

A Step-by-Step Guide to Navigating Special Education in U.S. Schools: Information for Nepali-Speaking Families



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Preface

This material has been compiled and translated into the Nepali language to support the targeted Nepali-speaking population residing in the United States, with the purpose of making information about school accommodations for their children more accessible to both bilingual parents and Nepali-proficient individuals. We believe that when parents understand how to navigate the school system and obtain necessary support for their children, it will have a positive impact on their children's mental health. Early intervention can significantly influence a child's learning trajectory. This material was thoughtfully compiled to support the diverse populations living in the United States, with consideration of cultural nuances and the importance of providing essential resources to these communities. Language barriers often contribute to disparities in mental health access, and this collaborative effort aims to help bridge that gap.

This guide provides an overview of special education and offers practical advice for parents on how to navigate the school system to request special education services for their children.

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Introduction

This guide is a collaborative effort between Asian Services in Action-International Community Health Center (ASIA-ICHC) and the Nepalese American Psychiatric Association (NAPA).

- Two key laws govern special services and accommodations for children with disabilities: the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973.
- IDEA applies to all students, including those in private schools, while children with ADHD often receive services under Section 504.

IEP Facts:

Under IDEA, there are 13 specific categories of disabilities:

- | | |
|----------------------------|---------------------------------------|
| 1. Autism | 8. Orthopaedic impairment |
| 2. Blindness | 9. Other health impaired |
| 3. Deafness | • (ADHD is covered in this category.) |
| 4. Emotional disturbance | 10. Specific learning disability |
| 5. Hearing impairment | 11. Speech or language impairment |
| 6. Intellectual disability | 12. Traumatic brain injury |
| 7. Multiple disabilities | 13. Visual Impairment |

ADHD falls into the classification of Other Health Impairment (OHI). However, because IDEA has very strict eligibility criteria, children, diagnosed solely with ADHD, are often denied services under this law. If your child has an additional challenge, such as a learning disability, IDEA may apply. Additionally, if your child's ADHD is severe enough to cause significant impairment, they may qualify for services under IDEA. In such cases, a document called an Individualized Education Program (IEP) is created to outline the services, accommodations, special education, and goals tailored to the child's needs.

504 Facts:

Under Section 504 of the Rehabilitation Act of 1973, the needs of children with physical and mental impairments are required to be met as adequately as those of children without disabilities.

A 504 Plan is designed for children with ADHD who do not meet the eligibility requirements for an IEP but still need additional support at school. It is common for children diagnosed with ADHD to receive a 504 Plan.

To qualify for services under Section 504, a child must have a disability, defined as a physical or mental impairment that “substantially limits one or more major life activities.” Learning is considered a major life activity. If ADHD significantly limits your child's ability to learn in an educational setting, they may qualify for accommodations or services under Section 504. These may include extended time on tests, prompts from teachers to maintain focus, and other supports tailored to their needs.

The Section 504 document is less formal than an IEP, typically consisting of one to two pages. It lists all services, accommodations, and modifications your child will receive. Unlike the IEP, the 504 Plan does not include academic goals or post-high school transitional services.

The key distinction between an IEP, and a 504 Plan is as follows: A 504 Plan is typically appropriate when a student needs accommodations while remaining in a regular classroom. In contrast, an IEP is necessary when a student requires special education services that extend beyond the regular classroom environment.

Section 504 allows a child to receive necessary services, accommodations, and modifications to support their education, but does not include specialized instruction that falls under special education services. Both an Individualized Education Program (IEP) and a 504 Plan are binding legal documents, meaning schools cannot deny services and accommodations listed in the document. For older children, the IEP must include a transition plan for life after high school. Teachers must follow the document, even if they disagree with an accommodation. If a teacher refuses to provide extra time, parents can file a complaint or request a due process hearing.

Step 1: Documenting Warning Signs of ADHD in Children

- Recognize that many children, both with and without diagnosed ADHD or LD (Learning Disability), experience academic struggles.
- Document all academic struggles and consistent notes from teachers.
- Keep all correspondence, tests, report cards, and observations of the child.
- Use a notebook for health and education information and to take notes during meetings with professionals.
- Keep track of the child's grades and teacher communications.
- Place all documents in one large file.
- The U.S. Supreme Court decision emphasizes the importance of good record keeping.
- Document the child's difficulties, be assertive about progress reports, and push for changes to the IEP as needed.

Step 2: Build a Parent-Teacher Relationship

- Schedule a meeting to understand the child's struggles and build rapport.
- Discuss concerns, teachers' perspectives, and academic strategies.
- Gather materials and documents, including homework, assignments, and tests.
- Track homework time and ask questions about academics and the child's learning behaviors.
- Work with the teacher to devise strategies and progress metrics.
- Establish specific communication methods, such as phone calls or emails.
- By the end of the meeting, both parents and teachers should be clear on communication methods, frequency, and addressing the child's behaviours and challenges.

