plan Process Demystified. My name is Alex Laywell, and I'm the technical advisor for the International Rescue Committee's U.S. Education and Youth Programs.

Today's Speakers

AL: Today I have the privilege of introducing you to our expert speakers. First, we have Sarah Whitman, doctor of education. Sarah is a senior technical assistance specialist at AnLar. Sarah has more than 20 years of experience in education in the nonprofit sector.

Prior to joining AnLar in 2017, Sarah worked for the Massachusetts Department of Elementary and Secondary Education in their special education planning and policy development office, where she was responsible for supporting statewide special education, strategic planning, and implementing statewide training, professional development, and guidance activities. Sarah's current work focuses on systems, policies, and implementation solutions for students and their families.

Sarah is also joined by her colleague, Monica Yudron, doctor of education. Monica is a senior technical assistance specialist and research scientist at AnLar. Since 2022, Monica has led a year-long leadership institute for special education administrators in Massachusetts. Prior to joining AnLar in 2019, Monica was the director of programs and strategy at the Saul Zaentz Early Childhood Initiative at Harvard University and an assistant professor of education at the University of Massachusetts, Boston, where she was a core faculty member in the teacher preparation program. Monica's current work focuses on developing adults' knowledge and competencies so they can support young people to thrive.

Learning Objectives

AL: Now, let's get into our learning objectives. By the end of this session, you will be able to, one, define what an individualized education process, IEP, is, describe the process newcomer families must navigate to access special education services for their child. Two, identify common challenges that newcomer families face in accessing and participating in IEP processes. Three, apply strategies to help newcomer families overcome challenges, demystifying and destigmatize special education services, and participate actively in the IEP process. Now, without further delay, I'd like to pass it on to Monica to get things going.

1. Fundamentals of Special Education and IEPs

Poll Question

What percentage of the public school student population is disabled?



Monica Yudron: Thanks so much, Alex. Hello, everyone. It's a pleasure to be joining you today. Our first section is a focus on the fundamentals of special education and IEPs. First, we're going to kick things off with a Slido poll. If you have your smartphone, you can use it to access the Slido poll with the QR code in the top left corner, or you can use the address, web address, in the bottom right-hand side. Go to [slido.com](https://www.slido.com). Our poll number is 3916793. You can keep this tab open. We'll be doing several Slido polls throughout the presentation, and they will automatically refresh when a new question is posted.

I see lots of you are logging in. We're just going to give you all a few seconds to get logged in and answer this question. What percentage of the public school population are students with disabilities? As you type in your response, you'll see that it's completely anonymous. We have no idea who is submitting what. I'm going to drop the source that we used for this Slido poll in the chat. Links to an interesting article by the Pew Research Group. I see so many of you responded with the majority answer landing on 15%, which does happen to be the correct response based on research done by the Pew Research Center using data, federal data from the 2000, I think, '22/'23 school year. Great job, everyone.

Special Education

MY: Moving right along, let's talk a little bit about the special education guiding beliefs. These beliefs emphasize principles that guide the effective and inclusive education of all children, particularly those with disabilities. Your work with newcomer families will benefit from knowing these guiding beliefs, because we believe you can share them. Newcomer families, indeed, may not know much about special education in the US, and so sharing these beliefs will help them understand how their children may benefit from special education services if the children are eligible.

Special education, first, is a specially designed instruction. It's not a place. It's specially designed instruction to meet the unique needs of a child with a disability. Special education protects the rights of parents and children with disabilities, and it emphasizes access to the least restrictive environment to ensure the child's full participation in public education. It's meant to ensure equal opportunity in the entire education system, ensuring academic growth and social development for children with disabilities, and lead to long-term outcomes such as employment and independence.

Just remember and help your newcomer families understand that special education is not a place. It's a set of services and supports tailored to meet the unique needs of students with disabilities, rather than a specific location or classroom. It requires strong leadership at every level. Effective special education requires strong leadership from school administrators, teachers, and support staff to create a collaborative and inclusive environment. The leadership in the school is meant to engage parents and families in this process, and meant to view parents and families as partners.

All students are general education students first. Every child is primarily a general education student, and their participation in general education is essential. Special education services are supplemental and aim to provide additional support to help students succeed within the general education framework. Educators are professionals and content experts, so they're skilled professionals with expertise in their subject areas, and they play a crucial role in the success of all students, particularly those with disabilities by providing appropriate instruction, interventions, and supports.

Key foundational belief here is that all children can achieve success into adulthood. Every child has the potential to succeed, and special education aims to equip students with the skills, knowledge, and opportunities they need to achieve their full potential and lead successful, fulfilling lives into adulthood. Once newcomer families understand the foundational beliefs in special education, help them understand the special education process.

The special education process has five basic steps. The first step is referral. The second is evaluation and



assessment. The third is eligibility determination. The fourth is the development of an IEP. The fifth is service delivery and ongoing progress monitoring. These are the five basic steps, and we'll unpack those as the presentation, as the webinar proceeds.

Referrals

MY: Let's take a closer look at referrals. Who can refer? Your newcomer families may want to know this, and in fact, parents, teachers, administrators, or other professionals can refer children or students for evaluation.

Newcomer families may wonder how to refer their child for evaluation. Each state and school district has a different referral process. Newcomer families can learn about the referral process by asking their child's teacher for help contacting the appropriate person in the school district. If the child attends a preschool that's not part of the public school system, the child would still be referred to the local school district for evaluation and assessment. Newcomer families may wonder why would I refer? A child may be referred, a parent may refer their child because they have concerns with developmental delays, with learning or physical disabilities, with social-emotional behavior, or sensory processing.

The parent may need to speak with a teacher to assess whether their concerns are relevant in this case, but once there is a concern, when to refer is at that moment. There are three processes that we want to talk about for when referral occurs. There's a system called early identification, which is essentially a process by which children are referred very early in life so that timely support interventions can be offered as soon as possible. Child Find actually ensures that all children have access to the referral process and the evaluation process, and then there are lots of collaborative efforts between the home and school in order to access any concerns that families might have about their children.

Essentially, a referral should be made when a concern is raised by a parent, teacher, administrator, or other professional. What is the referral process? The referral process begins with someone submitting a written form to the appropriate person in a school or school district that outlines the concerns and observations related to the child. Then a parental consent form is sent to the family, and it must be signed before the initial evaluation can occur.

The school district's responsible for meeting the specific deadlines and timelines for evaluation and eligibility. Those timelines are determined by the state. There are minimal timelines identified by the federal government, which we'll talk about, but each state has slightly different timelines, usually more shorter timelines that are specific to that state. Throughout this process, it's important to remember that confidentiality is maintained. All the information about the child that's gathered is protected and it's confidential.

Help newcomer families understand that once a child is referred for evaluation, timelines, as I said before, are set by federal and state law and will determine how long the rest of the process takes. For example, once a referral is made, the school district must have an initial meeting and obtain parental consent for evaluation within 15 days. This timeline may be shorter in some states. Help newcomer families find information about these timelines for the state in which they live.

Evaluation and Assessment

MY: Once the school district has received parental consent for evaluation and assessment, the school district has a maximum of 45 days to complete the evaluation and assessment activities. In some states, this time frame is shorter. Help newcomer families find information about these timelines for the state in which they live. You will hear me say that statement several times. That's a key piece of assistance you can offer newcomer families. Each state is slightly different.

