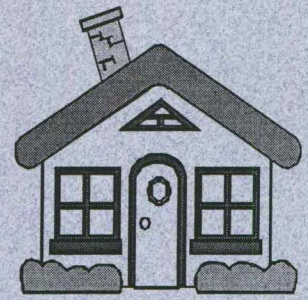




Project PRIDE:



***P*ersonal *R*epresentation *I*n *D*isability *E*ndeavors**

**For Individuals with Disabilities
and their Families**

**A PLAIN LANGUAGE GUIDE TO
INDIVIDUAL PARTICIPATION RIGHTS
including:**

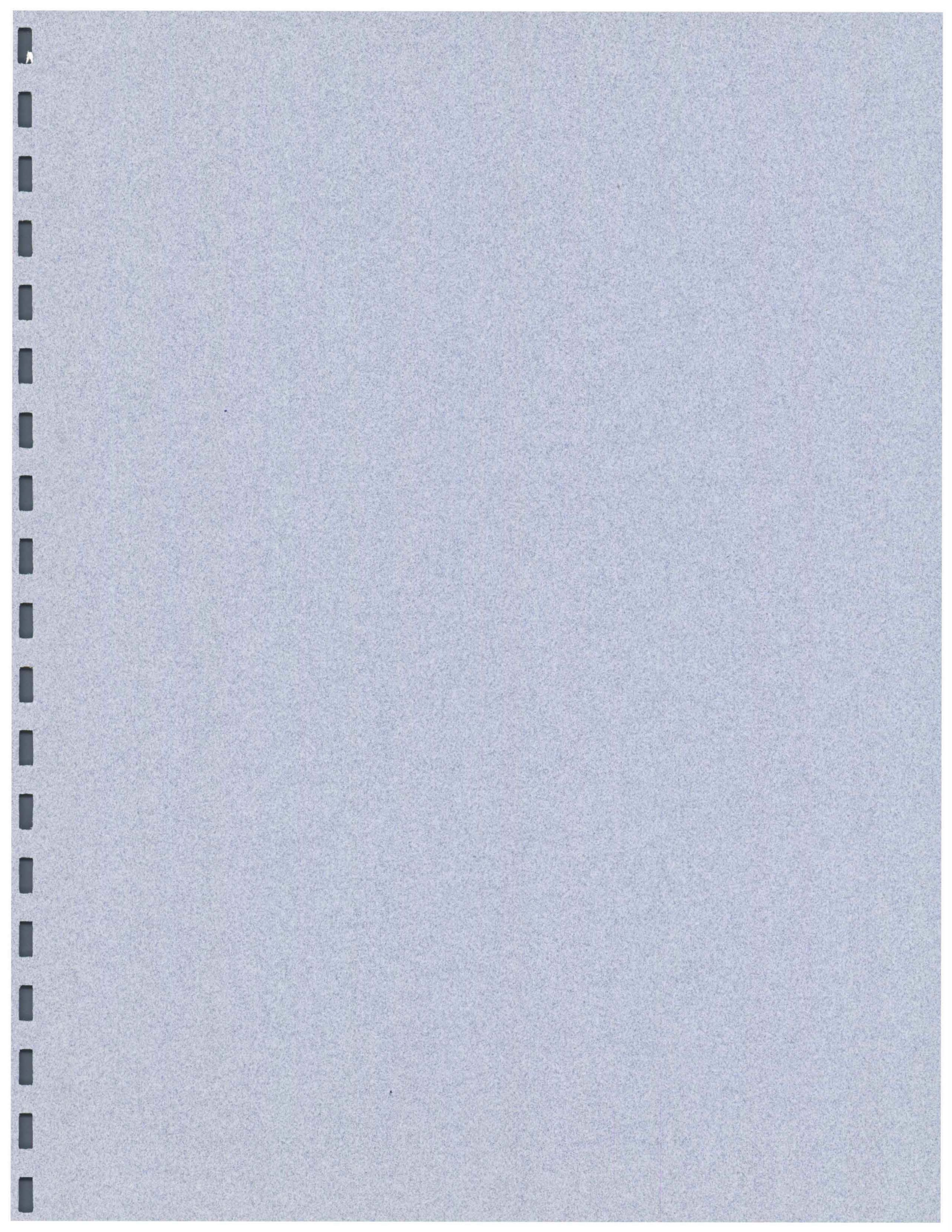
**Special Education & Related Services
Equal Access to Activities & Programs
Planning for Disability-Related Services
Public Policy-Making
Community Involvement**

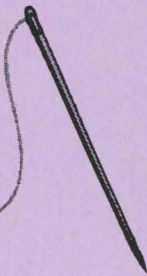
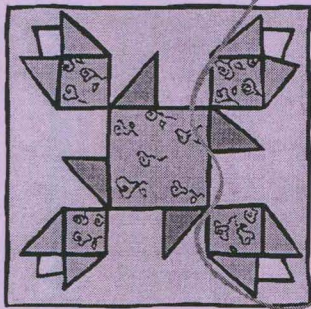
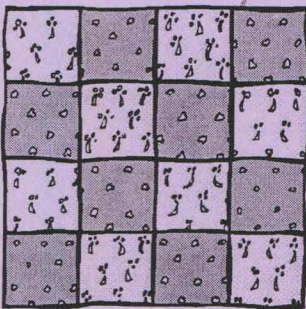
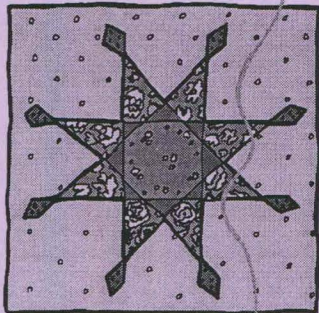


***A Joint Project of the
Governor's Developmental
Disabilities Council and
Iowa Protection &
Advocacy Services, Inc.***

June 1999 Edition

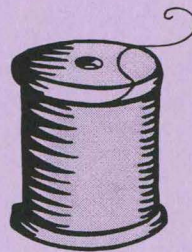






*“For every difference
That makes us unique,
There is a common thread
That connects us All
We share the need
For home and community,
For love and respect.
May these common threads
Form a beautiful world
Where all people are treated
equally.”*

-- Author Unknown



*What is
Project PRIDE?*

Project PRIDE is a special project to increase participation by consumers and family members in the planning, implementation, and evaluation of disability-related services and supports throughout the State of Iowa. Project PRIDE is coordinated by **Iowa Protection & Advocacy Services, Inc.** and funded by the **Governor's Developmental Disabilities Council.**

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*A big THANK YOU
to everyone who has contributed
to Project PRIDE
and to this Project PRIDE Guide!*



..for Sharing!

Our special thanks to the members of the Project PRIDE Advisory Team for their contributions to the PRIDE Guide and their commitment to increasing knowledge and participation in decision-making activities by individuals with disabilities and their families:

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Thank You

This Project PRIDE Guide is intended to provide general information. It is not intended to provide specific information about individual cases or situations. General information is not a substitute for legal advice. For specific information about your legal rights in a particular situation, you should contact an attorney who is knowledgeable in the area of disability law or education law. The information in this Guide reflects the laws and regulations in effect at the time of its publication. Be aware that laws and regulations and their interpretation are subject to change.

"Where, after all, do human rights begin? In small places, close to home -- so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: the neighborhood he lives in . . . the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination."

-- Eleanor Roosevelt



*A Plain Language Guide
to Participation Rights
for
Individual with Disabilities
and Their Families*

What do participation rights mean to you?

What does it mean to you to have control over your own life? To make your own choices? To plan for your own future? To plan for your child's future? To be active and involved in your community? Often, it may seem that other people have the power to make decisions that control how you live your life.

Participation rights give you power.

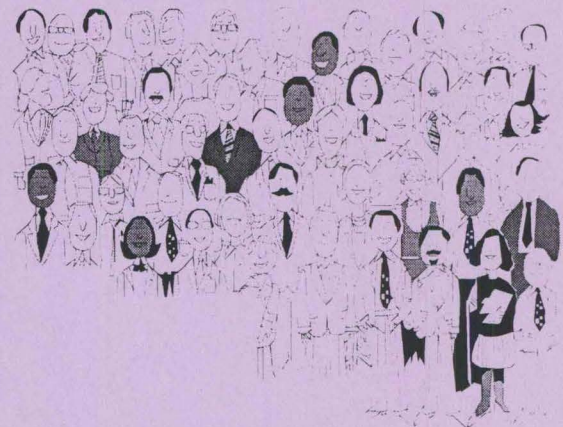
The information about participation rights contained in this Guide can be a source of "empowerment" for you and your family. As a person with a disability, or the parent of a child with a disability, you have important legal rights to take part in a wide range of decision-making activities that can directly affect you and your life. Rights come with responsibilities. You also have important responsibilities to learn about your participation rights and to make your voice and your opinions heard on the issues that matter to you.

If you look up the word "participation" in the dictionary, you will find it means "taking part in," "joining in," or "sharing in with others." The same phrases also describe the kinds of rights this Guide will explain:

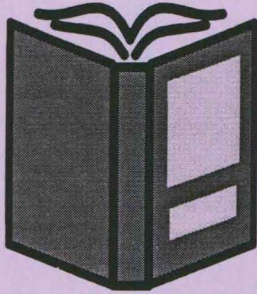
-- **your right to take part in** policy-making on disability issues,

-- **your right to join in** the educational planning process for yourself or for your child, and

-- **your right to share in activities with others** in your community.



The Project PRIDE Guide: Your Handbook for Personal Involvement



Think of this Guide as your own "Handbook for Personal Involvement." Your participation rights change as your life changes, but opportunities for involvement are available to you in a wide variety of ways throughout your lifetime:

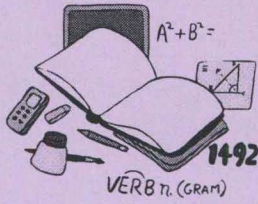
EDUCATION -- The parents of a child with a disability have a right and a responsibility to participate in making decisions about their child's education. For a child with a disability, the educational process and the involvement of the school district may begin while the child is still an infant and often continues until the child reaches age 21.

TRANSITION -- When the student is ready, he or she will also assume a key role in the educational decision-making process. It is particularly important for high school age students to become actively involved in transition planning—the planning for educational activities designed to help a student with disabilities prepare for adult life.

SERVICES -- In Iowa, decisions about disability services for adults are made in each of our 99 counties through the process of developing county management plans. People with disabilities have the right to participate in the planning process in their county. Your input into the development of your county's plan can have a direct impact on the services that are available to you and your family.

COMMUNITY -- Life-long participation rights include the right to vote, the right to serve on public boards or committees, the right to speak out on public policy issues, the right to have equal access to public places and activities, and the right to be involved in all aspects of community life.

This **Project PRIDE Guide** will be divided into four main parts:



-- **Part One** of this guide will explain the rights and responsibilities of parents and students to participate in the educational process.

-- **Part Two** of this guide will explain the rights and responsibilities of students and their parents to participate in planning and making the transition from high school to adult living.



-- **Part Three** of this guide will explain the rights and responsibilities of individuals to participate in the development and review of county management plans for disability-related services.

-- **Part Four** of this guide will explain the rights and responsibilities of individuals to participate in the political process and in a wide variety of community programs and activities.

GET INVOLVED!

Because learning how to exercise your rights is just as important as understanding what those rights are, each part of this Guide will also include practical ideas to help you become more effective in advocating for yourself or your child. The more you know about various agencies and groups -- and how they go about making decisions, the more comfortable and confident you will feel about becoming involved in the process.

Know your rights and responsibilities.

Share your experiences and opinions.

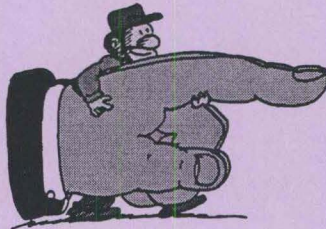
Make your voice heard.

Participate.



You can make a difference!

Project PRIDE



Start Here

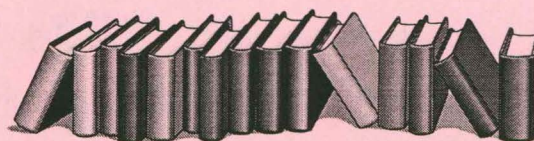
A note to readers: *At first glance this Project PRIDE Guide may look like “heavy” reading, but it was specifically designed to be “people friendly” and easy to understand and use for anyone who is interested in learning more about the disability services system for children and adults and about the legal rights and responsibilities of individuals with disabilities of all ages. Since this Guide covers a “lifetime” of participation rights, you may want to start out with the section that interests you most at this time. Whether you read it cover-to-cover, one section at a time, or just look up answers to specific questions, we hope you will find its “plain language” style both friendly and useful.*

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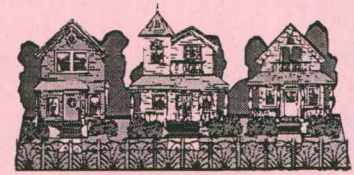
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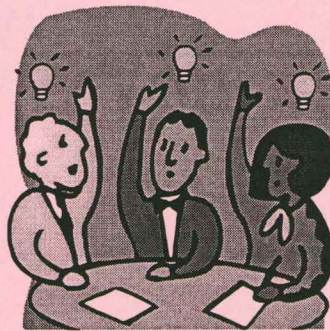


Take PRIDE

in

Yourself

Share Your Ideas!

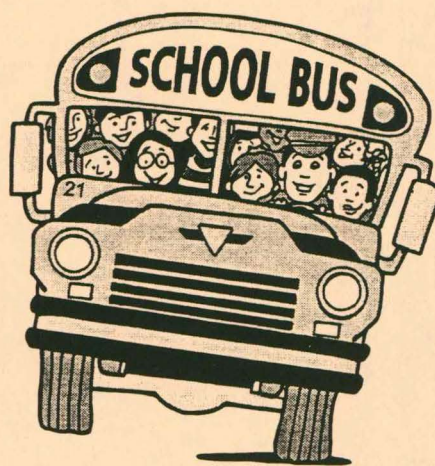


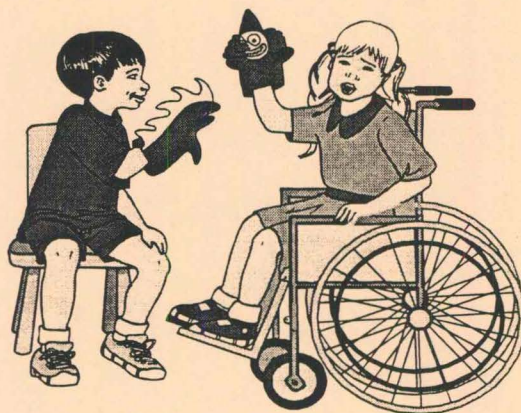
Participate
Take Responsibility
Get Involved
Make Informed Decisions
Educate Yourself and Others

The Project PRIDE Guide

June 1999 Edition

***A Parent's Guide to
the
Educational Rights
of
Children with Disabilities***





“One thing the country does not understand is that we don’t have a child to waste. We will not be a strong country unless we invest in every one of our children . . . All children are essential to America’s future.”

-- Marian Wright Edelman



Part 1

A Parent's Guide to Educational Rights



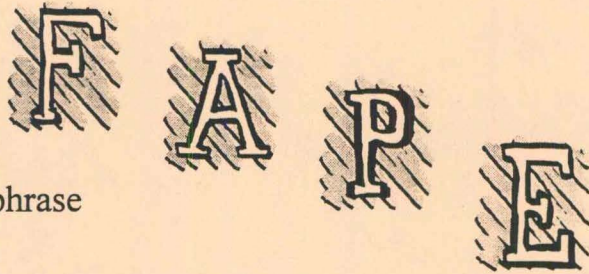
The educational rights of children with disabilities are protected by two important federal laws, the **Individuals with Disabilities Education Act** (commonly called the "**IDEA**") and **Section 504 of the Rehabilitation Act of 1973** (commonly called "**Section 504**"). These two laws are sometimes confused because they contain some very similar provisions, yet they also have important differences.

What is the "IDEA"?

The "IDEA" is a federal education law specifically for children with disabilities. It was first enacted in 1975 under the name "EHA" (Education for the Handicapped Act). At the time Congress passed the law, it recognized that about one million children with disabilities were being shut out of America's public school system and that hundreds of thousands of others who were attending public school were not receiving appropriate services. The IDEA was designed to improve educational opportunities for all children with disabilities by guaranteeing that they have access to public schools and to appropriate services. During the nearly twenty-five years that the IDEA has been in effect, many more young people with disabilities have successfully completed high school, found and kept employment, and enrolled in colleges and universities than in the generation of young people before them.

The IDEA requires that when a state accepts financial assistance offered by the federal government, that state must guarantee a "Free and Appropriate Public Education" to each child with a disability. Because Iowa receives money from the federal government under this program, every public school in Iowa must provide an appropriate education to each child with a disability in their district. This requirement is often referred to as "FAPE."

What is FAPE?



FAPE stands for "**free appropriate public education.**" The first two words in the phrase are the most important to its meaning:

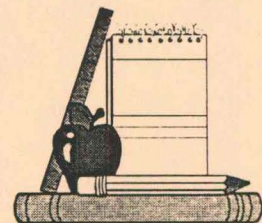
"**Free**" means just what it says—each child with a disability must receive instruction at no cost to the parents. "**Appropriate**" means instruction specially designed to meet the individual needs of the child with a disability. As you will read more about later in this Guide, parents have a vital role in helping to identify what is appropriate for their child.

To meet the federal requirements of a free appropriate public education, special education and the related services provided must meet all the standards established by the state Department of Education, and all the requirements of the IDEA. As you will read more about later in this Guide, FAPE must also be provided to each child with a disability according to an educational plan developed especially for that individual child.

FAPE can be easily defined in this general way, but FAPE means something different for every child, because every child's "individual needs" are different. Recognizing this focus on each child as an individual is also an important key to understanding how the IDEA works—each child's disability-related needs must be considered individually and each child's educational program must be planned according to those individual needs. The challenge presented to parents and educators is to determine those needs and agree on a plan that will meet them. (You will find much more information about the IDEA, who it protects, and how it works later in this part of the Guide.)

What is "Section 504"?

504



Section 504 (of the Rehabilitation Act of 1973) is a federal law that makes it illegal to discriminate against an otherwise qualified person on the basis of a disability. This law prohibits discrimination in any program or activity that receives funding through the federal government. Section 504 is not an education law, but it applies to students with disabilities. Children with disabilities who do not need the level of special education provided by the IDEA, but who do need some special

assistance in school are covered by "Section 504." Like children who are identified for special education under the IDEA, children who are identified for services under Section 504 must be provided with a free and appropriate public education (FAPE).

Programs and activities covered by Section 504 may be either public or private, and can include schools, colleges, businesses, housing, health care, and recreational facilities. Because Section 504 is a law intended to guard against discrimination, it protects the rights of a person with a disability to participate in programs or activities that are available to people without disabilities. Section 504 makes it illegal for a person to be excluded from such activities because of his or her disability. Section 504 requires that schools take reasonable steps to give students with disabilities access to all the programs and activities offered by the school. That usually means making certain "accommodations" for the student's disability so that he can participate in general education classes or other school activities.



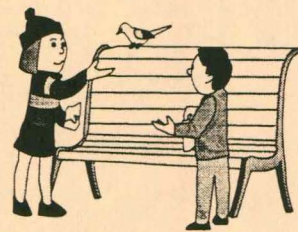
Who is protected by Section 504?

Section 504 protects:

- (1) any person who has a physical or mental impairment that substantially limits one or more major life activity;
- (2) any person who has a record of such an impairment; or
- (3) any person who is regarded as having such an impairment.

To better illustrate what is meant by each of these descriptions, here are some examples:

A person who **has a physical or mental impairment that "substantially limits" one or more major life activity** is someone who has a significant limitation in some aspect of his or her life because of a physical or mental disability. For example: A person with a physical disability such as cerebral palsy or a



spinal cord injury has a physical impairment which may significantly limit mobility or self care. A person with mental retardation or a brain injury has a mental impairment that may significantly limit learning and self-direction skills.

A person who **has a record of such an impairment** is a person who might be discriminated against because of the record of a disability. For example: A high school student whose school records show he received special education in elementary school is a person who "has a record" of having an impairment. It would be illegal discrimination to prevent such a student from enrolling in an advanced math class in high school because of the record of receiving special education services.

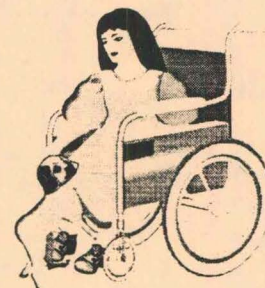
A person who **is regarded as having such an impairment** is a person who is not actually impaired in his ability to function, but who other people may view as having a disability. For example: A child with HIV or AIDS who is currently in good health, but is treated differently just because of his diagnosis is a person who "is regarded" as having an impairment.

What is considered a "major life activity"?

Major life activities under Section 504 include:



- seeing
- hearing
- breathing
- working
- caring for yourself
- speaking
- walking
- learning
- doing manual tasks



Section 504 is a more general law than the IDEA, and covers both more students and more types of activities and programs than IDEA, but offers many similar protections. Because Section 504 does not apply only to schools, some of the participation rights provided by Section 504 will be discussed more fully in other parts of this Guide. The educational rights that are similar to those provided by the IDEA will be discussed in this part.

What is a Section 504 "accommodation"?



An accommodation can be defined as a "help," "aid," "support," or "adjustment." A Section 504 accommodation is any assistance or adaptation that a student needs to participate in activities or programs on a similar basis with other students who do not have disabilities.

Examples of accommodations for students with certain learning disabilities might be shortened writing assignments, oral test taking, or assistance with note-taking in class. Examples of accommodations for students with physical disabilities might be providing extra sets of books in each study area and at home so the books would not have to be carried, or the use of specialized computer software or equipment adapted to the student's disability.

Section 504 accommodations can also include making classrooms accessible for students who use wheelchairs or have other special needs due to physical disabilities. For students with visual or hearing impairments, Section 504 accommodations might include the use of alternative methods for communication, such as Braille, sign language, or specially designed computer programs. Keep in mind that the purpose of accommodations is to enable the student to learn and progress, not to lower expectations so that it appears the child is passing when no real progress is being made.



An individual student's need for accommodations should be discussed and agreed upon by a group of people who are knowledgeable about the student. That group should include the student, the student's parents, teachers, and other school personnel. The accommodations identified by this group should be included in a "Section 504 Plan" for that student.

What is a Section 504 Plan?

Students receiving accommodations under Section 504 must have a Section 504 Plan--this may also be called a "504 Plan" or an "Accommodation Plan." The law does not

require that the "plan" be written, but it is advisable to have a written plan so that the student, the parents, teachers, and everyone working with the student at school understands exactly what is expected, and what adjustments in classroom work, homework, or testing are needed.

The IDEA and Section 504

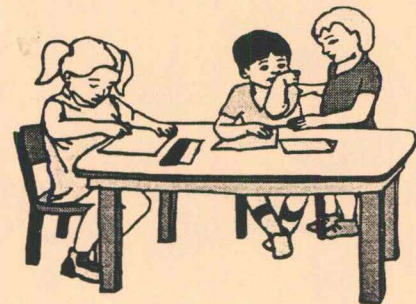
The IDEA and Section 504, as well as state laws, guarantee a wide range of important rights to individuals with disabilities. Because the IDEA is such a complex law, this Guide will not attempt to explain each and every one of the rights relating to special education and related services. The information included in this Guide will focus on those rights which give parents the opportunity to participate in making decisions about their child's education, and on those rights which give students the opportunity to take part in their own educational planning. This part of the Guide is intended to give parents the information you need to understand how those rights affect you and your child, and how you can use them to make the most of the educational process.



You are an expert on your child and your child's disability.

In most cases, parents know more about their child and how their child's disability affects his or her life than anyone else. When Congress created the IDEA a generation ago, it placed great importance on the role of parents in the education of their children with disabilities. The intention that parents will be fully involved is reflected in the fact that the word "parent" appears more than 100 times in the federal law.

Recently the IDEA was revised. The changes were signed into law by President Clinton on June 4, 1997. Many of the changes that were made strengthened the role of parents in educational decision-making. Congress has again made it clear that parents are intended to have a meaningful role in making decisions relating to the education of their children with disabilities.



Before discussing the rights of parents, it should be noted that sometimes a person other than a child's mother or father is considered to be a "parent." Under the IDEA, a "parent" can be the child's legal guardian, or, a person acting as a child's parent, such as a step-parent, grandparent, or foster parent. If there is no parent or other responsible person available to represent a child, a "surrogate" parent must be appointed. A surrogate (or substitute) parent is a person selected to act in the place of a parent to protect the rights of the child in the educational process.

What are my IDEA participation rights as a parent?

THE PARENTS OF A CHILD WITH A DISABILITY HAVE THE RIGHT TO PARTICIPATE IN ALL DECISIONS INVOLVING THE IDENTIFICATION, EVALUATION, AND PLACEMENT OF THEIR CHILD.



Identification is the process of determining when a child needs special education and related services because of a disability.

Evaluation is the process of determining the specific needs for an individual child.

Placement is the educational program developed for a child. Placement does not mean just the "place" where your child receives instruction, but the entire program of special education and related services that is designed for your child. This is an important point. Changing the location where a child receives educational instruction is not necessarily a "change in placement." Changing the services or the type of setting where the child receives educational instruction is a "change of placement." You will read more about why "change of placement" has a special meaning under the IDEA later in this Guide.

The key participation rights created by the IDEA for parents of children with disabilities are listed starting on the next page. Each of these participation rights will be explained more fully as you continue to read:

THE RIGHT TO REQUEST AN EVALUATION OF YOUR CHILD

- * Parents have the right to ask for an evaluation if they believe their child may need special education services.

THE RIGHT TO CONSENT TO AN EVALUATION OF YOUR CHILD

- * Parents have the right to agree to an evaluation for their child before one is conducted.



THE RIGHT TO HELP DECIDE HOW YOUR CHILD WILL BE EVALUATED

- * Parents have the right to participate in the process of deciding what kinds of tests or assessments will be included in their child's evaluation.

THE RIGHT TO ASK FOR A NEW EVALUATION OF YOUR CHILD

- * Parents have the right to ask for a new evaluation of their child at any reasonable time.

THE RIGHT TO ASK FOR AN INDEPENDENT EVALUATION OF YOUR CHILD

- * Parents have the right to ask for an evaluation of their child by a qualified professional who does not work for the school district or AEA if they disagree with the evaluation completed by school or AEA personnel.

THE RIGHT TO PARTICIPATE IN MAKING DECISIONS ABOUT YOUR CHILD

- * Parents have the right to participate in team meetings regarding eligibility for special education, placement decisions, and discipline issues.

THE RIGHT TO PARTICIPATE IN EDUCATIONAL PLANNING FOR YOUR CHILD

* Parents have the right to participate in team meetings to develop plans for appropriate special education services for their child.

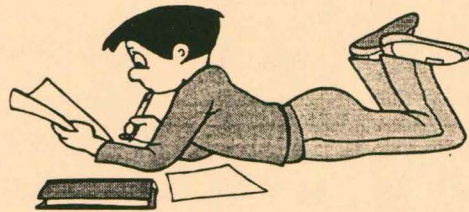
THE RIGHT TO EXAMINE YOUR CHILD'S EDUCATIONAL RECORDS

* Parents have the right to examine all records of the school, AEA, or other public agencies relating to their child.



THE RIGHT TO CHALLENGE SCHOOL DECISIONS ABOUT YOUR CHILD

* Parents have the right to challenge decisions made by educators about their child's program or placement through due process and other procedures.

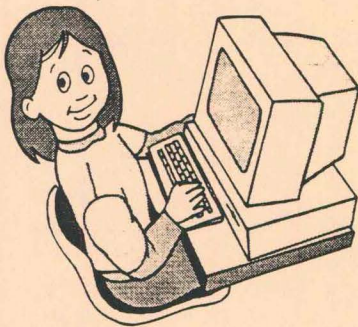


Before you can learn how to use each of these rights effectively, you need to have a basic understanding about the requirements of the IDEA and how the IDEA educational process works for children with disabilities. The first step in the educational process is determining if your child needs special education and related services because of a disability.

Who is considered a "child with a disability"?

A child who has one or more of the following conditions and who needs special education and related services is considered a "child with a disability" under federal law:

- **mental retardation**
- **hearing impairments** (including deafness)
- **speech or language impairments**
- **visual impairments** (including blindness)
- **emotional disturbance**
- **orthopedic impairments** (including, for
example: bone diseases, cerebral palsy, serious fractures or burns)
- **autism** (a condition affecting communication and social interaction)
- **traumatic brain injury**
- **specific learning disabilities** (these are disorders which impair the ability to listen, think, speak, read, write, spell, or do math, for example: dyslexia, non-verbal learning disability)
- **other health impairments** (these conditions include chronic or acute health problems, for example: asthma, epilepsy, diabetes, leukemia)



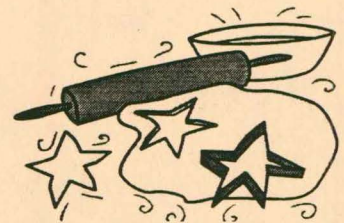
The key to understanding this definition is to recognize that the child must both have a qualifying condition **and** need special education and related services. While it is not usual, it is possible for a child to have a recognized disability and yet not need special education. This list does not mean that a child has to be "categorized" or "labeled" by disability to receive special education. A child's **need for services** is the deciding factor.

What is meant by "special education" and "related services"?

You probably have a general understanding of the practical meaning of the term "special education."

Under the federal IDEA law, **special education means instruction which is specially designed to meet the unique needs of a child with a disability and is provided at no cost to the parents.**

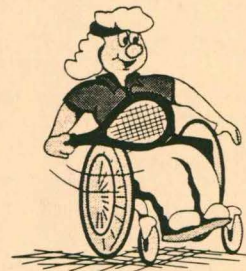
Special education must be individualized for each child. You might think of the general education curriculum (or course of study) as a "cookie cutter," where every student is offered the same basic educational program. While in special education, each student's program of instruction must be "handmade" for that particular child. Special education instruction can be provided in a regular or special classroom, in your own home, in a hospital or institution, or in other settings. The key point is that the instruction and other services provided to a child with a disability must be planned especially to meet that child's individual needs.



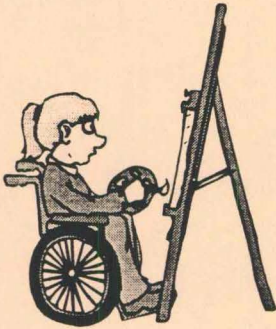
"Related services" are all the services needed for a child with a disability to benefit from his specialized instruction. They are not the actual instruction, but can be thought of as non-educational services necessary to make the educational services accessible and effective:

- transportation
- physical and occupational therapy
- orientation and mobility services

- counseling
- psychological services
- social work services
- rehabilitation counseling



More "related services":



- recreational services
- speech, language, and audiology services
- medical services for diagnosis and evaluation
- school health services
- parent counseling and training
- early identification and assessment of disabilities

Related services are services a child needs to make his program of educational instruction work for him. For example, if a child has emotional problems related to his disability which make it difficult for him to attend classes and benefit from his learning environment, he may need counseling or psychological treatment as a related service. Or, if a child uses a wheelchair, he may need special transportation to school and other activities in a vehicle equipped with a lift. Related services that are necessary for a child to receive an appropriate education must be provided at no cost to the parents.

Meeting a child's needs for special education and related services may also include providing special equipment or products to help the child perform certain tasks more easily. These types of equipment or products are called "assistive technology devices."



What is "assistive technology"?

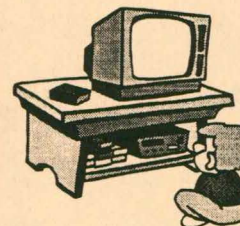
You may not be familiar with the term "assistive technology" (commonly referred to as "A.T."), but you are probably very familiar with many of the kinds of devices (or "tools") that are considered to be assistive technology. Assistive technology devices include things like special computer equipment or computer software programs, wheelchairs, wheelchair lifts, and a wide variety of devices designed to assist in communication or mobility.