Step 3: Get a Medical Diagnosis

- A diagnosis is not always needed for school services, but it can significantly improve your chances of receiving necessary accommodations.
- If you suspect your child has ADHD or LD, a doctor's evaluation is recommended before applying for accommodations.

- The school can provide accommodations which may improve focus and classroom performance, but it cannot provide treatment.
- It takes up to 60 days for the school to determine eligibility for accommodations.
- The ADDitude Directory and parents of children with ADHD can be valuable resources for finding qualified ADHD providers.
- If a child has a learning disability or comorbid conditions, a medical specialist may be recommended.
- To diagnose ADHD, a doctor must complete a comprehensive evaluation.
 - A detailed review of the child's behavior, psychological test results, and assessments such as the Conners Rating Scale.
 - Medical history and exam: Rule out other medical conditions that mimic ADHD.
 - Review of records: Review school reports and medical records.
- Discuss treatment plans and accommodations with the doctor.
- Submit the diagnosis and recommendations to your IEP or 504 when requesting school service evaluation.

Step 4: Request a School Assessment for Accommodation Eligibility

- Parents should understand that services are not guaranteed, and the school may determine a child's eligibility for services.
- The process involves sending a letter to the district's head of special education and the child's principal, along with supporting documentation such as doctor's diagnosis, teacher notes, and schoolwork or exam copies.
- Parents should explain their child's academic challenges and the interventions that have been implemented.
- The school team will determine the most appropriate laws and services to support the child's individual needs.
- Parents must sign a consent form before the school evaluates their child.
- Schools may request a conference with parents and teachers before completing the evaluation.

- Documentation to back up the request for the evaluation includes homework samples, report cards, teacher communications, test copies, doctor's reports, and previous testing results.
- Parents should invite the medical professional who diagnosed the child to the conference for detailed questions and moral support.

Step 5: Review Assessment Results and Determine if an IEP or a 504 Plan is Suitable

- School evaluates a child's eligibility for an Individualized Education Program (IEP) or a 504 Plan.
- The school may notify parents about eligibility for services, but parents can dispute findings by requesting an IEP at the school's expense.
- Some schools require parental input to discuss services, while others actively seek it.
- Parents can request explanations of assessment information before the next meeting to discuss accommodations and services.
- Parents should be informed about the assessment results in a way they can understand.
- Accommodations and services are proposed at the assessment meeting, but parents should request a second meeting to discuss specific accommodations and services.

The IEP document is typically a comprehensive document, often ranging from 10 to 12 pages long. It must include specific goals for the student and address potential transition services that may be needed after high school graduation.

Step 6: Address Disagreements with the School's Assessment

- Schools may not provide services or accommodations under IDEA or Section 504 but may offer resources or informal accommodations.
- Teachers may provide extra assistance, use signals, or check homework assignments.

- Parents should ask for a copy of the assessment and all information showing a child is not eligible for service.
- Parents have the right to make a formal request for an independent educational evaluation (IEE) to ensure the student has disabilities not picked up during the school evaluation.
- The IEE is completed by qualified professionals outside the school system.
- If the school does not believe an independent evaluation is necessary, it may file for a process hearing.
- Parents and school district attend a mandatory resolution session, which may be waived if an informal mediation session is scheduled within 15 days of filing the due process request.
- If no agreement is reached, an independent hearing officer or a panel of impartial hearing officers is scheduled.
- Either party may appeal the decision of the due process hearing.
- Due process hearings have timelines, with a decision made within 45 days of the request for a hearing, 90 days if an appeal is filed, and 30 days of the request for a review of the decision.
- Parents can also choose to have an IEE completed privately at their own expense.

Step 7: Prepare for the IEP or 504 Plan Meeting

- Provide the attendees with a profile of your child.
- Highlighting strengths and weaknesses: fast learner, good sense of humour, optimistic, spontaneous, high interest in computers and technology.
- Addressing learning challenges: ADHD, mild dyslexia, low frustration tolerance.
- Addressing classroom problems: fidgety, difficulty staying seated, easily distracted, and test-related difficulties.
- Providing accommodations that could address academic challenges.
- Encouraging communication between parent and teacher: biweekly emails to check progress and discuss potential problems.

- Including goals at the end of the profile: areas for improvement such as organization, independence, or test preparation.
- Bring copies of recent evaluations, outside testing results, medical reports, teacher communications, and tutor reports.
- Avoid sharing sensitive information but consider additional information for support.
- Notify the school in advance about the attendees so they can prepare packets containing the child's profile and documentation.
- Create an agenda checklist before the meeting to keep notes and clarify any questions.
- Enlist an ally to take notes to avoid forgetting important points.
- You may record the meeting but be aware that requesting to do so might make school officials defensive.