Let's explore some of the key terms and components of evaluation and assessment. One term, comprehensive evaluation, refers to the use of multiple assessments to determine eligibility. Multidisciplinary team refers to



the fact that the team conducting these evaluations and assessments, usually made up of psychologists, speech therapists, occupational therapists, teachers, and others. Family involvement is, as it sounds, families are meant to be partners in this whole process. It's essential for the accurate assessment and understanding of the results because they are the best informants in terms of their children.

Areas assessed will depend on the concerns raised, but they often will cover cognitive, academic, social, emotional, behavioral, and physical development.

Eligibility criteria. Specific criteria vary by state and disability category, but they do exist and families can ask to be educated regarding those. One barrier that might impact newcomer families is a limited availability of culturally and linguistically appropriate assessment instruments. This may be something that you are thinking right now when you think about the families you work with.

Often, when families face this barrier, they lean back into this idea of collaboration, partnering with the multidisciplinary team to discuss their concerns, maybe find other assessments, or adapt existing assessments. All right.

Sarah Whitman: Monica, there's a question in the chat that I wonder—is a quick one to answer, and I'm happy to take it since I read it already.

MY: Yes, that would be great. Thanks.

SW: Yes. Someone asked about the types of activities for which there are federal deadlines, and of course, they vary by state, but what types of deadlines exist, and how can we generally find out those deadlines for your states? There are special education deadlines in the federal regulations related to referral, so once the district receives a referral, how quickly they must act upon that referral. There are also deadlines for consent and making sure that you follow up with the family to get consent to evaluate. Then as Monica noted, they're actually conducting the evaluation.

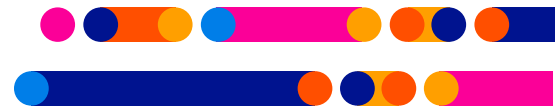
Then for the development of the IEP, if the student is found eligible, which Monica is about to talk about, there are some deadlines that apply for that as well. Thinking through in the implementation of the IEP, when services begin, getting families to sign off on those services, and then also the annual review process, which we'll talk about a little bit later. As you're looking to find out those deadlines in your state, either looking at your state education agency website, talking to the district personnel, or as I think we'll note a couple different times in the presentation, there are parent training and information centers in each of the states that are receiving federal funding to support families of students with disabilities, and so they can be a fantastic resource in understanding the specific guidelines as related to the timelines in your state.

I will just note that the federal regulations are a floor and not a ceiling, and by that I mean states can have the timelines be shorter than what the federal regulations require, but they can't have the timelines be longer than what the federal regulations require.

MY: Thanks, Sarah. In the question and answer in the chat, folks, I tried to type along as Sarah was answering the question, so you have that captured there, too. Great question, great answer. Thanks so much, Sarah. I actually only have one more slide in the section before I hand it over to you, Sarah, so I'll finish this really quickly.

Eligibility Determination

MY: Eligibility determination itself is based on the data and expert judgment. It's also based on likely adverse effects. Disability must significantly impact the educational performance of the child, and it is based on the requirements the student has for specialized instruction to benefit from in order for that child to benefit from the education.



Specific criteria for each disability are used to actually create the disability category or the eligibility itself. I will say that they tend to vary, as Sarah said, slightly from state to state. However, the states do provide a lot of guidance related to this, and generally, school districts have folks who are good contact points to unpack much of this information. I will just end this particular section by highlighting the fact that parents do have rights. Your newcomer families do have rights.

They have the right to disagree with eligibility determination, for example, and they ought to feel encouraged to speak up because school districts are required to engage families in this process and seek a resolution to any disagreement that crops up. To take us further into our discussion of IEPs, I'm going to hand things over to Sarah.

IEP

SW: Great. Thanks, Monica. I'm going to drop a link in the chat. There was a question about where can you find the federal regulations, and so I dropped in the link to the IDEA regulations. I will note that Part C regulations are for children with disabilities age 3– sorry, birth to their third birthday, and then the Part D regulations are third birthday and beyond. If you're working with a family, it's helpful to know the difference between those two pieces.

There was actually a helpful comment just to note that the deadlines, and we can talk about this as we move to the presentation, deadlines can be a real challenge for newcomer families who aren't able to pick up their phone, attend appointments, and so as much as you can as a service provider supporting those families to understand the importance of their engagement in the process and the fact that if they're able to engage or be able to follow up with the school district, it's going to ensure the timely provision of services for their child and ultimately help that child's needs to be met in a more efficient way.

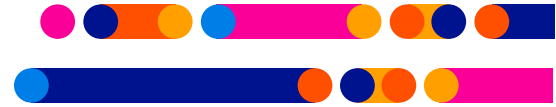
All right, so let's talk about the IEP. Once the school district has determined the child is eligible for special education, it's important to develop a plan for what accommodations and modifications that child needs to access the general education curriculum and the life of the school. The IEP is the legal document that articulates this plan. The IEP serves three main purposes. First, it articulates the child's current academic and functional performance levels, and understands how their disability impacts their involvement and progress in the general education curriculum.

The IEP also establishes attainable learning goals for the child, and it serves as an outline of the services the school district will provide to support the child's education. Every child who receives special education must have an IEP, so let's dig deeper into what's included in this really important document. What is an IEP? An IEP is a legally defining document that outlines specific educational services and accommodations for a child with disabilities. It's created by a team of educators and parents, and focuses on the child's unique needs and strengths.

The IEP is the thing that ensures that the child has access to a free and appropriate public education, or what we call FAPE. Pictured here, you can see an example of what an IEP might look like, but as Monica has already noted, what the form looks like can vary from state to state and even district to district, so don't be surprised if you don't see a consistent form across programs or across states, because different folks have approached it in different ways.

Regardless of what the form looks like, there are several key components that will always be included in the IEP, so let's jump into those. Details about the specialized instruction tailored to the student's unique needs that the team believes are necessary for the student to access the general education curriculum and meet their IEP goals are always included. The IEP will also articulate related services, which are support services such as speech therapy, occupational therapy, or physical therapy that the child needs to meet their IEP goals.

Accommodations and modifications are also included, and I want to make sure that there's a really key distinction between accommodations and modifications that I hope as you're moving through the



presentations today and moving into your work with newcomer families you understand. Accommodations adjust the way the information is presented, responded to, or the setting in which learning occurs. They give students the necessary tools and supports to access the same curriculum as their peers.

In contrast, modifications adjust to the curriculum or expectations to better match the student's individual needs and abilities, and so when we're thinking about IEP development, the emphasis is always on whether or not we can meet the child's needs through accommodations, where we're holding them to the same standard as non-disabled peers and using the same curriculum, and then as a secondary consideration, looking at modifications and the ways in which we adjust the curriculum or lower expectations to better match the student's individual needs and abilities.

Progress monitoring, which we're going to dig to more deeply in the next slide, is the systematic process of collecting and analyzing data to determine a student's progress towards their IEP goals. At the root of the IEP is collaboration. As you'll hear throughout this presentation today, we're really emphasizing the role that families and professionals play in coming together to create this meaningful document that serves as the foundation for a child's education in the school district.