Specific examples of assistive technology include:

-- **teletype ("TTY") devices** that enable people with hearing impairments to use telephone equipment



-- **television sets** equipped with closed captioning

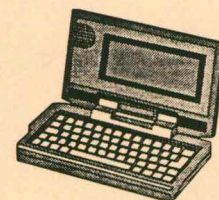


-- **computer programs** which "speak" to the user for people with visual impairments



-- **computer keyboards** which are specially adapted for people with limited use of their hands

-- **tape recorders** to assist students who have difficulty taking notes or retaining the information presented in class



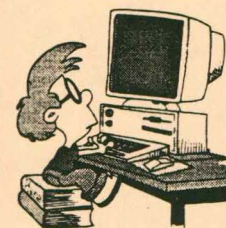
-- **oxygen equipment**, including any nursing services required to administer the oxygen to a person with severe breathing problems



-- **ramps, lifts, or stair-climbers** for individuals who use wheelchairs

-- **sound enhancing devices** for individuals with hearing impairments

-- **augmentative communication devices** for individuals who cannot speak (devices that produce an electronic voice)



ASSISTIVE TECHNOLOGY IS CONSIDERED IN TWO PARTS UNDER THE IDEA:

An "**assistive technology device**" is a product, a piece of equipment, or a product system that is used to increase, maintain, or improve the capabilities of a child with a disability to function in school and otherwise. An "**assistive technology service**" is any service that helps a child with a disability to select, obtain, or use an assistive technology device. Assistive technology services include:

EVALUATION

- evaluating the child's needs for assistive technology



ACCESS TO PRODUCTS

- buying, leasing, or providing assistive technology devices

SELECTION, ADAPTATION, & REPAIR

- selecting, designing, fitting, adapting, repairing, or replacing assistive technology devices

COORDINATION & PLANNING

- coordinating other services with assistive technology devices (such as physical or occupational therapy or rehabilitation services)



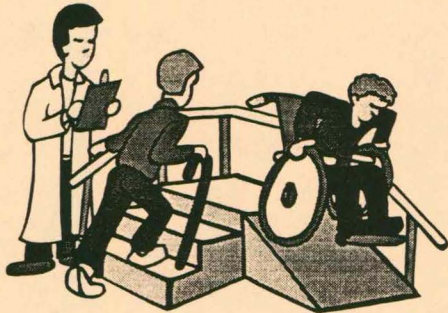
TRAINING & TECHNICAL ASSISTANCE

- training the child or the child's family on the use of assistive technology devices, or assisting with problems that occur during use
- training professionals (including teachers and therapists) who are involved with the child on the use of the assistive technology devices and providing technical advice

A child with a disability has a right to the assistive technology he or she needs.

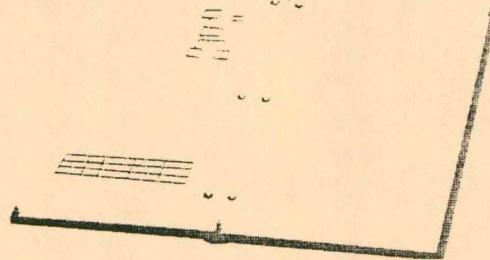
Assistive technology devices and services that have been identified as a necessary part of a child's educational program must be included in that child's Individualized Education Program, and must be provided for the child **at no cost to the parents**. Children who are eligible for special education under the IDEA and Iowa law are entitled to receive A.T. devices and services through their school system. Funding for assistive technology needs may also be available through Medicaid (Title XIX) for qualified individuals, or in some cases through other federal laws or government programs, such as Vocational

Rehabilitation. When more than one funding source is available, it may be appropriate for various programs to share the cost. Private insurance will also sometimes cover all or part of the cost for A.T.



Generally, assistive technology equipment funded by a school district or AEA belongs to the school or AEA and is provided for a student's use as long as that student has an educational need for it. In this way, A.T. equipment that has been "outgrown" by one student may be used by another. Assistive technology provided through other funding sources is often purchased for a particular individual and, once provided, generally belongs to that person. If you have a question about the ownership or continued use of an assistive technology device, the school, agency, or service providing it should be able to provide information.

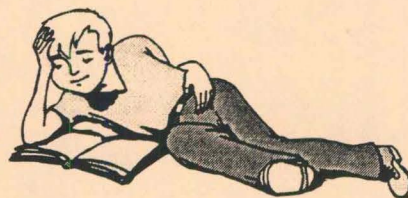
Adults with disabilities also have rights to assistive technology through Medicaid, Medicare, and Vocational Rehabilitation. In addition to government programs, a variety of other agencies and organizations also provide funding for assistive technology. For more information about obtaining assistive technology for adults or children with disabilities, you can contact INFOTECH (the Iowa Program for Assistive Technology) listed in the Resource section of this Guide.



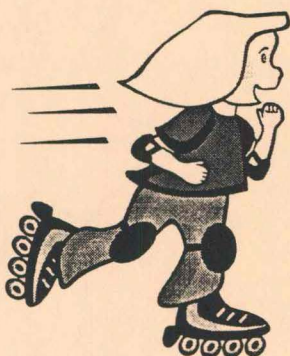
How do I know if my child should receive special education and related services?

If your child has been diagnosed with a disability, or if you have reason to suspect that your child may have a disability which has not been identified, you have the right to request a full and individual evaluation by the school district or AEA responsible for your child's education. The purpose of an initial evaluation is to determine whether your child has a disability that requires special education or related services, and to determine exactly what services your child needs. An initial evaluation may be requested whenever a disability is diagnosed or suspected. Sometimes disabilities are easily identified while a child is small. Other times a disability may be discovered only after the child is older or has experienced some learning difficulties in school.

If your child has been evaluated and identified for special education services for one disability area and you suspect he or she may need special education services for another unidentified area of disability, you may request an evaluation specifically for the suspected area of disability. As an example: Assume you have a 10-year-old daughter who has been diagnosed with Attention Deficit Disorder. She is receiving special education services for the ADD, but continues to have significant problems with just one area of her schoolwork -- written language. It might be necessary for you to request that she be evaluated for a learning disability in the specific area of written expression to determine if she needs special education services in that area as well.



Your child's school may also ask for an evaluation if teachers or others working with the child have reason to suspect a disability. If the school decides to request an evaluation, the school must fully inform you about the type of evaluation they are requesting and get your consent in writing before evaluating your child. Your rights to participate in decisions about the educational evaluation of your child will be more fully explained later in this Guide.

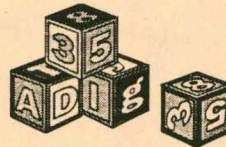


Does the IDEA provide for services to children who are too young to go to school?



The IDEA has special provisions for very young children with disabilities. Some children need special services long before they reach school age. Infants or toddlers under the age of 3 who have disabilities which cause delays in their development may qualify to receive specialized services to help them grow and develop physically, mentally, and socially. The purpose of the "early intervention" program is to provide services and resources to families to assist them in helping their infant or toddler to develop needed skills. A child may need "early intervention" services if he or she is delayed by 25 percent or more in comparison with other children of the same age in one or more of the following areas:

- physical development
- mental development
- social development
- emotional development
- communication development
- adaptive development (the child's ability to cope with the world around him)

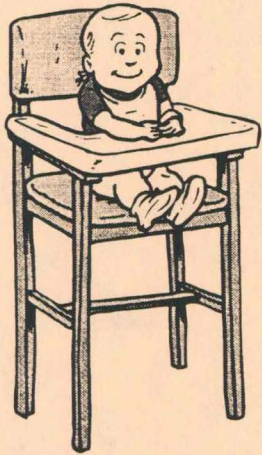


In short, does the child have delays in his or her ability to play, move, talk, or think? An infant or toddler may also be eligible for special services if he has not yet shown a delay, but has a physical or mental condition that is likely to cause slowed development. For example, a premature or low birth weight baby may be eligible because the child's development shows obvious delays. An infant with Down Syndrome will be eligible even if delays are not yet obvious, because the child has a condition that will most likely result in significant developmental delays as the child grows.

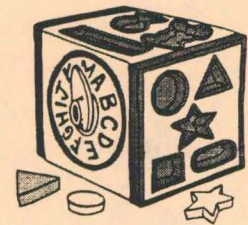
What are "Early Intervention Services"?

Early intervention services are offered to help families meet the needs of young children with developmental delays. These services for the child and the family are provided under the supervision of public agencies and at no cost to parents. Public agencies arranging for or providing services may include the Iowa Department of Education, your Area Education Agency, your local school district, the Iowa Department of Human Services, the Iowa Department of Public Health, and the Child Health Specialty Clinics.

EARLY INTERVENTION SERVICES MAY INCLUDE:



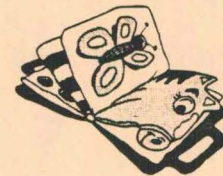
- family training, counseling, and home visits
- speech and language services
- audiology services
- special instruction
- occupational therapy
- physical therapy
- psychological services
- service coordination
- social work services
- vision services



- identification, screening, and assessment
- assistive technology devices and services
- medical services for diagnosis and evaluation only
- health services needed for the child to benefit

from other services

- nursing services
- nutrition services
- transportation and related costs for accessing needed services



How do I get the services my child needs?

Children don't come with instruction manuals, and neither do disabilities. So how do you find out where to go for help? If your child is eligible to receive Medicaid benefits you should have a case manager whose job it is to help you arrange for services. If your child is not eligible for Medicaid you may be referred for services by the doctor who diagnosed your child's disability, or by another health care professional.

Unfortunately, sometimes the first step is the most difficult. It may be left to you to recognize that your child (and your family) may be in need of services and to take a first step by contacting your local school district, your area education agency, or a local Department of Human Services office. You can also contact your regional Early ACCESS Program at the toll free number listed in the Resource Section of this Guide. The Early ACCESS Program can provide a service coordinator to help you learn about your options and find the right resources for your family's needs.

Also be aware that when you request services you will have a responsibility to provide enough information so that your child's eligibility for a particular program and his or her need for specific services can be determined. Sharing personal medical, financial, and family information can be uncomfortable. It may help to keep in mind that any information you share with agencies or service providers who are assisting you must be kept confidential and can be used only for the purposes it was gathered. Also keep in mind that since most disability-related services are funded with public money—money you and other taxpayers provide—there are strict requirements that individuals and families who receive publicly funded services meet the eligibility standards set by law.

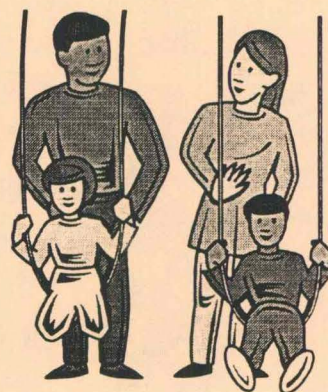


In addition to the agencies who provide services, there are many parent and consumer groups throughout the state who have first-hand experience with the services system and who have made themselves experts in the area of a particular disability. You

may find it helpful to contact one of these groups for information, guidance, or support. Many of the people you can meet through such groups have been through the same experiences you are facing and can offer you both practical advice and understanding. At the end of this Guide is a Resource Section that lists disability organizations, advocacy groups, and other resources that may be helpful to you.

What happens once a child has been referred for early intervention services?

First, an assessment will be done to identify the child's individual strengths and needs, and to identify what services should be provided to the child. An assessment will also be done to identify what supports and services the family should be provided to help them meet the developmental needs of their child. Then, a written Individualized Family Service Plan will be developed by a "multi-disciplinary" team. A multi-disciplinary team means a team of people who know your child, including members from various "disciplines" (or branches of instruction) who have special knowledge in some area of the child's needs.



Parents are the people who know their child best, and are very important members of the team. As a parent, you have the right—and the responsibility—to participate fully in the development of the plan for your family.

What is an "Individualized Family Service Plan"?

An "Individualized Family Service Plan" (also referred to as an "IFSP" or an "FSP") is a written plan which includes:

- information about your child's current level of development
- information about the resources available to your family, your family's priorities, your concerns relating to the development of your child
- a statement of what goals your child and your family expect to achieve and how progress toward those goals will be measured

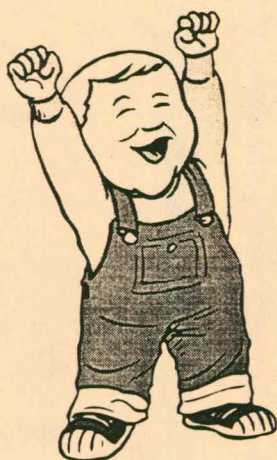
An "IFSP" plan also includes:

- a description of the specific type of services needed, including:
 - how and where the services will be delivered,
 - how often they will be provided,
 - and how long each of the service sessions will last

- a statement indicating when services will start and how long they are expected to continue

- the steps needed to support the toddler in moving on to preschool or other services

- identification of the person who will be the services coordinator



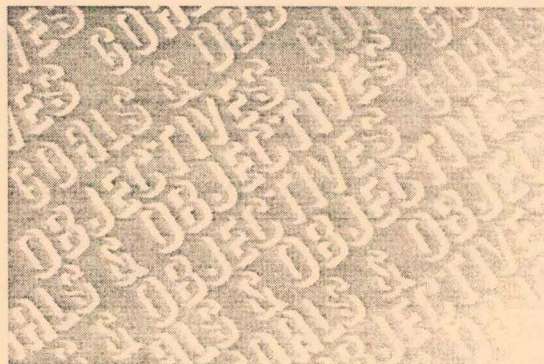
The services coordinator is the person who will be responsible for making sure the plan is carried out. Usually this will be a person from the profession most closely associated with your child's needs. For example, if your child's principle need is in the area of speech and language, the coordinator might be a speech pathologist. Often, however, young children have multiple areas of need and the services coordinator may be a social worker. The services coordinator will make all necessary arrangements with other individuals or agencies who will be providing services to your family.

After the Individualized Family Service Plan has been put together, parents must be given the opportunity to receive a full explanation of the plan. Parents must also give their written consent before services included in the plan can be provided. The family must be provided a review of the plan at least every six months, and the plan must be evaluated once a year. When a child with a disability reaches age 3 the Individualized Family Service Plan is replaced by an Individualized Education Program (commonly called an "IEP") developed for the child. Each child receiving special education and related services has an IEP.



What is an "Individualized Education Program"?

An Individualized Education Program, or "IEP," is a written plan for meeting the special education needs of a child with a disability. The IEP is developed, reviewed, and revised by a team of people familiar with the child's needs, including school personnel and the parents. In many ways the IEP is similar to the IFSP, but focuses less on the family as a whole and more on the individual needs of the child. The IEP spells out specific goals and objectives for the child's educational progress.



IEPs are developed in IEP meetings (or "staffings"). An IEP meeting is held before special education and related services are provided to a child, and at least once a year while the child is continuing to receive services. The purpose of the IEP meeting is to discuss the child's needs, decide how those needs can be met through services and supports, and set educational goals for the child. Parents and school personnel are equal participants in the IEP meeting. Parents are expected to take active roles as fully participating members of the IEP team. To be an effective participant, you need to understand the IEP process.

What should the IEP contain?



The IEP should reflect how the child is doing in school, what the child's needs are, and how the school is working to meet those needs. An IEP must contain:

(1) **A statement of how the child is performing in school now.** This is called a statement of "Present Levels of Educational Performance," or "PLEP." The PLEP should identify both your child's strengths and your child's needs. It must also include:

-- a statement explaining how the child's disability affects his or her involvement and progress in the general curriculum (the general course of study followed by non-disabled students)

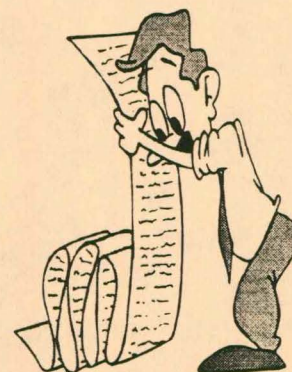
-- or, if the child is preschool age, the PLEP must also state how the child's disability affects his or her participation in appropriate preschool activities

(2) **A statement of measurable annual goals for the child's education**, including "benchmarks" (standards for measuring) or short-term objectives for measuring how the child is progressing toward reaching the annual goals.

The statement of annual goals must address how each of the child's educational needs resulting from his or her disability will be met. It also must address how the child's needs will be met to enable him or her to progress in the general education curriculum (the same one used for non-disabled children).

(3) **A statement of the specific special education and related services, and supplementary aids and services that are to be provided** to the child, and a statement of the modifications or supports for school personnel that will be provided. The instruction, services and supports included in this statement must allow the child to:

- make appropriate progress toward reaching the annual goals
- to be involved in and progress in the general curriculum
- to participate in extracurricular and other non-academic activities
- to be educated with other children (both children with disabilities and children without disabilities)
- to participate in activities with other children (both children with disabilities and children without disabilities)



(4) **An explanation if the child will not be participating in the regular classroom** and in extracurricular and other non-academic activities with children who do not have disabilities. This statement should explain to what extent the child will not participate in the regular education classroom and other activities and the reasons why.

(5) **A statement of what modifications the child will need to participate in state or district-wide assessments** of student achievement (standardized tests such as the Iowa Test of Basic Skills).

If the IEP team determines that the child should not participate in such assessments (or parts of assessments) the IEP must contain a statement explaining why that assessment (or test) is not appropriate for the child and what other methods will be used for assessing the child.

(6) **The dates that services, supports and modifications are planned to begin**, how often they will be provided, where they will be provided, and how long they are expected to continue.

7) **Information on how the child's progress toward meeting the annual goals will be measured.** A statement describing how the child's parents will be informed about the child's progress toward annual goals must also be included. Parents of children in special education must be regularly informed about their child's progress at least as often as parents of non-disabled children are informed (for example, by receiving a "report card" or other type of progress report at the end of each academic term). These reports must include information about whether the child's progress has been sufficient to allow the child to reach his or her goals by the end of the year.

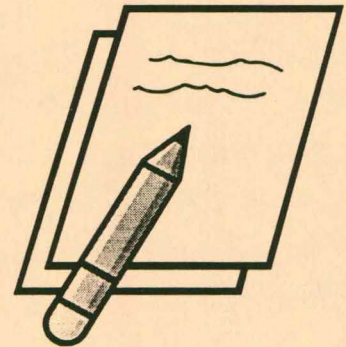
Note: **For high school aged children, IEP must include two additional items:**

(1) Information about **"transition" services**, and (2) a statement about information that has been given to the student about legal **rights which transfer to him or her at age 18**. Both of these items will be discussed in more detail in the "Transition" Section of this Guide.



A PARENT'S CHECKLIST OF IEP CONTENTS

- ✓ Present levels of educational performance (your child's current strengths and needs)
- ✓ Measurable annual goals (including benchmarks and objectives)
- ✓ Special education and related services (including supplementary aids and services, modifications, and supports for school personnel)
- ✓ Involvement in regular education and other activities
- ✓ Participation in state or district-wide assessments
- ✓ Plan for delivering services and supports:
 - When will they start?
 - How often will they be provided?
 - Where will they be provided?
 - How long are they expected to last?
- ✓ Progress measurements and progress reports to parents
- ✓ If 14 or older, transition planning and transition services
- ✓ By age 17, information about transfer of legal rights at age 18



How is an IEP meeting scheduled?

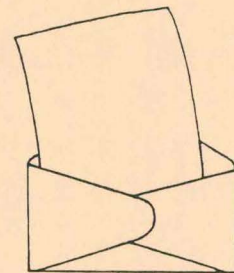
Because parental participation is so important, the school is required to notify you in writing before an IEP meeting for your child is held. The school's notice must contain:

- the **purpose** of the meeting
- the **time** of the meeting
- the **location** of the meeting
- a list of the **people who are expected to participate** in the meeting, including their titles and the names of any agencies they represent



The meeting must be held at a time and place agreeable to you. If you cannot attend at the proposed time, the school must make efforts to find a time and place that are convenient for you. Because the IDEA places such a high value on the participation of parents, the law requires that the school keep a record of its efforts to invite you to IEP meetings and to arrange convenient times for you to attend. If neither parent can attend the IEP meeting in person, the school must arrange some other means of involvement, such as a telephone conference. If any parent needs assistance to understand or participate in the meeting because of a disability or language difference, that assistance must be provided by the school district.

The requirement that you be notified about the purpose of the meeting is also very important. This notice gives you the opportunity to "do your homework" and be prepared for the subjects that will be discussed. If school personnel bring up subjects during the meeting other than those that were included in your notice, you are within your rights to ask that a follow-up meeting be scheduled for the discussion of those subjects because you have not had an opportunity to prepare. If necessary, the IEP can be completed at a later meeting.



The school is responsible for making sure that an IEP meeting for your child is held at least once a year. IEP meetings can be held more often if necessary to address the child's needs. If you have reason to believe that there is a problem with the current IEP or that your child is not making progress in school, you have the right to request an IEP meeting at any reasonable time.



Who participates in the IEP meeting?

You have already learned that each child who receives special education has an IEP. That IEP must be developed by the child's IEP team. The 1997 Amendments to the IDEA added new requirements for IEP team membership. Since July 1, 1998, **the IEP team must include:**

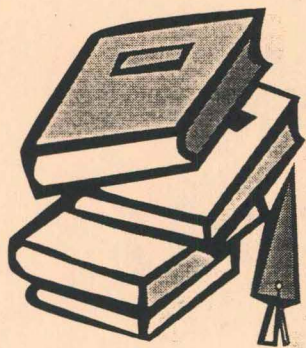
- the **parents** of the student
- at least one **special education teacher**
- a **representative of the school** who is:
 - (1) qualified to provide or supervise special education
 - (2) knowledgeable about the school's general curriculum (course of study)
 - (3) knowledgeable about the school's resources
- a **person who can interpret the results of evaluations** (this can be one of the people already listed)
- **others who have knowledge or special training** about the child (if either the parent or the school feels it is needed)
- at least one **regular education teacher**, whenever it is appropriate (if the child is, or may be participating in a regular education classroom or environment)
- the **student**, whenever it is appropriate

TEAM I.E.P.

If you were familiar with the IEP process before the 1997 Amendments to the IDEA became law, you will notice that this list of participants is longer than it was before that time. Additional participants are now necessary because the "new" IDEA requires that all children in special education are considered for participation in general education and places an emphasis on involving all students in the "general curriculum" (the general course of study followed by students without disabilities). These factors require the input of a regular education teacher and other school officials who are familiar with the school's general curriculum.

The revised list also recognizes that, at times, other people may be needed. Examples of "others" might be a consultant or social worker from the child's AEA, a speech-language therapist, a physical or occupational therapist, a school psychologist, or some other person who has special training in the child's particular disability or areas of need. Parents may request that other people be invited, or may bring along another parent or advocate to assist them.

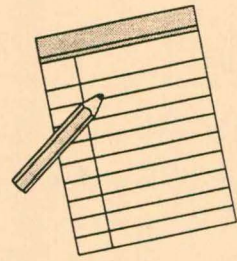
The new IDEA's emphasis on involving all special education students in the school's general course of study means that all children with disabilities should have IEPs that enable them to progress in the general curriculum, even if they receive their instruction somewhere other than a regular education classroom. Examples of other types of classrooms are self-contained classrooms, classrooms for children with mental disabilities, or classrooms for children with behavior disorders. Children who receive home-schooling would also be included in the general education course of study. General curriculum means the content of the school work, not the place where it is done.



This new emphasis means that schools will need to make special efforts to "link" special education instruction to the subjects and activities available to all regular education students. Annual IEP goals for children in special education must include objectives related to the child's involvement and progress in the general education curriculum (or course of study). The child's PLEP must also address how his or her disability affects involvement and progress in the general curriculum.

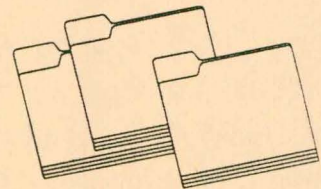
Top Ten Tips for Effective Participation in IEP Planning

1. **Before the meeting**, write down ideas, suggestions, or areas of concern you want to discuss.



2. **Learn** about the roles of the other team members and their relationship to your child.

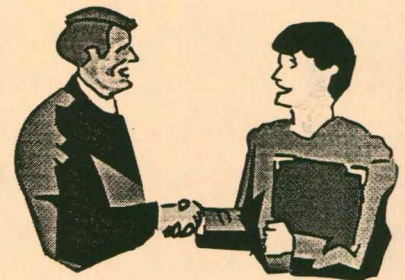
3. **Review** your rights so you will have them clearly in mind.



4. **Become familiar** with your child's educational evaluations and records.

5. **Request copies** of any information you don't have.

6. **Ask questions** about anything you don't fully understand.



7. **Be prepared** to clearly state what you want for your child.

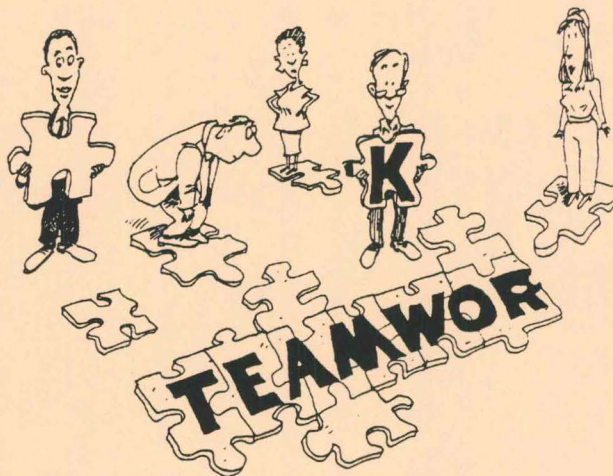
8. **At the meeting, take notes** if you think they will be helpful to you.

9. **Bring someone** else along if you feel you need support or help in expressing your views. (If you bring someone to assist you, you may want to ask that person to take notes for you.)

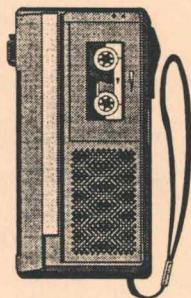
10. **Keep focused** on the issues, even if disagreements arise, and do your best not to let personality conflicts interfere with resolving issues for your child.

Remember that the IDEA calls the group of people who plan special education programs an IEP "TEAM." All the members of the team are equal participants and all the members of the team need to be respectful and cooperative to be effective.

Educators, like other groups of professionals, often get used to talking in their own "jargon," or professional language. They may use terms or abbreviations you are not familiar with or don't fully understand. Don't hesitate to ask other members of the team to stop and explain the meaning of an unfamiliar term, or remind them not to speak in "shorthand." It is important to the success of team meetings that all the members of the team make an effort to communicate in a way that is clear to everyone and that each member lets the others know when they are not communicating effectively.



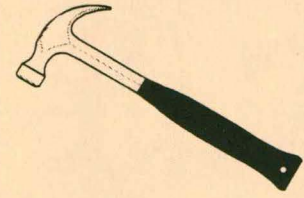
Can I tape record my child's IEP meetings?



This is an often-asked question by parents. The IDEA does not specifically allow or disallow the tape recording of IEP meetings. It is general accepted that any party to the IEP meeting (either the parents or school representatives) may make a recording as a record of the meeting. Doing so can be a useful tool, particularly if one parent must attend the meeting alone, or if a parent has a disability that makes it difficult to take notes or remember details of the meeting.

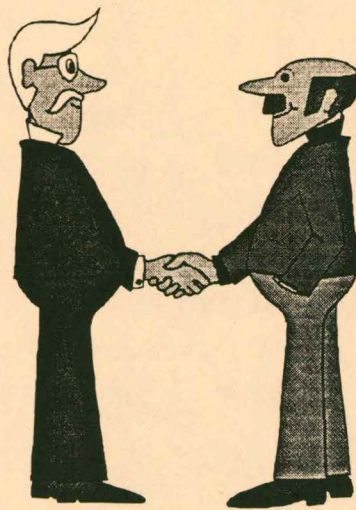
It is important to keep in mind that the purpose of an IEP meeting is to work cooperatively to develop an educational program for your child. Be courteous to the other members of the team by letting them know at the start of the meeting that you intend to make a recording, and by placing the tape recorder in plain view. If the school wants to make a tape recording, expect the same courtesy from them. When the school records a meeting, the tape should become part of your child's educational record. As with all educational records, you would have the right to review the tape or to get a copy of it. The school is allowed to charge you a reasonable amount for making copies.

A word of caution about tape recording IEP meetings: A tape recorder can have the effect of making participants nervous and less willing to fully express themselves and can be a source of increased tension during the meeting. Such a situation can be damaging to the IEP process. Whether or not this happens often depends upon the attitudes that are brought to the meeting along with the tape recorder. A tape recorder--just like a hammer--can be used as either a "tool" or a "weapon."



If you need a taped record of the meeting as a tool to help you review or to follow up on information discussed during the meeting, then it can be a very useful and constructive tool. But, if you intend to tape record a meeting to "catch" school representatives saying something you don't like, ask yourself if you are using the tape recorder as a weapon. If you are tempted to make a recording for the purposes of "using it against" other members of the team, be aware that the IEP process has probably already been damaged. It may be more helpful to your child (and to your ongoing relationship with your child's school) to make a greater effort to work out the conflicts that have developed rather than to make a recording of them.

If "working out" conflicts no longer seems possible at the IEP team level, then you may need to explore other methods for resolving disagreements. The IDEA provides several methods for parents and schools to do that. Those methods will be explained later in this section of the Guide (see "What are due process rights?").



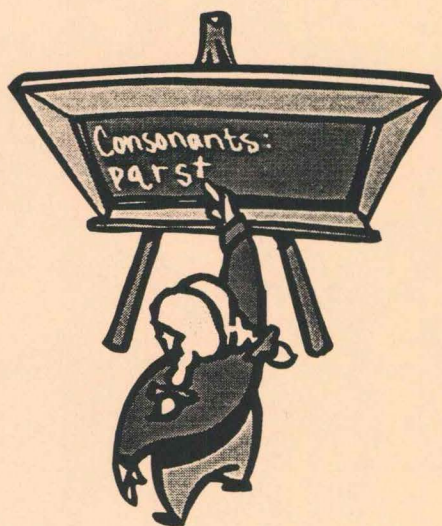
PARTICIPATION IN EDUCATIONAL ASSESSMENTS FOR YOUR CHILD

Educational assessments, or evaluations, are tests or other procedures used by professionals to determine the educational strengths and the educational needs of an individual child.

Parents have the right to ask for an evaluation if they believe their child may need special education services.

An initial evaluation is required before special education and related services are provided to a child. If you believe that your child needs special education and related services, requesting an initial evaluation of your child is the first step in identifying his or her strengths and needs. If your child is already receiving special education, but you believe that services are needed in other areas that have not been identified, you may request an evaluation in those specific areas.

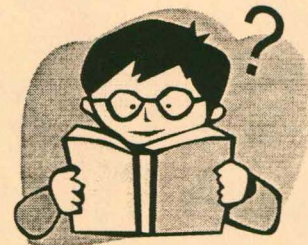
For example, assume your child has been evaluated as having a hearing impairment and is receiving specialized instruction to address his hearing impairment. Recently you have reason to believe your child also has a learning disability that has not been identified. You have the right to request an evaluation of your child's needs in the specific area of the suspected learning disability.



A child must be evaluated in all areas of suspected disability. It is important for you to share concerns you may have with school officials. You may recognize difficulties your child is having that are not obvious to teachers or others at school. You may have reason to suspect a disability that they have not yet considered. Or you may be able to provide additional information that will help them recognize when an evaluation is needed.

Parents have the right to consent to an evaluation for their child before one is conducted.

The school district or AEA must provide notice to parents when they plan to conduct an initial evaluation. The notice must describe what tests or procedures they intend to use. Once parents have been informed about the proposed evaluation, the school or AEA must also get the parents' consent before conducting the evaluation. If you have any questions about how the school wants to evaluate your child, ask for an explanation of what they are proposing.



Consenting to an evaluation does not mean that you have agreed to have your child receive special education and related services, or that you have agreed to any particular program or services for your child. Giving your consent to an evaluation only means that you agree to have your child tested to identify a possible disability and the child's educational needs related to that disability. If parents refuse to give their consent to an evaluation that the school believes to be necessary, the school can request a mediation or hearing on the matter. To do this, the school can use the same type of due process procedures available to parents when they have a disagreement with the school or AEA. Those due process procedures are explained later in this section of the Guide (see "What are due process rights?").

Parents have the right to participate in the process of deciding what kinds of tests or assessments will be included in their child's evaluation.

This right is newly created by the 1997 Amendments to the IDEA. It can be an

effective tool in helping parents get evaluations that are truly meaningful to their child's needs. In the past, it has generally been left up to school officials to determine what kinds of tests are used in an evaluation and what kind of information is gathered. Now those decisions must be made by the whole IEP team, which includes the parents. For example, if you notice that your child seems to have difficulty understanding and remembering oral instructions, you could specifically request that he or she be tested in that area.