Step 8: Research Accommodations Before the IEP or 504 Plan Meeting

- Each child with ADHD is unique, with varying symptoms.
- No "Standard" accommodations exist due to varying symptoms.
- An Individualized Education Program (IEP) or 504 Plan should cater to each child individually.

Below are some ideas to help you get started in preparing a list of accommodations for your child:

- For the child easily distracted in class:
 - Seating in front row
 - Seating away from doors and windows
 - Creating a signal between the teacher and student to tell him to get back on track (walking past the student's desk and lightly tapping it)
 - Changing the seats of children near your child
 - Receiving daily reports on the subject matter that was covered in class, for nightly review.

- For the child with test anxiety or who has a hard time finishing tests:
 - Use oral tests to evaluate subject comprehension.
 - Tests should be conducted in distraction-free areas such as resource rooms or libraries.
 - Allow extra time for test completion, not during recess or lunch.
 - Tests should be adapted to show knowledge, not speed.
 - Send home study guides several nights before the test for review.

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- For challenges with completing seatwork:
 - Have the child complete seatwork in the resource room or library.
 - Have uncompleted seatwork sent home to be completed, with a note to the parent to let her know about the extra work. Grades should not be lowered for seat work handed in the next day.
 - Allow student to work with a classroom buddy at times.
 - Permit students to play with small items, providing an outlet for fidgeting.

- For difficulties with handing in homework, or losing or forgetting homework:
 - Teachers sign assignment books daily to ensure homework is recorded correctly.
 - Parents should keep extra textbooks and supplies at home.
 - Schools can provide assignments on websites or homework hotlines for easy parent review.
 - Allow occasional "bad" homework days, especially for children with ADHD.

- Permit additional time for homework completion if parents notify the teacher in advance.
- Parents should check completed homework to ensure it is done before submission.
- Pair students with a classmate (a buddy system) to confirm they have the necessary books and materials.

When creating accommodations, consider your child's specific challenges, teacher feedback, and effective home strategies. Most accommodations are simple, cost-effective, and should be discussed in a formal meeting.

Step 9: Collaborate with the Team to Draft the IEP or 504 Plan

- An IEP or Section 504 meeting must be held within 30 days of determining a child's eligibility for special education and related services.
- The meeting includes teachers, principals, psychologists, guidance counselors, special education staff, nurses, and other relevant professionals involved in the child's education.
- Parents are required to attend, and the child is encouraged to participate.
- The goal is to agree on appropriate accommodations and finalize the IEP or 504 Plan documents.
- The school is responsible for implementing all accommodations and services outlined in the plan.
- Parents are encouraged to review the IEP at home before signing and consult with a doctor, occupational therapist, or education advocate for additional insights or improvements.
- When returning the IEP, you have three choices:
 - **Approve and Sign:** Check the "Approved" box and return it signed.
 - **Decline and Provide an Explanation:** Return it signed with a written statement explaining why you refuse to approve it. Another IEP meeting will be scheduled to discuss your concerns with the team.

- **Sign with Reservations:** Sign in the designated box indicating you have reservations. This will prompt the school district and IEP team to meet again to address your concerns.

The Importance of Reviewing the IEP at Home

- By taking the IEP home before signing, you send a clear message:
 - You understand your rights as a parent of a child with special needs.
 - You are serious about your child's educational needs and want to ensure the best possible plan.
 - You won't be pressured by the school into making a rushed decision.

Handling Disagreements on Accommodations

- Parents have the right to disagree with the team's recommendations and propose accommodations that better support their child.
- Schools may decline requests if they consider them unreasonable, costly, disruptive, or difficult to implement.
- Engage in open discussions and listen to the school's concerns while advocating for your child's needs.
- Do not feel pressured into accepting accommodations that do not adequately support your child.

If the Meeting Become Heated or Reaches an Impasse

- Reschedule the meeting to allow time for reflection and potential solutions.
- Document all proposed accommodations and the school's reasons for rejecting them.
- Consult with doctors, therapists or specialists about the suggested accommodations.
- Request written support from professionals endorsing your proposed accommodations.

- Conduct independent research to validate the effectiveness of the recommended accommodations.
- Review the school's objections and explore possible revisions or alternatives.
- Document your reasons for disagreeing with the school's recommendations.
- Prepare for follow-up meetings by gathering supporting evidence and clearly presenting your case.