Effective collaboration and teamwork among educators, parents, and related service providers is one of the key components of the successful implementation of the IEP, and so often in the IEP, we see that there's barriers to this implementation or the development of this document, so whether or not a student has gaps in their education or if there's continuity of services for highly mobile students. We'll talk about a little bit later what happens with highly mobile students, but you want to make sure that when you're developing the IEP, you're considering gaps in the student's education, either due to displacement or lack of access to schooling, and how those supports and services and specialized instruction can help address any of those gaps that we've seen as a result of that child's lived experience.

Let's talk about who's on the IEP team. One thing that's often surprising for folks is that parents and guardians are a key member and equal member of the IEP team. They are essential partners in the process and provide valuable insights into their child's strengths, needs, and preferences, and can speak to that child's history of education and also their current performance across settings and situations. Teachers are also included as part of the IEP team, and we expect that there's a general education teacher and a special education teacher who work directly with the child who can bring their expertise on the child's academic and functional needs.

The IEP team also includes an administrative representative. This is a school district official who ensures that the IEP team complies with legal requirements and school policies and is often a principal or assistant principal who can also understand the decision and has decision-making authority for the school. There's an evaluation representative, which is a professional who conducts assessments and evaluations, and provides data and insights on the child's abilities and needs. They should be able to speak to the evaluations that have been done to determine eligibility for that child for special education.

The IEP team may also include others with special expertise. That might be something like a speech-language pathologist, an occupational therapist, or a counselor who can contribute their specific knowledge and skills relevant to that individual's child needs. One thing that I think is surprising for folks as well is that oftentimes when appropriate, districts may include the child, particularly for older children and teenagers in the IEP team meeting. As they grow older, it's especially important to ensure that their voice is heard and their preferences and goals are considered, and they learn to advocate for themselves as a crucial member of that IEP team.

IEP Team Meeting

SW: Let's talk about the IEP team meeting itself. The IEP meeting is an important opportunity for the family, educators, and sometimes the student, to reflect on the student's progress to date, set measurable annual goals, and determine the supports and services necessary to meet those goals. As a member of the IEP team, the student's family should be an active participant in this meeting and should ensure that there are effective translators available if needed.



This is where your role as a service provider can be really incredibly helpful to work with the family to think through, and we'll talk about this more in the next section, but what types of translation services are needed, what prep work may need to happen before the meeting to ensure that the family understands not just what was going to be discussed in the meeting, but the implications of the meeting and the decisions that are being made in that meeting.

While the IEP team must meet at least annually, the family can request a meeting outside of the annual meeting and should continue to receive updates on the student's progress through ongoing progress monitoring.

Progress Monitoring

SW: Let's look more closely at ongoing progress monitoring. Progress monitoring helps the family, educators, and the student, where appropriate, understand the progress they are making towards their IEP goals, and it helps their educators make adjustments as needed to ensure that those goals are met.

By collecting and using high-quality data about the student's performance in areas of concern, educators can make data-based decisions about the implementation of the supports and services in the IEP. One of the barriers we see often with newcomer families is regular two-way communication, and this was highlighted earlier in the Q&A. How do we help make sure that the families are informed of their child's progress, and how do we make sure that the educators are informed of the challenges and opportunities that a family is experiencing with their child's education at home?

In your role, you can think about how to help the family understand both their role and the district's responsibility and how they can update them, and to identify the communication mechanisms that they are most comfortable with and how to communicate that to the IEP team and the child's education team. I do really want to emphasize here that it is two-way communication. Oftentimes, we talk about how important it is for the school to get information to the families, but this is really a partnership between the school and the family and the child. To help make sure that the family understands that they can play a really critical role in helping give information back to the school district about how the implementation of the IEP is going.

Role of Service Providers

SW: Let's talk about some things that you can do in your role to support IEPs. We've touched upon communicating with your clients regularly. How do you help them understand what the rules and requirements are for eligibility determination in the IEP process and ultimately for IEP implementation? You can also work with the family to advocate for the child and provide families with relevant resources. We're going to be sharing some resources throughout the presentation that may be of use to you as you're working with these families.

As you're working in your individual communities, thinking about building a support network for families. What are the services and supports? What are the resources? What are the organizations outside of your own organizations that you may be able to tap to help support the family, like what I mentioned earlier with the parent training information centers? Of course, collaborating with the school. The school is driving this process. They're the ones that are going to be implementing the IEP. How do you help them understand the needs of this particular family, and how that may impact the implementation of that IEP for that particular child?

Helping families monitor student progress, so understanding what's working and what's not, and if it's something that's not working in the implementation of the IEP, or we're not seeing progress towards those annual goals, encouraging them to reach out to the school district to make sure that they are working collaboratively with the school district to make adjustments in real-time as needed to meet the needs of that student. Then educating families of existing services and resources. How do you help them connect with things that are available in your community? Now, I'm going to turn it back over to Monica. Were there any questions that arose in the chat that we might want to address before we move on?



MY: I think we could wait till the end to answer some of them. I've been looking through them.

SW: Okay, perfect. I have not been reading in real-time.

MY: Thanks, Sarah. I appreciate it. In fact, I'm going to drop—you referenced Parent Training and Information Centers, and I'll drop the link to the Federation for Children with Special Needs in the chat, and there are other resources we could add there too, but that's one example for folks.

2. Common Barriers Newcomers Face During the IEP Process

MY: All right, now let's talk about some other common barriers that newcomer families may face during the IEP process. We've been talking about them in different ways throughout the slides so far. Here we focus in a more concentrated way on them.

Challenges in Collaborating

MY: The first set of challenges we'll talk about is challenges in collaborating with public school districts. School districts may have limited understanding of refugee experiences. This lack of knowledge about the unique challenges faced by refugee students and their families, including the trauma they may have experienced, cultural differences, and language barriers may pose barriers in this process, but they're not insurmountable barriers.

School districts may have resource constraints, including insufficient staffing, funding, and training to effectively support refugee students, but once a child is found eligible for special education services, the school district is legally bound to providing services, and it's important for the parents to understand that. There may be bureaucratic hurdles. School districts are complex organizations and the eligibility criteria and paperwork can sometimes seem confusing to families.

They can seek support from school districts and parent training information centers and members of their community to help them work through the paperwork and ensure that the evaluation and the eligibility determination process don't get impacted by that complexity. There may be challenges in obtaining comprehensive student records and information. As you know, we'll talk about this in a couple slides. Some of the newcomer families you work with may not have complete sets of documents related to their children's education. In that case, the eligibility determination, the referral process, the assessment evaluation, those things can still proceed without those records.

Language barriers, of course, is a big concern. However, school districts are obligated to provide translation services. They may not have people on staff that speak the language of the family. That could be one thing that you help newcomer families learn about in their community or in their state, what translation services are accessible, and they can offer that information to the school district. Of course, cultural differences are bound to crop up. Misunderstandings and misinterpretations due to differing cultural values and perspectives about education and the role of family in a child's education.

However, when it comes to special education, it is important for parents to view themselves as equal partners in this process. Before I move on from this slide, I just want to reiterate a few things. Prepare newcomer families to work with school districts by helping them identify their own goals for their children. Make sure the newcomer families have a translator who's prepared to discuss education and special education. If it's possible for the family to meet with the translator first and make sure some of the technical language is shared, that can be helpful when it comes time to meet with the school district.

It may also ease the way for families to be more open about sharing about themselves and their child and their values.