Parents have the right to ask for a new evaluation of their child at any reasonable time.

Once special education services are in place, a child must also be reevaluated at least once every 3 years. A reevaluation may be done sooner if parents or others have reasons to believe that a child needs to be tested in a new area, that the most recent evaluation did not provide all the necessary information, or that the child's needs have changed. This means that at any reasonable time, you may request an evaluation of your child's needs.

Parents have the right to ask for an evaluation of their child by a qualified professional who does not work for the school district or AEA if they disagree with the evaluation completed by school or AEA personnel.

An evaluation conducted by a qualified professional who does not work for the school district or AEA is known as an “independent evaluation.” If you disagree with the results of an evaluation conducted by the school or AEA, you also have the right to request an independent evaluation by a qualified person outside the school system. This independent evaluation must be paid for by the school district or AEA and must be provided within a reasonable time. If you request it, the school or AEA must also give you information about where you can obtain an independent evaluation.

As with any decision about the identification, evaluation, or placement of a child, either the parents or the school district can request a mediation or a formal hearing if there are disagreements that cannot be resolved by the IEP team. This applies to disagreements about whether the school's evaluation is appropriate or whether an independent evaluation is needed. (Keep reading the section on due process rights will be coming up soon.)



PARTICIPATION IN EDUCATIONAL TEAM MEETINGS FOR YOUR CHILD

Parents have the right to participate in team meetings regarding eligibility for special education, placement decisions, and discipline issues.

You are a member of the educational team for your child. As a member of the team, you have the right to participate in team decisions about:

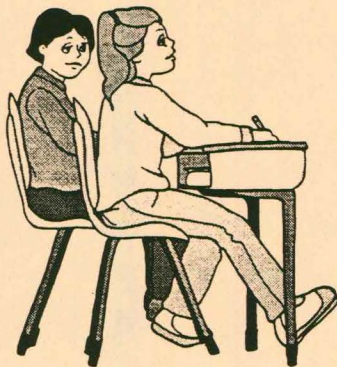
- whether your child is eligible for special education
- how your child's needs will be evaluated
- how your child's special education program will be structured or changed
- how your child's program or placement should be changed if discipline or other problems occur



It is important to note that the newly amended IDEA now specifically requires that **"parents of each child with a disability are members of any group that makes decisions on the educational placement of their child."** The 1997

Amendments to the IDEA also added a lengthy new section on how schools can and cannot discipline children with disabilities. More recently new IDEA regulations

(rules from the United States Department of Education that further explain how the new IDEA law should be carried out) and other changes have taken effect. This Guide will not explain all the discipline provisions in detail, but as a result of these new provisions, all parents of children with disabilities need to be aware of their right to participate in placement decisions that arise out of discipline issues.



What are my rights to participate in disciplinary decisions?

When we discuss “discipline” under the IDEA, it generally refers to actions by the school resulting in the suspension or expulsion of students with disabilities. Schools maintain discipline policies for all students and under some circumstances it is appropriate to apply those regular education policies to students with disabilities as well. The IDEA provides safeguards to prevent students from being disciplined **because of behavior that is part of the student’s disability.**

The type of disciplinary actions addressed by the IDEA are those which result in either an “in-school” suspension or a suspension from school for a period of time. Under the IDEA it is important whether such a suspension is considered a “change of placement” for the child or not.

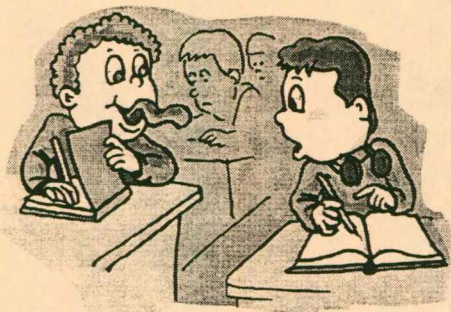
Short-Term Suspensions are not considered a “change of placement.” If a child is suspended from school or from his usual educational program for any period of time up to 10 days during the school year, the suspension generally is not considered to be a “change of educational placement” under the IDEA. In the case of “short-term” suspensions (10 days or less), the IDEA offers few formal safeguards. The student and the student’s parents should be given an opportunity to meet with a school administrator and receive an explanation of the reasons for the suspension and hear any evidence the school has to offer. The student should also be given an opportunity to share his or her side of the story.

Long-Term Suspensions for more than 10 days or several suspensions creating a “pattern” are considered a “change of placement.” If a child is suspended from school or from his usual educational program for any period of time over 10 days during the school year, the suspension is generally considered to be a “change of educational placement.” One suspension for more than 10 school days in a row is a change of placement. A series of shorter suspensions totaling more than 10 days is also considered a change in placement if it creates a “pattern.” The factors that are considered in deciding whether a pattern exists are: the length of time of the suspensions, the total amount of time the child has been suspended (or removed from his or her usual educational program), and how close together in time the suspensions occurred. When a suspension or “removal” becomes a “change of placement,” certain IDEA protections take effect.

First, the school must call an IEP meeting. Within 10 days of the child's suspension, the IEP team must meet to conduct or update a "functional behavioral assessment" of the child and prepare or review a "behavioral intervention plan."

What is a "functional behavioral assessment"?

In special education, a "functional behavioral assessment" is the process of gathering information about how and when specific behaviors occur to help determine the reasons for the behaviors. This is generally done by observing the child in his or her usual learning



environment over a period of time. Once parents and school staff understand and agree on why a child behaves in a certain way, they can develop a plan for changing or responding to inappropriate behaviors. The functional behavioral assessment should be done by the members of the IEP team.

For example, this type of assessment might answer questions like:

- “What does the child gain from this behavior?”
- “Does he get attention from teachers?”
- “Does he get acceptance from peers?”
- “Does he get out of doing work that he doesn't want to do?”
- “Does it happen when he is tired or frustrated?”
- “Does it happen when he is struggling with his work?”
- “Does it happen when he is changing from one activity to another?”
- “Does it happen just before a certain activity?”
- “Does it happen just after a certain activity?”
- “Does it seem to happen in response to another event?”



What is a "behavioral intervention plan"?

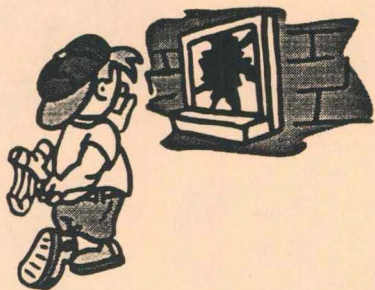
A "behavioral intervention plan" is the plan developed by the school and parents (the IEP team) using the information gathered by the Functional Behavioral Assessment. The purpose of the behavioral intervention plan is to develop specific methods to help a child control his or her behavior. Such a plan may include changes in the child's course of study, changes in where the child sits in the classroom, changes in the classroom environment, or other "interventions." Interventions are specific things teachers or others can do to prevent or re-direct unwanted behaviors. The child's progress under the behavioral intervention plan needs to be recorded and reviewed by the IEP team.

Behavior can be a child's way of communicating unmet needs. If teachers and parents can determine what the child is trying to communicate through certain behaviors, they can help the child learn more appropriate and effective ways to communicate, and eliminate or reduce the behaviors. Disruptive or "show off" behavior can be a child's attempt to be accepted by other children. In that case, for example, the IEP team might decide to start a "circle of friends" to help the child develop positive relationships with his or her peers.



What if my child receives a suspension?

Under the newly amended IDEA, if a child with a disability is either suspended from school or given an in-school suspension for more than 10 days, parents have the right to participate in an IEP team meeting called specifically to address the child's conduct and educational program. The child is entitled to have a "functional behavioral assessment" done, or have one that was done earlier updated. The IEP team also must either prepare a behavioral intervention plan, or they must review and revise an existing behavior plan. (If necessary, review "What is a functional behavioral assessment?" earlier in this section of the Guide.)



At least by the time a student's total suspensions have totaled 10 days or more during the school year, some behavioral review and planning should be done. Once the suspension

or pattern of suspensions become a change of placement, additional responsibilities are triggered for the school. Before a child with a disability can be disciplined by being suspended or expelled from the educational program called for in his IEP, the school must first make a "manifestation determination."



What is a "manifestation determination"?

A manifestation determination is a review to decide if the child behaved the way he did because of his disability. A child cannot be disciplined by a change of placement for behavior that is caused by his disability. That means the child cannot be suspended or expelled from school or from his usual educational program for behavior that is directly related to his disability. It does not mean that the school cannot enforce its rules for student behavior and use appropriate methods to correct the behavior of students with disabilities in their educational setting. It also does not mean that the IEP team cannot agree to a change of placement if they determine it would more appropriate for the child.

The "manifestation" review is to be done by the child's IEP team, so, as with all IEP team decisions, parents have an important role. The purpose of the manifestation determination is to decide if the disability and the behavior are connected. The IEP team should consider what they know about this child which may help explain the behavior:

- the type of disability or disabilities the child has
- the patterns of behavior that the child has shown in the past
- the results of evaluations or testing
- direct observation of the child (in the classroom or during school activities)
- information about the child's current IEP and placement
- other factors in the child's life which might affect his behavior

(For example:

Has there been a recent death in the child's family?

Have the child's parents recently divorced or separated?

Does the child have a family member with a serious health problem?

Has the family recently moved?)

What sorts of questions should the team discuss during a manifestation determination?

- Is the child's IEP appropriate?
- Does the IEP include a plan to manage behavior?
- Does the child's disability impair his ability to control his behavior?
- Is the child capable of understanding the consequences of his behavior?

The IEP team must consider **all** relevant information in making their determination. Parents can provide valuable information to the rest of the team on how their child behaves at home and in other situations outside school, such as church or community activities.

If the team determines that the behavior was **not related to or caused by** the child's disability, the child can be disciplined (suspended or expelled) under the same policies the school uses to discipline students without disabilities, with one very important exception. That exception is that the school must continue to provide FAPE to the child in some alternative setting. If the team determines that the behavior **was related to or caused by** the child's disability, the child is not subject to suspension or expulsion. In that case, the IEP team must determine if the child's IEP needs to be revised, or if a change of placement is appropriate.

During the time the student with a disability is suspended from his or her usual educational environment, the school must still continue to provide a free appropriate public education as called for in the student's IEP, although it may be provided in another setting. Any suspension over 10 days during the school year requires that the student be placed in an appropriate "alternative educational setting" and receive appropriate educational services.

What is an "alternative educational setting"?

An "alternative educational setting" is a placement other than the child's usual educational setting where the child's IEP can be implemented during the suspension period. Since this is a change in the child's educational placement, the "alternative educational setting" must be chosen by the IEP team. The alternative setting selected must enable the child to progress toward meeting current IEP goals and objectives and continue to participate in the general curriculum (course of study).



The alternative educational setting must also include services or supports that address the reason for the suspension. Placement in the alternative setting is limited to 45 days.

The 1997 IDEA contains special rules for disciplinary actions involving a child who carries a weapon to school, "possesses" a weapon at school, "knowingly possesses" or uses illegal drugs at school, or sells or attempts to sell controlled substances at school. If your child is accused of a rule violation involving a weapon or drugs, it is a very serious matter, and you will need to seek additional information and legal advice.

What if the school has not recognized my child's disability?

The procedural protections for disciplinary actions that we have just discussed are available to children with disabilities who are receiving special education. The same protections may also be available to children who have not yet been identified as having a disability requiring special education, but only if personnel at the school had knowledge that the child was in need of special education before the behavior occurred. A school is considered to have that knowledge if:



- the parent has expressed concern in writing to the school
- the child's behavior or performance in school indicates a need for special education
- the parent has asked for the child to be evaluated for special education
- the child's teacher, or other school staff has expressed concern about the child's performance in school

Any time your child is suspended or expelled from school or removed from the educational environment described in his IEP for disciplinary reasons, you have the right to participate in IEP team decisions regarding his educational programming and placement.

Parents have the right to participate in team meetings to develop plans for appropriate special education services for their child.

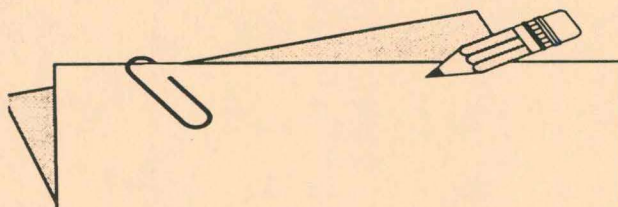


The IEP has been described as the "cornerstone," the "centerpiece," and the "heart" of the educational process for children with disabilities. We have already discussed in detail the process of developing and reviewing your child's IEP and how important it is for parents to be actively involved in the IEP process. IEPs are intended to be developed at IEP meetings with the **full participation of all members of the team.**

It is appropriate for both school personnel and parents to bring ideas and suggestions for the group to discuss. It is not appropriate for the school to complete the IEP prior to the meeting and simply present it to you for your approval. The IDEA requires that IEPs are developed by a team—a team including the student's parent, or someone acting as the student's parent.

Decisions by IEP teams are intended to be reached by "consensus." That means that all members of the group should be in general agreement about the child's educational program. The members of the team should make every effort to work through issues until they can reach an agreement or a compromise that everyone can accept. It does not mean that decisions are made by a simple majority vote. If that were the case, parents would almost always be at a disadvantage because they would be "out-numbered" by school personnel. The team may not always be able to reach a plan that all members are really enthusiastic about, but, if each member of the group can say "this is a plan I can live with," you have reached a consensus.

As we discussed earlier, you are entitled to written notice any time you have a disagreement with what the school wants to do. This includes decisions made at IEP meetings. If you request something that the team is unwilling to agree to, it should be part of the process for the team to make a written record of the options discussed and the reasons that they were rejected.



PARENTS' RIGHT TO ACCESS THE INFORMATION NEEDED TO PARTICIPATE

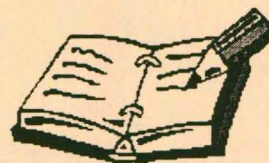
Parents have the right to examine all records of the school, AEA, or other public agencies relating to their child.



The IDEA requires that the parents of a child with disabilities must be given access to their child's complete educational records. Those records may be kept by the child's school, the AEA, or by any state agency that has been involved in providing special education or related services for the child.

Parents must also be given the opportunity to have a representative inspect and review their child's records. This means that if you have an advocate or attorney who is assisting you, they must be given access to your child's records as well. You can give your permission for others to review the records by signing a Release of Information form for them to present to the school or agency. If the school does not provide you with a standard release form, your attorney or advocate can prepare one for you to sign.

If you request it, you must also be informed of all the types and locations of education records that the agency collects, keeps, or uses. That means that records cannot be kept from you because they are filed separately from your child's main educational records. The only exception is for personal notes kept by an individual teacher for the teacher's own use. If those notes are shared with any other members of the IEP team, however, the parents also have a right to see them.



To make sure that parents have effective access to records, the school or educational agency is required to:

- respond to a request for records without unnecessary delay
- respond to a request for records before any meeting or hearing relating to the child
- respond to a request within 45 days after it is made

A parent's right to inspect and review educational records also includes:

- the right to request and be given a reasonable explanation or interpretation of the records
- the right to be provided copies of the records if necessary to enable the parent to effectively inspect and review them

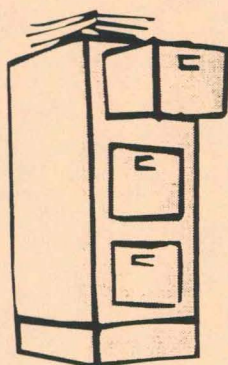
Schools and other educational agencies may charge a fee for making copies of records for parents if the fee does not prevent the parents from exercising their right to inspect and review those records. That means that parents who are financially able may be expected to pay a reasonable copying fee, but no one can be prevented from getting copies of their child's records because they do not have the resources to pay. The school is not allowed to charge a fee to "search for" information requested by a parent.

If parents believe that information contained in their child's educational record is inaccurate or misleading, or violates their child's rights they have the right to challenge that information. That can be done by requesting a hearing. As a result of the hearing the record may be amended by the school or other agency. If the parent and the agency still disagree, the parent has a right to place a statement in the record explaining his or her reasons for disagreement.

The **Family Educational Rights and Privacy Act** (also known as **FERPA**) is another federal law which gives parents and guardians rights to the educational records of their children--rights very similar to parents' rights to records under the IDEA.

Rights under FERPA include:

- 1) The right to **inspect and review** your child's educational records.
- 2) The right to **make copies** of your child's educational records.
- 3) The right to **receive a list** of the individuals who have access to your child's records.



Rights under FERPA include (continued):

- 4) The right to ask for an **explanation** of any item in your child's records.
- 5) The right to ask for a **correction** to be made, or statement to be added to any report that you believe is incorrect, misleading, or violates your child's rights.
- 6) The right to have a **hearing** if the school refuses to correct your child's records or add a statement to them.

FERPA, like the IDEA, also protects the privacy of educational records by requiring that such records not be released without the proper consent, except in very specific circumstances.

Parents have the right to challenge decisions made by educators about their child's program or placement through due process procedures.

It is likely that at some time during your child's education, you will not agree with the decisions of school officials about how or where your child should be educated. In many instances, disagreements can be worked out if there is open communication between teachers, parents, and administrators. When efforts to reach a compromise or agreement are not successful, you have important due process rights that you can use to challenge decisions made by school officials about the evaluation, placement, or educational program of your child.

NOTICE



HEARING

What are "due process" rights?

Due process rights are procedures that safeguard other rights. Due process rights guarantee that an individual is not deprived of anything that person is entitled to, without first being properly notified and being given a fair opportunity to have his point of view heard and considered by a neutral party. Due process rights are often referred as the right to **"notice and a fair hearing."**

Due process rights are available to you to ensure that disputes are resolved fairly. The term "due process" may be used to describe either your general right under the law to be given notice and the opportunity to be heard, or it may be used to describe the specific procedure for a formal hearing. (Later in this section a proceeding called a "due process hearing" will be discussed in detail. Such a hearing is a specific procedure that can be used to exercise your due process rights.) If the difference between the **general right** and the **specific procedure** seems confusing to you now, it should become clearer as you work your way through this Section.

The most basic due process protection offered by the IDEA is a parent's right to receive written notice from the school before certain things occur.

What types of written notice do I have a right to receive?

There are two types of written notice parents have a right to receive:

The first type is a notice of the **general** procedural safeguards available to all parents. This is a printed notice containing general information that can be given to any parent.

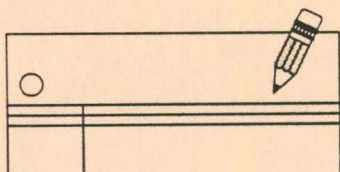
The second type is a notice that explains **specific** things about actions the school plans to take concerning your child's educational program. This is a notice prepared specifically for you and contains information on how decisions **about your child's** educational program have been made.



When do I have a right to receive a written notice?

The general notice of parents' rights must be given to parents:

-- when a child is first referred for an evaluation



-- each time you are notified of an IEP meeting

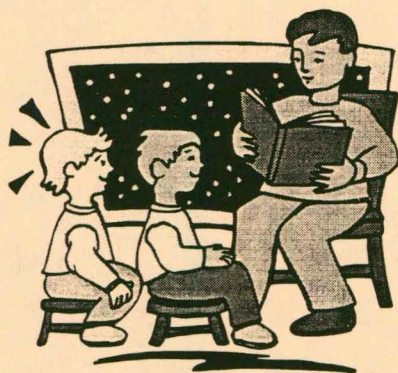
-- any time you make a complaint to the school or inform the school that you disagree with its actions

The second type of written notice is just about **your child**.

Because you are a part of the team that makes decisions about your child's education, the school district must inform you if they want to make changes in your child's program. They must also inform you if they decide not to make changes that you have requested for your child. The school's notice must give you enough information so that you will be able to decide if you want to challenge what they propose. This specific type of notice must also contain the general information about parents' rights.



Your school must give you written notice with specific information about your child within a reasonable time before they either:



- (1) Change the identification, evaluation, or educational placement of your child, or the provision of FAPE to your child, **or**
- (2) Refuse to change the identification, evaluation, or educational placement of your child, or the provision of FAPE to your child.

Any time the school proposes a change in your child's educational program, or you request a change that the school refuses to make, you are entitled to receive a **written notice** explaining the school's decision. A child's educational "placement" is the program of instruction and related services described in the child's IEP. If the services provided to a child are changed, that is a "change of placement." If the location where the services are provided is changed, that may or may not be a change of placement. This is an important difference.

For example, if your child's IEP calls for special education supports to be provided in a regular education classroom, and he is assigned to a different regular education classroom with the same supports, that would not be a change of placement. However, if he is assigned to a classroom for children with behavior disorders, that would be a change of placement. Educational placement includes the child's instructional program, related services, and the type of setting, but not necessarily the particular place where the instruction and services are provided.

You have an important duty to tell school officials when you disagree with something in your child's educational program. When you let the school know you disagree, you are triggering your right to receive your notice from the school and to exercise your due process rights. If a disagreement is not resolved informally, the school district has a duty to inform you of your options and how to exercise your rights.

What should the school's written notice about my child contain?



Whenever the school proposes a change in your child's educational program, or you request a change that the school refuses to make, the school's written notice to parents must contain certain things:

- (1) A description of what the school wants to do, or refuses to do.
- (2) An explanation of the reasons why the school made its decision.
- (3) A description of any other options the school considered and the reasons why they did not choose those options.
- (4) A description of each evaluation procedure, test, record, record, or report that the school used in making its decision.
- (5) A description of any other factors that were part of the school's decision.
- (6) A full explanation of the procedural safeguards available to parents.
- (7) Information about agencies or other sources parents can contact for help in understanding their rights.
- (8) A statement informing parents about the options available to parents for resolving differences with school officials.



In short, the school must go to considerable effort to give you all the information you need to decide if you agree or disagree with their decision.

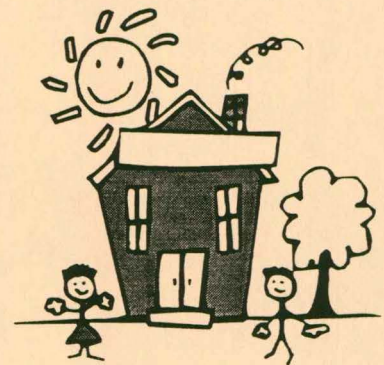
Will I be able to understand the school's notice?

The school's notice to parents is required to be in a form that is understandable to the general public. If the parent has a native language other than English, or cannot read a written notice, every effort must be made by the school to provide notice in the parent's native language or by some other method of communication that the parent is able to understand. As part of the notice requirement, the school must also maintain written records that show that they have made the necessary efforts to notify parents.

Once you have received written notice of the school district's proposal to change, or refusal to change your child's educational program, you need to decide what steps you want to take to try to resolve your differences.

Do I ever have to give a notice to the school?

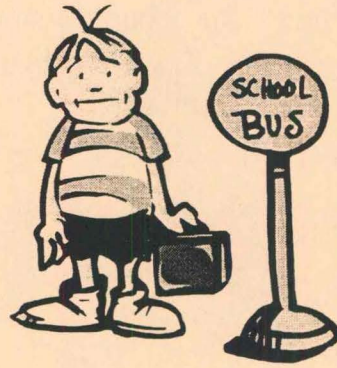
Yes, under the 1997 Amendments to the IDEA, there is one situation where parents are responsible for notifying their child's public school before they take action. If you believe that the school has failed to provide your child a free appropriate education, you can choose to place your child in a private school and ask the public school district to reimburse you for the cost. If you decide to take this step, you have an obligation to notify the school about what you intend to do. Your notification to the school also protects your right to ask the district for reimbursement of the private school costs.



A note of caution to parents: Asking for reimbursement for the costs of placing your child in a private school does not guarantee that you will receive reimbursement. Unless your public school district voluntarily agrees to the private school placement, you will probably have to seek reimbursement through a due process appeal. To win such an appeal, it is necessary for you to prove that the school district failed to provide an appropriate education for your child **and** that the placement you have chosen is appropriate. It is advisable to obtain the advice of legal counsel in this type of situation.

You must give the school written notice at least 10 business days before you intend to remove your child from public school in favor of a private school placement. You also need to **inform the IEP team** of your concerns about your child's educational program, your reasons for rejecting the public school program, and your intention to enroll your child

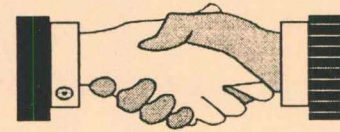
in private school at the public school's expense. If you remove your child without informing the school and giving them the opportunity to offer your child an appropriate educational program, you may give up your right to have the school district pay the costs of the private school program.



What options are available for resolving differences between parents and school districts?

In Iowa, there are three options made available through the Iowa Department of Education for parents and school districts to resolve their differences. The three options are:

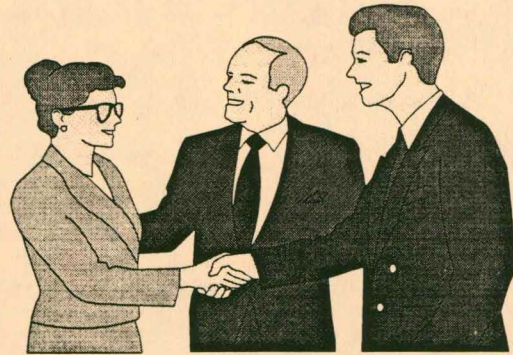
- (1) **PRE-APPEAL CONFERENCE**
- (2) **DUE PROCESS HEARING**
- (3) **COMPLAINT**



What is a "pre-appeal conference"?

A pre-appeal conference (commonly called a "pre-appeal") is a meeting between parents and school or AEA officials to try to work out areas of disagreement. It is a "pre-appeal" because it is a step that can be taken before requesting a formal due process appeal. **A pre-appeal is a form of mediation.** An educational consultant or a mediator is present to help encourage parents and educators to work together, to communicate better, and to

find ways to resolve differences cooperatively. If you are not familiar with what happens at a mediation, it involves parties who have a dispute sitting down together, with a third party (a mediator) who does not have an interest in the dispute to help them come to an agreement. A mediator is not a judge. A mediator is a person trained in methods for resolving disputes and is a "neutral" party who listens to both sides, helps them communicate their points of view to each other, and tries to help them reach some agreement. A mediator in a pre-appeal may also be an educational consultant, or may be assisted by an educational consultant to help encourage parents and educators to work together, to communicate better, and to find ways to come to a mutual understanding.



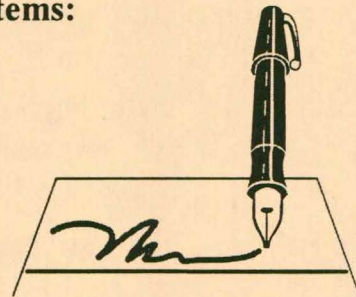
In the case of a pre-appeal conference, a mediator is provided by the Iowa Department of Education. While the pre-appeal conference is intended to be a cooperative problem-solving process, you may choose to be represented by an attorney or other advocate knowledgeable in special education law. Parents have the right to be represented by an attorney at a pre-appeal conference, if they choose.

How do I request a pre-appeal conference?

You may request a pre-appeal conference by writing a letter to the Iowa Department of Education. Your letter does not have to be in a particular form, but it must include certain information, including an explanation of the reason or reasons you have for making the request.

A letter requesting a pre-appeal must contain the following items:

- (1) the name of your child,
- (2) the name of your school district,
- (3) the name of your AEA,
- (4) a statement that you are requesting a pre-appeal,
- (5) the reason you want the pre-appeal conference,
- (6) your name, address, and a phone number or place where you can be reached.



After receiving your request, the Iowa Department of Education will contact the other people who need to be involved in the pre-appeal and schedule a time and place for the meeting. The time and place for the conference must be reasonably convenient for all the participants.

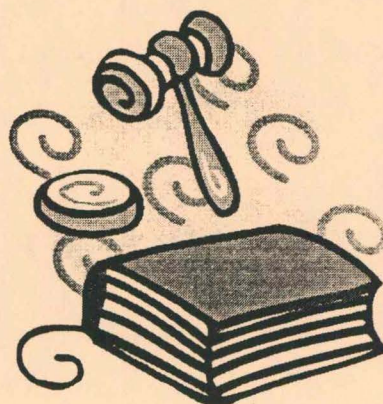
The advantage of requesting a pre-appeal rather than a due process hearing (which will be discussed in the next section) is that the pre-appeal process encourages parents and educators to work cooperatively to solve disagreements. In other words, if any bad feelings have developed between parents and school officials over educational disputes, this may be an opportunity to help both sides improve the relationship.

If a pre-appeal conference does not succeed in resolving the problem, you still have the right to request a due process hearing.

What is a "due process hearing"?

A due process hearing is a legal proceeding in which both parents and school officials present their case to an administrative law judge (commonly called an "ALJ"). It is a more formal process than the pre-appeal conference, but it is still conducted at the administrative level. That means it does not involve going to a court of law, but having a "trial-like" hearing coordinated by the Iowa Department of Education.

The Department of Education is responsible for providing an administrative law judge to preside over an IDEA due process hearing. The ALJ may not be an employee of the Department of Education, the AEA, or the school district, so that he or she can be objective. An administrative law judge for a Department of Education hearing may or may not be an attorney, but must meet certain qualifications and be knowledgeable in the areas of special education and education law.

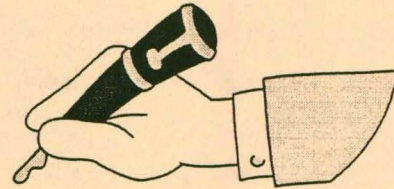


How do I request a due process hearing?

Requesting a due process hearing is very similar to requesting a pre-appeal. A written request can be made to the Iowa Department of Education. Certain information must be included in the request.

The written request for a due process hearing must contain the following information:

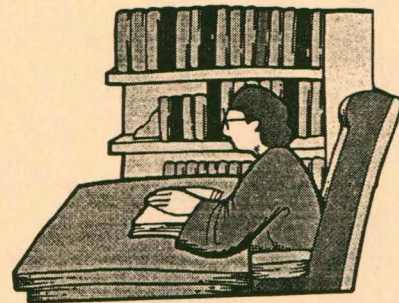
- (1) the name of the child,
- (2) the address of the child's residence,
- (3) the name of the school the child attends,
- (4) a description of the problem, including facts relating to the problem,
- (5) a statement of how you would like to have the problem resolved, if you know at the time,



What are my "due process hearing" rights?

Because a due process hearing is a more formal process than a pre-appeal, parents have hearing rights in addition to those that they have in a pre-appeal. Any party to a due process hearing has the following rights:

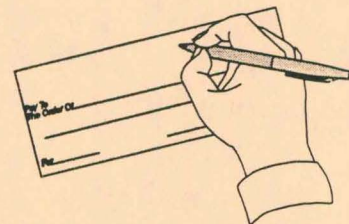
- the right to be represented by an attorney
- the right to be represented or accompanied by persons with special knowledge about your child or about children with disabilities
- the right to present evidence
- the right to present witnesses
- the right to cross-examine witnesses
- the right to require people to appear as witnesses
- the right to prevent the other party from introducing evidence which they did not share with you at least five days before the hearing
- the right to a complete written or tape-recorded record of the hearing



Because a due process hearing is similar to a courtroom proceeding, it is usually advisable for parents to be represented by an attorney. While you have the right to represent yourself, be aware that the school and AEA are almost certain to have experienced education attorneys representing their interests. Your school's notice of parental rights should include sources of information for you to contact for help in understanding your rights. Those sources may also be able to provide legal assistance at little or no cost to you, or may be able to refer you to an attorney who is knowledgeable in special education law.

Will I have to pay the costs of hiring an attorney?

Parents may choose to hire a private attorney to represent their child. If you do so, you would be responsible for paying that attorney. You may also be able to obtain free or reduced fee legal services through advocacy groups, or public interest agencies that serve people with disabilities or offer legal assistance based on a family's ability to pay. (Check the Resources Section of this Guide.)



There are provisions in the IDEA that allow parents to recover their legal expenses from school districts when the parents "prevail" or win their case. Whether you pay for an attorney or obtain legal assistance without cost, you may be able to file a claim for reimbursement of the legal costs—either to you if you paid an attorney or to an agency if it provided services to you without cost. If the school district wins the case, however, you would not be able to recover any legal costs you have paid. The school district cannot ask parents to reimburse any of its legal fees even if the school district wins.

The IDEA encourages mediation.

