

WEBVTT

1 "Embriano, Alana" (3801045760)

00:00:04.384 --> 00:00:23.419

Awesome and thank you for calling into Cigna's Autism awareness series. My name is Alana and I'm a care manager for the autism specialty team. Due to the format of this call, your line will remain muted throughout the entirety of the seminar. Any questions received throughout the presentation will be through the Webex platform and will be answered at the presenter.

2 "Embriano, Alana" (3801045760)

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Discretion at the end of the seminar. It should be noted that we will only be answering questions that are on today's topic. There will be an option at the end to complete a short survey as well. A handout for today's seminar is available online at [www.cigna.com, backslash autism](http://www.cigna.com/backslash/autism). Scroll to current topic section in the middle of your page, click on today's topic labeled navigating the special education system or follow along throughout the Webex presentation.

3 "Embriano, Alana" (3801045760)

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Please note that not all policies cover today's topic. For more information if your policy covers topics discussed in today's seminar, please contact the autism team by calling the number on your insurance card. Today I have the pleasure of introducing dr. Kristen Finelle.

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She is a manager, student of student services at school counseling at the Maryland State Department of education. She additionally works as a clinical psychologist specializing in psychoeducational and neuropsychological evaluations and autism and, and, autism diagnoses. Prior to her current roles, dr..

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She was a high school of science teacher, school counselor, and school psychologist in public and private schools, working with pre kindergarten through high school students. Dr. Finelli obtained her dr. a degree in school psychology from Fortem University where she was the distinguished graduate and banner bearer for the graduate School of education in 2018. She completed.

6 "Embriano, Alana" (3801045760)

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Her post doctoral fellowship in neuropsychology at Mass General for children at the North Shore Medical Center in Salem Mass. She additionally holds a master's degree in school counseling from

Manhattan college. We would so like to thank you for being here today, dr. Finelli, and you are welcome to start your presentation.

7 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:02:03.433 --> 00:02:22.610

Thank you so much. I appreciate you asking me to join today and I'm very excited to talk about today's topic, which is navigating the special education system. So thank you again to Alana for introducing me. Much of that is on the screen in front of you. So I would just like to share I have a a unique background in terms of special education, how that.

8 "Christen Fanelli, Ph.D. she/her" (2688050688)

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Kind of mixes in with autism and diagnosis of autism. As previously mentioned, I'm currently the manager for student services and school counseling at the Maryland State Department of Education, so this is where I slide in my disclosure and disclaimer. Today's presentation is solely my opinions and my views alone. They don't represent the state of Maryland or the Maryland State Department of education. And due to that, everything that I present today is going to be from a national.

9 "Christen Fanelli, Ph.D. she/her" (2688050688)

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United States perspective and not specific to the state of Maryland. Each states kind of have their own different laws when it comes to special education and education, so what we're gonna present today is the bare minimum federal laws that have to be followed. Some states may have additional laws at the state level on top of that as well.

10 "Christen Fanelli, Ph.D. she/her" (2688050688)

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Okay, so to talk through today's process, we're gonna start by defining what special education is and really what it isn't. Then we'll talk about the special education process that leads towards an IEP or an individualized education program, and we'll talk about all of the things that should be inside that individualized education program, which is a written.

11 "Christen Fanelli, Ph.D. she/her" (2688050688)

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Document. And then finally we'll talk about what happens, what you can do as a parent, a guardian or a loved one if something goes wrong with your student.

12 "Christen Fanelli, Ph.D. she/her" (2688050688)

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And so by the end of today's session, you should be able to describe what educate or sorry, what special education is and is not to be able to define it. Explain the special education process and what your role

is in that process. This is a team decision and a team process and the parent is a vital component of that team.

13 "Christen Fanelli, Ph.D. she/her" (2688050688)

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We'll also review the basic components of the individualized education program also known as an IEP, and help to understand your rights and options when there's a disagreement in that education process. So we'll start by defining special education. And part of that comes through this law called.

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Level or family educational rights and Privacy Act. This is a separate act from special education, but it does contain a lot of special education rules within it because it has to do with the student's record. The student's educational record, and if a student has special education, there is a ton of documents and information included within that. The family Educational Rights and Privacy Acts states that parents of children under the age of.

15 "Christen Fanelli, Ph.D. she/her" (2688050688)

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Teen are entitled to review their entire child's educational record. So as a parent, you can ask the school to review anything they have on your student at any time. And NO one else is allowed to do that without the parents permission. If you request to review the record, you need to be allowed to do so within ten days of that request. Once a child turns 18, they have the right to this information. So even though a child might still be in high school, if they're 18 years old and the parents do not have guardianship or custodianship of that child, the student gets to make these decisions once they.

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Turn 18.

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The individuals with Disabilities Education Act also known as IDEA, really is where this definition for special education comes from in this country. IDEA defines special education as specially designed instruction provided at NO cost to the parents to meet the unique needs of a child with a disability, including.

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Adapting content, teaching methodology, and delivery instruction to meet the appropriate needs of each child. The key words in there are specially designed instructions, that's really what special education

is, and we'll talk more about that through this presentation today.

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Other parts of this IDEA are individuals with Disabilities Education Act, it sets the minimum requirements again at the national level to receive federal special education funding, but states can make further requirements on top of that at their own discretion.