Students

MY: All right, moving along. There are three barriers related to the students involved in the IEP, and we don't want to use this slide to talk about students as if they are the barriers, but there may be some barriers related to the student experience. We mentioned the first, limited culturally or linguistically appropriate assessments. Again, not the student's problem. It's the school and field's problem if those assessments don't exist.

If the family feels like the assessments are not well designed for their particular child, they can ask to have the assessments explained to them. They can ask that the child be assessed in their home language, et cetera. Remember, this is usually a multidisciplinary team, so the family can talk to many of those experts. For some students, it may be difficult to distinguish disability-related challenges from other factors impacting a child's behavior and learning, like gaps in their educational experience or trauma. This is where partnering with teachers can be helpful.

Observations over time and the input of education professionals will help identify issues that are due to a disability. Again, that evaluation and assessment process is really meant to disentangle those issues. Other kinds of supports may be available to children who have challenges that are not related to a disability, but impact their experience in the educational settings. Finally, some newcomer families may not have all of their children's educational records. We touched on this earlier, and some of these records include school transcripts or other prior evaluations.

These records are often used to develop an IEP, and not having all of them can make assessing children's or students' educational needs and providing appropriate services challenging, but not impossible. Some children may have gaps in their education, and as with the other challenges mentioned here, collaboration with the education and development professionals, and your community and school district will help address this challenge.

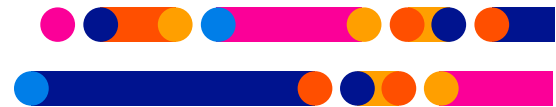
Families

MY: All right, finally, let's talk about some barriers related to the families in the sense that the families may face these barriers. Newcomer family perspectives may present a barrier. For example, our working mental model about what it means to have a disability. Some families may consider eligibility for special education as unfavorable as something that has a stigma related to it. Please help newcomer families understand the purpose and benefits of special education that we discussed earlier in the presentation.

There's really some benefit to be had by children who are identified as having a disability, and newcomer families should feel like emboldened, empowered to take advantage of those services that their children have access to. Newcomer families may not know about the supports available to their children. They may not know what they are and why they help. Please help them formulate questions that they can ask a school district employee so they can learn about what is available and how it actually helps their child.

We know that not all of you will be working with the families throughout this whole process, so preparing families by helping them develop questions, feel comfortable asking questions of school officials can be lifelong help to them. Similarly, families may find it challenging to share their perspectives and goals during an IEP team meeting due to language and cultural barriers. Some members of the IEP team may use technical language, for example. Help newcomer families prepare questions and requests such as, "Could you help me understand what you just said," or, "I need more information about that," whatever that was, or, "I would like my child to receive."

This kind of preparation ahead of time makes it more likely that families will be comfortable sharing in the meeting itself. Any family engaged in the IEP process, as we've said before, has a right to effective translation services, and as we mentioned, some school districts may not have their own staff who speak the language of the newcomer family. However, these school districts may hire consultants or services like phone services that



provide translation support.

Implementation

MY: Finally, let's talk a little bit about implementation of the IEP. There may be some challenges and barriers that arise once the IEP has been written and it is put in place for implementation. For example, students who move from one district to another may experience discontinuity of services. We'll describe a little bit of this later in the webinar. That discontinuity, of course, is not ideal. However, the receiving district or receiving school is obligated to provide special education services to all children who are eligible, and again, we'll talk about this in a few more slides.

Two-way communication is important throughout the IEP process, and this doesn't end once the IEP is written. During the implementation period, newcomer families have the opportunity and the right to continue communicating with the teachers and service providers, excuse me, that their children are served by. Help newcomer families understand that they can contact the child's teacher and service providers for updates on their child's progress and with questions and concerns. Newcomer families need to know that the school is engaged in progress tracking for all children with IEPs, and they can ask about ongoing progress updates.

Strengthen Family Engagement

MY: To wrap up the theme of many of these slides, the families you work with have rights. They're newcomers, but they have rights just the same as families who've been here since birth. If families disagree with the contents of an IEP, they can request a meeting, mediation, or if either of those things fail, a due process hearing. This is something that parent information and training centers can really help with in the sense that they understand that process. Families have gone through it in many places. While it may be intimidating for newcomer families, this option is available to them.

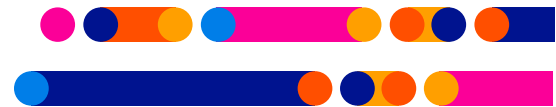
It's important for your families to understand that they really are the child's best advocate. They shouldn't hesitate to seek support from parent advocacy groups or legal counsel if they feel like it's necessary. Just to highlight how important it is for families to feel like they're partners in this process, one of your roles with families is to help them understand the benefits of their engagement in the IEP process. We highlight four reasons why family engagement strengthens both the development of IEP and strengthens the child's educational experience writ large.

For example, families who are more engaged often will set the groundwork so that their children have better outcomes in school, academic, behavioral, social, emotional outcomes in school. The enhanced communication that comes from families engaging in the IEP process carries over into other kinds of general education experiences. That enhanced communication can further strengthen the partnerships, which benefits everyone, but mostly the child. The shared decision-making that happens when families are engaged keeps the child and the child's needs front and center during this whole process, which is the whole point. Support the child.

Finally, we have seen that families who are engaged in this process, actively engaged in this process, tend to also foster a positive learning environment home, which increases student motivation in the education context. I haven't been monitoring the chat at all. I apologize for that, folks. I'll look at this afterwards. I'm going to hand things over to Sarah to take us through some practical strategies.

3. Practical Strategies to Destigmatize the IEP Process

SW: Yes. I'll note, Monica, there's a number of questions in the Q&A. I think it might be helpful for us to wrap up the rest of our content, because some of them are addressed in the rest of our content. Then as time allows, continuing to address them at the end, if that works for you. All right. Let's talk through some practical



strategies to de-stigmatize the IEP process.

Poll Question

What are some reasons families may not want to participate in the special education process?

SW: We're going to go back to Slido. What are some reasons families may not want to participate in the special education process?

As Monica noted earlier, this is an anonymous response opportunity. You'll see your responses as you type in come up on the screen. We're curious to hear from your experiences, what are reasons that folks have given that they don't want to participate in this process? Stigma, yes. It's a big one, to acknowledge that your child may have a disability, that they're not normal. Language barriers, awareness, and access, not knowing where to start. Hopefully, through our presentation today, we're giving you some ideas of places to start to support families for this work.

Language barriers. The notion that once the kid is identified as having a disability, they always have a disability. Oh, that's lovely. I love that it's categorizing the responses with the word cloud. Yes, stigma around mental health issues, language. I know there's been a lot of questions in the chat around language barriers. Just to clarify, there is a requirement that the district provide translation services to ensure that the family understands what's being discussed. Working with the district to identify an appropriate translator, and as necessary, working with the translator in advance of the meeting to really understand some of that specialized terminology, we'll talk about that more in a minute.

Actually, I'll talk about it on the very next slides. I will hold off. I see one person's typing, so we'll give just folks one more minute. Yes, right. What's your priority and your hierarchy of needs if you've got to keep your job to keep money for your family, then you can't prioritize necessarily attending meetings in the middle of the school day. We'll talk about some strategies for working with families, especially for those of you who are representing a school district on this call to make sure that they can be engaged.