Even after a request for a due process hearing has been filed, parents and the school have the option of trying to settle the dispute through mediation. If the parties agree to mediate, a meeting will be set up for that purpose before the due process hearing is held. If the differences can be settled, no hearing will be necessary. If the differences cannot be settled, the hearing will proceed. Unless the parties agree that more time will be allowed, the ALJ must conduct the due process hearing and mail a final decision to each party within 45 days after the request for the hearing was filed. As a practical matter, few due process hearings proceed that quickly. It is not unusual for all the parties to agree to a

“continuance” (additional time) so that everyone has enough time to adequately prepare for the hearing. If you disagree with the final decision of the ALJ, you have the right to appeal that decision to a state or federal court.

What is a "complaint"?

Any person or organization can file a complaint with the Iowa Department of Education if they believe a school or other public agency has violated the IDEA or its regulations. A complaint is a signed, written statement explaining the facts and how the person filing the complaint believes that the law was violated.

Complaints about special education matters can be mailed to the Iowa Department of Education. Once the complaint is received by the Department, it must be investigated within 60 days. The Department must also give the person who filed the complaint an opportunity to offer additional information. The Department must then decide whether there has been a violation of the law and inform the person who filed the complaint in writing of their decision and the reasons for it.



What happens to my child's education while a disagreement is being resolved?

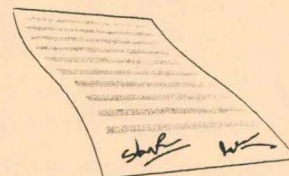
Often disagreements between parents and schools concern the educational placement of a child. Remember that "educational placement" can mean the location where your child receives his education, but generally refers to the structure of his educational program and the type of setting where the child's program is carried out. If the school proposes to change a child's placement and the parents do not agree that the proposed placement is appropriate, the parents can rely on an IDEA procedural safeguards commonly called "stay put" while the dispute is being resolved.



What is meant by "stay put"?

The IDEA "stay put" requirement means that once a parent files a request for a pre-appeal or a due process hearing, the child is entitled to remain in his current educational placement until the pre-appeal or due process is completed. That does not mean that a child has to stay in an educational situation that parents believe is inappropriate. If the parents

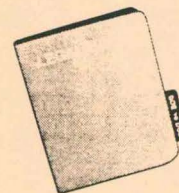
and school officials agree, the child may be placed in another educational setting until the disagreement is resolved. The "stay put" protection is a useful tool for parents when school districts propose a change in placement and the parents want the child to remain in his current placement. By requesting a pre-appeal conference or a due process hearing, parents can delay any change until they have had an opportunity to have their views on the proposed change heard.



How do I decide which option to choose?

We have discussed three options available to parents for resolving disputes about a child's educational program--a **pre-appeal**, a **due process hearing**, or a **complaint**. The option that you choose may depend on your particular concerns and what steps you have already taken to resolve your differences with the school. It may help to keep in mind some of the key differences between the options:

- * A **pre-appeal** is less formal and less confrontational than a due process hearing. Parents may want to be represented by an attorney or special education advocate at a pre-appeal.
- * A **due process hearing** is more involved than a pre-appeal, and is similar to a "courtroom" type hearing. It is generally recommended that parents be represented by an attorney in a due process hearing.
- * Filing a **complaint** does not give parents an opportunity for a hearing or mediation conference. A complaint involves an investigation and report by the Iowa Department of Education.
- * Requesting either a **pre-appeal** conference or a **due process hearing** gives parents "stay put" protection for their child's current educational placement. Filing a complaint does not.
- * Because you and your school are partners in your child's education and will be working together for many years, it is generally best to start with the most cooperative problem-solving method available to you. If that proves to be unsuccessful, you still have the right to go on to more confrontational methods.



- * As with any decision that involves legal issues, it is advisable to speak with an attorney knowledgeable in the field and get legal advice specific to your situation.



Are there also hearing rights under Section 504?

As discussed earlier in this Guide, Section 504 is a federal law that applies to students (and others) with disabilities. It has some general protections against discrimination that apply to all individuals with disabilities, and other, more specific protections that apply only to students. Section 504 is a more general law than the IDEA, and covers both more students and more types of activities and programs than IDEA, but offers many similar protections.

An important protection that applies specifically to public elementary and secondary school students is a set of "procedural safeguards" similar to those available under the IDEA. When schools take actions or make decisions about a child's (1) **identification** as a student with a disability, (2) **evaluation** for services or accommodations, or (3) **educational placement**, the school must:

- give **notice** to the parents of their action or decision
- give the parents an **opportunity to examine** the student's **records**
- give parents an **opportunity for an impartial hearing** with the right to be represented by an attorney
- give parents an **opportunity to appeal** or have a review of the hearing decision

Schools may set up a system of procedures specifically for Section 504 actions, or they may use the same procedures they have established for disputes about educational decisions made under the IDEA. In Iowa, there is no single state-wide system of procedures for Section 504 impartial hearings, so each school district is responsible for developing its own policies for resolving disputes. In the types of educational decisions described above, the school's policies must include the opportunity for an impartial hearing.

As a parent, you need to know that if you disagree with the school:

- (1) about whether your child is eligible for services or accommodations under Section 504,
 - (2) about how your child has been evaluated, or
 - (3) about the educational placement of your child,
- you have the right to request an impartial hearing on the matter.**

It is important to note that if your child is eligible for special education and related services under the IDEA, there is generally no need to use the Section 504 procedures for disputes about educational issues because the IDEA procedures offer the same plus additional protections. It is necessary to use the Section 504 "safeguards" when your child is not eligible under the IDEA, but is eligible (or may be eligible) under Section 504.

Do educational rights include extra-curricular activities?



Both the IDEA and Section 504 require that children with disabilities have an equal opportunity to participate in non-academic and extra-curricular activities. The school must provide support services or accommodations when they are needed to give students with disabilities an "equal" opportunity to participate. Non-academic and extra-curricular activities are those activities that are not part of the course work requirements students must complete to progress from grade to grade or to graduate.

Non-academic and extra-curricular activities include:

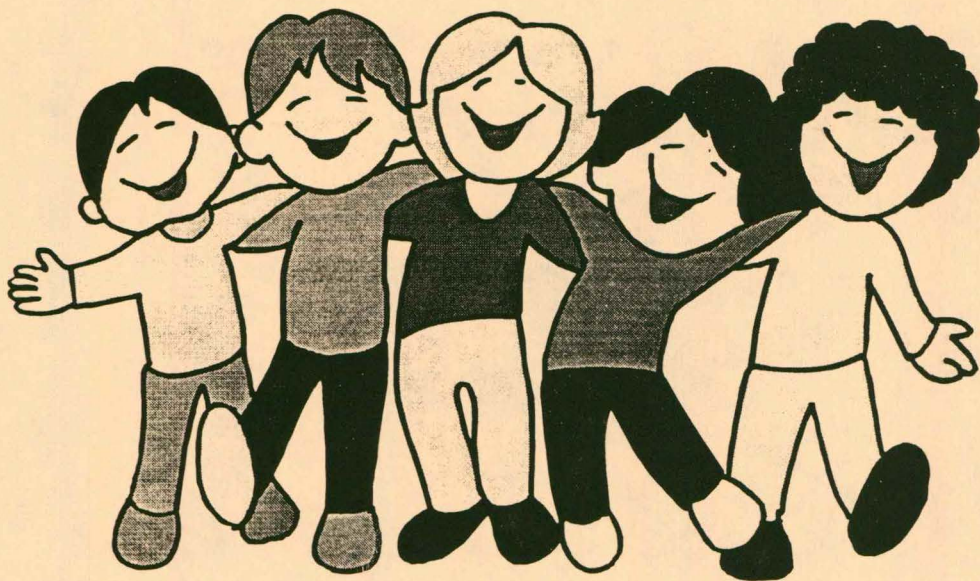
- physical education
- sports and athletics
- recreational activities
- band and vocal music
- clubs sponsored by the school
- special interest organizations
- school plays or musical programs
- before or after school day care



For example, the Section 504 "equal opportunity" requirement might mean that a school would have the duty to provide a sign language interpreter for basketball games and practices for a hearing impaired student who qualified to play on the team. It also might mean making modifications in the regular physical education requirements for a student with mobility impairments, or providing a one-on-one aide to assist a student during club meetings or recreational activities.

The key to determining the school's responsibility is identifying what services or accommodations the student needs to have an "equal" opportunity to take part in activities. Under both the IDEA and Section 504, participation by the student and the student's parents is a vital part of the decision-making process. Help your child participate fully!

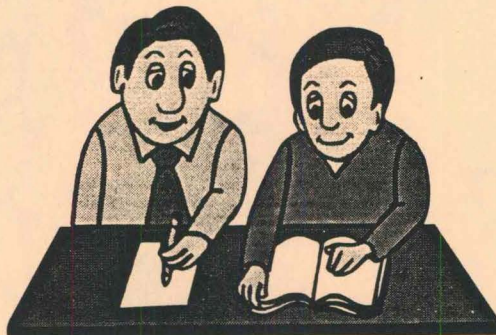
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A Note to Parents: The first part of this Guide has been devoted to educational rights for the parents of children with disabilities. These rights are given to parents so that they can exercise them on behalf of their children—children who are not yet old enough to exercise their own rights.

As children get older, it is natural for them to assume more responsibility for themselves, make more of their own choices, and begin to exercise their own rights. This is true of a child's educational rights. Parents always have a very important role in their child's education, but at least by the time a student reaches high school age, he or she should also take a responsible role in the IEP process. Sometimes parents and educators overlook an obvious source of information—the student. By the time a child has a few years of experience as a student, the child may be able to tell you a lot about what “works” for him or her.

Part 2 of this Guide is written especially for students. As a parent, you will probably want to read it yourself and share it with your son or daughter at the appropriate time. You can help your son or daughter develop self-advocacy skills by passing along the information you gather as a parent advocate to your child, and encouraging increased responsibility in decision making as your child matures.



"Disability is a natural part of the human experience that in no way diminishes an individual's fundamental right to be a full participant in all aspects of society."



-- Senator Tom Harkin

"Our enduring aim is to build a nation and help build a world in which every human being shall be free to develop his capacities to the fullest."

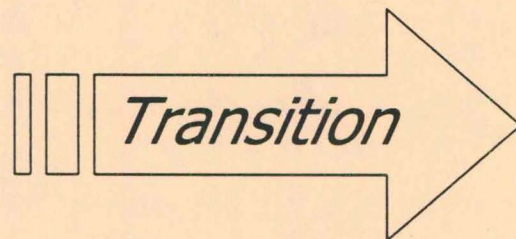
-- The Commission on Goals for
Americans appointed by President
Dwight Eisenhower



"Every American is entitled to a life filled with opportunity."

-- Representative
Newt Gingrich

The Project PRIDE Guide



*A Student's Guide
to
Getting Involved*

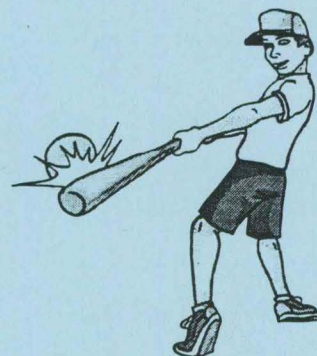


*Planning
for
your own
Educational Success*

"Believing in yourself is the most important thing. It's absolutely critical that you not allow yourself to be isolated, and don't allow people to say, 'No,' and when they do, recognize that they are wrong, you are right It's only going to change when we demand it."

-- Judy Heumann

"People with disabilities have an absolute right and responsibility to participate fully and equally in society and to maximize their quality of life potential in manners of their own choosing."



-- President Ronald Reagan



"Some people want it to happen, some wish it would happen, others make it happen."

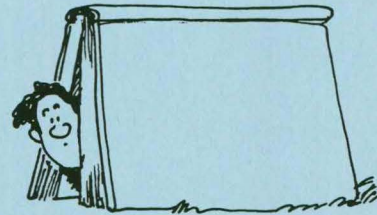
-- Michael Jordan

Part 2

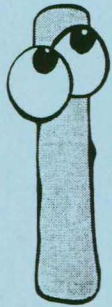
EDUCATIONAL RIGHTS FOR STUDENTS WITH DISABILITIES

This part of the Project PRIDE Guide is intended to help students learn about their own rights and how to use them to make their goals for the future come true. If you are a parent of a student over the age of twelve, you will want to share this part of the Guide with your child. **If you are a student--this part is written especially for you!**

A Student's Guide to Transition Rights & Responsibilities



You are the "I" in IEP.



"IDEA" stands for "Individuals with Disabilities Education Act." The "IDEA" is an education law that gives young people with disabilities the right to receive a free and "appropriate" public education. An appropriate education is an education specially designed to meet **your** needs as a student with a disability. (To read more about the IDEA, turn back to the Education Section of this Guide.)

You are probably already familiar with the IEP, or Individualized Education Program. The IEP is the plan put together especially for you by a team of people (including teachers and your parents) to describe what you need for a successful education. Did you know that you are also a member of that team?

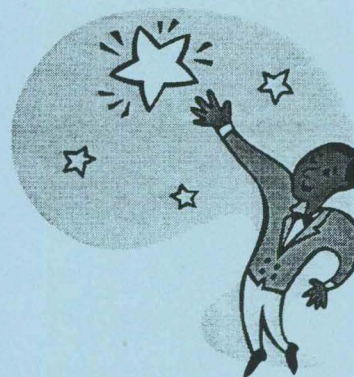
Your education should help you find and develop the things you do best, and give you special help with the things you have difficulty doing. **You have the right--and the responsibility--to participate in your own IEP meetings as soon as you are ready.** By the time you are 14 years old, your school must take steps to make sure you are part of the IEP team. Taking an active role as a member of your IEP team is a big step toward developing **self-advocacy** skills.

What is self-advocacy?

Self-advocacy means speaking for yourself and asking for the things you need and want. It also means standing up for your rights, and taking responsibility for making your own choices. Self-advocacy skills are important skills that you can begin to develop now, and you will continue to use for the rest of your life.

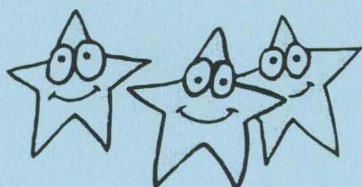
Self-advocacy skills include:

- **Asking** clearly for what you need or what you want
- **Explaining** the reasons why you need it
- **Expressing** your ideas and opinions
- **Defending** your ideas and opinions
- **Handling** conflict with others
- **Working** through disagreements
- **Solving** problems constructively
- **Participating** effectively as part of a group



To be an effective self-advocate, you need to:

- **Know** your rights and responsibilities
- **Know** your talents and abilities (what you do well)
- **Understand** how **your disability** effects all aspects of your life
 - Be able to **explain** to others how **your disability** effects your life
 - Know what **accommodations** you need
 - Be able to **explain** to others what **accommodations** you need



How Do I Get Started?

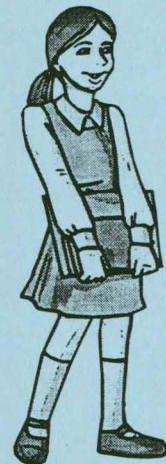
Your own IEP meetings can be a very good place to start developing self-advocacy skills. You have the right to begin participating in IEP meetings as soon as you are ready. At least by the time you are 14, your IEP team needs to know what you want for your future. If you feel uncomfortable about getting started, try taking it in steps:

(1) **Read** the portions of Part One of this Guide that explain the IEP meeting process. **Talk** to your parents about their experience with IEP meetings. **Attend** your next IEP meeting with your parents. If you need any special accommodations to participate, let the school know what you want them to provide. **Listen** and become familiar with how the meeting is conducted. **Ask** questions if there are things you do not understand. **Join** in the discussion as soon as you feel comfortable. If you are not comfortable speaking for yourself, ask someone to help you.

(2) **Plan** for the next IEP meeting. **Think** about the work you have been doing in school—what aids or services help you and what things have not been helpful. **Prepare** a list of ideas or topics you would like to talk about. (You can use a copy of your current IEP as a guide.) **Consider** what goals you would like to have included in your next IEP.

(3) **Take an active leadership role** in advocating for yourself. Who knows more about what you want and what you need to succeed than you do? **Your IEP meeting is about your life.** It is your responsibility to make your needs and interests known to the team. Here are some tips:

- tell the IEP team how you feel you are doing in school
- ask the other members of the team to tell you how they think you are doing
- focus on what you can do, and what services or supports have worked well for you





- tell the rest of the team what your goals are and how you see your future
- ask the other members of the team to offer ideas on how to help you reach your goals
- ask the other members of the team what they can do to support you in reaching your goals

By becoming an active member of your IEP team, you have an opportunity to keep the team thinking about how to build on your strengths and abilities, as well as how to help you with needs related to your disability.

The IDEA has a "built-in" process to make sure that at least by the time you are fourteen, you have a real voice in planning your own educational program and deciding what training or activities you will need to prepare for your future. This is known as "transition planning."



What is transition planning?

Transition planning is a **part of the IEP** planning process. The IEP team explores a student's long-term goals and maps out ways to help the student reach those goals. The purpose of transition planning is for you and your family to think about what your life will be like after high school, what long-range goals you want to make, and what you need to do now to get there. The IEP meeting must include a discussion about how your course of study is preparing you for college, work, or other activities after high school.

Transition planning must begin at least by the time a student reaches the age of fourteen, but it can begin earlier. By the time you are 14, your school must begin making special efforts so that your IEP will be built around your plans for the future. Those efforts include inviting you to the IEP meeting, arranging the meeting so you can participate, or finding some other way of letting your IEP team know just what you want if you cannot attend.

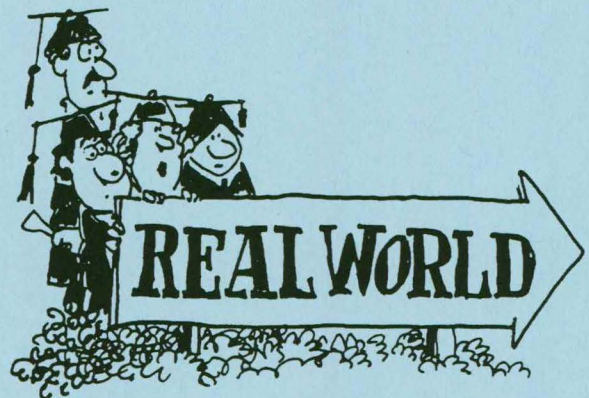
What are transition services?

Transition services are the educational activities designed to help you prepare for adult life. That may mean helping you prepare for college, for vocational training, or for a job, and to develop skills for life-long learning. Depending on your particular needs, it may also include developing skills for living on your own, for participating in community activities, or for meeting other adult living objectives.

The purpose of transition services is to make sure that while you are still in school, you learn the skills you need to reach your goals, and learn how to find the resources you will need to help you along the way. Both you and your parents (or a guardian or other advocate) need to be actively involved in planning for transition activities. **Transition planning should clearly reflect your personal goals, choices, desires, abilities, and preferences.** Transition services are intended to be "a coordinated set of activities" based on the goals and needs of each student. That means that **all** areas of need for each student must be considered. As an example, **if you need both** vocational training and help in developing independent living skills, it is not enough that you receive one or the other--**you must receive both.**

The areas of need that must be considered for each student include:

- instruction
- related services
- community experiences
- employment and other adult living objectives
- daily living skills and "functional vocational evaluations"



(Functional vocational evaluations are tests or surveys to help discover your job skills and what types of job opportunities or training you might be best suited for based on your individual interests.)

What kinds of services are considered transition services?

Transition services are activities that prepare a student for life after high school. They include activities affecting all areas of adult living:

Instruction -- Instruction includes academic classes, tutoring, or courses of study to prepare a student for college or other educational opportunities after high school.

Related Services -- Related Services include the services needed for a student with a disability to benefit from his or her transition activities. They can be thought of as supportive services, such as transportation, counseling, therapy, or mobility training. (Read more about related services under the IDEA in the Education Section of this Guide -- see "What is meant by special education and related services?")

Community Experiences -- Community experiences include work experiences in the community and at on-site job training programs. This also includes training in practical living skills such as banking, shopping, and using public transportation.

Employment -- Employment services or training are activities that prepare a student for a job or career.



Adult Living Objectives -- Adult living objectives include learning about the routine activities of adult life, such as voting, filing taxes, renting a home, finding a doctor or dentist, and getting insurance.

Daily Living Objectives -- Daily living objectives include activities to develop skills needed in daily living, such as budgeting money, paying bills, cooking meals, taking care of a home, washing clothes, and maintaining personal grooming.

Functional Vocational Evaluation -- A functional vocational evaluation gathers practical information about a student's interests, skills, talents, and needs.

Who provides transition services?

Your public school has the primary responsibility for providing transition services. The school is responsible for coordinating needed transition services, and directly providing some types of services, but to provide many types of services, your school will need to work with other agencies, such as:

- the Division of Vocational Rehabilitation Services ("Voc. Rehab.")
- the Department of Human Services (DHS)
- community colleges or state universities
- vocational training schools, trade schools, or private colleges
- community providers of adult disability services
- local employers

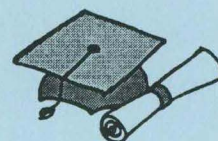
The process of transition planning should determine both **what services a student needs and who should be responsible for providing each service.** It is the school's job to make contacts with other agencies and identify who will carry out each of the services included in the transition plan. If another agency that has agreed to provide transition services fails to do what it has promised, it is the responsibility of the school to call a team meeting and find another agency to provide the service, or find some other way of meeting the student's transition goals and needs.



Why are transition services important to me?

Right now, your school has the important job of organizing the services you need because of your disability and working with your parents (or guardian) to make sure your needs are met. **Once you leave school, the school no longer has an obligation to provide and coordinate services for you.** Instead of one agency (the school) being

responsible for coordinating the services you need, **you and your family will become responsible** for identifying where and how to obtain services you need from a variety of agencies. This process can be complicated and confusing if you are not prepared, but it doesn't have to be--if you and your school have developed an effective transition plan. You and your educational team need to take steps now to prepare for making that important "transition" from school to adult life.



Getting access to needed services as an adult may mean demonstrating that you are eligible to receive disability-related services, or it may mean knowing exactly what accommodations to ask for in college or at work. For students with disabilities who will continue to need services as an adult, it is particularly important that transition activities include working with adult service providers in your community.

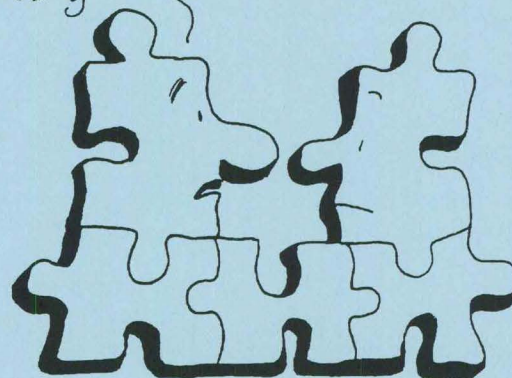
Why should I participate?

Transition planning is all about your life--what you want to do after high school, how you want to live, what kind of training you want, what kind of job you want to have. **You are the most important person in the transition planning process**, because it is focused on your goals for the future. The IDEA makes it very clear that transition planning is to be built around each student and his or her individual preferences, interests, abilities, and needs. Without your participation, the most important piece to the puzzle is missing.

When and how is a transition plan developed?

A transition plan is developed by the IEP team during the student's annual IEP meetings. Both parents and students must be included in the transition planning process. **The student must always be invited to IEP meetings where transition planning will be discussed.** The school is required to invite you with a written notice.

Ever get the feeling something's missing?



The school's written notice must include:

- the **purpose** of the meeting
- the **time** of the meeting
- the **location** of the meeting
- a **list of the people** who are expected to participate in the meeting, including their titles and the names of any agencies they represent



What does the IEP transition plan need to include?

BY AGE 14: Beginning at least by the time you reach age 14, your IEP must include a statement of what transition services you need and what parts of the IEP address those needs. This statement must be updated every year, and must include information on how the student's "courses of study" and transition services work together. (Examples of "courses of study" include course work to prepare for vocational training, course work to prepare for college, or course work to prepare for entering the work force.)

BY AGE 16: At least by the time you reach age 16, the transition services portion of the IEP must include information on what agencies outside the school may become adult service providers, and what steps are being taken to involve those agencies in coordinated planning efforts.

BY AGE 17: At least one year before you reach the age of legal adulthood (age 18 in Iowa), you must be informed of the legal rights under the IDEA that become yours at the age of majority. A statement that you have been informed of your rights must be included in your IEP.

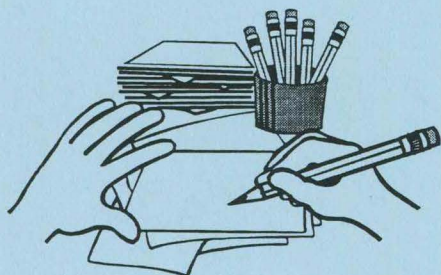
Also, at least a year before a student reaches age 18, the IEP team should contact the CPC (Central Point of Coordination) Administrator in the student's home county. This is an important step in coordinating adult services and may be done sooner

if the need for adult services is a recognized part of the transition plan. In Iowa, funding for services to children with disabilities comes mainly through federal programs, like the IDEA, and state money. Once a student reaches age 18, more of the funding for services is the responsibility of the student's home county.

The county CPC Administrator is the person responsible for approving funding for adult disability services. Your county's CPC needs to be informed when a young person is nearing the age when they will be seeking adult services so that money can be budgeted by the county for that person's needs and so that the county can become a part of the planning process. (Read more about Iowa's county plan system, CPCs, and adult disability services in Part 3 of this Guide.)

The IEP for a student doing transition planning should:

- **record** the student's after-high school **goals**
- **define** what **transition services** the student needs to meet those goals
- **identify** the other **agencies** which need to be involved, who will provide each type of service, and who will be responsible for coordinating the services



Keep in mind that the IEP team is required to consider whether services are needed in the areas of: (1) **instruction**, (2) **related services**, (3) **community experiences**, (4) **employment** and other **adult living objectives**, and (5) **daily living skills** and "**functional vocational evaluations**." If the IEP team decides that services are not needed in one or more of these areas, the IEP must state which services are not needed and explain why those particular services are not needed.

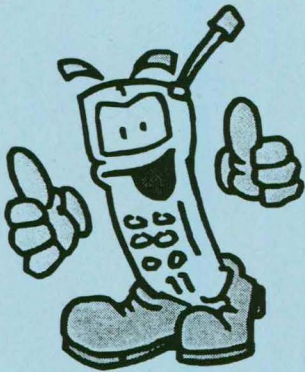
PLAN
For the Future

What records of transition activities will I need?

During your school years, your parents have probably collected what seems like a mountain of educational records for you. (Parents' rights to obtain those records were discussed in Part 1 of this Guide.) As a young adult, you have the same right to see or get copies of your own school records.



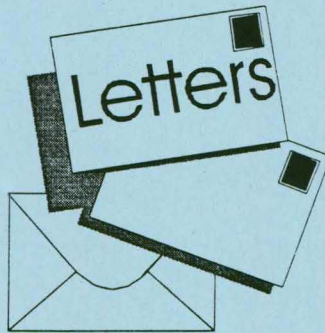
It is important that before you leave school, you **request copies of all high school transcripts, evaluations, tests, reports, and your last IEP.** Many schools do not keep complete copies of these records for long after students graduate. You may find that you will need your school records to show that you are eligible to receive adult services, or to show that you need certain accommodations when you go on to college, vocational school, or a job. Reports of medical or psychological testing and evaluations performed by health care professionals are most commonly accepted as evidence of your disability after high school.



You will also want to get copies of any reports on vocational training or work experience. You may also want to request letters from teachers or job-site employers to use as references. If you or your parents have had contacts with agencies that provide adult services, **keep good notes of telephone calls.** **Keep copies of all letters** you write to the school or other agencies. Keep and file all the letters you receive regarding your education, transition, and adult services.

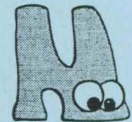
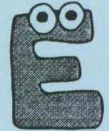
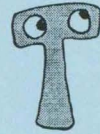
KEEP RECORDS:

LETTERS
EVALUATIONS
REPORTS
TRANSCRIPTS
NOTES OF PHONE CALLS



Top Ten Tips for Student Participation in Transition Planning:

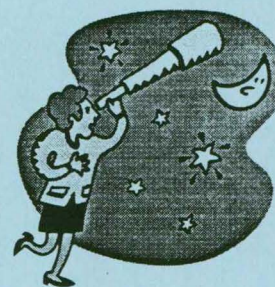
1. **Know your abilities**, talents, skills, and needs.
2. **Know and accept your disability** and how it affects your life.
3. **Know and understand your rights and responsibilities.**
4. **Think** about what you like and what you don't like.
Think about the future--what you want to do after high school and how you want to live.
5. **Talk** to your parents (or a guardian or advocate) about what you would like to do.
6. **Attend and participate** in IEP meetings as a team member.
7. **Ask questions** if you don't fully understand.
8. **Make suggestions** about what works best for you.
9. **Make your preferences and desires known** to the IEP team.
10. **Remember** that transition planning is all about *your future!*



You can help your parents help you, too. They will be better able to help you express your wishes at your IEP meeting and during transition planning if you talk to them at home and let them know what you really want to do after high school. Transition planning should be a cooperative effort for you, your parents, and the other members of your IEP team.

Top Ten Tips for Parent Participation in Transition Planning:

1. **Know your child's abilities**, talents, skills, and needs.
2. **Know and accept your child's disability** and how it affects his or her life.
3. **Know and understand your rights and responsibilities.**
4. **Learn** about the adult service agencies and resources available in the community. (See Part 3 of this Guide.)
5. **Talk** to your son or daughter about the future and what he or she wants to do after high school.
6. **Think** about what programs or services your child will need to meet his or her goals. (See "Who Provides Transition Services?" earlier in this section.)
7. **Attend and participate** in the IEP meetings as a team member and support your child in expressing preferences, or express your child's preferences if he or she cannot.
8. **Ask** to have responsibilities assigned to specific people and to have specific time lines for action set.
9. **Make sure** the team understands and honors the desires and preferences of your child and your family.
10. **Be creative.** Remember that the best transition plan is a plan that can help make your child's *dreams come true!*



An Additional Note to Parents:

Parents and other adults who are an important part of the life of a young person with a disability may find it helpful to keep in mind that a successful transition from student to adult includes or is affected by nearly all aspects of the student's life. Parents, other family members, teachers, and friends all have important roles in helping each student realize his or her potential.

To realize their potential . . .

Young adults need to be involved. Young people need to be given an active role in making **all** decisions that affect their lives, and they need to learn to take responsibility for making their own choices.

Young adults need real choices. Young people need to have opportunities to explore different options for training, jobs, and community living before they can make informed choices about their own lives.



Young adults need encouragement. Young people may need to be encouraged to learn independence and develop positive attitudes toward work. Young people whose disabilities make them dependent on

others for physical care may need special help developing independence in other areas of their lives.



Young adults need to develop personal skills. Working on development of social and communication skills at home, at school, and in the community, will help a young person improve important job skills.

Young adults need to learn responsibility. Taking on responsibilities in the home helps prepare a young person for independent living.

Young adults need to develop independence. Encouraging as much independence as possible in community activities, transportation, job experiences, or volunteer work helps a young person gain self-confidence.

Young adults need to learn the value of work. Helping a young person understand the value and benefits of work encourages the development of a positive attitude toward employment.

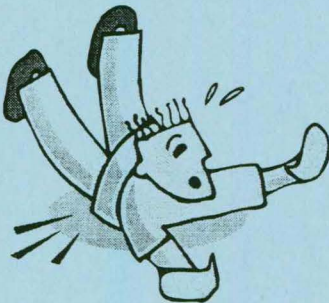
Young adults need to learn workplace skills. Helping a young person understand what employers expect and how to behave in the workplace is key to building successful employment skills.

Young adults need to learn they have something to contribute. Offering young people opportunities and encouraging them to volunteer for a local hospital, library, church, daycare, or community group helps them learn that their efforts can benefit others.