If You're Still Not Satisfied with the Accommodations:

- For an IEP: You have the right to request mediation or proceed with the due process steps (Step 6).
- For a 504 Plan: Schedule a meeting with the school's 504 Coordinator and submit a written complaint, which should include your child's name, a description of the issue, and your contact information. The coordinator will review the complaint and make a decision.

Step 10: Summarize the IEP/504 Goals and Accommodations

It is helpful to summarize the key points and agreed-upon accommodations before the meeting concludes, assuming consensus has been reached. You might say:

"I want to thank everyone here today for working together to support my child. Just to ensure clarity, the accommodations we've agreed on are follows: (List accommodations). Each teacher is responsible for implementing these accommodations in their classroom, starting tomorrow. Moving forward, teachers will communicate with me via (method), whether it's daily, weekly, or biweekly. We will reconvene next year to review the accommodations, assess what worked, and what didn't, and decide on future adjustments."

- Ensure everyone understands their responsibilities and expectations.
- Send thank-you notes or attendance confirmations to participants.
- Include a brief summary of the agreed-upon terms.

- Make sure teachers receive copies of the IEP or 504 Plan.
- State clearly during the team meeting that all teachers will receive a copy of the document.
- Inform teachers of any classroom-specific accommodations.
- Follow up with teachers, even if they didn't attend the meeting, to ensure they're aware of the accommodations.

Step 11: Monitor the Effectiveness of IEP or 504 Accommodations

- Staying Actively Involved in Your Child's Education
- Remaining actively engaged in your child's education allows you to monitor the effectiveness of the accommodations are working. Some ways to stay involved include:
 - Maintain regular communication with teachers about accommodations and issues that arise.
 - Ask teachers which accommodations have the most and least effective.
 - Attend parent-teacher conferences and review progress reports.
 - Provide positive feedback to teachers and administrators.
 - Monitor your child's tests, homework, and reports to stay informed of their progress.
 - Participate in school functions and attend PTA meetings.
 - Volunteer in the library or chaperone field trips to stay connected to the school community.
 - Become an active presence in your child's school.
 - Request information on training sessions related to Section 504, IEPs, ADHD, etc.
 - Share resources about ADHD and related disabilities with teachers and 504/IEP teams.

If Accommodations Aren't Working

If accommodations aren't effective, you can schedule a meeting at any time. Minor changes can be made by phone with the IEP or 504 Plan coordinator while major adjustments should be addressed during the annual review, pending agreement between the school and the parent.

Step 12: Review, Track Progress, and Reassess the IEP/504 Plan

IEP and 504 plans must be reviewed annually. For example, if your child's plan was created in January, the review will take place the following January. To prepare for the review:

- Create an updated profile of your child.
- Discuss accommodations with your child's teacher.
- Set new goals for your child's continued progress.

Regular communication with teachers throughout the school year is the key to determining needed and which should be added.

If the accommodations are not being implemented as outlined in the plan, file a formal complaint. When you initially applied for services, you should have received a packet with contact information for the relevant personnel.

If Your Child Has an IEP:

- Write to the Head of the Special Education Department to express your concerns. Detail the specific services or accommodations not being provided, including which accommodations in the IEP are not being implemented. Provide as much detail as possible.
- If you choose to call the head of the department instead of writing, follow up with a letter, summarizing your concerns, as well as their responses. Keep a copy of all correspondence and emails for your records.

If Your Child Has a 504 Plan:

- Write the Section 504 Coordinator in your school district. You should have received this contact information when you requested your child's evaluation for accommodations. If not, ask the school or a 504-team member for the coordinator's name.
- If you speak to the coordinator by phone or in person, follow up with a written summary of the conversation for documentation.

Because IEPs and 504 plans are federally mandated, failure to comply with them is a legal violation. In most cases, discussing the issue with the school district helps resolve the matter, as schools do not want to be found noncompliant.

If Your Child Is Still Not Receiving the Accommodations in Their IEP:

If Your Child Has an IEP:

File a written complaint with the school and request mediation.

File for a due process hearing if necessary. Due process procedures can be complex, so it may be helpful to work with an experienced attorney or education advocate.

If Your Child Has a 504 Plan:

Submit a written complaint to the 504 coordinator at your school district.

File a complaint with the Regional Office of Civil Rights, which oversees Section 504 compliance.

Hiring a Special Education Professional

Consider hiring a special education professional during the resolution process. These professionals differ from attorneys and do not have licensing requirements. Before hiring, be sure to ask for background information and references from, previous clients.

Finding Advocates and Attorneys

Start by asking other parents of children with disabilities for recommendations. You can also explore the following resources:

- National Disability Rights Network (ndrn.org)
- Wrightslaw Yellow Pages (yellowpagesforkids.com)
- Council of Parent Attorneys and Advocates (copaa.org)
- Parents Helping Parents Resource Directory (php.com/resources)

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