Culturally Responsive, Trauma-Informed Practices

SW: All right, let's move on to the next slide. These are all really great responses. In addition to the strategies we covered earlier, there are several other ways that you can help families become more familiar with the special education process and overcome any stigmas that they have about special education. First and foremost, it's important to acknowledge and respect cultural beliefs about disability and education. Talking to families to gain an understanding of how their culture views disabilities, understanding this will help us recognize why they may be hesitant. Getting to that root cause of why.

For example, in some cultures, people with disabilities are outcasts, is that where they're coming from and thinking about in their individual experience? Helping families understand concepts such as least restrictive environment and inclusivity can help them overcome this. We also want to make sure we're avoiding technical jargon and ensuring that unfamiliar terms are thoroughly explained. Families are new to the US education system, let alone new to special education. Schools use a lot of acronyms and jargon that parents who grew up here have trouble understanding. This is even more so the case for newcomers.

They may be shy or apprehensive to admit they don't understand. It's important to explain everything clearly and to define what this means. As I noted just a moment ago, providing professional interpreters and translation during each part of the IEP process is crucial. Since there are a lot of nuances, it's imperative for the interpreter to be well-versed in the special education process so they can clearly explain this process to families.

Never use a student to interpret during meetings, even if they're high schoolers. There are two types of



interpretation to keep in mind. The language interpretation that families need to understand the meeting, and the breakdown of the technical more school-specific terminology like IEP, 504, LRE. If it's possible, working with the family and the interpreter to break down information over time. If you have a meeting and it starts with, "We think your child has a disability, and then here's the plan, and what are the questions, and please sign here." That's a lot to digest for anybody, let alone if you're working with unfamiliar terminology and an unfamiliar process.

Fourth, we want to connect families with community members and cultural brokers who are familiar with the special education process. To the extent that we can normalize and familiarize them with this process, it's going to make it easier for folks to meaningfully engage in the process. Again, as I've already mentioned on the call today, building collaborative relationships with families. Building trust with them and rapport so that they can be comfortable asking questions and making sure that you're a resource for them and that they feel heard.

Identifying opportunities to get their input and hear their voices in the process will help them become more meaningfully engaged in the special education process. Then family engagement overall, we'll talk about in the next slide some great ways to ensure that newcomer families feel connected to school so they can feel safe and comfortable to ask questions and be partners in their child's education.

Family Engagement Tools and Strategies

SW: Let's talk about family engagement tools and strategies. Understanding the link between effective family engagement tools and special education is important. When schools and communities work in collaboration to ensure that families build a partnership with schools, there's a vested interest in the child's education. If the possibility of special education comes along, there's a stronger likelihood that newcomer families who feel connected and engaged with the school will trust the process rather than resisting the possibility of special education.

Being engaged meaningfully with the school may help families become more aware of programs and initiatives that support their child's learning. For example, one strategy that schools could use to meaningfully engage families is to offer workshops and information sessions to newcomer families that explain the special education process, rights and services, and a non-threatening and supportive environment. This is where a key difference between doing stuff at families versus with families comes into play. Before hosting the workshops, the school should talk to the families about what would be most helpful to them in the workshop.

They should also include opportunities for families to provide feedback to the school about what is and what is not working for them. When possible, the school district should schedule those meetings during low-stress times for families. Not right before assessments, being mindful of family and work schedules, something that's been noted in the question and answer. We don't want to just be doing things when we're talking about meaningful family engagement where we're just doing what we think is right for the family, what we think is right for the child. We should really solicit the input and feedback in partnership with the family to have it be a much more meaningful experience for both sides.

Using a Strengths-Based Approach

SW: Now, let's move to using a strength-based approach. Using a strength-based approach is vital for helping newcomer families navigate the IEP and special education process. There's a few dimensions I want to highlight here. First, consider leaning on protective factors. Remember that newcomer families are resilient and have lots of strengths. Get to know the families that you're working with, and help the students and families utilize their personal strengths to navigate the process. We also want to elevate caregiver voice.

Some newcomer families may not understand the importance of their voice in the process. Take time to explain that you want to hear from them as well and the important ways in which they can contribute to their child's education. We want to increase predictability of the process. Newcomer families won't know what to



expect and special education can feel really long and exhausting even if we do have those timelines around when it should occur. Creating a roadmap for them which explains timelines in the process so they feel empowered along the way and know what to expect can be really helpful in making that process more predictable and helping them understand what to expect.

We want to emphasize the student's assets. Every child has strengths and families want to know that schools and service providers understand that. Leveraging the IEP as a tool will help the child use their strengths and reach their goals and ultimately see them make significant educational progress. Then lastly we want to frame challenges as opportunities for growth. How can we use the current circumstances and leverage those circumstances to see improvement in that child's educational outcomes over time?

Parent and Legal Guardian Rights

SW: Monica's already done a wonderful job highlighting parent rights. I want to highlight a few more parent rights as we talk through these through the ways in which we can support families. Parents and families have the right to attend all meetings and as part of that they should be receiving copies of the procedural safeguards. The procedural safeguards tell families about their rights under the Individuals with Disabilities Education Act or IDEA. These procedural safeguards are required to be shared in the family's primary language of communication or translated.

Families attend all meetings and can request a meeting at any point in the process. Sometimes this may be an informal meeting with a provider or teacher, but any request for review or changes to the IEP should convene the full IEP team. As a reminder, that's a legally binding document, and so what's in the IEP is what the school is held accountable for completing.

Families are looking to make a change in the service delivery model for their kiddo. You want to make sure that they're convening the full IEP team. Families have a right to understand everything. Translation is required and confirmation of understanding should be a part of that process so that families know what they're committing to and what their child is going to be receiving.

Families can also request and review records at any time. Families can also obtain an independent educational evaluation or IEE, especially if they're in disagreement with the eligibility determination. The district or administrative unit for the district should be able to communicate their rights in the process to pursue or request an independent educational evaluation for that child, but do note that that independent educational evaluation may come at the family's expense.

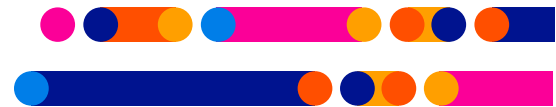
Families also have the right to examine all education records, but note that because of state nuances in this process, knowing where to find parent resources is the best way to navigate these rights, and so especially for newcomer families that may be unfamiliar with the US school system, connecting to things like your parent training information centers or your special education parent advisory councils in the districts can be a really critical place to be able to get information about the rights and what your alternatives are if you have questions about the implementation of the IEP.

One question that came up in the in the registration which I think is a really important one for us to highlight is to what to do if a student moves? If we could just go to the next slide.

Legal Protections

SW: If a student changes schools, they have legal protections with regards to the IEP. If a school child moves from one school to another within the same district, the IEP developed in the first school stays in place. Families will benefit from talking to the administrators and teachers at the new school about the IEP.

If the child moves to a different school district within the same state, a new IEP may be written, but while we're



waiting on that new IEP to be written, the child should be receiving comparable services and the new IEP should include comparable services to those offered in the first school district. For example, if a child was receiving support from a reading specialist in the original IEP, the new IEP should provide the same support for the same amount of time, but the support may differ in ways that reflect the organization of the day in the new school, but the new school district is legally obligated to provide comparable services.

What happens if a child moves to a new state with an IEP? As we've noted throughout the presentation, while there's the federal regulations, each state can go above and beyond the federal regulations to have their own state regulations. The new district in the new state will need to redetermine eligibility under their state criteria, but in the meantime, the district should be providing comparable services to the child until the new IEP is created. It's not that the child stops receiving special education services, but it may not be exactly the same as it is in the new state until the new eligibility determination and IEP is developed, but in the meantime, they should be getting comparable services to what is on their IEP.

If a Student is Not Eligible

SW: What to do if a student is not found eligible for special education? The school district must provide written notice of ineligibility and the written notice must include an appeal process details, and so that appeal process will vary by state to state, but the family should receive written notification of what that appeals process looks like. Families can also request a 504 plan if they have medical documentation for a disability and newcomer families should definitely consult with district experts on 504 plans.

I did see a number of questions in the chat about whether or not there would be additional resources from Switchboard or future webinars on 504 plans. For reference, a 504 plan is a formal plan developed by schools to provide accommodations and to support students with disabilities ensuring that they have equal access to education under section 504 of the Rehabilitation Act but does not include some of the rights and protections that children receive when they're on an IEP under the Individuals with Disabilities Education Act. I imagine we might get some follow-up questions on that one.

Supporting Students

SW: Lastly, for supporting students not eligible for special education, so if a family either refuses special education services, which isn't ideal, or a student doesn't qualify for special education services, there are still many supports that they can receive within the general education environment. Starting with response to intervention. Schools may use response-to-intervention or RTI frameworks to offer targeted interventions and support to students struggling in specific areas without formal special education services.

As I just mentioned, districts may use 504 plans. If a student has a disability that impacts their learning but does not require special education, they might qualify for a section 504 plan which provides accommodations to ensure equal access to education. Students may also be eligible to receive counseling services. Students can access school counseling services for emotional, social or behavioral support even if they are not receiving special education services.

Tutoring and academic support. Schools often provide tutoring academic support programs or after-school help to assist students who are struggling regardless of your disability status. Parent-teacher collaboration, we've talked about over the course of this presentation, but ongoing communication between parents and families and teachers can help create individualized strategies and interventions to support the child's learning and development.

One option is also behavior support plans. For students who have behavior support challenges, and schools can develop a behavior support plan to address specific issues and provide guidance on for appropriate behaviors outside of an IEP. Districts also have enrichment programs, and we know that participation in enrichment or extracurricular programs can also support a child's development and learning in non-academic



areas.

Then lastly, we've highlighted community resources throughout. Schools or you as service providers may connect families with external community resources or agencies that can provide additional support such as mentoring programs or specialized services depending on that individual child's needs. Let's go look at a couple case scenarios and we're going to open it up to some questions about these case scenarios.

Case Scenario: Amina

SW: Our first case scenario is Amina. "Samir and Maryam are Syrian refugees who recently settled in Worcester, Massachusetts and have a five-year-old daughter, Amina. Amina is withdrawn, avoids eye contact, rarely smiles and struggles with pronouncing words in Arabic. Concerned about her development, Samir and Maryam work with a translator to communicate with the local school during her evaluation. They request Arabic language assessments and seek guidance on how they can support Amina's learning at home."

Discussion Question

What can a service provider do to support Samir and Maryam in advocating for Amina?

SW: Now, let's go to Slido. What could a service provider do to support Samir and Maryam in advocating for Amina? This is again open response. Based on what you've heard today, what do you think would be the best approach?

I see lots of folks are typing.

Ask interpretation services.

Oh, someone asked for the case description in chat. I will drop it in the chat. It's a great suggestion. Thank you. One second. We have another one. I'll do that with the next one.

Giving examples of accommodations that could support Amina during her day. Collaborating with the local—I don't know the acronym of ECBO for more connections. If someone wants to drop that in the Q&A chat, that would be helpful, or if one of my co-presenters knows that acronym. Ethnic-based community organization. Thank you. Helping them understand their rights. Definitely a really important part of this process. We always assume that school districts have the best intentions, but being an informed participant in that IEP process is really important.

The cultural broker helping the school understand cultural backgrounds is a really nice one as well, particularly when school districts are working with newcomer families that may be from a background that's unfamiliar to them, that can be particularly impactful. Asking how schools in their country address evaluations and treatment. That might be a really great strategy if you're looking to help the family understand the ways in which their experience in the US school may be different. I'll give it just a few more seconds because I see a number of people are typing.

Case Scenario: Jonga

SW: All right. I'm going to move us on to our next case scenario, which I will ask Monica to drop in the chat if she can, or one of my co-facilitators. Jonga. "Jonga is a 16-year-old unaccompanied refugee minor from the Democratic Republic of Congo who spent 12 years in a refugee camp in Kenya. After arriving in the U.S. seven months ago, he was placed with an American family and enrolled as a freshman in high school despite his last known education being at the fifth-grade level. Jonga is struggling with reading comprehension, math, and understanding instructions in school. His host family has raised concerns with the case worker, suspecting he



might have an undiagnosed learning disability." Thank you.

Discussion Question

What might be a good initial step for addressing Jonga's educational needs, considering his background and the challenges he is currently facing?

SW: Oh, thank you, Alex. "What might be a good initial step for addressing Jonga's educational needs, considering his background and the challenges he is currently facing?" I did see some questions in the Q&A for folks who have worked with students similar to Jonga in their own work already.

Lots of folks are typing. "Explaining to the family about why there may be delays or gaps in academic skills and help get him participating in tiered academic intervention." First, you need to address the gap in schooling and get some tutoring set up. I think this is a tricky part about special education, because special education is about having identified disability under a state's disability eligibility criteria, but it's not just about missed academic progress. Sometimes those two things go hand in hand.

A student hasn't had the access or opportunity to learn, and sometimes the child may have not had access or opportunity to learn, but also may have an underlying disability, and so that's a really important place where you can work with the school district to think about doing some initial evaluations to understand whether or not it is simply about access to high-quality education or if it's about an underlying disability that's impacting their ability to retain and learn information regardless of their access to education.

Understanding his learning gaps, what language does he speak? Arranging assessment. Evaluating the student and reaching out to the school counselor.

I really love this. Talk to the student about how he feels and involve them in the process. Involve them and empower them. They probably think it's their fault. This is a student that's older and we talked about the importance of including students in the IEP process, and so making sure that that student is also informed and understanding his perspective on his challenges. I see a couple of folks typing, so I'm just going to give it one more minute.

I know we have a number of questions in the backlog, so I think I'm going to turn it back over to Monica so we can open it up for questions for the both of us.

Q&A Panel

MY: Thanks, Sarah. Sorry, I was just finishing typing a response to one. Let me end my sentence here, and then bam. We have covered a lot of content. As Sarah said, the question and answer chat has been blowing up with questions. I see 30 have been answered, 11 are still open. I think, Alex, you were going to go through these questions with us, but I think Sarah and I can also pull things from the question and answer to respond to you. What do you think?

AL: Yes, that sounds great. If y'all have specific ones, there's still quite a few. Feel free. If not, I'm happy to pick out a few as well that we've received in here and also through the signup for this webinar, but also well done. Kudos to both of you for answering so many questions while presenting.

SW: I'll start. I saw that there was a question about—

if interpretation translation is not provided, can the family ask for the meeting to be rescheduled?

SW: Absolutely. The family members are a federally mandated member of the IEP team, and so if they're



unable to effectively participate in the meeting because there is not interpretation or translation services providing, then they most certainly can ask the district to reschedule at a time when there is effective translation available.

MY: There is a question in here. There've been several where I've been like, "Oh, my God." For example, a school district requiring that a student have three years' worth of school records before they will allow the child to be referred to the evaluation and assessment process, and that sounds illegal to me for sure. I see some nodding from Sarah. I responded to that question, but I just want to highlight that that was asked. Also, there is a question in here that I think targets a few of the questions that were submitted in the registration process. The question is...

Any tips or suggestions unique to newcomer youth who are in foster care? For example, any recommendations for foster care program staff or serving as the guardian?

MY: This relates to a question we had about unaccompanied minors. Sarah, I'll hand it over to you because we discussed this earlier today and you had a great answer for this.

SW: I speak for this actually from personal experience as being a special education surrogate parent. Depending on the state, there are systems in place. There is going to be someone who is identified for that undocumented unaccompanied minor, who is the educational decision maker for that child. Be it a foster parent, be it a special education surrogate parent, be it another public agency representative. That person can make the referral for special education and participate as a parent or family member would in the special education process. The fact that they're unaccompanied does not prohibit them in any way from being referred for special education or having an IEP developed.

There should be someone as a representative of that child in the IEP team meeting, and it's up to the individual state. For example, I live in Massachusetts, and in Massachusetts we have this the parent special education surrogate parent program where there are volunteers who have expertise in special education that serve as that educational advocate for that child in the IEP process, but it varies from state to state, but you should be able to find in your state what that process looks like, and the district should be able to help work with you to identify how to handle that as well.

AL: I see one question that I wanted to bring up. I think earlier you were talking about—parents have rights, caregivers have rights, and they can disagree with the plan. I think we have a question that, if I'm correct, is saying:

What happens if [caregivers] are not in agreement [with schools]? What are the next steps?

SW: Sure. There are a number of processes in place and many are required by federal law, and there are dispute resolution systems in place. It depends on the state and exactly what that process looks like. The first, there's procedural safeguards that you're receiving as part of your IEP process and part of the intake re-evaluation will articulate in your state what the dispute resolution process should look like.

If the child is found ineligible for special education, you will receive further documentation on what that dispute resolution process looks like in your state. It can vary from state to state, but there are federally mandated requirements for having a process in place. Working with the district to understand what that looks like and knowing that you have, the first step is knowing you have the right to dispute, correct? Working with the district to understand those processes, but they should be providing you with documentation of how to engage in those processes if you disagree. What would you add, Monica, anything? Did I cover it?

MY: I was just thinking, I've been thinking the whole time that this is not a simple process for families who were born and raised in the U.S. This is complicated. It's complicated further because it's about your own child. I just want to normalize the fact that newcomer families, when they face challenges, they're not alone in facing challenges. They just might feel the burden of those challenges more sharply because they don't have the



support networks in place or the fluency with the ins and outs of the U.S. school system down.

This mediation process is probably one of the things that's probably more, or this pushback process is probably one of the things that's even more unfamiliar. The documentation does have the lists, has the information, and they can reach out through a parent training information center for support in navigating or even just understanding the process.

There was another question too that related a bit to parent rights. It is, let's see here—

[How can you help advocate for a family at a school if the parent has concerns and is ready to move forward with testing, but the school feels that the children's needs are due to English acquisition?](#)

MY: I will say shortly that the school does not have the right to make that determination without evaluation and assessment. If the parents have referred the child for evaluation, they are obligated to do a full evaluation and assessment without guessing about the role, language, fluency. Sarah, anything more to add to that?

SW: Yes, and I'll just note that, yes, if the child is referred for special education, they do have to, with very limited exceptions, pursue that referral and to do an eligible determination. Making sure that you're not using either response intervention framework or what we've seen in some of the comments so far, this pushback around amount of time in the US or English proficiency as a way to delay implementation.

I did just drop in the chat a helpful resource, which is a way to find your state or local territory parent resource center for special education. As we're directing you, because there is such a state-specific nuance to some of these questions, or thinking about how to get support, that website will be really helpful in helping identify who the go-to experts are to support families in the special education process outside of either the state education agency or the local district.

I'm just looking through. Oh, go ahead, Alex.

AL: I do think one of the things, and I know you both have answered this a few times, but one of the things we're seeing a lot is around language and interpretation. I was trying to go back and see, we have ran into many IEPs not being issued due to limited English proficiency. There was another one talking about, I know someone raised the question—how do we prepare translators? Let's see. I feel like that one would be at the top of the word cloud. This one was an interesting one to me—

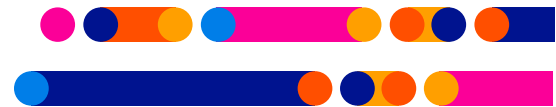
[For requesting the assessments in their home language, does this affect the timeline of services? Also...are there positive examples of some of these assessment accommodations for language?](#)

AL: I would really like to know that as well.

SW: The timeline should not be affected, but in reality, in practice, the regulations would say that the evaluations should happen in the exact same timeline. We know in all practicality that we want districts to do their best in meeting those timelines, but depending on the language and depending on the nature of the disability, identifying an assessment or having an assessment translated to a language can take some time.

Working with the district to understand what parts of the evaluation can be conducted in the absence of, or while we're waiting on an evaluation in a student's native language, or what information gathering can we do, or conversations can we have, or supports even put in place while we're working through that evaluation is a really critical piece, because we do understand, this is the real world. There are hundreds of languages, and not every district is going to have immediate access to every assessment in every language. Unfortunately, we're not at a place where that exists as a repository.

Then, examples of assessment or accommodations for language. I think that to the extent possible, if you're



administering an assessment in a child's native language or looking for evidence-based validated assessments that have been developed and tested and put towards children in those language, that gets more and more complicated the less common a language is. It is, you do the best you can, and we hope that school districts are erring on the side of doing what's in the best interest of the student, be that either determination of eligibility for special education or identification for additional supports and services, if that child, they don't believe that child has a disability, because ultimately at the end of the day, we're hoping, and school districts are there to get kids to achieve their desired goals and outcomes along with all of their non-disabled peers.

Working with the district and connecting the family to resources that regardless of the very specific nature of those assessments, we're providing a holistic wraparound support for that child and family that meets that child's needs at the moment is really the priority and what mechanism that goes through as we're trying to figure it out is, it's a real challenge, and it's not something that I'm going to minimize, but I'm going to put my faith in, school districts are there to serve kids, and so hopefully they're doing the best that they can. Monica, what would you add to that?

MY: Yes, I was just thinking about the early childhood piece of this, and that often in comprehensive evaluations of very young children, they do observations in the natural environment, which means observing the child in the home or a play group. In some of the situations, language is less of a barrier, but it is complex because there's not like one single assessment for all concerns about all children. I think it is important to remember that we are living in the real world, so there'll be some exceptions, but the timelines are there as a safeguard for the families, so they can use those timelines to ensure that there is progress, reasonable progress being made by the school district.

Yes, I also saw a question in there about people pushing back, schools pushing back regarding guardians' legitimacy or sponsors for unaccompanied youth. I'll say this is really outside of my wheelhouse, so I'm not sure what documentation usually exists for unaccompanied youth. Medina, I see you want to answer this question.

Medina: No, sorry, Monica, I was just trying to click that you were answering it. I actually don't have experience with that one as well.

MY: Yes. It may be something we have to come back to later. Legal guardians of unaccompanied youth or foster, they are the advocates of the children. They serve as parents in this process.

AL: Monica, I think you were starting to answer a question in the chat at the bottom. I saw you were starting to type. I don't know if you want to take it on. It said that:

[Some schools have requested a letter from the child's provider before completing an evaluation.... Shouldn't the parent's concern be enough to complete the evaluation?](#)

MY: The parent's concern should be enough to start the whole process and complete the evaluation. I had a question actually about the question. Are you referring to a doctor, a medical doctor, when you talk about provider?

SW: No, just while we're waiting for the person's response, I'll say that the parent's concern is enough to initiate the evaluation for eligibility determination, but it is not sufficient to determine eligibility. They may ask for, if you have records from a medical provider, for example, documenting the child's disability, they may ask for information about that to help inform the eligibility determination. It is sufficient to start the process, it's not sufficient to make the determination. I'll just add because I saw a couple of questions that were around this a little bit earlier in the chat, that eligibility for special education is different than a medical diagnosis of a disability. Each state sets the criteria by which students are deemed eligible for special education. That includes being identified as having a disability under one of the state's disability categories and then needing specialized instruction to access the general education curriculum.

It's not sufficient alone to have a disability. They also need to have a need for specialized instruction to be able



to access the general education curriculum. Sometimes this can be a point of confusion, particularly if the child comes in with a diagnosis of a disability, but then may not actually need that specialized instruction to be able to participate in the general education classroom. Working with families to understand that two-pronged eligibility determination and knowing that it's not actually a medical diagnosis of a disability necessarily in order to be eligible for special education.

I'll give a quick example. In Massachusetts, we have criteria for developmental delay for children who are ages three to nine. Developmental delay is not a specific disability. It's a general category which has specific criteria that a child may meet based on certain assessments to be determined as being delayed. It only lasts until age nine, at which point they need to be reevaluated for a disability that falls into one of the other categories. It's different than going to a doctor and having a doctor put a diagnosis on a piece of paper. Sometimes that can be a place of confusion for families and a place where you all, as service providers, can work with them to understand that, yes, having a disability may make you eligible for special education, but it's not necessarily a guarantee that you need specialized instruction.

There's accommodations and modifications I was talking about earlier to actually receive an IEP and the services in an IEP. That's where the 504 plan can come into play as children need supports and services but don't necessarily need specialized instruction. We'll save the 504 plan breakdown for another webinar. That's my little slip box for the moment.

AL: It did look like they typed in and then it went away, but I believe it did say, local providers, what they mean. We have another question that came in saying that:

The school district has put a child in a classroom with extra classroom aides, and say this means that the child doesn't need an IEP, because there's an aide or aides in the classroom. Is this illegal?

MY: It's not a legal basis for refusing to evaluate a child for eligibility. I will say that in the IEP for a child, it may include the provision of an aide in a classroom to support that specific child. As the question has stated, it does not sound legal.

SW: If the family or someone else has asked for a referral for special education eligibility determination.

MY: Yes. That request has to be made.

AL: Then we also have just a few reminders, other people just chiming in. It's not really questions but reminding that unaccompanied minors rights and protections are included in the Vento Homeless Assistance Act. If you're not familiar with that, this is a federal policy, do look it up. Then there will also be specific state guidance and district guidance as well. Then another person chimed in saying regarding the unaccompanied minor youth question on their Office of Refugee Resettlement release form, it outlines the duties and responsibilities of a sponsor and the sponsor signs it.

Then we also have a question—we just mentioned 504 a couple times, and you said maybe on another webinar, but maybe if you could—I think you did it once in the webinar, but if we could do it one more time, it sounds like someone still needs a little clarification between 504 and IEP.

Can you clarify the difference between 504 and IEP?

SW: Sure. A 504 plan is a document that outlines the accommodations or modifications a student with a disability needs to access education. The 504 refers to Section 504 of the Rehabilitation Act of 1973. That act prohibits discrimination based on a disability. The 504 plan talks about the types of supports and services that a student may need in the education setting, which is different than specialized instruction. Examples of things that might be in a 504 plan include things like extended time on tasks or preferential seating, receiving materials in Braille, use of assistive technology, essentially reducing load and homework or alternative testing formats.



It's different than an IEP. The protections are different, and it's based on a different law. It is another document that can be used to support student disabilities. There's some nuances in the protections and the types of supports and services that you can receive in one under another, but it is a plan that can be put in place for students that have a disability that needs some additional support in a classroom.

AL: Thank you for that clarification. I think I see one more question that we haven't gotten to, and then we're going to be about at time.

There's an individual who says that they have an issue with a district, stating that they won't test unless a child understands English, as a translator could provide answers and that would void the test.

SW: The district should be providing the translator. Hopefully the district can work with the translator, understand their role as a translator in that assessment, and that it's inappropriate for the translator to support the student's completion of that assessment. I would push back on the district there to encourage them to work with the translator to better understand what their role is as a translator, as opposed to a coach in that moment. Monica, what would you add?

MY: I was thinking the same thing. It's always a concern with live assessors. They like the child. They want them to succeed. If the district has shared their list of responsibilities, a translator is just as capable of fulfilling those as an English language administrator of an assessment.

AL: Wonderful. I think that's probably all the time we have for questions. We can go ahead and move on to our conclusion.

Conclusion

Reviewing Learning Objectives

AL: Today, we learned the following objectives. Now you're able to define what an individual education process is, describe the process newcomer families must navigate to access special education services for their child. You're now also able to identify common challenges that newcomer families face in accessing and participating in IEP processes. Finally, you're able to apply strategies to help newcomer families overcome challenges, demystify and destigmatize special education services, and participate actively in IEP processes.

Recommended Resources

AL: Now, before we share out our recommended resources, we'd love to ask you for your help. Please help Switchboard help you. This survey is extremely important to help improve future webinar training. Take this survey. It's only three questions long. It only takes about 30 seconds. We'll give you those 30 seconds right now. We have also got the link in the chat if you're having trouble using the QR code on your phone.

All right. Thank you all for filling that out. If you still need another minute, please take the time to do that. We would love to get your feedback.

Now we do have recommended resources for you at the end of this call. Reminder that this call and these resources will be shared out later. You will have access to these. We also have our host who has kindly dropped the resource slide in the chat. We've got our blog on fostering resilience for refugee students. Our tool for supporting young English learners at home, family and caregiver activities. An evidence summary on what works to support newcomers with disabilities and chronic illnesses. An evidence summary determining special education eligibility of English language learners.



Stay Connected

AL: Make sure to stay connected with Switchboard at Switchboard@rescue.org. Feel free to send an e-mail or visit Switchboardta.org or go to LinkedIn or Switchboardta on Twitter or X as we call it now. Thank you to Monica and to Sarah for their expertise on this call. Thank you to everyone for the very lively conversation. We appreciate everyone's questions and feedback. We hope to see you on a future webinar. Have a good rest of your day.

MY: Thank you.

SW: Thanks, everybody. Bye.

The IRC received competitive funding through the U.S. Department of Health and Human Services, Administration for Children and Families, Grants #90RB0052 and #90RB0053. The project is 100% financed by federal funds. The contents of this document are solely the responsibility of the authors and do not necessarily represent the official views of the U.S. Department of Health and Human Services, Administration for Children and Families.