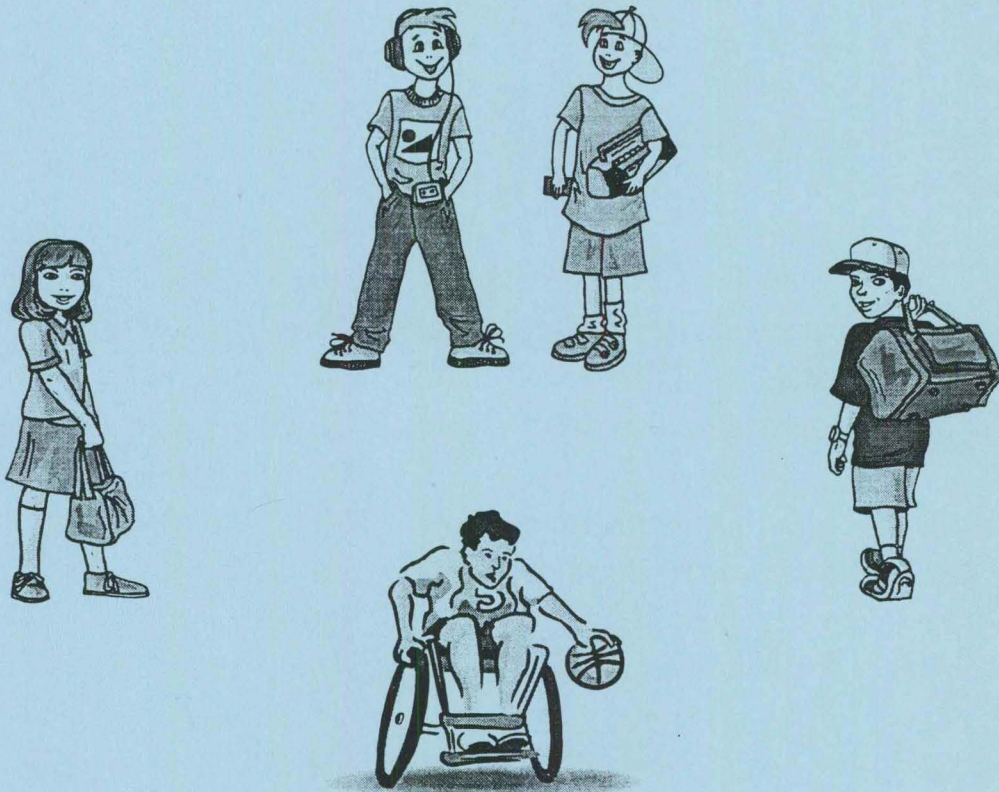
Young adults need an opportunity to grow. Parents often feel a special duty to protect a child with disabilities. It may take extra effort on their part to adjust to their child's growing self-reliance and accept the reasonable risks that come with independence.

Young adults need to gain confidence in their abilities. Transition goals need to be realistic, but a young person should not be discouraged from taking on challenges because others have low expectations, or because others fear the young person may fail.

Young adults need the freedom to fail. Failure is a fact of life. To never fail is to never take a chance on doing something new or challenging. Young people need to learn that when they try new things, they may not always succeed, but that they can survive their failures, learn from them, and try again.



Young adults need to develop new relationships. As young people prepare to leave high school, they need more opportunities to meet new people and become involved in activities that will help them develop a sense of "belonging" in the community where they will live.

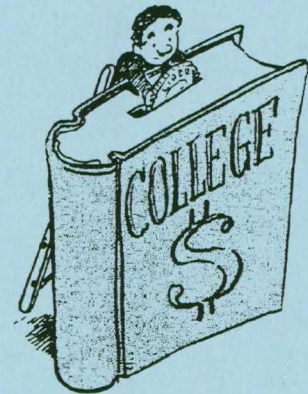


PARTICIPATION RIGHTS IN HIGHER EDUCATION

What are my rights if I go on to college or trade school?

Special education services end when you graduate from high school. The IDEA covers all students with disabilities in elementary and secondary schools. **The IDEA does not cover post-secondary schools.** Post-secondary schools could be technical schools, trade schools, colleges, or universities (or other educational activities after high school).

In some cases, students may be enrolled in classes at a community college or technical school during their last high school years. If they have not yet graduated from high school, they are still enrolled in special education and are subject to all of the requirements and protections of the IDEA. **After graduation from high school, different requirements and protections apply to students.** Section 504 of the Rehabilitation Act of 1973 was discussed earlier in this Guide. Section 504 applies to students in elementary and secondary education **and** to post-secondary schools or "higher" education. Another federal law, the Americans with Disabilities Act of 1990 (the "ADA") also applies to education after high school. (More about the ADA later.) These two laws prohibit colleges, universities, or other educational programs from discriminating against a person because of a disability. They are known as "non-discrimination" laws.



What is "non-discrimination"?

Non-discrimination laws protect people from unfair discrimination based on their status as a member of a "protected" group. They are also known as "civil rights" laws. Non-discrimination laws can apply to race, gender, age, religion, disability, or other specific populations. In the case of students with disabilities, Section 504 and the ADA require that they are not excluded from any program or activity **because of their disabilities.** Schools that are subject to these laws must make any **reasonable accommodations or modifications** that a student with a disability needs to participate.

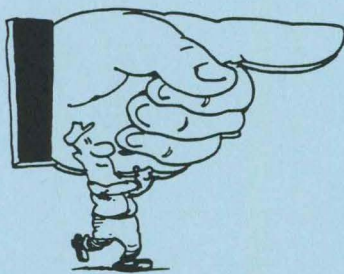


Accommodations must allow students with disabilities to:

- have access to,
- participate in,
- or benefit from,

any of the educational programs or activities offered to all students. Students must be otherwise "qualified" for the program or activity. That means that students with disabilities must meet the same basic requirements to participate that students without disabilities must meet. If students with disabilities are asked to meet standards or requirements which are greater than those for students without disabilities, that would be illegal discrimination.

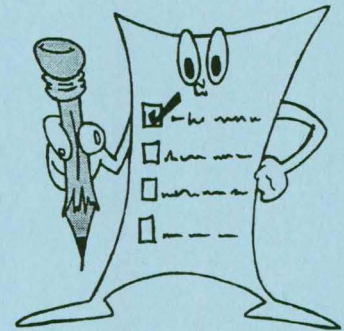
As a public school student with a disability, your school had an obligation to identify your needs and design an educational plan to meet them. **As an adult, you have the responsibility to identify yourself as a person with a disability, know what accommodations you need, and ask for those accommodations.** Each college or university should have a Disability Services office or a Disability Services coordinator for you to contact. It is your responsibility to make the contact. Colleges and other post-secondary schools have no obligation to make any accommodations until you do two things:



- (1) **Request services** from the campus Disability Services office, and
- (2) **Provide "documentation"** of your disability.

The "documentation" (record or proof) needed is usually a recent medical or psychological evaluation. (One completed within the last three years.) Generally, the Disability Services office will help arrange the accommodations you need in individual classes. You should make the arrangements as early as possible to make sure they can be put in place before classes start, if possible.

Remember, a post-secondary school has no obligation to find you or offer you services. **It is your responsibility to let the school know what you need.** Colleges may not be required to provide accommodations unless you identify your needs at the appropriate time--usually when you apply for admission or when you register for classes. If you fail to identify yourself as a person with a disability and ask for accommodations, then experience problems in your classes, it may be too late for you to get the help you need. The school may not be required to honor requests for accommodations made at the last minute, or after you have performed poorly in class.

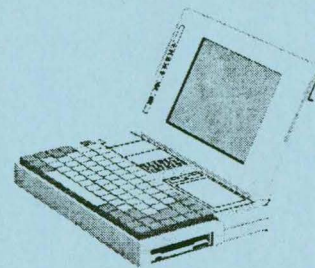
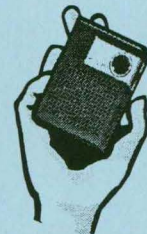
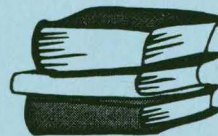


What kinds of accommodations can I expect to receive?

Just as in elementary and high school, accommodations for students with disabilities must be made based on the needs of the individual. What is a reasonable accommodation for one person may not be a reasonable—or appropriate—accommodation for another person. By the time you have completed high school, you should have developed a good understanding of your disability and how it affects your learning. You may need to ask some questions about how college classes are structured to decide what kind of accommodations you will need for a particular course. The Disability Services office should be able to assist you.

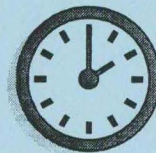
Examples of Classroom and Study Accommodations:

- text books on tape
- tape recording lectures
- note-takers for lectures
- use of a calculator in class
- proofreaders for written assignments
- extended time to complete lengthy projects
- use of a computer for word processing



Examples of Testing Accommodations:

- additional time for test-taking
- test reader (a person to read the test questions to you)
- taped testing (tape recording test questions or answers)
- oral testing (answering questions aloud instead of in writing)
- computer testing (writing test answers using a computer)
- alternate test settings (such as a quiet room to reduce distractions)
- test scribe (a person to write down your test answers)
- use of a calculator on some tests

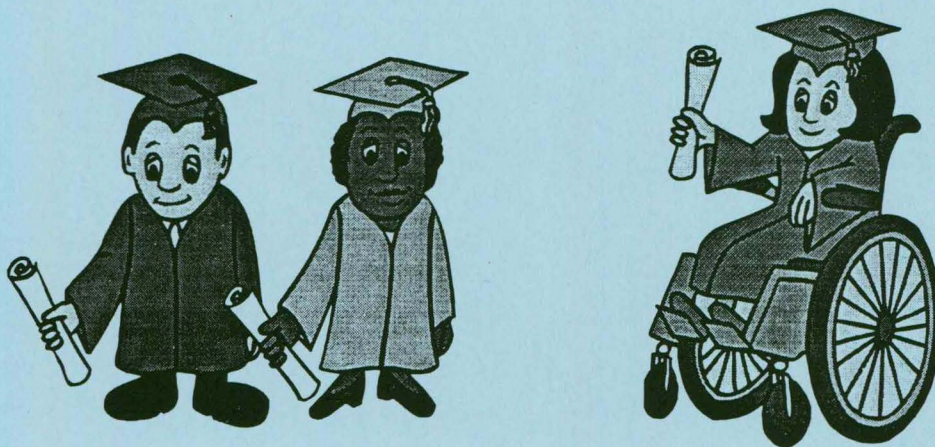


As discussed earlier in this Guide, Section 504 makes it illegal to discriminate against an otherwise qualified person on the basis of a disability in any program or activity that receives funding through the federal government. (You may want to review "What is Section 504?") Nearly all elementary, secondary, and post-secondary schools, are included, as well as businesses and public facilities that receive money from the federal government. Section 504 requires that schools take **reasonable steps** to give students with disabilities **access to all the programs and activities offered** by the school.

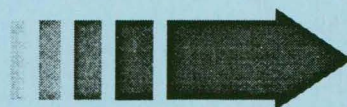
Making accommodations does not mean lowering academic standards. It means allowing students to perform tasks that are affected by their disability in an alternate way. This is a very important difference to understand. Students who qualify to receive learning accommodations under Section 504 or the ADA are still expected to meet all academic requirements of the college or program they are enrolled in. They are still expected to be responsible for managing their time, meeting deadlines, and maintaining acceptable grades to earn credits for their course work. Qualified students are entitled to reasonable accommodations in the way that they learn and the way they do their work—they are not entitled to reduced expectations that they can master the material that is essential to their program of learning.

Taking Responsibility

Along with all the rights explained in this Guide come responsibilities. Each person has a responsibility to contribute to his or her community by participating in it. Each person has a responsibility to make choices and to accept the consequences of those choices, even when those choices are unwise. Becoming an adult means learning, living, working, and playing as independently as possible. Parents, teachers, and service providers can help young people with disabilities by offering information and support, but each individual has a responsibility to take their own actions and to make their own successes and their own mistakes.



Your Life, Right This Way



The Project PRIDE Guide



*A Guide
to
Getting Involved

in the
County Management
Planning Process
for
Disability-Related Services*



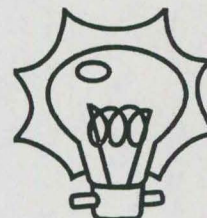
"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has."



-- Margaret Mead

"Empowerment is when you have gained the confidence in yourself to have the light bulb go in your head. You realize you can take control of your life and you understand that now you have done it."

-- Nancy Ward



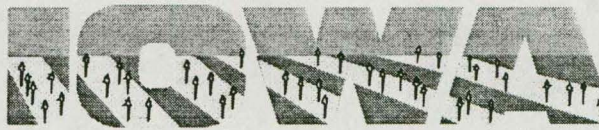
"An individual can achieve personal power, but the true power comes from uniting with others in shared beliefs It is my dream that the disability community will recognize the need to celebrate their sameness and let go of their differences so that we might sustain our collective power to live the real dream."



-- Becky Ogle

Part 3

Participation in County Management Planning



An Introduction to the Services System in Iowa

Here in Iowa, services and supports are made available to people with mental retardation, developmental disabilities, brain injury, and mental illnesses with the help of public funding. Public funds for such services come from the federal government, the state government, and Iowa's county governments.

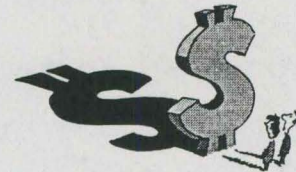
Federal programs such as **Medicaid** provide necessary medical care and services for individuals who meet financial eligibility requirements. Medicaid is often called "Title XIX" (or "Title Nineteen") because it was created by Title XIX of the federal Social Security Act. Medicaid is also referred to as an "entitlement" program because individuals who meet the eligibility requirements are "entitled" (or have a right) to receive the benefits. In addition to medical care, Medicaid provides a large share of the funding for many types of services available to individuals with disabilities.

Each state that receives Medicaid money must "match" the dollars paid by the federal government with a certain amount of state dollars. In general, for each two dollars of federal money the state receives to provide Medicaid services, the state must also agree to pay one dollar toward the services. This state "match" is paid with money budgeted by the state from taxes collected within the state (such as income taxes, sales taxes, or property taxes). For disability-related services that are not covered by Medicaid, a large share of the funding in Iowa has traditionally come from county property taxes.

In 1995, the Iowa General Assembly passed legislation commonly known as "**Senate File 69.**" This change in the law gave counties more control over how they choose to spend public funds to provide mental health and disability-related services.

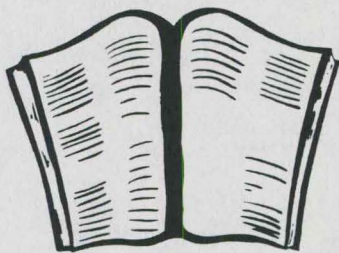
The change was designed to help counties cut costs by allowing them to make decisions about how to use their own property tax dollars most efficiently, and by shifting some of the costs previously paid by counties to the state. This change in the law gave counties greater flexibility in decision making, but it also limited the total amount of money they have available to spend for services.

As a result of Senate File 69, each county is now required to develop a "county management plan" which describes how persons with disabilities will receive appropriate services and supports within the county's "services" budget.



As a person with a disability, or the parent of a child with a disability, you have a right to participate in the development of your county's management plan. To participate effectively, you need to have an understanding of some of the requirements for what must be included in a county management plan and how the plan is developed.

What is a county management plan?



A county management plan is a **written plan for organizing, financing, delivering, and evaluating services and supports for individuals with mental retardation, developmental disabilities or mental health needs.** Each county in Iowa must make its plan for services according to specific requirements established by state law and regulations.

The first county plans were developed and went into effect in 1996. Since that time, each county has been required to review and update its plan once each year. Beginning April 1, 2000, each county must complete a "strategic plan" every three years, and make a review of the plan every year. This is a new requirement that means starting in 2000, each county must develop and maintain a "policies and procedures" manual for its county services system.

County Management Plans must be submitted to the Iowa Department of Human Services for approval. (Starting in 2000 each county management plan must include the county's policies and procedures manual also.) Any "amendments" (or proposed

changes) to the plan must be submitted to the DHS for review and approval. Two or more counties may work jointly to develop a single, shared plan for services. Several groups of counties in the state have chosen to use this cooperative effort in planning for services.

Why is my county's management plan important to me?

If you are a consumer of disability-related services or if you have a family member who uses such services, you may be directly effected by what your county chooses to include in its county management plan--and what it chooses not to include. As an example, if you have been receiving the service of transportation to and from a job or day activity site and the county revises its plan to no longer include the service of transportation, funding for that particular service may no longer be available to you.



All counties must involve consumers and family members in the development of the plan, and show how their input was considered in the final plan. This is a very important requirement because it is your key to participating in the plan development process. By participating in the process, you have an opportunity to let county planners know--from your point of view--how well the system works and how you think it can be improved.

What are the basic rules all county plans must follow?



Because the county plan system was established by state law, a state agency is responsible for administering (or managing) the system. The Iowa Department of Human Services ("DHS") is the state agency responsible for making a set of administrative rules that the counties must follow when writing their plans. The DHS rules govern the county management planning process and establish most of the requirements discussed in this section of the Guide. The DHS rules also describe three basic principles for the services system in Iowa: Choice, Community, and Empowerment.

"Choice" means "the abilities of consumers, their families, and authorized representatives to exercise informed choices about the amounts and types of services and supports received."

"Community" means that "the system supports the rights and abilities of all consumers to live, learn, work, and recreate in natural communities of their choice."

"Empowerment" means "that the service system reinforces the rights, dignity, and ability of consumers and their families to exercise choices, take risks, provide valuable input, and accept responsibility."

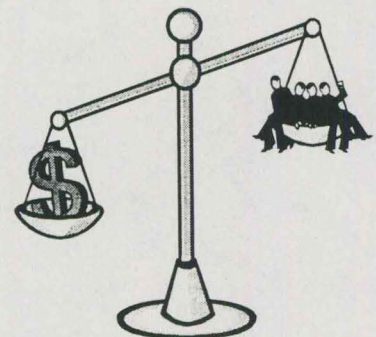
Services and supports provided under the county management plans are to be **individualized** to meet each person's needs. Each county's plan must provide for an "array" (a selection of various types) of services and supports to assist individuals with disabilities. Those services and supports are to be designed to help consumers:

- to be as **independent** as possible,
- to be as **productive** as possible, and
- to be **integrated** into their communities as much as possible.

Because each county must work within a fixed budget for the year, county management plans are a form of "managed care" and are sometimes referred to as "Managed Care Plans."

What is Managed Care?

You may be familiar with what it means to have a "managed care" provider for medical services. Generally, it means that the system of services is "managed" (or coordinated) by an administrator in an effort to keep costs down and still deliver high-quality services. Managed care may also mean that there are limits placed on the amount of services available to an

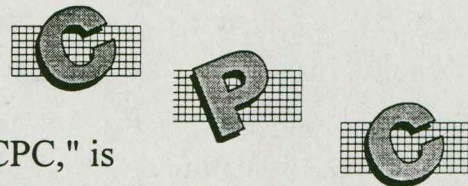


individual, the type of services available, the length of time services are available, and the providers who are approved to receive payment for services.

Counties also have the option of "contracting" with a private organization or service provider to manage their service delivery system. If a county chooses to do this, they would enter into an agreement with the organization to manage the services system, rather than directly hiring their own employees for management of the system. (As an example of a contracting agreement that you may be familiar with, a company called Merit Behavioral Care has been "contracted" by the state to provide mental health services for individuals in Iowa who receive funding from Medicaid.) Under the county plan system, individual counties (or groups of counties) may also enter into contracts with private companies to manage their disability-related services.

A managed care plan "coordinates" access to the system. That means an individual must go through a specific process to request and receive services and funding. Each county is required to create a "single point of entry" process, known as the "Central Point of Coordination," or "CPC."

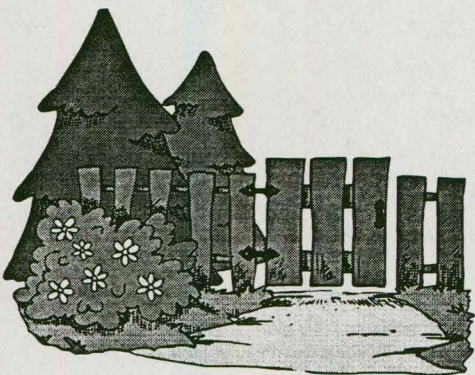
What is the Central Point of Coordination?



The Central Point of Coordination, or county "CPC," is the administrative "gatekeeper" for service requests. All service requests must go through the CPC and be approved by the CPC for funding. Each county has a CPC Administrator who is the person responsible for determining the eligibility of

applicants and approving or denying service requests.

This is also called the "single point of entry" because all applications are forwarded to this one point for review and approval. This does not mean that all applications have to be made directly to the CPC Administrator. It does mean that whenever an application is made at an "access point," it will always need to be forwarded to the CPC for approval.



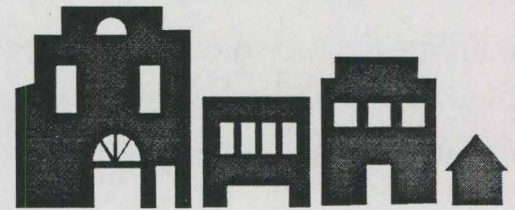
What is an access point?

An "**access point**" is anywhere that has been designated by the county as a place where an initial request for services can be made. Access points will be listed in the county plan, and will usually include places where individuals would ordinarily go seeking services, such as hospitals, community mental health centers, human services agencies, and local DHS offices.

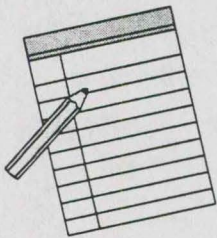
You can get specific information about access to services in your county by contacting the CPC Administrator or your local DHS office. County management plans are public records that must be made available to the general public and may be reviewed upon request at your county courthouse. You can also request a copy of the plan. The county may charge a reasonable fee for photocopying.

What is included in a county management plan?

(1) AN OVERVIEW of what is included in a county management plan: Each county plan must explain what services it will offer, what eligibility requirements individuals must meet to qualify for services, and how services can be obtained. It must also include information about future plans for the system and how the county intends to evaluate and improve the way services are delivered. Each county plan must also explain an individual's right to appeal decisions that deny requested services, and must explain how an appeal can be made. It must also explain how confidential information about individuals will be protected.



2) A QUICK LIST of what each county management plan must explain:



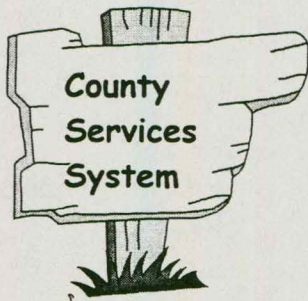
- what services are offered
- who can receive services
- how to ask for and receive services
- future plans for the services system
- how to appeal if you are turned down for services
- how private information about you will be protected

(3) A DETAILED LIST of what each county management plan must include:

-- a description of the **area covered** by the plan (one county or more than one county in the case of a shared plan)

-- a description of the **current services system** in the county

-- a description of the **services system the county plans to have in three years**



-- a description of the **steps to be taken toward changing the system**

-- a description of **how progress** toward changing the system **will be measured**

-- a description of **how people can get access** to needed services and supports

-- a description of **how the services system will be monitored and evaluated**

-- a description of **how evaluations will be used to improve the system**

-- a description of **how the county will provide community services that are flexible, cost-effective, and are provided in the least restrictive environment possible**

-- an explanation of **how the plan is administered** (or managed)

-- an explanation of **who is eligible** for services

-- an explanation of **what services are available**

-- an explanation of **how services are authorized**

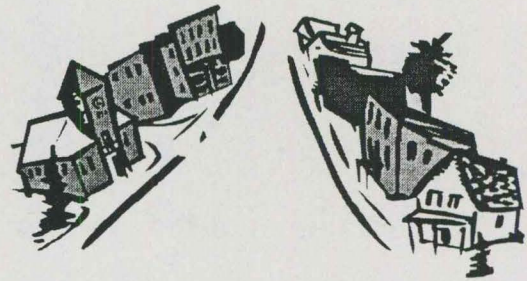
-- an explanation of **how the county system works with service providers and others** to meet people's needs



EACH COUNTY PLAN MUST INCLUDE POLICIES TO ASSURE CONSUMERS:

- that decisions on providing services are made by individuals or organizations that **do not have a financial interest** in providing the services
- **OR**, if there is **any financial interest** or other conflict of interest by individuals or groups providing services, it is **fully disclosed** to consumers
- **AND** that the plan meets all state and federal legal requirements that **personal information** about individuals applying for or receiving services **be kept confidential**

Iowa's 99 counties have developed about 60 different county management plans. This is because some counties have chosen to work together in developing their plans or have chosen to share the same plan with other counties in their area. Each plan has its own provisions for determining who is eligible for services and what services are available to eligible individuals. For this reason, there are differences from one county to another in both the specific services available and the requirements for individuals to be eligible to receive services. You will need to get specific information about the services in your county from your county CPC, from information available at other "access points," or from the county plan itself.



Because services are provided and funded under the individual county management plans, the services you need are usually funded by the county where you live, but in some cases, they may be funded by a county you have lived in before. For all children, and for some adults, they may be funded directly by the state. This is because Iowa's system for funding services depends on where you have "legal settlement."



What is "Legal Settlement"?

As discussed earlier, Iowa counties either have or share financial responsibility for certain services to people with disabilities and mental illnesses. "Legal settlement" is a method created in Iowa's state law to determine which county is responsible for paying for the services needed by a particular individual.

The county where you live is your **county of residence**. The county responsible for funding services for you is your **county of legal settlement**. These may be the same county, or they may be two different counties.



If a person receiving services has lived in the same county all his life, that county is his county of legal settlement. Since families and individuals move, however, a person's county of residence may change. That person's county of legal settlement may sometimes change also, but it doesn't always change just because the person moves.

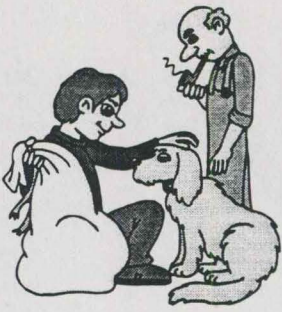
Legal settlement changes when an individual (1) has lived in a new county for one full year, and (2) has not received services, treatment, or support from a community-based provider during that time.

-- If you move, and continue to receive certain services in your new county of residence, your county of legal settlement **does not** change.

-- If you move, and do not receive services, treatment, or support from a community-based provider for a full year, your county of legal settlement **does** change.



For children under age 18 who are receiving services, the child's county of legal settlement is the same as that of the child's parents. If that child



becomes an adult and moves to another county, but never stops receiving publicly funded services, his county of legal settlement will stay the same. No matter where in the state that person lives as an adult, as long as he has continued to receive services, he will still have legal settlement in the county where he lived on his 18th birthday.

On the other hand, if that person **moves to a different county and does not receive any services, treatment, or support from a community-based provider for one full year**, that person "acquires" legal settlement in the new county. The new county would then pay for any services approved in the future.

When an individual moves out of the state for more than a year, he no longer has legal settlement in any Iowa county. If he later moves back to Iowa and is approved to receive services, the services will be funded by money directly from the state rather than an individual county. The same is true for a person who moves to Iowa, has never lived in the state before, and needs services during his first year of residency. Funding for persons who do not have a county of legal settlement is referred to as a "**state case**" because the state is responsible for the share of funding that the county would ordinarily pay.

The state also provides the "county" share of funding for services to all children under the age of 18 in Iowa, even though they are considered to have their parent's county of legal settlement.



It is not your responsibility to determine where you have legal settlement, but you should understand that the determination is very important to each county because the county needs to have enough funds in its budget to pay for necessary services to those individuals who have legal settlement there. You should also be aware that counties will sometimes disagree about which one has the funding responsibility for an individual.

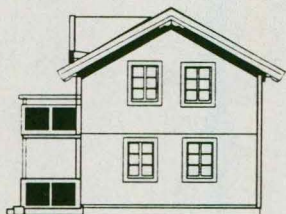
You still have the right to have certain services paid for even if there is a disagreement about where you have legal settlement. Disagreements about legal settlement are matters for county governments to work out between themselves or through legal actions.



If you live in a county different from your county of legal settlement, your need to be aware that you can only receive funding for services approved by your county of legal settlement, even if the county where you live offers more or different services. This is because the county plan of your county of legal settlement determines which services you are eligible to have funded.

Does that mean I may have to work with more than one county to get services?

Even if your county of legal settlement is different from the county where you live, Iowa's system provides for you to apply for services through the county where you live. If you have a different county of legal settlement, your county of residence will contact the plan administrators in the funding county to coordinate their efforts. Once application is made, the two counties will determine how responsibility for arranging services will be divided. It is not the responsibility of the individual seeking services to make those arrangements. Services you are entitled to receive should not be denied or delayed because your county of residence is not the funding county.



How do I find out what services I may be eligible to receive?

Each county plan must describe what the eligibility requirements are to receive services and supports. These requirements must be described for each of the eligibility groups covered under the plan. The eligibility groups included under the plan rules are persons with mental illness, chronic mental illness, mental retardation, developmental disabilities, and brain injury. To be "eligible" to receive services means that your disability and your needs for services and supports fit within the range that the county plan covers.

Eligibility requirements may include the type of disability you have, the type of treatment you have been receiving, and the areas where you need assistance (for example: learning, working, daily care). There may also be financial eligibility standards, to determine if you have the ability to pay for your own services. The county would consider your income (the amount of money you earn or the amount of money you are entitled to receive because of your disability) and any other money or property you could use to help support yourself.

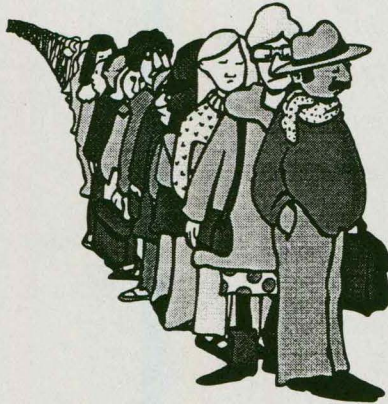
Each county plan must describe the "scope" of services available to each eligibility group. Your county's plan will not specify exactly what services are available to you, because services are to be individualized to meet your needs from the list of available services. This list is the "scope" (or range) of services available to individuals in each of the eligibility groups. Each county plan must describe what types of services and supports are available for each of the covered groups. As an example, a plan should show a list of services and supports covered for people with mental retardation, and another list of services and supports covered for people with chronic mental illness.

You should be aware that Iowa law provides that certain services, or a certain minimum amount of treatment must be made available to individuals with mental retardation and individuals with mental illness. **Services beyond a minimum level are determined by the county plan.** County plans must also describe what services are available to individuals with developmental disabilities (other than mental retardation) and individuals with brain injury. Because state law does not require specific services or treatment for these eligibility groups, county plans can determine what services, **if any**, will be provided for persons with developmental disabilities (other than mental retardation) and persons with brain injury.

Each county plan must include information on any co-payments that are required for receiving services. If co-payments by consumers are required, they must be based on the individual consumer's ability to pay, taking into account the consumer's income and any other resources (money or property) that they can use to help support themselves.



Each county plan must include a process that allows emergency services to be authorized when needed. This means that the plan must provide a way for consumers to receive immediate services in a crisis situation. As an example, a plan might provide that in an emergency, services would be provided to stabilize the situation and ensure the safety of the consumer and others even if an application for services had not yet been processed and approved for that individual.



Counties may use waiting lists for services as a way to manage costs. **If a county includes the use of waiting lists in its plan, the plan must describe how and when a consumer will be placed on a waiting list.** The plan must also describe how information about the waiting list will be used by the county to plan for future services.

What types of services are available?

As discussed earlier, each county's plan must list the types of services available to each eligibility group. Each county's list of services may be different. The following list is included as an EXAMPLE of the types of services county plans may offer and as a guide to some of the abbreviations you may see used:

RESIDENTIAL SERVICES:

ICF/MR - Intermediate Care Facility for persons with Mental Retardation.

MHI - one of the four state Mental Health Institutes at Cherokee, Clarinda, Independence, or Mount Pleasant.

RCF/MR - Residential Care Facility for persons with Mental Retardation.

RCF/PMI - Residential Care Facility for persons with Mental Illness.

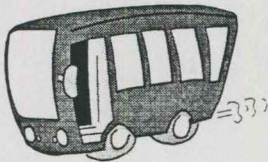
State Hospital-Schools ("SHS") - one of the two State Hospital-Schools in Iowa at Glenwood and Woodward.



SUPPORT SERVICES:

Supported Community Living ("SCL") - services offered in a consumer's place of residence to help the consumer learn to live more independently or function better as a part of the community. SCL may include training in personal skills, daily living skills, social skills, communication, advocacy, transportation, or other treatment activities.

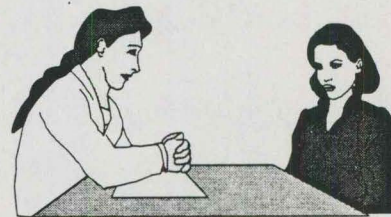
Respite - services which allow caregivers a "respite" (or temporary relief) from their care-giving responsibilities. Generally, respite services are provided periodically to give parents or family members a short "break" for a day, an evening, or a weekend at a time.



Transportation - services to and from treatment, work sites, day activity sites, or other programs and activities.

TREATMENT SERVICES:

Psychiatric Medication - prescription medicines for the treatment of persons with chronic mental illness.



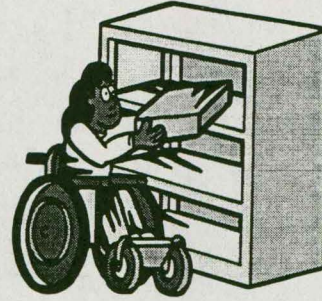
Outpatient Treatment - counseling and treatment services for persons with mental illness who do not require hospitalization.

Partial Hospitalization - treatment for persons with mental illness.

VOCATIONAL SERVICES:

Supported Employment - instruction and supervision to assist consumers in developing job skills and getting employment in the community.

Work Activity - non-competitive employment opportunities.



OTHER RELATED SERVICES:

Case Management - coordination of the various services and supports needed by the individual, including communication with service providers and funding sources.



Crisis Services - services and supports necessary to stabilize a crisis situation.

Mental Health Advocate - an individual appointed by a district court or county board of supervisors to represent the interests of a person with mental illness who is involuntarily hospitalized.

This list is given only as an EXAMPLE of the range of services possible. Individual counties may not offer all the services shown here, or they may offer other services not listed. Each county plan will specify the types of services offered and the requirements for being eligible to have services paid for under the plan. As you can tell from this list, some services are specifically designed for individuals with a particular disability. Generally, those services will only be available to eligible individuals whose need for services is due primarily to that disability.

You may have heard the term "HCBS Waiver" or "Home and Community Based Services Waiver" used in connection with services to people with disabilities. The Waiver is not included in the list above because it is not a "service"—it is a way to fund a group of services needed by an individual who meets the eligibility standards for the program.

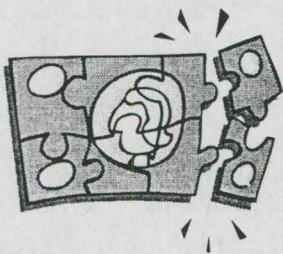
What are HCBS Waiver Services?

HCBS stands for "Home and Community Based Services." The purpose of "HCBS" Waivers is to provide necessary support services to people living in their own homes, or in home-like community living situations. Home and Community Based Services Waivers are part of the federal Medicaid program. Every state that accepts federal Medicaid money must have a State Medicaid Plan that explains how the entire Medicaid program will be managed by that state. The HCBS program is a "waiver" program because it "waives" or "sets aside" certain requirements of the State Plan so that funds which would otherwise have been used to support a person living in a care facility or state hospital-school can be used to support that person in a family or a community home.

Waiver services are designed to allow consumers to live in single family homes, apartments, or duplexes in their communities--and to learn to do as much as they can to take care of themselves and live independently. Waiver services are intended to enable individuals who would otherwise need to receive services in a care facility or institutional-type setting to live in a less restrictive place with fewer rules and regulations and greater independence. Waiver services are also available to children living at home with their parents and to adults living with family members.



HCBS Waivers permit federal Medicaid funds to be used for a variety of community services and supports, including case management, supported employment, supported community living, certain types of training, respite care, attendant care, and other family supports. Services such as assistive technology and physical, occupational, or speech therapies can also be paid for through the Waiver.



Costs for room and board cannot be funded through the Waiver, but participants are usually eligible to receive federal income payments such as "SSI" (Supplemental

Security Income) to pay basic living expenses. (SSI is a federally-funded program based on financial need. It guarantees a minimum monthly income level for elderly people and people with disabilities who have limited income and resources.) Just as each state writes its own Medicaid Plan, each state also designs its own Waivers (within federal guidelines) and applies to the federal agency that oversees Medicaid programs for approval. Iowa currently has five approved HCBS Waivers. To qualify for Waiver services, an individual must meet certain specific eligibility requirements, but, generally, Iowa's HCBS Waiver program is available to people who can be included in the following groups:

- **The Ill & Handicapped Waiver** serves children and adults with disabilities, including blindness, who have been determined to be eligible for Social Security disability benefits.

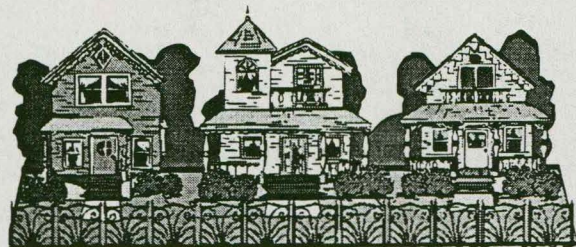
- **The Elderly Waiver** serves adults with disabilities who are sixty-five years of age or older.

- **The AIDS/HIV Waiver** serves children and adults who have a medical diagnosis of AIDS or HIV infection.

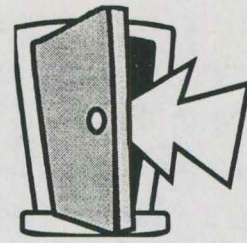
- **The Mental Retardation Waiver** serves children and adults who have a primary disability of Mental Retardation.

- **The Brain Injury Waiver** serves children and adults who have a medical diagnosis of brain injury.

A sixth waiver has been proposed by the State, and if it is approved by federal Medicaid authorities, a **Physical Disabilities Waiver** will serve adults with physical disabilities who have been living in medical facilities. This new waiver would provide attendant care services so that individuals with physical disabilities can live in their own homes or other community settings rather than medical care facilities.



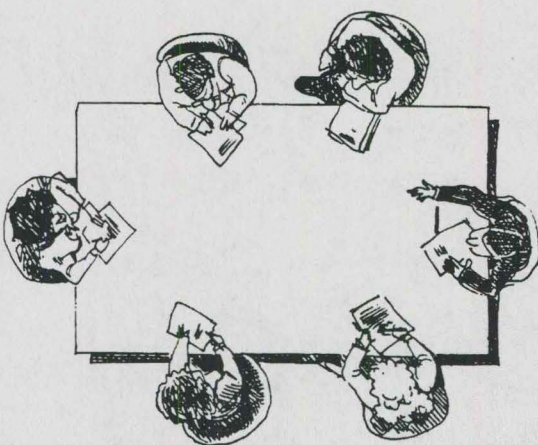
Under Iowa's current system of county management planning, each county may decide how many waiver "slots" will be made available to applicants. A waiver slot means that funding has been set aside for one individual to receive HCBS Waiver services for that particular year. Generally, counties will base their number of slots on the funding they have available, the number of individuals who are receiving waiver services, and the number of individuals who have applied for and are waiting to receive waiver services.



What are my rights to participate in county plan development?

All "stakeholders" have the right to be involved in the development or amendment of a county's management plan. A stakeholder is anyone who has an interest, or something "at stake," in the development of the plan. Stakeholders include:

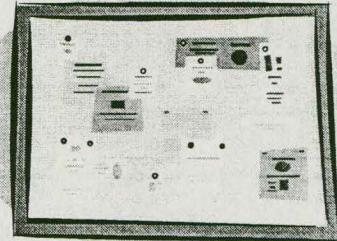
- **consumers** (people who will be using the services)
- **family members** (people who will be supporting or assisting those using the services)
- **county officials** (people who will be responsible for how resources are spent)
- **service providers** (people who will be making services available to consumers and receiving payment from public funds)



Stakeholders may also include other interested individuals or organizations, such as support or advocacy groups, medical professionals, employers, teachers, or other members of the community. The county has a duty to give all these individuals and groups an opportunity for "meaningful" involvement in the development of their county's management plan.

For involvement to be meaningful, the county needs to make information about the planning process available to all those who are interested during the time the plan is being developed or revised. This information should include:

- the **time and place of public hearings** or meetings concerning the plan
- the **names of the individuals** serving on the planning committee



Each county's planning process must include at least one public hearing. A public hearing is an opportunity for any interested person to ask questions or make comments about a proposed plan. The county has a responsibility to inform county residents about the time and place a public hearing will be held. This is usually done by publishing notice of the hearing in the official county newspaper, and may also be done by other means such as flyers, posters, or announcements on local radio stations.



The county also has an obligation to make the hearing accessible to people with disabilities. If you need special assistance or accommodations to participate in a public hearing, you have a responsibility to inform the county of your needs. The county has a responsibility to provide you with the assistance you need to participate, but you must make your needs known.

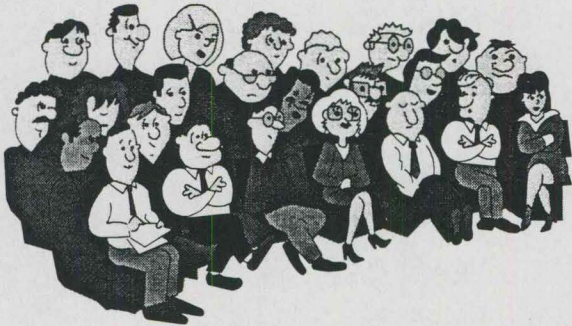
Each completed plan must include a list of the people who have been chosen by the county to develop the plan, including the names of any groups they represent. Find out where and when the stakeholders in your community meet and sit in on the next meeting. Meetings are open to everyone and you can learn a lot about the county planning process just by being there.



CONTACT YOUR COUNTY'S CPC ADMINISTRATOR FOR MORE INFORMATION ABOUT SERVING ON THE COMMITTEE FOR SERVICES PLANNING IN YOUR COUNTY.

Each completed plan must also document in some way how comments received about the plan were considered in developing the final plan. Some county plans have met this requirement by including a section that lists each question or concern raised during the public hearing (or hearings) and gives an individual written response to each question or concern. In such an example, a complete response might include the reasons for the county's position, any laws or regulations that apply, and whether or not the particular comment or question resulted in a change being made to the final plan.

Each county plan must provide for an **ongoing educational process** for consumers and other members of the community. Through this educational process, the county must make available:



-- information on its **planning process**

-- information on its **intake process**
(how to apply for services)

-- information on its **service authorization process** (how decisions are made about who is eligible for services and what services will be provided and funded)

-- information must be made available in a **format that is accessible** to you

In addition to participating in the plan development, individuals who apply for or receive services have the right to challenge county decisions to reduce or deny requested services.

What are my rights to challenge the service decisions of the county?

Each county plan must develop and make available a process for individuals to appeal the decisions of the county regarding the provision of services. This is the **county appeals process**. After the county CPC administrator has reviewed an individual's application for services, the county must send a written "notice of decision"

to the applicant or to a person authorized to represent the applicant. In the case of an application for a child, the notice will be sent to the parents. This written **notice of decision** must explain whether the requested services have been approved or denied and the reasons why. The notice of decision must also explain the county's appeal process and must outline the consumer's right to appeal the decision of the CPC. (Remember that the county CPC, or Central Point of Coordination administrator, is the person responsible for determining the eligibility of applicants and approving or denying service requests.)



What are my rights to appeal the CPC's decision?

If you are dissatisfied with the decision of the CPC, you have the right to appeal that decision to the County Board of Supervisors. Each county must develop its own consumer appeal process. This process must be described in the plan and must be included with any notice of decision given or sent to an individual applicant.

THE COUNTY APPEAL PROCESS

- must be based on **objective factors** (a set of standards that can be applied fairly to all applications)
- must specify the **amount of time** consumers have to appeal a decision and the amount of the time the county has to respond
- must include **notice** to all parties in formats that are accessible
- must provide some **assistance** to consumers in making appeals

Because each county develops its own appeals process, the appeals may take different forms. An appeal from the CPC's decision may involve a hearing, a mediation, a complaint and investigation, or some other method of resolving the matter. In any case, the final determination will be made by the Board of Supervisors for the county funding the services under the process described in the county management plan.

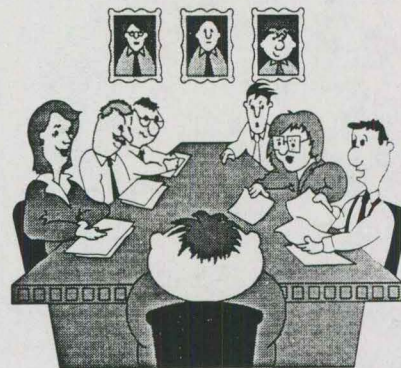
Boards of Supervisor meetings are generally open to the public under Iowa's open meetings law. If the appeal is in the form of a hearing before the Board of Supervisors, and confidential information about the consumer or from the consumer's records will be part of the evidence heard, the consumer has the right to have the hearing portion of the meeting closed to the public.

Generally, you will have the right to be represented by an attorney or an advocate during a hearing or other review proceeding. The county is not required to pay for legal or other representation for individuals challenging its service decisions. If you hire someone to represent you, you will be responsible for paying that person. Often, free or low cost representation is available from legal rights groups or other advocacy groups. (Check the Resources Section of this Guide for information on how to contact such groups.)

The County Board of Supervisors is responsible for making the **"final administrative" decision** for the county. In the case of an individual who does not have a county of legal settlement (a "state case"), the final administrative decision is made by the DHS. This "final administrative" decision is the final decision of the agency (DHS) or the public body (the Board of Supervisors) responsible for administering a particular part of the law. It is important to understand that a final administrative decision is not truly "final." It is the official ruling of the agency or board, but a final administrative decision can be appealed to a court of law.

What are my rights to appeal the Board of Supervisors' decision?

A final administrative decision such as the final decision of the County Board of Supervisors can be appealed to the Iowa District Court for the county. The rules governing this type of appeal are a part of State law. The same set of rules apply to all appeals from the final decision of any state agency. This is sometimes called a **"Chapter 17A" Appeal** because it is authorized by Chapter 17A of the Code of Iowa, a state law also known as the **Iowa Administrative Procedures Act**.

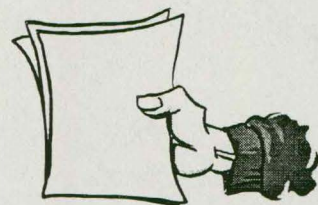


If the denial involves Medicaid-funded services such as the HCBS/MR Waiver you may have specific appeal rights created by the rules for that particular program. For example, an individual who is denied HCBS/MR Waiver services has the right to request a review of the "level of care" determination for eligibility. The level of care determination is the finding that the individual's need for care reaches the level necessary to qualify for the Waiver. The administrative rules for the HCBS/MR Waiver also allow an appeal of the county's decision to the Department of Human Services.

As you can see, your appeal rights will vary depending on who is responsible for approving or denying the services you have requested and what types of programs are responsible for funding or providing the services. **In any case, there are three important points to keep in mind if you are denied requested services:**

(1) You are entitled to a written notice of the decision.

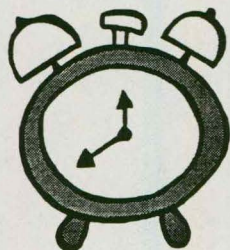
Any time services you have requested or have been receiving are denied, reduced, or discontinued, you have the right to receive notice in writing of the decision and the reasons for the decision.



(2) You are entitled to notice of your appeal rights.

The notice of decision must also explain your right to appeal the decision and explain how you can request a hearing on the matter. The agency making the decision also has a duty to answer any questions you have about the appeal process or give you other assistance in understanding the notice if you need and request it.

3) You must act quickly to protect your rights. Appeal rights have deadlines. When you receive a notice of decision and explanation of appeal rights, it will specify the amount of time you have to file an appeal. If you do not act during that period of time, you may give up your right to challenge the decision at



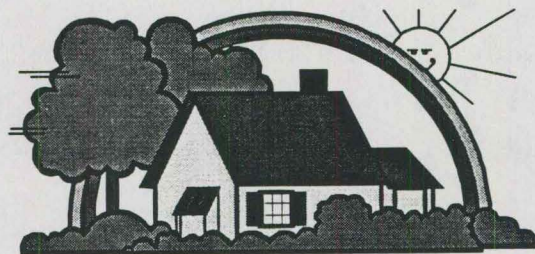
all. Do not lose your right to appeal simply by waiting too long. If you receive a notice of decision you do not agree with, review your appeal rights immediately to find out how long you have to appeal the decision. Follow the steps given to you for filing an appeal.

Make sure you do what is required before the deadline. If you do not fully understand what you must do to protect your rights or do not feel you are able to request an appeal without help, ask for assistance immediately.

How can I get involved in working to improve the system in my county?

You can work to improve your county's system by **participating** in the development and review of your county's plan. The county is also required to provide for an ongoing evaluation and quality improvement process for its plan. Consumers of services, family members, and other "stakeholders" are to be involved in this process of evaluating the system. The county plan rules specifically provide that this process must place an "**emphasis on consumer input.**" The evaluation of the system must include at least the following information on **consumer satisfaction**:

- the level of consumer satisfaction, consumer empowerment, and quality of life
- the level of satisfaction with providers of services
- how the system is being used
- how the system is responding to the needs and desires of consumers
- the number and outcome of appeals by consumers
- any plans being used to make corrections based on the appeals filed
- the cost-effectiveness of the system



How can I help the system build participation?

Participation is an ongoing process. Often, even though participation by people with disabilities is sought by county planning groups, boards, and community organizations, the some of the steps that would help encourage more participation are not taken.



To be an active and contributing participant in a group, each individual member needs to understand how the meetings are run, what the purposes and goals of the group are, and what each person's role is within the group.

To be an active and contributing participant in a group, each individual member needs to feel comfortable and confident in the situation. For some individuals with disabilities, feeling comfortable and confident may require that **all participants make some adjustments** in the way meetings are planned and run. For example, adjustments (or accommodations) in the "style" of a meeting might include:

- adding pictures or visual symbols to printed agendas
- having personal assistants present during meetings
- setting a pace everyone feels comfortable with
- taking short breaks when changing from one subject to another
- making materials available for review in advance of meetings
- asking all members to clearly identify themselves before speaking
- asking for strict enforcement of the rule that only one person speak at a time
- breaking large groups into smaller ones

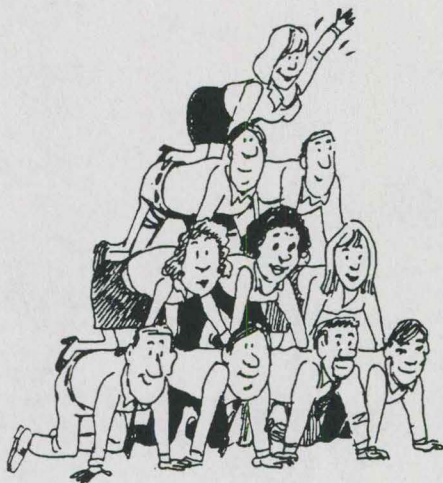
People with disabilities who are new to panels or board may also need to train their fellow-members on how their disability affects participation in the group. Groups generally establish a list of "ground rules" to be observed by all members in the course of the meeting or discussion. Disability-related accommodations can easily be included



and the entire group can gain a greater understanding of what is needed for all members to participate fully. You might also encourage the services planning group in your county to “go to” consumers to get their input, rather than just inviting consumers to public meetings. If you are aware of consumers or groups of consumers who find attending public meetings difficult or uncomfortable for any reason, you might suggest ways for them to be contacted to share their concerns and ideas over the telephone or in one-to-one or small group interviews.

Getting Involved in Your County's Management Planning Activities

Consumers of disability-related services are the most important people in the county management planning process. **If you receive services, you are directly affected by what your county's management plan contains.** You may be denied services you need if your county's plan does not include them. **You, and your family,** have an important interest in your county's plan, and you **should be a part of making the decisions about what is included.**



Most counties welcome your participation in the planning process. In fact, they need you to share your views so that they can learn what is working and what is not working in your county. To get involved, CONTACT your county CPC today, and ask how to become a part of the team!

ASK for any help you need to participate in meetings, and GO to the meetings. You will not always get what you ask for. There is not enough money to do everything. **But every time you tell your county what you need, you are helping to make the system better.** That is what it means to participate in the county management planning process.



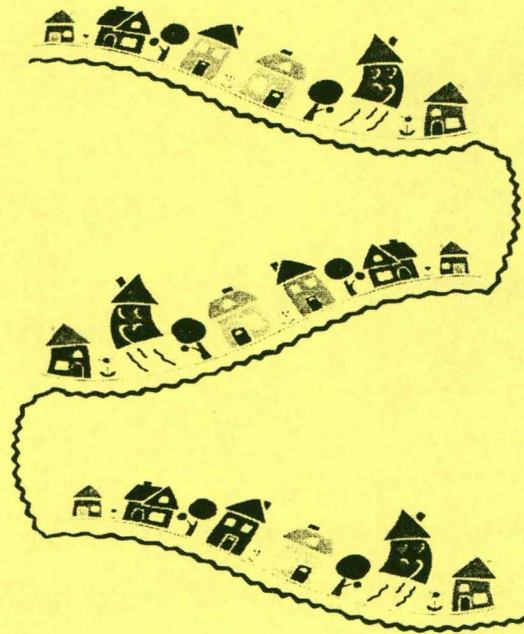


GET INVOLVED!

More Project PRIDE Guide



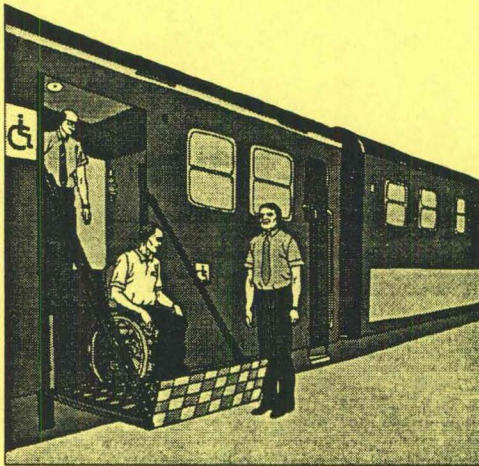
*A Guide
to
Community Participation
Rights*



*for
Individuals with Disabilities*

"A better future for hundreds of thousands of people with disabilities is within our grasp Our greatest handicaps are outdated social attitudes, lack of opportunities and physically inaccessible environments. Together we can change all that and can create the new future. I urge you to take the challenge"

-- Ed Roberts



"A society good for disabled people is a better society for all."

-- Bengt Lindavist

". . . when given the opportunity to be independent, [Americans with disabilities] will move proudly into the economic mainstream of American life, and that's what this legislation is all about . . . I now lift my pen to sign this Americans with Disabilities Act and say, let the shameful wall of exclusion finally come tumbling down."

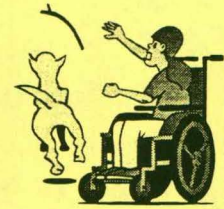
-- President George Bush

Part 4

Community Participation Rights



COMMUNITY



Community participation rights are for everyone. They include the right to fair opportunities for employment and housing, and for equal access to all programs, services, and activities that are offered to the public. Community participation rights also include the right to take part in the political process, the right to vote, the right to be considered for jury service, and the right of public access to meetings of decision-making boards, commissions, and other governmental bodies.

Our laws recognize that discrimination and inaccessibility have been barriers to participation and they have provisions to protect the rights of all citizens to participate fully in all aspects of community life. Some laws, such as the Americans with Disabilities Act, were passed specifically to protect the rights of people with disabilities. Other civil rights laws, such as the Fair Housing Act, make it illegal to discriminate on the basis of any protected status, including race, religion, sex, national origin, family status, and disability. These and other laws discussed in this Guide are intended to prevent practices that exclude people with disabilities from participation and to ensure that any supports, services, and accommodations necessary for participation are made available.



This section of the PRIDE Guide will outline and explain key rights for individual participation in policy-making and in community life, with particular attention to laws designed to protect the rights of individuals with disabilities.

EQUAL ACCESS TO PROGRAMS AND ACTIVITIES

Participation in all aspects of Community Life

People with disabilities have the right to participate in all programs and activities offered to the general public, even if their disability requires that reasonable accommodations be made to provide them with equal access. The Americans with Disabilities Act and how it applies to educational opportunities was discussed in the first section of this Guide. Because the ADA applies to a broad range of other opportunities as well, its requirements will be discussed more fully in this section.

The Americans with Disabilities Act (the "ADA")

The ADA was signed into law by President George Bush on July 26, 1990, and protects about 43 million Americans from discrimination on the basis of their disabilities. It is the most complete and inclusive federal civil rights law for people with disabilities.

Under the ADA, it is illegal to discriminate on the basis of a person's disability in the areas of:

- employment
- public services
- public accommodations
- transportation
- telecommunications

Americans ^{with}
Disabilities Act



Employment -- Title I of the Americans with Disabilities Act (the "ADA") makes it illegal for employers to discriminate against otherwise qualified people with disabilities in hiring, firing, and other employment practices.

Public Services and Transportation -- Title II of the ADA requires that the activities and services of state and local governments be open to people with disabilities. It also requires that public transportation, such as trains and buses, is accessible to people with disabilities.

Public Accommodations -- Title III of the ADA makes it illegal for businesses and other public places within the community which people visit or use on a daily basis to discriminate on the basis of a disability. These are called places of "public accommodation." They include restaurants, professional offices, banks, theaters, stores, shopping malls, health clubs, recreational facilities, stadiums, museums, and other similar places regularly open to the public.

Telecommunications -- Title IV of the ADA requires all companies that offer telephone services to the general public to make available relay services for people who use TTY or similar devices.



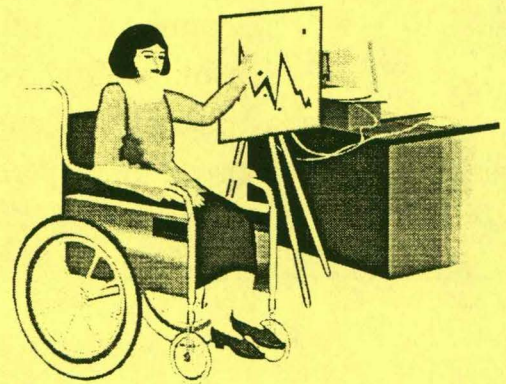
ADA REQUIREMENTS FOR EMPLOYMENT

The ADA protects "otherwise qualified individuals with disabilities" from discrimination in employment.

Who is considered an "individual with a disability" under the ADA?

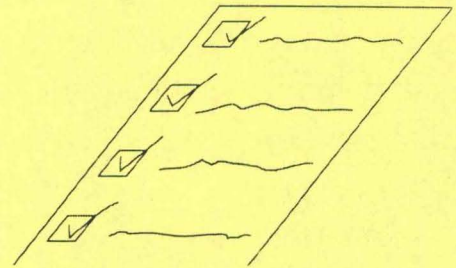
An "individual with a disability" under the ADA is a person who:

- has a physical or mental impairment that substantially limits one or more major life activities;
- has a record of such an impairment; or
- is regarded as having such an impairment.



The individual's **physical or mental impairment** must substantially limit a major life activity such as:

- seeing
- speaking
- breathing
- performing manual tasks
- caring for oneself
- hearing
- walking
- learning
- working



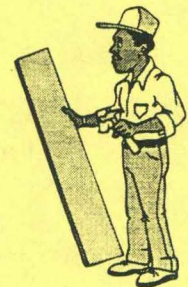
A person who **has a record of such an impairment** is a person who does not now have a substantial limitation, but has received treatment for a disabling condition such as cancer or mental illness in the past.

A person who **is regarded as having such an impairment** is a person who does not have a substantial limitation, but who may be treated differently because of the attitudes of others. For example, this would include a person with a physical disability who is not impaired in performing the duties of a job requiring public contact, but is denied the job because an employer believes he would "make a poor impression" on customers.

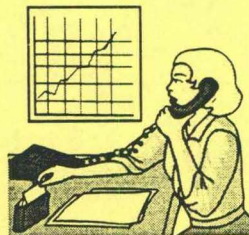
Who is an "otherwise qualified" individual with a disability?



A person who is "otherwise qualified" is a person who meets the education, experience, or skill requirements of a particular job, and is able to perform the "essential functions" of the job--those duties which must be performed to get the job done. This requirement protects people with disabilities from being denied a job because they are unable to perform

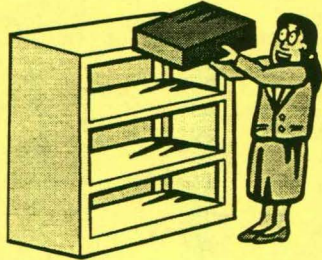
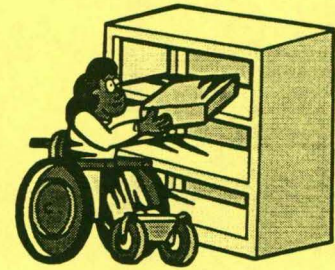


minor or occasional duties that could easily be assigned to others. A person with a disability is considered able to perform the essential functions if he can do so with "reasonable accommodations."



What are the "essential functions" of the job?

The essential functions of a job are the duties that must be performed to carry out the purpose of the position. These are the activities that are basic to the job. As an example, if a job filling orders in a warehouse involved routinely lifting



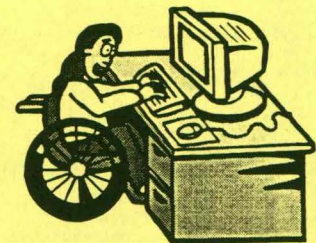
and moving heavy boxes from one location to another, lifting and moving would be an essential function of the position. A person who is not able to lift heavy boxes could not perform the essential functions of this job, so would not be qualified for it, unless that person could lift and move the boxes if provided with a reasonable accommodation.

As another example, if a job taking orders in the same warehouse involved completing paperwork, and using a computer and telephone, those would be the essential functions. Even if a heavy box of completed orders needed to be moved occasionally, that would not be an essential function of the job. It would be a minor task that could easily be assigned to another worker.

Who decides what the "essential functions" of a job are?

It is the employer's responsibility to decide what is an "essential function" of a particular job. The ADA does not require that employers have written job descriptions, but a written description is helpful as evidence of a job's essential functions. Here are some questions an employer should consider in determining if a function is essential to the job:

- Is the function performed regularly?
- Would re-assigning it change the nature of the job?
- Would this job exist without the function?
- How much time is spent performing this function?
- Are other employees available to perform this function?
- Could this function be re-assigned to others without problem?
- Is this function a part of the job description?



An employer is **not required** to re-assign essential job functions to another employee as a reasonable accommodation. An employer is required to provide you with reasonable accommodations if you can carry out the essential functions of the job with those accommodations.

What is a "reasonable accommodation"?

A "reasonable accommodation" is any adjustment or modification to a job activity or to the workplace that makes it possible for a person with a disability to perform a job or to compete with other applicants to qualify for a job. It may also include any adjustments necessary to give an employee with a disability rights, benefits, or privileges which are equal to those of employees without disabilities.



Examples of reasonable accommodations in the workplace may include changing work schedules, modifying equipment, providing assistive technology or specialized equipment, providing interpreters or readers, or making buildings or work areas more accessible. It may also be a reasonable accommodation to assign an employee with a disability to a different position (if one is available) if that worker is not able to perform his or her current job with accommodations.

When does an employer have to make a reasonable accommodation?

Employers are only required to provide accommodations when they know about an employee or applicant's disability. It is generally your responsibility to ask for the accommodations you need, or to let your employer know the nature of your disability so that he can work with you to determine what accommodations are appropriate.

A person requiring an accommodation must:

- (1) be otherwise qualified to perform the job, and
- (2) make his or her disability known to the employer.

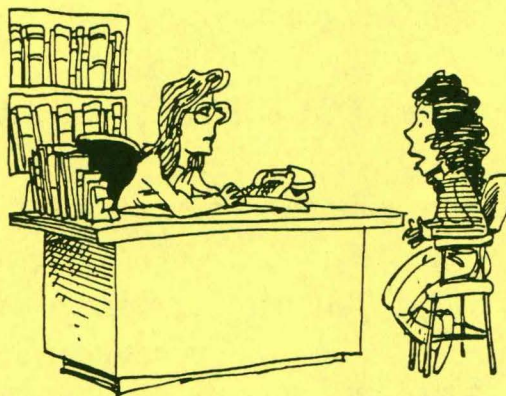


When can an employer refuse an accommodation?

An employer is not required to make a requested accommodation if it would be an "undue hardship" on the business. An "undue hardship" is something that requires "significant difficulty" or "significant expense." Determining exactly where this line is drawn in an individual case can be difficult. Some of the factors which must be considered are: the size of the business, the type of business, the structure of the business, and the resources available to the business. Generally, a large corporation with many employees would be expected to make accommodations that might be considered too expensive or difficult for a small business with only a few employees to make, simply because they have far greater resources available.

If it is determined that a particular accommodation would be an undue hardship on the employer, the employer still has an obligation to try to find some other way to accommodate an employee with a disability.

The employee should also be given the options of providing the accommodation himself, of seeking other resources to provide the accommodation, or of sharing the cost with the employer.



Does the ADA apply to all employers?

The employment requirements of the ADA currently apply to private employers with 15 or more employees, to employment agencies, to state and local governments, and to labor unions.

Does the ADA apply to all employment practices?

The ADA prohibits discrimination in all terms, conditions, and privileges of employment or employment-related activities.

Employment or employment-related activities include:

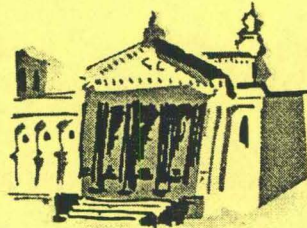
- advertising and recruitment
- hiring and firing practices
- wages and compensation
- job assignments
- training opportunities
- promotions
- benefits
- work attendance
- vacation and leave policies



ADA REQUIREMENTS FOR PUBLIC ACCOMMODATIONS

Places of public accommodation are places that offer various types of goods or services to the public. The ADA requires that they must do so in a way that is accessible to people with disabilities. Examples of public accommodations for accessibility are wheelchair accessible parking, entrances, and rest rooms, and signs with both printed language and Braille. To be fully accessible, a building, program, or service must be fully "usable" by people with disabilities.

Buildings built before 1992 are required to remove physical and communications barriers when it can be readily done, but are not required to remove them in all cases when it is extremely difficult or expensive. For example, an older building may be required to make at least one main entrance fully accessible, but may not be required to make every entrance to the building accessible. Buildings built after January 26, 1992 must be fully accessible.

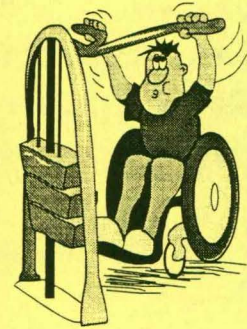


What does the law require for accessibility?

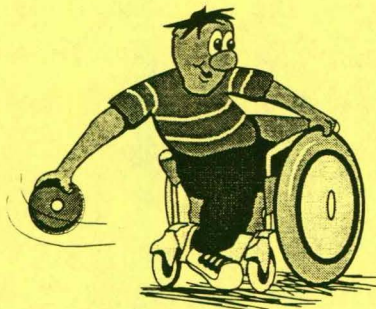
The ADA regulations have **four priorities for accessibility** to government services and places of public accommodation:

(1) The approach and entrance should be accessible to all.

- Is there a route that does not require the use of stairs?
- Is the surface stable, firm, and resistant to slipping?
- Is the entrance door wide enough for a wheelchair?



(2) Goods and services should be readily accessible to all.



- Are goods and services available without asking for assistance?
- Is there space available for wheelchair seating?
- Can all areas of the facility be accessed in a wheelchair or by a person with a physical disability?

(3) Rest rooms should be readily accessible to all.

- Is at least one restroom fully accessible?
- Are restroom doors wide enough for a wheelchair?
- Are there grab bars behind and on the side wall nearest the toilet?



(4) Any other measures necessary for equal access should be taken.

- Are public telephones and drinking fountains accessible to people with disabilities?

EQUAL ACCESS TO COMMUNITY HOUSING

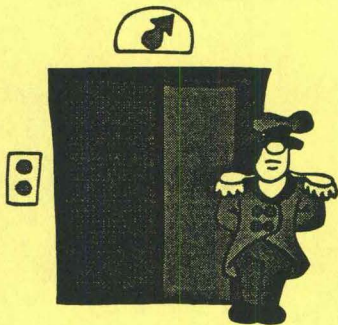
HUD Fair Housing Accessibility Guidelines

The Fair Housing Act of 1968 is a federal civil rights law that prohibits housing discrimination on the basis of race, sex, religion, national origin, disability, and family status. The federal Department of Housing and Urban Development ("HUD") enforces standards for accessibility under the Fair Housing Act. HUD has created accessibility guidelines that are designed to ensure that new living units built for residential purposes are usable by people with mobility impairments.



What kinds of buildings are covered?

The HUD Fair Housing Accessibility Guidelines apply to new multi-family housing built for first use after March 13, 1991. This type of housing includes apartments, condominiums, single story townhouses, dormitories, and timeshare units. Multi-family means that the guidelines only apply in cases where there are four or more living units. The guidelines do not apply to single family homes or duplexes and they do not apply to buildings used for business or commercial purposes.



In a building with elevators, the elevators must be accessible and all the units in the building must be accessible. In a building without elevators, all ground floor living units must be accessible.

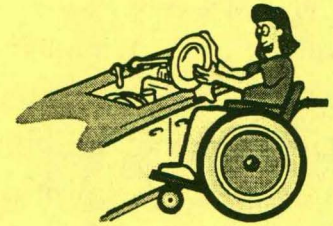
There are seven technical requirements for accessibility. To be accessible under the HUD standards, a building and a living unit must have:

- (1) An accessible entrance on an accessible route
- (2) Public and common use areas must be accessible
- (3) Usable doors (with an opening at least 32" wide)



The seven technical requirements for accessibility (continued):

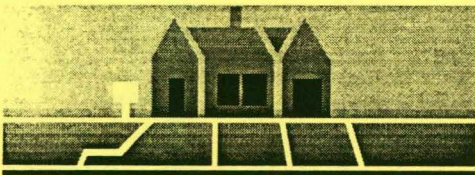
- (4) Accessible routes into and through the living units
- (5) Accessible environmental controls (light switches, electrical outlets, thermostats)
- (6) Reinforced walls in bathrooms (so that grab bars can be easily installed)
- (7) Usable kitchens and usable bathrooms (with enough room for a person using a wheelchair to open and close doors, enter and exit, and use appliances or fixtures)



Do I have other Fair Housing rights?

Individuals with disabilities and mental illnesses have the same rights to rent or buy property as individuals without disabilities. The Fair Housing Act and other laws prohibit a landlord from asking people who apply for housing if they have a disability, or making any requirements of a person with a disability that they do not make for all tenants or prospective tenants.

Real Estate For Sale /Rent



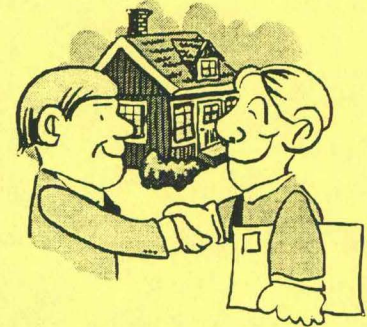
A landlord may not demand any additional security deposit, or proof of income from a person with a disability. The rental rules must apply to all applicants equally. If necessary, landlords must make reasonable exceptions in their policies to accommodate persons with disabilities. Even if a landlord does not allow pets, service animals must be allowed.

Tenants must also be permitted to make reasonable modifications to their living units in order to accommodate their disabilities. Any modifications are made at the expense of the tenant, and if the landlord requests it, the property must be returned to its original condition before the tenant moves out.

Individuals with disabilities and mental illnesses cannot be denied credit on the basis of their disability. If you are otherwise qualified, financial institutions such as banks, mortgage lenders, and loan companies may not refuse loans, credit cards, or mortgages because you have a disability. Lenders may not make special requirements of individuals with disabilities that are not required of applicants without disabilities. This would include requiring a co-signer, offering lower credit limits, longer repayment time, or higher interest rates for loans. Fair lending practices require that financial institutions must apply lending rules equally to all applicants, with or without a disability.

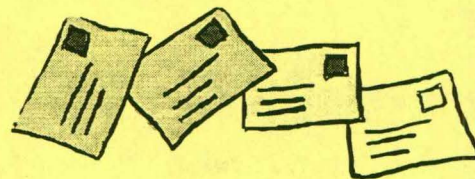
Under the federal Fair Housing law, it is illegal to discriminate on the basis of a disability in any of the following ways:

- By making housing unavailable
- By falsely stating that housing is unavailable
- By refusing to show housing
- By refusing to rent housing
- By refusing to sell housing
- By setting different terms, conditions, or privileges for renting or selling housing
- By providing different or separate housing facilities or services
- By setting different standards or terms for mortgage lending
- By refusing to allow a tenant to make reasonable accommodations for use of the housing at his or her own expense
- By refusing to make reasonable accommodations in rules, policies, practices, or services



If you believe your housing rights have been violated, you may contact a local fair housing office or HUD. You have one year after you believe that your rights have been violated to file a housing complaint. To file a complaint, you can send a letter to a HUD regional office in your area or to the HUD national office in Washington, D.C. The addresses are listed in the Resources section of this Guide. Your letter should include:

- your name and address
- the name and address of the person you believe violated your rights
- the address of the housing involved
- a short description of the action or event that you believe violated your rights
- the date of the action or event you are complaining about



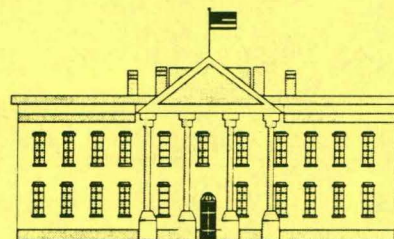
VOTING RIGHTS

Participation in the Electoral Process

Voting is a constitutional right and a responsibility of citizenship. It is also an important opportunity to participate in selecting the federal, state, and local officials who make laws, design public programs, and decide how tax dollars are spent.

National elections for the President and members of Congress usually attract the most attention, but often it is state and local officials who have the power to make the decisions most directly affecting your everyday life:

-- The governor and the state legislators set policies and design and fund programs that will be followed throughout the state.



-- State, county, and local officials make many of the decisions about how tax dollars will be spent.



-- County and local officials are responsible for making contracts for public services, or for hiring others to carry out public policy.

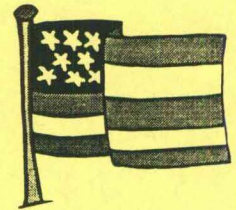
Under Iowa's system of County Management Plans, the board of supervisors for your county may actually vote on whether to grant YOUR appeal of a request to receive services. Going to the polls on Election Day is your opportunity to vote on who should make those decisions.

When you take the time to learn who your elected officials are and how their decisions affect your life, you become a part of the electoral process. You can then work to elect representatives who support the policies that matter most to you. Not all Americans exercise their right to vote, but every vote counts!

Who can register to vote?

Before you can vote in an election, you must be registered to vote. Any eligible person can register to vote in Iowa. An eligible person:

- is a citizen of the United States
- is a resident of Iowa
- is at least 17 1/2 years old (18 years old by election day)
- has not been convicted of a felony
- is not currently judged to be "mentally incompetent" by a court
- must not claim the right to vote in any other place



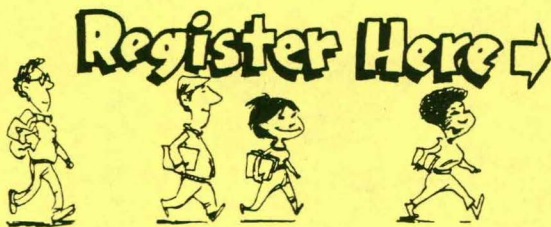
To be judged "mentally incompetent" by a court means that the individual's rights to make decisions have been limited by the court. Iowa law defines a "mentally incompetent person" as a person who has been "legally determined" to have severe or profound mental retardation, or a person who has been found incompetent due to mental illness through specific legal procedures. A court may find a person to be mentally incompetent only if that person's decision-making capacity is so impaired that the person is unable to care for his or her personal safety or attend to necessities of daily living such

as food, shelter, clothing, and medical care. A person may have a guardian and still retain the right to vote. A court may grant the voluntary guardianship of a person for limited purposes without making a finding that the person is mentally incompetent.

Even if a person is judged to be mentally incompetent at some time, the court can later make a finding that the person is no longer incompetent, and restore that person's rights, including the right to vote. Because voting is a constitutional right granted to all citizens, it can only be withdrawn for very limited reasons, and then only if the required legal procedures have been followed.

How do I register to vote?

You can register to vote in person or by mail at any time. Registration involves filling out and signing a short application form that includes:



-- your **name, address, and telephone number**

-- your **social security number, sex, and date of birth**

-- the name of the **county and school district** where you live

-- the **date** and your **signature** indicating you meet the qualifications to vote

-- information about where you have **previously been registered** to vote

You may fill out the form yourself, ask someone to assist you in filling it out, or have someone else fill it out at your direction. You must sign the form yourself unless your disability prevents you from signing. In that case, you may have someone else sign it for you in your presence, or you may use a rubber stamp.

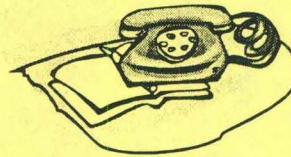
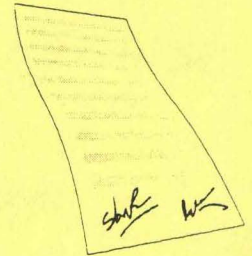


Where can I get a registration form?

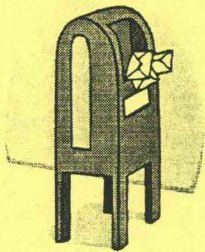
Voter registration forms may be made available to the public by anyone who is interested in encouraging voter registration. The National Voter Registration Act, also known as the "Motor Voter" law, was passed by Congress in 1993 to encourage greater participation by people with disabilities in the political process. The Motor Voter law requires disability services agencies, state agencies, and groups such as centers for independent living, developmental disabilities agencies, and programs for people who are deaf or blind, to offer voter registration to the individuals who use their services.

Voter registration forms are generally available from:

- the Office of the County Auditor (in your county seat)
- the Office of the Iowa Secretary of State (in Des Moines)
- Iowa Income Tax Booklets
- many telephone directories
- state agencies and programs serving people with disabilities



Where do I send my voter registration form?



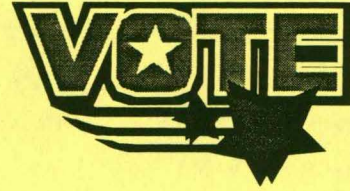
Completed voter registration forms must be mailed to the County Auditor's office in the county where the voter lives. Your County Auditor's office will be listed in the government pages of your phone book. It is very important that once the form is filled out it is mailed promptly--it must be sent no later than Friday of the week the form is completed to be valid.

Speak Out
VOTE!

Where can I register to vote in person?

Many of the places which offer voter registration forms also accept the completed forms. You can register in person at:

- your County Auditor's office
- Iowa driver's license stations
- public assistance agencies
- agencies and offices that serve people with disabilities



When do I need to register?

You can register to vote at any time, but you must be registered at least 10 days before a primary or general election and at least 11 days before a local or special election to be eligible to vote in that election.

Once you have registered to vote, your registration stays in effect as long as you live in the same place. If you move within your county, you need to notify the County Auditor's office of your new address. If you move to a different county or to another state, you will need to fill out a new voter registration form at your new place of residence. You should receive a receipt or a voter registration card from your County Auditor's office within about two weeks after you register.

When are the different types of elections held?

Primary elections are held to choose the party candidates for general elections. Primaries are held on the first Tuesday after the first Monday in June of even-numbered years.

General elections are held to choose federal, state, and some local officials. General elections are held on the first Tuesday after the first Monday in November of even-numbered years.



City elections are held to choose city officials. City elections are held on the first Tuesday after the first Monday in November of odd-numbered years.

School board elections are held to choose local school board members. School board elections are held on the second Tuesday in September of each year.

Special elections are held when they are needed, usually to fill a vacancy in a public office between regular elections. Special elections are always scheduled on a Tuesday.

How do I find out where to vote?



You always vote at the "precinct polling place" where you live. Each voting precinct (or district) has a designated voting place. Before each election a list of the polling places and a sample ballot are printed in local newspapers. If you have a voter registration card, it will show your polling place. If you do not have a card, or you are uncertain where you need to go to vote, you can contact your County Auditor's office. Sample ballots are also posted at each polling place so voters can review the ballot before casting their votes.

Are all voting places accessible?



All voting places are required by federal law to be accessible to individuals with disabilities, although county auditors may apply for and receive exemptions for specific locations. If your particular voting site is not fully accessible to you, you may request needed accommodations, you may request to vote at an alternative site that is accessible, or you may cast your vote by absentee ballot. You may also ask for "curbside voting" at your regular polling place.

What is Curbside Voting?

Curbside voting is a little like drive-through dining. If you cannot get into the polling place because of a disability, you may request that precinct workers bring a ballot

to your vehicle for you to complete. If you choose this option, you may want to call ahead or bring someone along to go into the polling place and let the precinct workers know you are ready to vote.

Can I get assistance in voting if I need it?

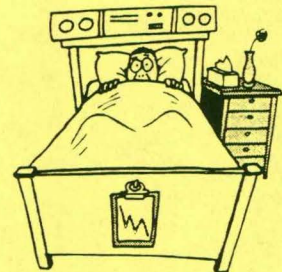


If you need help in marking the ballot, you may request assistance from the precinct workers, or you may bring someone along to help you. To protect your right to vote independently, the person assisting you may not be your employer, an agent of your employer, or an officer or agent of your union. It may be any other person you choose.

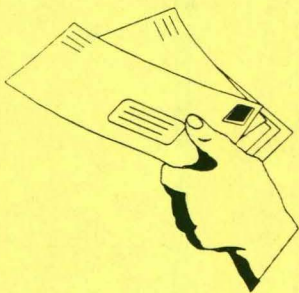
If you ask for voting assistance from the precinct workers, you will be helped by two workers--one from each political party. You will also be asked to sign a form showing that you requested help in casting your ballot.

What if I can't go to the polling place to vote?

If you cannot go to the polling place to vote on Election Day, you may request an "absentee ballot." Voting by absentee ballot simply means that you get a special ballot form to fill out before the day of the election. Your vote counts just the same whether you use an absentee ballot or go to the polling place.

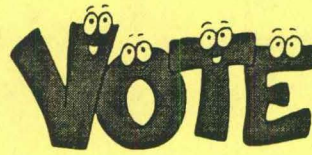


How do I get an absentee ballot?

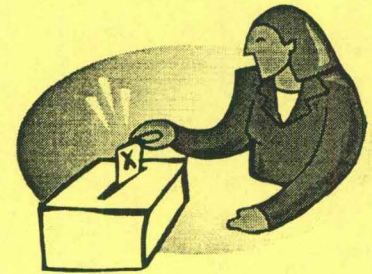


There are no special qualifications to vote by absentee ballot. Anyone may request an absentee ballot from the County Auditor's office by mail, by fax machine, or in person. You may complete a short form called "Application for Absentee Ballot," or you may send a letter requesting an absentee ballot to your County Auditor's office.

The request must include:



- Your **name**
- Your **address** as shown on your **voter registration**
- The **mailing address** where you want the ballot to be sent
- Your **current address** if it is different than the address on your voter registration
- The **name and date** of the **election**
- Your **signature**
- Your **political party** if the election is a **primary**



A request for an absentee ballot may be made as early as ten weeks before an election, but the ballot is not required to be ready until 40 days before the election. If your request is made before the ballot is printed, it should be mailed to you as soon as it is ready. If your request is made after the ballot is printed, it should be mailed to you within 24 hours.

How do I cast my vote by absentee ballot?



You may return your absentee ballot to the County Auditor's Office by mail or in person. Ballots returned by mail must be postmarked before Election Day and received at least by noon on the Monday following the election. Ballots may also be taken to the Auditor's Office by the voter or by someone else. If the ballots are taken to the Auditor's Office, they must be delivered there before the polls close on Election Day.

Individuals who live in health care facilities or who are hospitalized at the time of an election may request an absentee ballot to be delivered to them by precinct election officials. If you receive an absentee ballot and then decide to vote at your polling place on Election Day, you must turn in the unused absentee ballot when you vote.

You can also vote by absentee ballot by going to your County Auditor's office before the day of the election. If you choose to go to the Auditor's office to get your absentee ballot, you cannot take the ballot home with you. You must fill it out there and leave it. County Auditor's offices are open on the Saturday before primary and general elections. You do not need a witness or a notary public to fill out any form for casting an absentee ballot in Iowa.



In addition to registering and voting, you may find you want to get more involved in the political process by going to local meetings, writing or talking to candidates who are running for office, or campaigning for candidates who share your concerns and support the issues you believe in.

JURY SERVICE

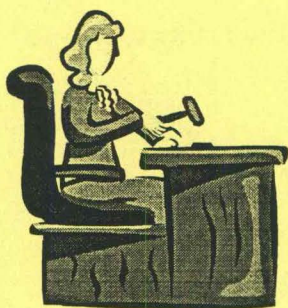
Participation in the Legal Process

Individuals to serve on juries are to be selected from a fair cross section of the population. Both federal and Iowa law prohibits individuals who are otherwise qualified from being excluded from jury service or from being considered for jury service on the basis of physical disability.

There are four minimum qualifications all individuals must meet to be eligible to serve on a jury in Iowa:

- (1) An eligible person must be eighteen years of age or older.
- (2) An eligible person must be a citizen of the United States.
- (3) An eligible person must be able to understand the English language in a written, spoken, or manually signed form.
- (4) An eligible person must be able to take in and evaluate information necessary to give satisfactory jury service.





Any person who meets these qualifications for jury service may not be excluded from jury service or from consideration for jury service because of a disability. Since one primary source for possible jurors is the voter registration list, registering to vote helps ensure that you are included in the random selection process for jury duty.

OPEN MEETINGS

Access to Governmental Bodies

Iowa law requires that most meetings of "governmental bodies" be open to the public, so that both the decisions made by those bodies and the reasons for those decisions are easily accessible to people.

What is considered a "governmental body"?

A "governmental body" includes:



- a board, council, commission, or other body created by state law or executive order (For example: the Iowa Commission for the Blind, or the Council on Human Services)
- a board, council, commission, or other body of a political subdivision (For example: a county board of supervisors, a city council, or a school board)
- a group created by a board, council, or commission such as those described above (For example: a city council might appoint a commission to study the need for traffic lights)
- an advisory board or task force created by the governor or the legislature to make recommendations on public policy issues (For example: the legislature might pass a bill creating a task force to study and report on the need for community based disability services in the state)

What are the open meetings requirements?

These types of governmental bodies are required to:

- (1) give public notice prior to meetings,
- (2) hold all meetings in open session unless a specific exception to the open meeting requirement applies, and
- (3) keep minutes of all meetings and make the minutes of all open sessions available for public inspection.



OPEN



How must governmental bodies give public notice?

Public notice of a meeting is required to be given at least 24 hours before the meeting and must include:

- the **time** of the meeting,
- the **date** of the meeting,
- the **place** of the meeting,
- and enough information to reasonably inform people of the **purpose** for the meeting and the subjects to be discussed.

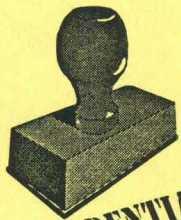


A notice is to be posted at a designated bulletin board at the office of the body holding the meeting, or if no such office exists, at the building where the meeting will be held. Members of the news media who have filed a request for notice are also to be informed. Often announcements of public meetings will be published in local newspapers.

Meetings must be held at a place reasonably accessible to the public and at a time reasonably convenient to the public unless there is good cause to do otherwise. The Americans with Disabilities Act requires that the activities and services of state and local governments be open to people with disabilities. If requested, accommodations or special access to meetings may be granted to persons with disabilities.

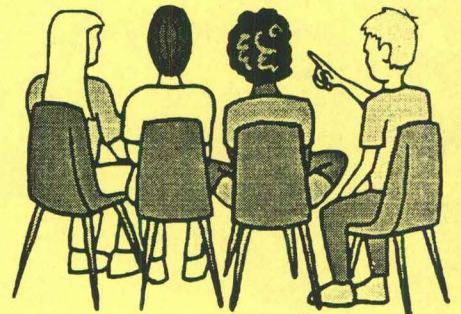
What are the exceptions to the open meetings requirement?

Governmental bodies are required to hold all meetings in open session unless a specific exception to the open meeting requirement applies. A closed session may be held only when necessary for one of the following reasons:



CONFIDENTIAL

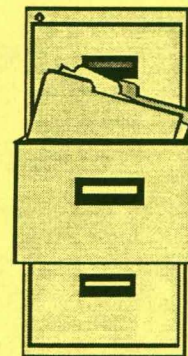
- to review or discuss records which are required to be kept confidential
- to discuss or conduct a hearing to expel or suspend a student from school
- to discuss the decision in a contested case hearing (such as the decision on an appeal from the denial of services)
- to discuss legal matters concerning litigation with their attorney when there is some pending legal action
- for licensing or examining boards, to discuss licensing examinations or disciplinary investigations
- to avoid disclosing specific law enforcement matters which would enable people who violate the law to avoid being detected or which would make legal requirements difficult to enforce
- to evaluate the professional competency of an individual in making personnel decisions
- to discuss the purchase of real estate if disclosure might increase the price of the property
- to discuss application for letters of patent



When the subject of the meeting involves confidential information about a consumer of disability services or a student disciplinary matter, closed sessions are appropriate to protect the confidentiality of personal information about the individuals involved. An individual whose health records or other personal information are the subject of a meeting always has the right to request that such a meeting be closed.

What records of open meetings are groups required to keep?

Each governmental body must keep minutes of its meetings. The minutes must show the date, time, and place of the meeting, the members present, and the action taken. The minutes must also include the results of each vote taken and enough information to show how each member present voted. The minutes of open sessions are public records and are open to public inspection.



SERVICE ON PUBLIC BOARDS AND COMMISSIONS

Participation in Policy-making

Individuals with disabilities have the same right to serve on public boards, commissions, councils, and advisory committees as individuals without disabilities. The ADA and other laws require accessibility and necessary accommodations for the participation of people with disabilities. There are many state, regional, and local groups throughout the state which are working to address public policy issues of interest to all Iowans, as well as groups addressing issues which are of special interest to Iowans with disabilities.



Participation by individuals who have personal experience with the disabilities services system is particularly valuable to groups responsible for evaluating current policies and planning for the future of disability services in Iowa. Planning committees for the county management planning process, school boards, fair housing commissions, and local development boards are just a few examples of these types of groups.

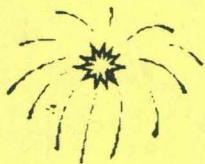
A Final Note on Participation and Self-Advocacy

Information is an important tool in self-advocacy. The information in this Guide is intended to help you participate effectively in a wide range of decision-making activities that affect your life and your child's life.

Communication is an equally important tool for effective participation. The better your communication skills, the better self-advocate you will be. Whether you speak, write, or use some other form of communication, you need to be able to make your opinions, needs, and desires clear to others. You also need to be open to the views of others and to gain an understanding of the way they see things. Most of all, you need to be able to work cooperatively with people to solve problems--even when you do not agree.



Working constructively with people from different backgrounds, with different skills and different opinions isn't always easy, but it is well worth the effort. Participation is for everyone.



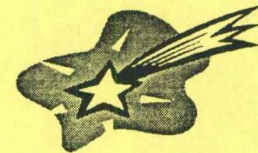
Know your rights.

Accept your responsibilities.

Make your voice heard.

Participate.

You can make a difference!





"Empowerment is giving people the tools they need to be independent, to make their own choices, to take control of their own lives."

-- Mark Smith

The Project PRIDE Guide

June 1999 Edition

A Quick Reference Guide to Educational Rights for Parents



THE RIGHT TO PARTICIPATE

Your child has the right to participate in public education. (See pages 3 – 5.)

THE RIGHT TO BENEFIT

Your child has the right to receive benefit from public education. (See pages 4 and 13 – 18.)

THE RIGHT TO BE FREE FROM DISCRIMINATION

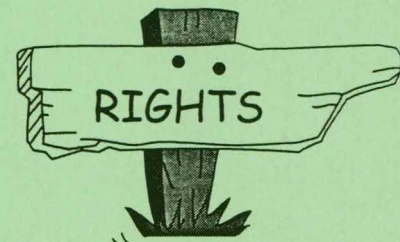
Your child has the right not to be discriminated against on the basis of a disability. (See pages 3 – 5.)

THE RIGHT TO BE INFORMED ABOUT YOUR RIGHTS

You and your child have the right to be informed by the school district of your rights under federal and state law. (See page 48.)

THE RIGHT TO INFORMATION ABOUT YOUR CHILD

You have the right to receive written notice from the school district about decisions concerning (1) the identification of your child for disability-related services, (2) evaluations of your child, and (3) the placement of your child. (See pages 28 and 48 – 51.)



THE RIGHT TO "FAPE"

Your child has the right to receive a free appropriate public education (FAPE) –an education designed to meet your child's individual needs. (See page 4.)

THE RIGHT TO BE INCLUDED

Your child has the right to be educated with non-disabled students to the greatest extent appropriate. (See pages 3 – 5.)

THE RIGHT TO EQUAL OPPORTUNITIES

Your child has the right to an equal opportunity to participate in school and school-related activities. (See pages 3 – 5.)

THE RIGHT TO COMPARABLE FACILITIES

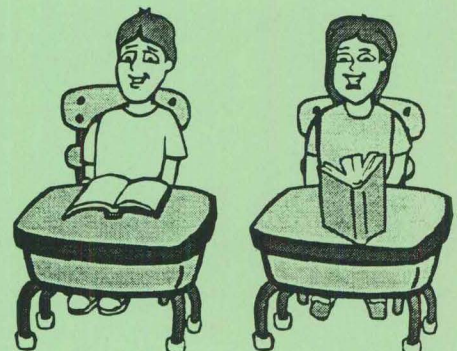
Your child has the right to be educated in facilities that are comparable to those provided to students without disabilities. (See pages 3 – 5.)

THE RIGHT TO COMPARABLE SERVICES

Your child has the right to receive services comparable to those provided to students without disabilities. (See pages 3 – 5.)

THE RIGHT TO SPECIAL EDUCATION AND RELATED SERVICES

If your child is found to be eligible under the Individuals with Disabilities Education Act (IDEA), your child has the right to receive special education and related services. (See pages 13 – 20.)



THE RIGHT TO REASONABLE ACCOMMODATIONS

If your child is found to be eligible under Section 504 of the Rehabilitation Act, your child has the right to receive reasonable accommodations. (See pages 7 – 8.)

THE RIGHT TO INFORMED TEAM DECISIONS

Your child has a right to have decisions about his or her evaluation, educational programming, and placement made by a team of individuals who (1) know your child, (2) have information about your child's evaluation, and (3) have information about the range of educational programming and services available. (See page 29.)

THE RIGHT OF PARENT PARTICIPATION

You have the right to participate in team decisions about your child's evaluation, educational program, and placement. (See pages 29 – 38.)

THE RIGHT OF STUDENT PARTICIPATION

When your child is ready, he or she has the right to participate in team decisions about evaluation, educational program, and placement. (See pages 29 and 67.)

THE RIGHT TO HAVE A VARIETY OF INFORMATION CONSIDERED

You and your child have the right to have all relevant information considered by the team in making decisions about your child's evaluation, educational program, and placement. (See page 35.)



THE RIGHT TO PARTICIPATE IN ACTIVITIES & PROGRAMS

Your child has the right to an equal opportunity to participate in extracurricular activities and other programs and services offered by the school district. (See pages 60 – 61.)

THE RIGHT TO REVIEW RECORDS

You have the right see and examine all relevant records concerning your child's identification for services, evaluations, educational program, and placement. (See pages 45 – 47.)

THE RIGHT TO OBTAIN COPIES OF RECORDS

You have the right to obtain copies of your child's educational records at a reasonable cost. If the cost of copying the records would prevent you from obtaining them, you have the right to ask for copies without cost. (See pages 45 – 47.)

THE RIGHT TO HAVE RECORDS EXPLAINED

You have the right to have the school district explain or interpret your child's records if you have questions about them. (See page 47.)

THE RIGHT TO AMEND INACCURATE RECORDS

You have the right to amend (change or add to) your child's educational records if you have reason to believe that the records are inaccurate, misleading, or violate your child's privacy. (See page 47.)

THE RIGHT TO REQUEST A HEARING ON RECORDS

If the school district refuses to make a requested amendment to your child's records, you have the right to a hearing on the matter. (See pages 47 – 48.)

THE RIGHT TO REQUEST MEDIATION

You have the right to ask for a mediation concerning decisions about your child's identification for services, evaluations, educational program, or placement. (See pages 52 – 54.)

THE RIGHT TO REQUEST DUE PROCESS

You have the right to ask for an impartial due process hearing concerning decisions about your child's identification for services, evaluations, educational program, or placement. (See pages 54 – 56.)

THE RIGHT TO TAKE PART IN PROCEEDINGS

You and your child have the right to take part in any mediation or hearing requested. (See pages 52 – 56.)

THE RIGHT TO BE REPRESENTED BY AN ATTORNEY

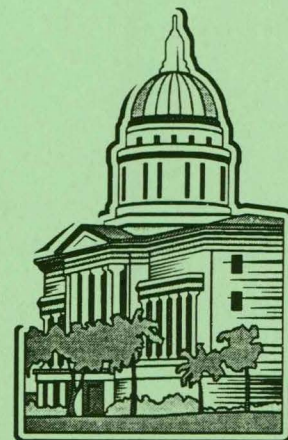
You and your child have the right to be represented by an attorney at any mediation or hearing you have requested. (See pages 53 and 55.)

THE RIGHT TO COLLECT ATTORNEY FEES

If you are successful in your hearing claim, you have the right to ask the school district to pay reasonable fees to your attorney. (See page 56.)

THE RIGHT TO APPEAL HEARING DECISIONS

If you are not successful in your hearing claim, you have the right to appeal the hearing decision. (See pages 56 – 57.)



A Quick Reference Guide to Educational Rights for Students



THE RIGHT TO PARTICIPATE

You have the right to participate in public education.
(See pages 3 – 5.)

THE RIGHT TO BENEFIT

You have the right to receive benefit from public education. (See pages 4 and 13 – 18.)

THE RIGHT TO BE FREE FROM DISCRIMINATION

You have the right not to be discriminated against on the basis of a disability.
(See pages 3 – 5.)

THE RIGHT TO BE INFORMED ABOUT YOUR RIGHTS

You and your parents have the right to be informed by the school district of your rights under federal and state law. At least one year before you reach age 18, you have the right to be informed of the legal rights under the IDEA that become yours at age 18. (See pages 48 and 75.)

THE RIGHT TO INFORMATION



You and your parents have the right to receive written notice from the school district about decisions concerning (1) your eligibility for disability-related services, (2) your evaluations, and (3) your educational placement. (See pages 28 and 48 – 51.)

THE RIGHT TO "FAPE"

You have the right to receive a free appropriate public education (FAPE)—an education designed to meet your individual needs. (See page 4.)

THE RIGHT TO BE INCLUDED

You have the right to be educated with non-disabled students to the greatest extent appropriate. (See pages 3 – 5.)

THE RIGHT TO EQUAL OPPORTUNITIES

You have the right to an equal opportunity to participate in school and school-related activities. (See pages 3 – 5.)

THE RIGHT TO COMPARABLE FACILITIES

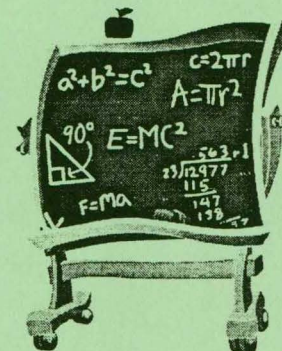
You have the right to be educated in facilities that are comparable to those provided to students without disabilities. (See pages 3 – 5.)

THE RIGHT TO COMPARABLE SERVICES

You have the right to receive services comparable to those provided to students without disabilities. (See pages 3 – 5.)

THE RIGHT TO SPECIAL EDUCATION AND RELATED SERVICES

If you are found to be eligible under the Individuals with Disabilities Education Act (IDEA), you have the right to receive special education and related services. (See pages 13 – 20.)



THE RIGHT TO REASONABLE ACCOMMODATIONS

If you are found to be eligible under Section 504 of the Rehabilitation Act, you have the right to receive reasonable accommodations. (See pages 7 – 8.)

THE RIGHT TO INFORMED TEAM DECISIONS

You have a right to have decisions about your evaluation, educational programming, and placement made by a team of individuals who (1) know you, (2) have information about your evaluation, and (3) have information about the range of educational programming and services available. (See page 29.)

THE RIGHT OF PARENT PARTICIPATION

Your parents have the right to participate in team decisions about your evaluation, educational program, and placement. (See pages 29 – 38.)

THE RIGHT OF STUDENT PARTICIPATION

When you are ready, you have the right to participate in team decisions about your evaluation, educational program, and placement. (See pages 26 and 67.)

THE RIGHT TO TRANSITION PLANNING

At least by the time you are 14 years old, you have the right to participate in the development of a transition plan that reflects your personal interests, preferences, and goals. (See pages 70 – 78.)

THE RIGHT TO HAVE A VARIETY OF INFORMATION CONSIDERED

You and your parents have the right to have all relevant information considered by the team in making decisions about your evaluation, educational program, and placement. (See page 35.)

THE RIGHT TO PARTICIPATE IN ACTIVITIES & PROGRAMS

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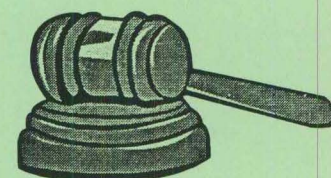
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THE RIGHT TO APPEAL HEARING DECISIONS

If you are not successful in your hearing claim, you and your parents have the right to appeal the hearing decision. (See pages 56 – 57.)



A Quick Reference Guide to Consumer Participation Rights in the County Management Plan Process

THE RIGHT TO PARTICIPATE

You have the right to participate in the development of your county's management plan. (See pages 92 and 107.)

THE RIGHT TO ATTEND

You have the right to attend public meetings or hearings on your county's plan. (See page 108.)



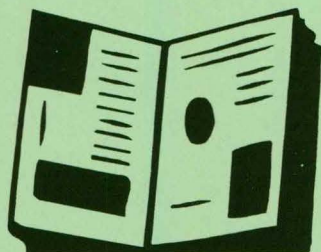
THE RIGHT TO COMMENT

You have the right to ask questions or make comments at your county's public hearings and during the plan development process. (See pages 107 – 108.)

THE RIGHT TO ACCOMMODATIONS

You have the right to any special assistance or accommodations you need to participate in the county plan process. (See page 108.)

THE RIGHT TO REVIEW THE COUNTY MANAGEMENT PLAN



You have the right to examine and review your county's management plan, and obtain a copy at a reasonable fee. (See page 95.)

THE RIGHT TO REQUEST SERVICES

You have the right to apply for publicly funded services in your county of residence. (See pages 94 – 95.)

THE RIGHT TO NOTICE OF DECISION

If you are denied services, you have the right to receive a written notice of decision explaining the reasons why. (See page 112.)

THE RIGHT TO NOTICE OF APPEAL RIGHTS

You have the right to receive an explanation of the county's process for appealing a service decision. (See pages 109 – 110 and 112.)

THE RIGHT TO A REVIEW HEARING

If you have been denied services, you have the right to request a hearing to review the decision. (See pages 100 – 112.)

THE RIGHT TO ASSISTANCE IN FILING AN APPEAL

If you need assistance to file an appeal or request for hearing, you have the right to receive appropriate assistance. (See pages 110 and 112.)

THE RIGHT TO CONFIDENTIALITY

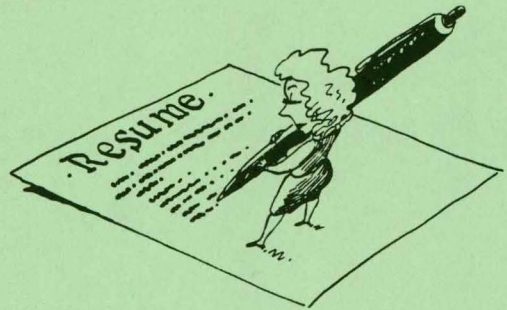
You have the right to have personal information about you kept confidential, and used only for the purpose it is given. (See page 95.)



A Quick Reference Guide to Community Participation Rights

THE RIGHT TO BE FREE FROM DISCRIMINATION IN EMPLOYMENT

You have the right not to be discriminated against on the basis of a disability in employment. (See pages 123 – 28.)



THE RIGHT TO BE FREE FROM DISCRIMINATION IN PUBLIC SERVICES

You have the right not to be discriminated against on the basis of a disability in access to public services. (See page 122.)

THE RIGHT TO BE FREE FROM DISCRIMINATION IN PUBLIC ACCOMMODATIONS

You have the right not to be discriminated against on the basis of a disability in access to public accommodations. (See pages 128 – 129.)

THE RIGHT TO BE FREE FROM DISCRIMINATION IN TRANSPORTATION SERVICES

You have the right not to be discriminated against on the basis of a disability in transportation services. (See page 122.)

THE RIGHT TO BE FREE FROM DISCRIMINATION IN TELECOMMUNICATION SERVICES

You have the right not to be discriminated against on the basis of a disability in telecommunications services. (See page 123.)



THE RIGHT TO BE FREE FROM DISCRIMINATION IN HOUSING

You have the right not to be discriminated against on the basis of a disability in obtaining or keeping housing. (See page 130 – 133.)

THE RIGHT TO VOTE

You have the right to register to vote, and to vote. (See pages 133 – 141.)

THE RIGHT TO OPPORTUNITY FOR JURY SERVICE

You have the right to be considered for jury service without regard to your disability if you meet the general qualifications. (See pages 141 – 142.)

THE RIGHT TO PUBLIC INFORMATION

You have the right to attend open meetings of governmental bodies, and you have the right to review public records. (See pages 142 – 145.)

THE RIGHT TO SERVE ON PUBLIC BOARDS

You have the right to fair consideration for the opportunity to serve on public boards and commissions. (See page 145.)

THE RIGHT TO REASONABLE ACCOMMODATIONS

You have the right to receive reasonable accommodations to enable you to exercise your rights and participate in programs and activities. (See pages 126 – 128.)





GLOSSARY OF TERMS



Absentee Ballot - casting your vote before election day by completing a special ballot form and returning it by mail or in person to your county auditor's office.

Access Point - a place that has been designated by your county to accept applications to receive disability-related services provided under the county's management plan. (Common examples include DHS offices, hospitals, and mental health treatment centers.)

Accommodation - a help, aid, support, adjustment, or any assistance or adaptation that an individual with a disability needs to participate in activities, programs, or services on a similar basis with others who do not have disabilities.

ADA (Americans with Disabilities Act) - a federal civil rights law that protects individuals from discrimination on the basis of disability.

AIDS/HIV Waiver - a Medicaid program that funds medical and disability-related services to children and adults who have a medical diagnosis of AIDS or HIV infection.

Alternative Educational Setting - a temporary educational placement where a child's Individual Education Program can be implemented during a suspension or other removal from the child's usual educational setting.

Americans with Disabilities Act (ADA) - a federal civil rights law that protects individuals from discrimination on the basis of disability.

Assistive Technology Device - a product, a piece of equipment, or a system that is used to increase, maintain, or improve the capabilities of an individual with a disability to move about, communicate, or perform manual tasks.

Assistive Technology Service - a service that helps an individual with a disability to select, obtain, or use an assistive technology device.

Behavioral Intervention Plan - a plan developed by a student's educational team, including the parents, to help a child improve his or her behavior.

Brain Injury Waiver - a Medicaid program that funds medical and disability-related services for children and adults who have a medical diagnosis of brain injury.

Case Management - the job of coordinating various services and supports needed by an individual, including communicating with service providers and funding sources on behalf of the individual.

Central Point of Coordination (CPC) - the administrative "gatekeeper" for service requests in each county under Iowa's County Management Plan system. The CPC is the person who approves applications for services and approves county funding.

Chapter 17A Appeal - an appeal to Iowa District Court from the final decision of any state agency.

Complaint - a signed, written statement filed with the Iowa Department of Education by an individual or organization explaining the facts about a situation where a school or other public agency is believed to have violated rights under the IDEA, and asking for an investigation; OR, a signed statement explaining how you believe your rights under law have been violated (for example: an ADA complaint, or a Fair Housing complaint).

County Appeals Process - the process developed by each county under its county management plan for individuals to appeal the denial of county funded disability-related services.

County Management Plan - a written plan developed by each Iowa county for organizing, financing, delivering, and evaluating services and supports for individuals with mental retardation, developmental disabilities or mental health needs.

County of Residence - the county where you live.

Crisis Services - services and supports necessary to stabilize a crisis situation.

Curbside Voting - voters with disabilities can request that precinct workers at their local polling place bring a ballot to their vehicle to complete if the voter has difficulty entering the polling place.

DHS - the Iowa Department of Human Services. The DHS is the state agency that oversees disability-related services, social services, and services provided through federal Medicaid programs.

Due Process Hearing - a "trial-like" hearing under the IDEA law coordinated by the Iowa Department of Education and conducted by an administrative law judge. In such a hearing, both parents and school officials have the opportunity to present evidence and witnesses supporting their view of an educational dispute.

Due Process Rights - the rights that protect an individual from being deprived of anything he is entitled to, without first being properly notified and being given a fair opportunity to have his point of view heard and considered by a neutral party.

Early Intervention Services - services offered to help families meet the needs of young children with developmental delays.

Elderly Waiver - a Medicaid program which funds medical and disability-related services for adults with disabilities who are sixty-five and older.

Essential Functions - the duties of a job that are necessary to carry out the purpose of the position.

Fair Housing Act - a federal civil rights law which prohibits housing discrimination on the basis of race, sex, religion, national origin, disability, and family status.

FAPE - Free Appropriate Public Education. FAPE is required to be provided to all children with disabilities who are eligible under the IDEA or Section 504.

FERPA - the Family Educational Rights and Privacy Act is a federal law which gives parents and guardians rights to the educational records of their children and protects the privacy of those records by requiring proper consent before records are released to others.

504 Plan - a plan to provide accommodations or assistance to a student who qualifies as a person with a disability under Section 504 of the Rehabilitation Act of 1973. Such a plan is developed by a team of people knowledgeable about the student and his or her learning needs, including the student, the student's parents, and educational professionals.

Functional Behavioral Assessment - the process of gathering information about how and when specific behaviors occur for a child to help determine the reasons for the behavior.

Home and Community Based Services Waiver (HCBS) - a Medicaid program which funds medical and disability-related services that provide necessary support to people living in their homes, or in home-like community living situations, who would otherwise need care in a more restrictive setting.

ICF/MR - Intermediate Care Facility for Persons with Mental Retardation.

IDEA - the Individuals with Disabilities Education Act. The federal law which gives all children with disabilities the right to receive a free appropriate public education.

IEP - Individualized Education Program (see description on the following page).

IEP Meeting or Staffing - meeting which is held before special education or related services are provided to a child, and at least once a year while a child is continuing to receive services.

IFSP - Individualized Family Service Plan for early intervention services to young children (from birth to age 3) with disabilities and their families.

Ill and Handicapped Waiver - a Medicaid program which funds medical and disability-related services for children and adults with disabilities, including blindness, who have been determined to be eligible for social security benefits.

Individualized Family Service Plan (IFSP) - a written plan developed by a team, including parents and professionals in education and disability-related fields, to assist families in meeting the needs of young children with developmental delays. The plan must include information on the child's current functioning level, family resources, priorities, and concerns relating to the child, goal statements, services needed, how services are to be implemented, how services are to be coordinated, and what steps are needed to prepare the child for preschool or other services.

Individualized Education Program (IEP) - a written plan for meeting the special education and related services needs of a child with a disability who is eligible under the IDEA. The plan must include: a statement of how the child is presently performing in school, annual goals for the child's education, a statement of the specific special education and related services that are to be provided to the child, how the child will participate in regular education programs, and information on how the child's progress will be measured.

Jury - a group of people who are sworn to hear evidence in a legal case and to give a decision.

Legal Settlement - a method created by state law to determine which Iowa county is responsible for funding disability-related services needed by a particular individual.

Major Life Activity - (under Section 504) major life activities include: seeing, hearing, breathing, speaking, walking, learning, working, caring for yourself, and doing manual tasks. A person who has a significant limitation in one or more of these activities because of a physical or mental impairment is protected by Section 504 of the Rehabilitation Act of 1973.

Managed Care - a system of health care, mental health, or disability-related services that is managed by an administrator in an effort to keep costs down and still deliver high-quality services. Managed care systems usually place limits on the amount, type, and length of services, and on the providers who are approved to receive payment for delivering services.

Manifestation Determination - an educational team review to determine if a child who has violated a school rule behaved in the way he did as a result of his or her disability.

Medicaid - a federal program that provides necessary medical care and medical services to individuals who meet financial eligibility requirements.

Mental Health Advocate - an individual appointed by a district court or county board of supervisors to represent the interests of a person with mental illness who has been involuntarily hospitalized.

Mental Retardation Waiver - a Medicaid program that funds medical and disability-related services for children and adults who have a primary diagnosis of mental retardation.

MHI - one of the four state Mental Health Institutions located at Cherokee, Clarinda, Independence, and Mount Pleasant.

Multi-disciplinary Team - a team of people from various "disciplines" (or branches of instruction) who have special knowledge in some area of a child's needs. This team includes parents and others who know the individual child.

Non-Discrimination - legal provisions to protect people from unfair discrimination based on their status as a member of a "protected" group.

Open meetings - meetings of "governmental bodies" that are required by law to be open to the public, so that both the decisions made by those bodies and the reasons for those decisions are easily accessible to people.

Outpatient treatment - counseling and treatment services for persons with mental illness who do not require hospitalization.

Partial hospitalization - treatment for persons with mental illness.

Physical Disabilities Waiver - a Medicaid program designed to fund disability-related services for adults with physical disabilities who have been living in medical facilities, but are able to live in community settings if provided with attendant care services.

PLEP (Present Level of Educational Performance) - a statement of how a student is currently performing in school that must be included in the student's IEP. The PLEP should identify both the child's strengths and the child's needs.

Pre-Appeal Conference - a meeting (or mediation) between parents and school or AEA officials to try to work out areas of disagreement regarding the special education needs of a child with disabilities.

Psychiatric medication - prescription medicines for the treatment of persons with chronic mental illness.

RCF/MR - Residential Care Facility for Persons with Mental Retardation.

RCF/PMI - Residential Care Facility for Persons with Mental Illness.

Related Services - the services needed for a child with a disability to benefit from his program of specialized instruction as required by the IDEA.

Respite - services to temporarily relieve parents or other regular caregivers of a person with disabilities from their care-giving responsibilities.

Section 504 - (Section 504 of the Rehabilitation Act of 1973) is a federal law that makes it illegal to discriminate against an otherwise qualified person on the basis of a disability. It applies to elementary and secondary education, to post-secondary education, as well as to equal access to programs and activities available to the general public.

Self-Advocacy - speaking for yourself, asking for the things you need and want, standing up for your rights, and taking responsibility for your own choices.

Senate File 69 - legislation passed by the Iowa General Assembly in 1995 that created the system of County Management Plans for the funding and delivery of disability-related services.

Special Education - a program of instruction that is specifically designed to meet the unique needs of a child with a disability and is provided at no cost to the parents.

State Hospital School (SHS) - one of Iowa's two State Hospital Schools located at Glenwood and Woodward.

Stay Put - the right of a child to remain in his current educational placement during the time that a pre-appeal or a due process hearing concerning the child's educational programming is pending.

Support Services - services available to individuals with disabilities and their families to assist them in living more independently (for example: supported community living services, respite care, and transportation).

Supported Community Living (SCL) - disability-related services offered at a person's place of residence to help that person learn to live more independently or function better as a part of the community.

Supported Employment - instruction and supervision to assist individuals with disabilities in developing job skills and getting employment in the community.

Title Nineteen (XIX) - refers to federal Medicaid services or funding. The Medicaid program was created by Title XIX of the federal Social Security Act.

Transition Planning - part of the IEP team planning process that helps a student (usually age 14 or older) to explore his or her long-term goals and map out ways to reach those goals.

Transition Services - educational activities designed to help a student with disabilities prepare for adult living, higher education, vocational training, employment, or other community activities.

Transportation - services provided to transport individuals to and from treatment, work sites, day activities, or other programs or activities.

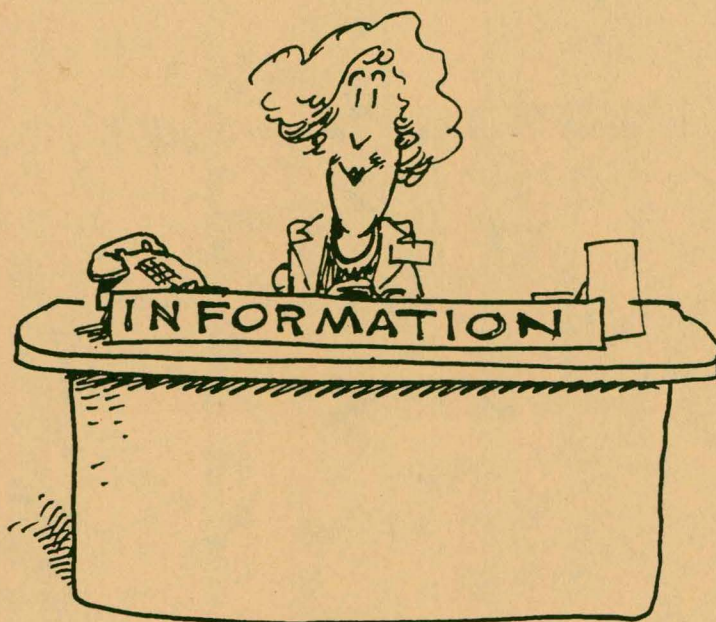
Undue hardship - an accommodation that requires an employer or a business "significant difficulty" or "significant expense" may be an undue hardship. If a requested accommodation under the ADA is found to be an undue hardship, the employer or business is not obligated to make it.

Waiver Services - services provided by the Medicaid Home and Community Based Waiver Program. The purpose of these services is to support people with disabilities living in their own homes or home-like community settings, when without such services they would need to live in a care facility or state hospital-school to receive the level of care they require.

Work activity - non-competitive employment opportunities.

Vocational Services - services available to individuals with disabilities to assist them in training for, seeking, or retaining employment.

Voting - the constitutional right and responsibility of citizens to participate in selecting the federal, state, and local officials who make laws, design programs, and decide how tax dollars are spent.



The Project PRIDE Guide

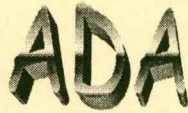
June 1999 Edition

RESOURCES FOR INFORMATION AND ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES AND THEIR FAMILIES



ADA COMPLAINTS:

DISABILITY RIGHTS SECTION
Civil Rights Division
U.S. Department of Justice
P.O. Box 66738
Washington, D.C. 20035-6738



To file complaints about public accommodations and commercial facilities (violations of Title II or Title III of the ADA).

See EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
listed on page 5.

To file complaints about employment (violations of Title I of the ADA).

ALLIANCE FOR THE MENTALLY ILL OF IOWA (AMI)

5911 Meredith Drive, Suite C-1
Des Moines, Iowa 50322
Phone: 1-800-417-0417
Phone: (515) 254-0417
Fax: (515) 276-3736
E-mail: AMIIowa@aol.com

AMI is a statewide organization that functions both as a mutual support group and as an advocacy group on behalf of persons with mental illness. AMI strives to raise public awareness and concern about mental illness, to foster research, to improve treatment, and to upgrade the care system.

THE ARC OF IOWA

715 East Locust
Des Moines, Iowa 50309
Phone: 1-800-362-2927
Phone: (515) 283-2358
Fax: (515) 244-4948
E-mail: arciowa@aol.com



The Arc of Iowa, founded in 1953, is a not-for-profit organization devoted solely to improving the quality of life for children and adults with mental retardation and their families through education, research, and advocacy.

ATTORNEY REFERRAL SERVICE

Iowa State Bar Association
521 East Locust Street
Des Moines, Iowa 50309-1911
Phone: (515) 280-7429
Phone: 1-800-532-1108



The Attorney Referral Service is a non-profit public service of The Iowa State Bar Association. It provides statewide referrals to attorneys available in your area.

CH.A.D.D. - CHILDREN AND ADULTS WITH ATTENTION DEFICIT DISORDERS

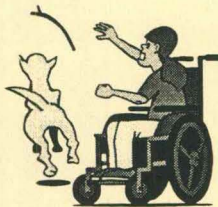
499 N.W. 70th Avenue, Suite 101
Plantation, Florida 33317
Phone: (954) 587-3700

Des Moines Chapter
P. O. Box 23043
Des Moines, Iowa 50325
Voice Mail: 830-1738

CH.A.D.D. of Greater Des Moines is a parent-run support group dedicated to helping parents, professionals, and other interested persons learn more about attention deficit disorders and how to cope with them. CH.A.D.D. also has a library which offers a wide selection of materials to members only.

COMMISSION FOR PERSONS WITH DISABILITIES

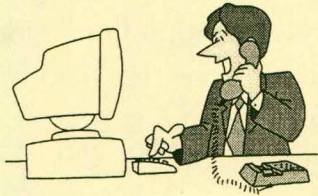
Iowa Department of Human Rights
Lucas State Office Building
Des Moines, Iowa 50319
Voice/TTY: (515) 242-6172
Voice/TTY: 1-800-652-4298
E-mail: ttaylor@max.state.ia.us



The Commission for Persons with Disabilities promotes equal access to services, opportunities and the employment of Iowans with disabilities. This includes the Iowa Client Assistance Program (ICAP), which is designed to help people seeking or receiving rehabilitation services from an agency funded under the Rehabilitation Act.

**C.R.O.P. - CONSUMER RESOURCE
AND OUTREACH PROJECT**

c/o Iowa Department of Human Services
Division of MH/DD
Hoover State Office Building, 5th Floor
Des Moines, Iowa 50319
Phone: (515) 281-7274
Fax: (515) 281-4597
E-mail: dhruby@dhs.state.ia.us



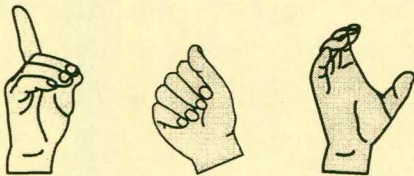
C.R.O.P. is a consumer outreach project of the DHS Division of Mental Health and Developmental Disabilities to provide for meaningful input by consumers into the development of public mental health policy. C.R.O.P.'s mission is to increase personal empowerment of individuals with mental illness, and to develop systems, services, and supports that promote recovery, self-sufficiency, and personal and community responsibility.

DEAF ACTION CENTER

P.O. Box 1501
Des Moines, Iowa 50306-1501

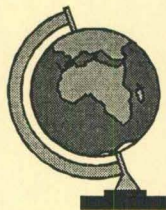
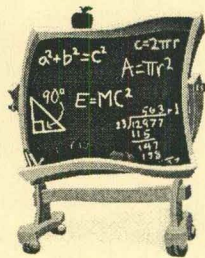
Located at:
2600 E. Euclid
Des Moines, Iowa 50317
Voice: (515) 266-5105
TTY: (515) 266-0600
Fax: (515) 266-5105
E-mail: deafac@aol.com

Deaf Action Center (DAC) is a private, non-profit agency governed by deaf consumers and devoted to providing services in the deaf community. Services include: sign language interpreting, oral interpreting, sign language classes, TTYs, decoders, & other assistive devices, information & referral, advocacy, workshops, and educational materials. 24-hour emergency interpreting services are available. All services can be modified to fit specific needs of the customer to facilitate equal accessibility for deaf persons into all areas of society.



DEPARTMENT OF EDUCATION

Bureau of Children, Family, and
Community Services
Grimes State Office Building
East 14th Street & Grand Avenue
Des Moines, Iowa 50319
Voice: (515) 281-3176
Fax: (515) 242-6019



The Iowa Department of Education serves the students of Iowa by providing leadership and resources for schools, area education agencies, and community colleges to improve the level of learning, achievement and performance of all students. Parents may contact the Dept. of Education to request a Pre-Appeal, a Due Process Hearing, or file a Complaint concerning a special education matter.

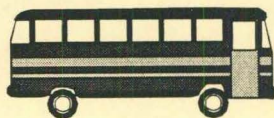
DEPARTMENT OF HUMAN SERVICES

State Offices
Hoover State Office Building
Des Moines, Iowa 50319
Voice: (515) 281-3147
Fax: (515) 281-4597

The Iowa Department of Human Services is the state agency responsible for making statewide policy for human services, and for administering the state Medicaid program. For assistance in individual cases, contact your local DHS office.

DEPARTMENT OF TRANSPORTATION PUBLIC TRANSIT SYSTEMS

Planning Coordination Team
100 E. Euclid, Suite 7
Des Moines, Iowa 50313
Phone: (515) 237-3302
Fax: (515) 237-3323



Iowa has 16 regional and 19 urban public transit systems that serve the state. Information on type of service available, service area, and how to contact the system in your area, is listed in the Public Transit Directory. To obtain a copy of the directory, contact the Iowa DOT at the address shown.

DISABILITY RESOURCE LIBRARY

(formerly "The Clearinghouse")

University of Iowa

University Hospital School

100 Hawkins Drive, Room 311

Iowa City, Iowa 52242-1011

Phone: 1-800-272-7713

E-mail: disability-library@uiowa.edu

DRL catalog web site:

<http://www.uiowa.edu/uhs/drlmain.html>



The DRL is a lending library of books, videotapes, and other resources on disability issues. It is free for people with disabilities and family members. Other people, organizations, and agencies may purchase yearly subscriptions or may pay a per-item fee. The DRL also has a non-circulating collection and computers which can be used at the library. If you are looking for information or resources on a specific topic, a DRL librarian can help you.

DIVISION OF DEAF SERVICES

Iowa Department of Human Rights

Lucas State Office Building

Des Moines, Iowa 50319

Voice/TTY: (515) 281-3164

Fax: (515) 242-6119

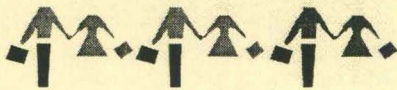


The Division of Deaf Services serves and represents the needs of deaf and hard of hearing people. Services include, but are not limited to, sign language interpreting, interpreter referral services and individual assistance and consultation services. The Division also has a library and publishes a newsletter.

DIVISION OF VOCATIONAL REHABILITATION

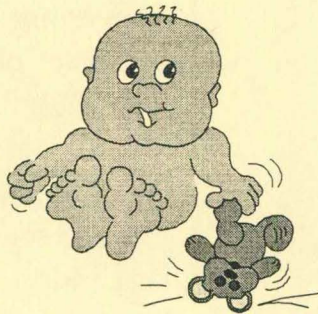
Iowa Department of Education
510 East 12th Street
Des Moines, Iowa 50319
Voice/TTY: 1-800-532-1486
Voice/TTY: (515) 281-4311
Fax: (515) 281-4703
E-mail: dvrdesk@max.state.ia.us

Employment



EARLY ACCESS PROGRAM

Call toll free: 1-800-779-2001
(Also see Iowa COMPASS in this Section)

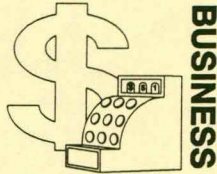


DVRS helps eligible people become more productive members of the work force. To be eligible, an individual must have a disability which substantially limits their ability to be employed. DVRS provides vocational rehabilitation services to eligible individuals to prepare for, obtain, or retain employment.

Early ACCESS is a resource for families with questions and concerns about the development of an infant or toddler (age birth to 3 years). Early ACCESS works with families to identify, coordinate, and provide services and resources to help children with health conditions affecting growth and development. The agencies responsible for Early ACCESS include: The Iowa Department of Health, the Iowa Department of Human Services, The Iowa Department of Education, and Child Health Specialty Clinics.

**ENTREPRENEURS WITH
DISABILITIES PROGRAM**

Iowa Department of Economic Development
510 East 12th Street
Des Moines, Iowa 50319
Toll free: 1-888-472-6055
Voice: (515) 281-6763 or (515) 281-6901
TTY: (515) 281-3041
Fax: (515) 281-6648
E-mail: prlind1@aol.com



The purpose of the Entrepreneurs with Disabilities Program is to provide technical and financial assistance to clients of the Division of Vocational Rehabilitation Services or Department for the Blind who are seeking self-sufficiency by establishing or expanding a small business.

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

1801 L Street, N.W.
Washington, D.C. 20507
Voice: 1-800-669-4000
TTY: 1-800-669-6820

The Equal Employment Opportunity Commission (EEOC) can provide specific information about ADA requirements affecting employment.



**GOVERNOR'S DEVELOPMENTAL
DISABILITIES COUNCIL**

617 East Second Street
Des Moines, