

## **SEPAC Meeting**

Monday, Oct 19, 2009

Topic:

**Basic Rights** with Eileen Haggerty, Attorney with Kotin, Crabtree and Strong

Announcements: M. Callahan:

Reminder: no drinks of any kind other than water in the Broadmeadow Media Center, please.

Our November speaker is from Kids Think! And deals with Behavior.

De Springer says the holiday party is scheduled for Dec.7, Monday 6-8 pm. It is a bowling party this year at Ryan's Family Amusement in Millis on Main Street. Delayed school opening the next morning. \$\$ and refreshment info TBD. Hope to see you there.

Seeking Volunteers:

Thanks to Claudia Mantilla for the abundant snacks. We can always use more volunteers for refreshments. There is a list on the info table to sign up. We are also seeking volunteers for a treasurer type position as we are looking to incorporate to enable us to do some fundraising. Please contact Tee or Maureen. We need volunteers from the Middle and High Schools to represent those populations at our monthly board meetings with administration. Mary Lammi is seeking input from parents re: ESY services. Parents are invited to come to the next board meeting Nov. 10, Tuesday, 12:30-1:30 as they begin to review the process of determining ESY eligibility and the ESY programs. If you can't come to the meeting, give Mary a call or send her an email with your thoughts. M. Lammi is also forming an initial committee of parents from all the elementary schools on disability awareness. Hillside and Eliot schools already have an all volunteer run DA program that they bring to their school children yearly thru their PTC's and diversity committees. Mary with De Springer and other parents are looking to branch that program out to the rest of the elementary schools in the district. The first meeting is Oct 28. We are in the info-gathering phase of development. We do need a parent volunteer from the Mitchell School, though we have a teacher on board from that school.

Needham Community Awareness Day for the town of Needham is Oct 24, Saturday, 10am-12 noon at the Needham Fire/Police Department, 88 Chestnut Street. The Needham Fire/Police Dept. will be hosting an Open House for Needham residents with developmental disabilities and their families. This is great way to meet your First Responders and to enter the cars and trucks! Please RSVP to Betsy Roche by Oct 23 at 781-762-4001 ext. 310 or [eroche@sncarc.org](mailto:eroche@sncarc.org). T. Stock adds that you can also register your child confidentially with Needham Police and Fire.

T. Stock announced Social Games Groups are being offered through EASE. There are two groups offered this fall, k-2 and 3<sup>rd</sup>-5<sup>th</sup> grade. These groups are run by a Hillside teacher trained in cooperative games from The Academy of Physical and Social Development. At the Hillside School, Tuesdays. If you haven't taken the SS survey, please do.

Introduction of our Special Education Directors: Cathy Heller, Director of Special Education for the High School, Valerie A. Flynn, Director of Special Education for the Middle School and Mary Lammi, Director of Special Education for Elementary Grades and Diane Dunham, Preschool Director.

Welcome and Introduction of Eileen Haggerty, Basic Rights Presenter; Parent of 3 children enrolled in NPS and attorney with Kotin, Crabtree, and Strong, one of the premier firms specializing in Special Education Law. Ms. Haggerty's presentation is over 50 slides and covers Parents' and Students' Rights: the sources of Sped Law, Referral, (the timeline) Consent to Evaluation, Response to Evaluation, Evaluations (and independent evaluations), Team Meeting, Team Members --Determination of Eligibility, Requirements for Eligibility, the IEP, Special Considerations for ASD students (new change since IDEA 2004), Extended School Year services, Transition Planning (renewed focus on this aspect of the IEP since IDEA 2004), FAPE and some interpretations, Right to Observation (new MA regulation since Jan 2009), Stay Put Rights and Resolution of Disputes. See link for detailed slide presentation.

Q and A: (Questions were submitted anonymously).

Q. Parent chose not to sign the consent to evaluation form because district would not specify what assessments would be administered and thus the evaluation timeline has been exceeded. What to do?

A. E. Haggerty advises her clients not to mess too much with the district's ability to do the evaluations they want to do as it can work against the parents. If parents choose to pursue independent evaluations they must notify the school and vice versa, as separate, but same assessments administered too closely in time can invalidate each other's findings. E. Haggerty explained that if the evaluation is not completed within 30 days, parents can file a complaint for mediation or PQA, but call the district first to find out why. In egregious cases, where there is substantial delay, the district could be required to provide compensatory services, but the onus is on the parent to fire up the dispute resolution process.

A. C. Heller offered that assessments are done in the specific area of a suspected disability. On the Consent to Evaluation form, if parents specify too narrowly to allow, for example, only one kind of assessment, the parent limits the evaluator from fully investigating what the child's issues may be. It is not in the best interest of the student to limit the evaluator.

Q. Is there a disability that guarantees ESY services?

A. No.

Q. Does a critical juncture in development affect ESY services?

A. Yes the student is more likely to qualify for ESY services if at a critical developmental point such as dyslexic and just learned to read, or just learned to speak etc.

Q. What is the school's obligation to provide a 1:1 aide to increase inclusion time?

A. E. Haggerty replied, there is no regulation that prefaces this, but LRE would support such an argument. If you show the child can function and make effective progress in the classroom with the aide. It would probably cost the district more, but cost is not supposed to be a factor in the decision.

Q. To what age does the IEP carry thru?

A. 22. But E. Haggerty states if your child graduates earlier, the IEP does not follow to college. (Though there is in development a program within MA at the community college level for disability students. Mass Bay is participating in this venture). But most colleges are not bound to provide accommodations. C. Heller states that the High School Guidance Office has a list of disability friendly schools and T. Stock notes that Mass Pac prints a list as well.

Q. What is the role of the PAC?

Ms. Haggerty reviewed the statute that requires each school district to have a special education PAC that shall “advise the district on matters that pertain to the education and safety of students with disabilities; and to participate in the planning, development and evaluation of the school district’s special education programs.”

Q. What are the top 3 Changes in Sped Law in Mass since IDEA 2004?

A. E. Haggerty said, 1. Special Considerations for ASD students, 2. Transition Planning (start age 14), 3. Parents’ Right to Observation.

In Needham, T. Stock and M. Lammi mentioned that parents must fill out a form first before an observation.

Q. Is art, music and language instruction part of the curriculum that would require accommodations, services, supports if your child has needs in those areas?

A. E. Haggerty, Yes, if it is a graduation requirement. Check the PLEP page of the IEP and check the box “other”, then specify the other subject area.

Further questions were directed independently and privately to Ms. Haggerty.

Meeting ended at 9 pm.