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IDEA are the individuals with Disabilities Education Act, also grants students with disabilities the right to receive what we call a free and appropriate public education. This is also known as vape. Vape says you're free and appropriate public.

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Education for students on an IEP or in special education must be appropriately ambitious in light of their circumstances just as advancement from grade to grade would be for a typically developing student. And what that means is the goal set forth in special education for a student.

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Need to be as ambitious as they would be as going from the 3rd grade to the 4th grade. So we need to think about what the child is capable of doing in order to provide that free and appropriate public education. We've talked a little bit about what special education is, so now let's transfer a little bit to what special education is.

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Not. Special education is an individualized education program as we've mentioned, where specially designed instruction is used. This is different from some other terminology you may have heard of, like a five oh four plan or a section five oh four plan. The section five oh four plan comes from the Rehabilitation Act, part of the American with disability.

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This act in 1973, and this is a federal law that prohibits any organization that receives federal monies from discriminating against a person with a disability. So this applies to almost all schools public and private schools need to provide what they call accommodations to help a student who has any disability.

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That may substantially limit one of their major life activities. Major life activity could be learning, walking, seeing, hearing, taking care of oneself. And so a section five oh four plan would provide accommodations. Reasonable accommodations might be for a student with diabetes to allow them to leave the classroom to.

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Go to the nurse in order to check their blood sugar or for a student with a wheelchair in order to have specialized transportation to get to and from school and two and from field trips. That's a little bit different than what we would call specially designed instruction on an individualized education plan.

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Because what we're really talking about are accommodations versus modifications. Modifications are really where we get into that specially designed instruction that's necessary for special education. Accommodations, however, kind of just changes how you are learning the material, Whereas a modification changes what materi.

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Material you are learning. So e.g. an accommodation might be a big print textbook for a child who has limited vision. It's not changing the material that they're learning, it's just changing the size of the font of the material. Whereas a modification for a student with special education might be that instead of reading the 5th grade level textbook that the rest of the class is reading.

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They're given a 2nd grade level book because it's on their reading level. Modifications are changes that help a student overcome or work around their disability and they typically have to do with changes to the environment. So these could be things like taking movement breaks throughout the day, the large print books that I just talked about, getting extra time on assessments or for assignments.

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Being provided with reminders and redirections when becoming unfocused, being allowed to use sensory objects throughout the day, Whereas modifications are really connected more towards the curriculum or the instruction that's being taught. And we're usually looking at tangible physical changes that can be made. So again using a lower reading level text or completing alternative assignments if the rest of the class has to write an essay on Christopher Columbus, a special

education student.

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They may only need to write an outline on it. Or they may have less topics appear on their end of the curriculum exam. They maybe also be being provided with an alternative curriculum, so instead of being taught 5th grade math, they might be being taught 2nd grade math. Now that we've defined special education, let's talk about the process.

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Into how one receives special education services. It's important to know your rights if starting the special education process. These are known as procedural safeguards. These are a federally required document that all states must provide to parents or guardians if their child has a suspected disability and is going to enter this special education process.

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These safeguards include information about your rights, confidentiality process, your right and ability to participate in meetings, including what we call prior written notice, being notified in advance about meetings or other information regarding your student and their curriculum. It talks about your consent to provide services to the student and what you can do if you disagree or things go wrong. We'll talk about all of these things throughout.

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About this presentation today. However, if your child has ever enrolled in special education or you go through the special education process, you should be provided with this from the school. It can be a hard copy or you can be provided a virtual or a digital PDF copy of it as well. But it's important to hold on to that because it has state specific information that you might need.

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Throughout this process.

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In order to qualify for special education under the individuals with Disability Education Act, you have to be classified into one of these areas of a disability. Autism deaf blindness, deafness, a developmental delay, which is only for younger children and typically ends around the age of.

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Seven. An emotional disturbance, being hearing and point impaired, having an intellectual disability, this used to be called mental retardation. Multiple disabilities refers to having more than one of the other ones that's on the screen. An orthopedic or physical impairment, and other health impairment refers to any other medical diagnosis. We see this oftentimes for attention deficit disorders like ADHD, but any other medical or mental health diagnosis could qualify under that other health impairment. There's also learning disabilities, speech and language impairments, traumatic brain.

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00:12:26.149 --> 00:12:46.149

And injuries and visual impairments including blindness. These are the mandated categories through the individuals with Disability Education Act. They are broadly defined and states may further define them on their own based on their own criteria as long as it incorporates what the federal guidelines are. States cannot add or remove any of these.

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Categories. These are the only ones that are allowed. So in order for a student to be eligible for special education, they need to have one of these different special education disability categories in order to receive those services. And so in order to do that, the student will need to undergo an evaluation through the school in order to determine.

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If they meet the criteria for one of these disability categories. And that requires a referral. So there is a pre referral process before we can get to that. And that may include some alphabetic mumbo jumbo, things like RTI or response to intervention or MTSS, the multi tiered system of supports or an SST, a student support.

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Court team. These are all different ways and methodologies, all evidence and research based that schools can use to support students who are struggling before we label them as being disabled. In order to get special education services, we're saying that a student is disabled, and there's a whole prereferral process that schools would like to go through to see if they can plug.

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00:13:49.599 --> 00:14:19.549

Gaps or provide interventions to the students so that they can successfully learn without needing to be labeled as special education

or labeled as being a student with a disability. And during this prereferral process, schools are trying to determine if a student might meet criteria for a disability or if they just need to change the style of learning using evidence based strategies to determine if we can gather data and use other interventions before we need to.

43 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:14:19.549 --> 00:14:24.209

To diagnose the student.

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Once we retrace the referral process, this is when a child is referred to the special education team for an evaluation to determine if that child qualifies for special education. Child find, which is part of the individuals with disabilities Education Act or IDEA, says that states must identify.

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00:14:44.209 --> 00:15:04.209

Try locate and evaluate all children with disabilities in the state who need special education, so the burden is put on states and therefore schools to find children who might require special education supports. So schools can also refer students to the special education evaluation process. Teachers and stu and school.

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Can refer as can parents or guardians. So really anyone can refer a student for special education. It's recommended that if you as a parent or guardian refer a student for special education that you do so in writing, it can be verbally or orally to a teacher or other school staff, but of course writing is always preferred so that you can track that and know that you've submitted that referral.

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00:15:27.839 --> 00:15:47.839

The school, however, is allowed to reject the request for an evaluation. This might happen for a couple of reasons. It could be that maybe the family has recently immigrated to this country and the student isn't fluent in English yet, and that's the only language that they're currently being taught in. And so we can't say that the curriculum isn't appropriate for.

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00:15:47.839 --> 00:16:16.879

The student if they're not able to speak the language quite yet. And so it would be more appropriate to go with multi multilingual or English English language learner supports at that point. The student might also be better served through a five oh four process, a plan or



an RTI response to intervention process without needing to label the student as disabled. So if there's some other instructions or interventions that could be provided without the need of special education, the school may would like to try that before they.

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00:16:16.879 --> 00:16:23.099

To enter this evaluation process.

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00:16:23.099 --> 00:16:43.099

That IDEA federal law, the individual's Disabilities Education Act sets up a lot of timelines for the special education process. And so that says the evaluation must concur within 60 calendar days of receiving the consent for referral. After a referral for an evaluation is placed, the parents have to consent to an eva.

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Evaluation in order for that to happen. Schools aren't allowed to just test students without parents knowing about it. Parents can refuse the evaluation if they want to, but then the student cannot be provided with special education services. There maybe multiple evaluations being requested such as a speech evaluation and an academic testing evaluation.

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00:17:03.099 --> 00:17:25.279

Where one would measure the student's speech and language ability and the other might measure their reading writing and math abilities. Parents can choose to refuse one of those types of evaluations, but again, this might impact the ability to classify for special education in the long run. The initial evaluation are the 1st assessment in order to determine.

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00:17:25.279 --> 00:17:42.359

Determine if the student qualifies for special education needs to be what we call a comprehensive evaluation. And that can include a lot of different factors at the bottom of your screen, including interviews with parents, guardians, school staffs, students or other adults who know the student well.

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And the student themselves to find out how school's going, what's the problem areas, what does the student think about school and where they might benefit from support? There's a review of many documents including developmental and background family information, educational records.

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And then there are many evaluations that could occur. You could have a cognitive evaluation. This measures your cognitive functioning. They used to refer to these as IQ tests or intelligence tests back in the day. We could also have an evaluation of academic achievement to measure the students reading, writing, and math skills. There could be evaluations of behavioral ad.

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00:18:20.059 --> 00:18:47.519

Adaptive or social and emotional functioning, as well as measures or evaluations of speech, language, occupational therapy skills, physical therapy skills, audiology or hearing or visual evaluations. Many of these things might be necessary to determine if there is a disability and what supports would be needed if special special education is provided. After all of the evaluations are complete.

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00:18:47.519 --> 00:19:07.519

The eligibility team needs to meet. This is known as an eligibility meeting. The eligibility team meeting is there to determine if the student has a disability based on the reports and evaluation and does that disability warrant special education services? Just because the student has a.

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00:19:07.519 --> 00:19:24.179

Disability does not mean that they require special education services. Again, they may better be served by a section five oh four plan or not need any services at all. It depends on whether specialized instruction is necessary that special education that modifies the curriculum.

59 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:19:24.179 --> 00:19:44.179

All teams for IEP or individualized education program meetings should have certain members involved. It's recommended that parents and guardians be involved in all of these meetings although they do not have to. The students can start attending their own meetings typically around middle school or high school although they do.

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00:19:44.179 --> 00:20:13.859

Don't have to as well, and that can be up to the parent or student's decision depending on what's being discussed. Sometimes students like to be a part of their own annual meetings where they're just updating goals, but it might be difficult for them to sit through one of these evaluation meetings where they talk about all of the different testing

the student has done and their strengths and weaknesses. The team should also include a general education teacher and a special education teacher, even if that teacher doesn't know the student because they need to be able to speak on the curriculum.

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00:20:13.859 --> 00:20:33.859

There does need to be somebody from the school who knows the student well, as well, well as someone who can interpret the evaluation. So that means somebody who's knowledgeable in the evaluations that were done and their results. So e.g., if there was a speech evaluation, you would need a speech pathologist there to go over the results. It doesn't necessarily need to be the person who can.

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00:20:33.859 --> 00:21:00.109

Did the evaluation, but they need to be able to understand what the report says and explain it to the rest of the team. In all of those team members, there might be individuals who serve in multiple different roles. So you might have a student who's already in a special education classroom and that teacher is serving as both the special education teacher and the person that knows the student well because as their teacher and case manager, they might be the most educated person in the building on that student.

63 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:21:00.109 --> 00:21:01.739

Yeah.

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00:21:01.739 --> 00:21:21.739

There are other people that may also be invited to a team meeting and they include school administrators such as vice principals, principals, department chairs, also related service providers such as school counselors, physical therapists, occupational therapists or anyone else who's providing services on the individualized edit.

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00:21:21.739 --> 00:21:39.839

Education program. And if needed an interpreter can be made available if the family or student speaks a language other than English. So let's move on to talking about the individualized education program.

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00:21:39.839 --> 00:21:54.869

If during that eligibility meeting, the student is found to have a disability that requires specialized instruction or special education services, that means that an individualized education program needs to be written up. This is a hard copy document.

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That is a legal contract between the school and the family, and it describes exactly the curriculum that's going to be provided to the student because they're not being provided the general education curriculum for their grade level, that's what the special education program is. This individualized education program needs to be developed or written within.

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00:22:14.869 --> 00:22:39.949

30 days of that eligibility meeting. Many times schools will be prepared with an an IEP ready at that eligibility meeting, but they may not be. And so they do have 30 days to write that up given the information that's provided by everyone at that meeting. Once that individualized education program is written up, parents need to consent again, but this time to be able to provide special education services.

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00:22:39.949 --> 00:23:05.929

So in the beginning parents needed to consent to the actual evaluation. Now they need to consent to being special education services being provided to their student. However, if the parents were at the eligibility meeting, some states may have a fail safe in place where if the parent has not signed that individualized education program, but they did orally consent to it during the eligibility meeting, they maybe able to start those services within.

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00:23:05.929 --> 00:23:14.519

15 or 30 school days if the parent has not signed. So that is a state specific level that you might want to review and look at.

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00:23:14.519 --> 00:23:31.079

And this individualized education program should also identify any academic, physical cognitive, social emotional, behavioral instructions that are being offered to children that need these specific services.

72 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:23:31.079 --> 00:23:52.519

The individualized education program has many different parts to it that are required. The document itself might look slightly different from state to state and use slightly different language, but the same components of it need to be included. There's usually a face page to this individualized education.

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00:23:52.519 --> 00:24:23.059

Plan that has the student's demographic information, the school. Typically this is where the educational disability like autism or specific learning disability is listed. Usually the next section of the individualized education program or the IEP, is some sort of present levels of skills. This might be called a plat, a present levels of academic and achievement and functional performance. In some other places it's called a plot, a plat. It's got all sorts.

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00:24:23.059 --> 00:24:41.039

Lots of different names that refer to present levels of performance. How is the student currently functioning that data's IEP was written? So it summarizes both their strengths and their weaknesses so we can talk about which parts of that need to be modified using special education.

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00:24:41.039 --> 00:25:01.039

Next we should see annual goals. These are a descriptive of what the child can accomplish in the next year because these iep's are individualized education programs get written every year. So we're looking at what the student can accomplish in the next twelve months. This is really the special education component of it.

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These goals are saying that the student cannot master the general education curriculum and can't be held accountable for those goals, so we're gonna create modified goals based on their current level of performance. So if we have an 8th grade student who's functioning at a 4th grade level in math, they're not gonna be expected to pass an 8th grade test. So those goals would be written on maybe a 4th grade math.

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00:25:21.039 --> 00:25:49.439

Curriculum. You might see a goal such as, by the end of this quarter Johnny will be successfully able to solve multiplication problems 80 % of the time. That might be a goal that's written for an 8th grade student because it's working on 4th grade math curriculum. These goals are also used to help determine if the student's making progress, so they will be monitored throughout the year.

78 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:25:49.439 --> 00:26:09.439

And that's part of this IEP as well. We need to state how often they're being monitored and when parents are guardian or being told of those progress. Typically schools send out IEP progress reports at the same time school progress reports and report cards go out. And it serves as like a special education report card to let the parents know

how the student is progressing in their special education.

79 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:26:09.439 --> 00:26:30.439

Curriculum. Next there's a description of special education and related services. These are services such as counseling or behavior support, social skills, physical therapies, speech services. Sometimes this is referred to as a grid because that's usually what it looks like. It states the name of the service, e.g., counseling.

80 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:26:30.439 --> 00:26:55.069

The frequency of it. So e.g. 30 min once a week, the date that it starts, that would typically be the date the IEP is written. Although sometimes it's written for the start date of the school year, and this will tell us what other services outside of the classroom or outside of the general education curriculum the student might need. These services might be provided in the classroom for.

81 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:26:55.069 --> 00:27:17.149

Younger students speech services are sometimes provided in the classroom to help the student make sure their understanding was being said to them by the teacher. They can be pulled out of the classroom for these services as well. E.g., many counseling sessions happen in the counselor's office and that would be outside of the general education setting. The next thing we should see on this individualized education program is an explanation.

82 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:27:17.149 --> 00:27:41.809

Of the extent that the student will not be in the general education setting. Federal education law assumes that all students should be educated a hundred percent of the time with their peers in the general education setting. If we're pulling them out for any reason, we need to explicitly state why. And if the student is receiving special education, they are getting pulled out of the general education setting and we just need a decision of why. And so there's just a little statement that goes.

83 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:27:41.809 --> 00:27:57.449

Any IP that states this student will be outside of the general education setting for X amount of time, the specific amount of time needs to be calculated and put in there. Sometimes it could be 5 %, it can be 80 % of their day, up to a hundred percent of their day depending on the setting.

84 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:27:57.449 --> 00:28:17.449

And then finally on the IEP, the last thing we should see on the individualized education program is whether or not the student will participate in state and district wide standardized assessments. Some students who are significantly lower functioning may not be required to sit for these assessments, and some students.

85 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:28:17.449 --> 00:28:44.119

Who have special education may still take these assessments, but they're provided with special accommodations during them. Those accommodations might be things like an individualized setting where there's NO one there to distract them or they might be able to wear headphones during testing or they might have extended time on the testing. As I mentioned a little while ago an IEP needs to be updated.

86 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:28:44.119 --> 00:29:04.119

Every twelve months, so every year after the individualized education program that IEP has developed, the team will meet again to review the goals and the child's progress on those goals. And hopefully write new goals for the following year so that we're not working on the same things. That's that ambitious goals we were talking about before making sure that it's something the student can achieve.

87 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:29:04.119 --> 00:29:27.949

Leave, but it's ambitious enough for them to have to work towards it. So at this annual review, the team comes back together again in order to discuss the student's progress. Any member of the IEP team is allowed to request a new meeting at any time. You don't have to wait for this annual meeting. So as a parent, you are a memb.

88 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:29:27.949 --> 00:29:47.219

Or the individualized education team. And so if you would like to meet with the team for any reason, maybe your child was sick and in the hospital and missed a lot of work and you just wanna talk about how they can catch up or you're having a lot of concerns because you don't think they're gonna meet their goal in writing for the year. You're allowed to call a meeting and meet with the team whenever you would like.

89 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:29:47.219 --> 00:30:08.819

So that rewriting of the individualized education program happens every year. A reevaluation is happening, needs to happen every three years. This is also known as a trial to determine if the student still qualifies for special education services.

90 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:30:08.819 --> 00:30:28.819

Again, in order to qualify for special education services, the student needs to qualify for one of those disabilities listed and require specialized instruction. And just because a student has a disability doesn't mean that they require that specialized instruction. And so sometimes students graduate off of an IEP, an individualized education program, and it's actually a major success.

91 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:30:28.819 --> 00:30:48.819

Us in the school systems. It means that this student has gained the compensatory skills they've needed to overcome their disability and that's really an exciting thing for us to be able to see. We, that's kind of our goal in education is to get kids who we can get out of the special education into general education so that they're ready for the world and whatever may come after post secondary's life.

92 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:30:48.819 --> 00:31:09.109

So this reevaluation is determined whether the student is continued to be eligible for special education. It maybe that the disability that required the special education services is not really there anymore. E.g., students in some states might receive special education.

93 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:31:09.109 --> 00:31:32.269

This is for anxiety under the classification of what's known as other health impairment. But through using medication and going to therapy and learning coping skills and being provided with special education, maybe in three or six years that student is NO longer demonstrating or displaying anxiety and NO longer meets the criteria for an anxiety diagnosis.

94 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:31:32.269 --> 00:31:52.269

They would NO longer meet the criteria for the other health impairment classification either, and so that child would be considered NO longer classified as being disabled and therefore they couldn't receive the special education services any longer. Or again, we could have a child that continues to be classified as disabled but does not need special education anymore because they.

95 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:31:52.269 --> 00:32:07.409

Would be better served maybe with just some accommodations like extended time or graphic organizers, things like that, but they don't need to be removed from the general education classroom to be provided with resource room or other specialized instruction.

96 "Christen Fanelli, Ph.D. she/her" (2688050688)



00:32:07.409 --> 00:32:27.409

Okay. So now we've walked our way through the IEP process and there's a lot of things that can go wrong during this process. As I mentioned early on, there's a procedural safeguards document that every state and school should be providing to parents who are involved in the special education process. This should be outlined.

97 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:32:27.409 --> 00:32:52.159

Find in those procedural safeguards as well is basically what happens when there's a disagreement. Those are known as special education complaints. Parents or guardians may file a written complaint when they believe the school has violated federal or state law concerning special education. This could be during just the referral and eligibility process. So e.g., if a child's found ineligible for special education, but the parent thinks that they should have been.

98 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:32:52.159 --> 00:33:11.789

Found eligible, they could make a complaint about that. If a child is already receiving special education and let's say, e.g., they're supposed to receive 60 min a month of occupational therapy, but the parent feels they're only getting 30 min a month. They could make a complaint for that because they're not getting all of the special education services that they were.

99 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:33:11.789 --> 00:33:31.789

Required to be provided in that legally binding IEP individualized educational program document. The start of that special education process was a comprehensive evaluation and again an evaluation needs to be completed at.

100 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:33:31.789 --> 00:33:56.699

Every three years in order to determine if the student continues to remain eligible for special education. During those eligibility meetings, the schools should be asking the parent if they agreed to the evaluation that occurred. Typically the answer is yes, but the parent might disagree for one reason or another. Sometimes they just don't agree with the results and think that maybe some other evaluator might get different results.

101 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:33:56.699 --> 00:34:16.699

They might disagree with the kinds of tests that were used or maybe the setting in which it was done. The school testing happens inside of a school and sometimes that might be noisy or there's a fire drill going on. For whatever reason it might be. If a parent disagrees with the evaluation that took place, they have the right to ask for an

individu.

102 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:34:16.699 --> 00:34:36.699

Dependent educational evaluation, also known as an IEE. And they may ask that the school pay for this extra evaluation. Many schools will if you request it, but they might push back and fight on it a little while because they've already done their own evaluation. You do have the right though to disagree with the school's evalu.

103 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:34:36.699 --> 00:34:45.209

Evaluation and request your own independent educational evaluation of the student.

104 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:34:45.209 --> 00:35:05.209

So that is how to get an outside evaluation. At any other point in the special education process, if there is a disagreement, the family and school may choose to move to what's known as mediation. Mediation is when both parties go to a.

105 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:35:05.209 --> 00:35:25.429

Safe location with a 3rd party who is not involved, and they explain their own positions, listen to each other, and respond to each other's positions. All schools have to have some sort of process to make mediation available in order for parents and schools to help resolve a dispute. This is the lowest level.

106 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:35:25.429 --> 00:35:47.879

Dispute resolution in terms of special education services. Mediation will have a mediator, some 3rd party non biased individual who's not there to take sides, but to try and help both parties reach an agreement. If the parties do reach an agreement, the mediator should help write up what that agreement is and have both costs and have both parties sign that agreement.

107 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:35:47.879 --> 00:36:10.039

And that mediator must be trained in some sort of mediation techniques and be not biased to either party. If families or schools don't agree to whatever that mediation decision came to be or they can't reach an agreement, you can move on to what's called due.

108 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:36:10.039 --> 00:36:30.039

New process complaint. This is a higher level complaint, so mediation is kind of 1st step. If you need to escalate it, we would move to onto

a due process complaint. This is when a letter of complaint is filed because there's some sort of conflict, and it must happen within two years of the date you knew about it. So back to my example if a student's supposed to receive six.

109 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:36:30.039 --> 00:36:49.139

50 min of occupational therapy services a month and they're only getting 15. If mom finds out about it on today, July 11 2024, that complaint has to be filed by July 11 2026. So it has to be two years from the date you found out about some wrongdoing.

110 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:36:49.139 --> 00:37:08.399

Yeah, that due process complaint is a written document that talks about the child's name and the school, what the problem is, what you've tried to do in the past to get a resolution to the problem, what you're hoping to get out of this due processor here in.

111 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:37:08.399 --> 00:37:28.399

Within five days of getting that request, the state must assign a hearing officer to decide if the request is adequate enough to move forward. If the state decides that maybe this could have been resolved if the school and parent just talked to each other about something or if it was a simple solution that it was just documentation that needed to be provided, they might.

112 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:37:28.399 --> 00:37:55.879

Just push back and say this is what needs to happen. If the hearing officer decides that we should move forward with the due process hearing, there must be a meeting within 15 days for a resolution meeting to be attempted. A resolution meeting is kind of this go between, between the mediation and the due process hearing, so we're trying to come up with some sort of answer to keep us out of a hearing. That does not have to be held, and either way we would still.

113 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:37:55.879 --> 00:38:01.139

To move towards a hearing if the agreement could not be made.

114 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:38:01.139 --> 00:38:19.020

So that resolution meeting again can be a stopgap after the complaint is made to try and come to an agreement beforehand. So it gives an opportunity to resolve without needing to get attorneys involved or going downtown or to a different part of the state to meet with a hearing officer.

115 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:38:19.020 --> 00:38:39.020

If a resolution is met at this meeting, the school must enter into a legally binding agreement and start those services. If a resolution is not met, we move into what's called a due process hearing. This is a legal proceeding, so this is kind of like a court in a way, so lawyers are highly recommended.

116 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:38:39.020 --> 00:38:43.950

Although not required, they are highly recommended.

117 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:38:43.950 --> 00:39:00.090

All of the evaluations must be made available to all parties if they're being discussed during this due process hearing. And so if you had outside evaluations on your student that you want to be discussed during this hearing and had not provided them to the school yet.

118 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:39:00.090 --> 00:39:20.090

You would need to disclose those during this process. And then both parties, so the school and the parents would meet with what's called a hearing officer. And if that hearing officer's job to really weigh the story about what's going on with both parties, listen to the arguments, look at evidence, any of the documents that being provided, emails, count.

119 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:39:20.090 --> 00:39:42.510

Conversations, the students record evaluations etc. And try and determine what special education law is saying. So this hearing officer obviously needs to be non biased, can't be related to the family or work for the school in question at all. They need to understand special education, individualized.

120 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:39:42.510 --> 00:39:58.050

Disabilities with Education Act, and they need to come up with a decision. So at the end of this due process hearing, there will be a decision. It might not be that day. You might be told that a decision will be forthcoming and it could be mailed to you later on.

121 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:39:58.050 --> 00:40:18.050

Throughout any of this individualized education program or special education process, I do want to mention that families can have lawyers or advocates involved at any time. An advocate is not a lawyer in many states they're not licensed, they are just individuals who knows special education. Parents are allowed to bring advocates or any other

non.

122 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:40:18.050 --> 00:40:38.050

Lawyer to a special education or an IEP meeting an individualized education program meeting at any time. However, if parents bring an attorney to a special education meeting, the school has the right to have their attorney there as well. So if you are going to a special education meeting and you're bringing an attorney with you, it's a good idea to let the school.

123 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:40:38.050 --> 00:40:58.050

Go ahead of time so that they can make sure that their attorneys are present as well. If you show up to a special education meeting with an attorney and have not told the school beforehand, if their attorney is not present, they do have the right to reschedule that meeting based on attorney availability. So just keep that in mind. If you are gonna have an attorney present at the special educ.

124 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:40:58.050 --> 00:41:18.050

Patient meetings, it's usually a good idea to let them know ahead of time so that you don't have to reschedule the meeting. Although they don't have to be there. If you ever need to go to a due process hearing I can almost guarantee that the school systems lawyers will be there, so it's a good idea to have your own lawyers if you can afford it or find someone who can do the pro bono work for you.

125 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:41:18.050 --> 00:41:33.540

The due process hearing does not have to have lawyers on both sides, so the due process hearing can proceed if the school system has a lawyer and the family does not. So please keep that in mind if you're gonna need to move towards this kind of due process setting as well.

126 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:41:33.540 --> 00:41:53.540

Okay, that is the end of this kind of special education process and journey. Again, the procedural safeguards document that all schools should have available for families, it should also be available at the very least on your state Department of Education's website, if not your individual schools or school district websites.

127 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:41:53.540 --> 00:42:13.540

All of this information can be found in that packet as well, and it would be more state specific. Again, what we discussed today was federal law. This is the federal bare minimum for special education process. States are allowed to have more stringent requirements on top

of that if they so choose so. So e.g., the federal law is 60.

128 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:42:13.540 --> 00:42:56.578

Calendar days from the date that parents signed consent for an evaluation to occur until the meeting is held. Many states have even more stringent laws such as 45 calendar days until that has to be done or 30 school days until that has to be done. And so as long as it's not going against federal laws states can have more stringent laws. So please reach out to either your school or district or do a google search for your state's procedural safeguards so that you know what those state specific rules and timelines are. Okay, I haven't seen any questions in the chat or Slido just yet, but if you do have any questions, I'd be happy to answer them.

129 "Embriano, Alana" (3801045760)

00:42:56.578 --> 00:43:24.080

Thank you so much. I do. I actually have a question because just a lot of our parents ask this, but, what, can you I'm not sure if you can talk a little bit about how the IEP evaluations are structured in terms of, for evaluating for autism, kind of like, are they using an ADOS in school systems or.

130 "Embriano, Alana" (3801045760)

00:43:24.080 --> 00:43:27.798

Or is there any criteria that they have to use certain things?

131 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:43:27.798 --> 00:43:47.600

Sure, so great question again that that 1st initial evaluation tends to be a little more comprehensive than maybe some of the later triennial evaluations are. There's NO federal requirement for what types of tests or evaluations need to be done for specific disabilities. But the general guidance is.

132 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:43:47.600 --> 00:44:12.320

Is that you have to do the tests necessary to determine if the disability exists. So e.g., some of the tests that were mentioned like the ADOS, which is an autism specific diagnostic test, might be done in a school in order to determine if the student has autism, but it doesn't have to be. There are other ways that autism could be determined. Cause I think it's important to note too, we're also talking about what's called an edit.

133 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:44:12.320 --> 00:44:28.020

Educational classification, and that's different than a diagnosed disability. So a medically diagnosed disability such as autism is slightly different than having an educational classification of

autism. One does not necessarily lead to the other.

134 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:44:28.020 --> 00:44:48.020

And so just having an outside diagnosis doesn't mean that you'll still meet the criteria for an educational classification. Again, each states have their own definition of what those disabilities look like based on the federal guidelines. Again, they can be a little more restrict in certain ways and change in certain ways. Many states also have what they call checklists.

135 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:44:48.020 --> 00:45:10.980

Where you have to be able to meet certain criteria in order to be found eligible for special education services based on on that classification category. So e.g., for autism, a checklist might say something along the lines of has significant difficulties initiating social situations with peers.

136 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:45:10.980 --> 00:45:30.360

And that might be one of the things that needs to be checked. You wouldn't need specifically an ADOS or any other autism diagnostic test to be able to answer those questions, but we would need to do the work to answer those questions. So e.g., using a checklist such as Gilem autism rating scale or the GARS.

137 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:45:30.360 --> 00:45:50.360

That looks at autism symptomologies such as social skills and concrete cognitive thinking, it could be utilized to determine whether or not the autism classification is being met. So it very much depends both state to state district to district and school to school what types of tests would be used.

138 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:45:50.360 --> 00:46:10.360

For the most part, for an initial evaluation, for a student who is in at least kindergarten for the littles when we're talking infants and toddlers, precare or early intervention, those types of things, those evaluations are a little different because they're young and they haven't started learning how to read and write and do math yet. So starting in kindergarten, those initial evaluations usually.

139 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:46:10.360 --> 00:46:30.800

Include at least cognitive testing or you're kind of thinking and reasoning, usually some sort of academic functioning test, and if autism is suspected, there'd be some sort of measure that looks at autism, whether it's a, again, a specified autism reading scale, could

be a social, an emotional behavior.

140 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:46:30.800 --> 00:46:49.650

Rating scale, there could be an autism specific test, such as an ADOS or an ADIR and, interview evaluation for autism, but there is NO specific law and NO state law that I'm aware of that determines what specific tests need to be done for any of these disability classification categories.

141 "Embriano, Alana" (3801045760)

00:46:52.932 --> 00:47:11.660

Thank you. That's very helpful. I should have a follow up question. Just you mentioned that things can look a little bit different for the kids that are not yet enrolled in school. So either really young or maybe even coming from a different district. We have a lot of families that switch school districts because.

142 "Embriano, Alana" (3801045760)

00:47:11.660 --> 00:47:30.057

There are such different rules and regulations in different counties and states. When a child's not yet enrolled in school, either they're too young or they're coming from a different, area, is the process the same for requesting services or is there something different that happened?

143 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:47:30.057 --> 00:47:56.080

Yeah, that's a great question. So the individualized or sorry, individual's disability Education Act that IDEA and the childfind component of that say that actually states and they're by schools have a responsibility to find any child under the age of 21 who might have a disability. So that's not just children in school, this goes all the way down to birth. And so really IDEA says that states are responsible for providing services to children.

144 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:47:56.080 --> 00:48:16.430

Then from the moment they're born until they reach the age of 21 or 22 and age out of the system. So if your child is very little and you're concerned about requiring specialized instruction or you want to get those early intervention to maybe hopefully avoid special education in the future, you could start by going to your local school system and you would go through a simple.

145 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:48:16.430 --> 00:48:36.430

Referral process. But you would just mention that this is for maybe early intervention services, and that's usually under the age of three. So birth to three is usually early intervention, and then three



until kindergarten is usually where heads start or some sort of Judy or Patty Center, they call them in some states or it's.

146 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:48:36.430 --> 00:48:56.480

Where a special education for preschoolers starts is at age three, and so they would actually be eligible for the individualized education program at that time. The little kids, when we're in that infants and toddlers or early interventions, that birth the three program, they have what's called an IFSP because that looks specifically at.

147 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:48:56.480 --> 00:49:16.480

Family supports because we don't think a toddler can be going to speech therapy by themselves. Somebody needs to be there to support them. And so at the age of three, that'll switch, but you would still go to the school for the same process and request an evaluation that way. If you're moving into a district, that would kind of depend.

148 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:49:16.480 --> 00:49:31.950

If so if you, your student currently has special education services and you know you need to move either to a new state or a new district, please request copies of all of the important special education information, particularly the IEP, the individualized education program.

149 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:49:31.950 --> 00:49:49.290

And bring that with you when you register in the new school. That way they'll have proof of that special education and they have to start that within ten days of school starting. So if we did it during the summer and the student doesn't go to summer school it would obviously be within ten days of school starting in the fall.

150 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:49:49.290 --> 00:50:09.290

If you don't have that documentation with you, they're gonna have to request that from the old school and that's just going to take a longer period of time because schools also have 30 to 45 days to get information. And so if you think about it, if you moved over the summer, your child starts school in September. If you don't have the documents, it might not be until November by the time.

151 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:50:09.290 --> 00:50:36.980

When the school received them from the previous district and we've wasted the whole 1st quarter at that point. So please try and have copies of your own things as well. And you can bring that to either when you register or enroll the student or call the special education

department directly and send it to them. If you're coming into a new district, but the student didn't have special education services beforehand, but your thing you've been thinking about it and want them to be evaluated, you can do the same thing. Reach out to the school. You would need to be.

152 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:50:36.980 --> 00:51:05.354

Registered and enrolled in the school at that point in order for the school to be able to start the IEP process and undergo the evaluations so you would need to make sure that you do the registration process, but then you could do the referral and consent the same way and that could start over the summer. In many states, the timelines for this special education process continues over the summer as well. So if you were to refer today, that timeline would start today and not wait until September in many jurisdictions, not at all.

153 "Embriano, Alana" (3801045760)

00:51:05.354 --> 00:51:19.530

Yeah, thank you for making that point as I think that that is very confusing for some families because there there are some places that offer that in the summer and then some places where you have to wait until the school year picks back up.

154 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:51:19.530 --> 00:51:39.170

Yep, and that's a very specific kind of state to state situation whereas they, in terms of how their laws defined, is it school days, business days or calendar days? Those are all kind of different distinctions. Calendar days include holidays and weekends. Business days tend to include summers because.

155 "Christen Fanelli, Ph.D. she/her" (2688050688)

00:51:39.170 --> 00:51:52.470

School districts are open even though students aren't there. But school days are really only what students are there. So there's a little bit of distinction when it comes to law that's kind of reading through the legal ease of these things.

156 "Embriano, Alana" (3801045760)

00:51:52.470 --> 00:52:12.470

Thank you very much. That's a great tip on just understanding the language. Well, thank you so much for attending everyone and thank you, dr. Finelli for providing such wonderful and helpful information. Again, if you have any questions about services discussed today or questions we were unable to answer due to time.

157 "Embriano, Alana" (3801045760)

00:52:12.470 --> 00:52:26.550

Please contact the autism team by calling the number on your card. And

also dr. Finally, if you feel comfortable putting any contact information in the chat for people to follow up with you if they have any questions, you know, please feel free to do that.

158 "Embriano, Alana" (3801045760)

00:52:26.550 --> 00:52:44.580

Please be sure to mark your calendars to join us next month on Thursday, 8 August 2024, where we will be discussing grief and loss through a neurodiverse perspective. Thank you so much and have a great day, everybody.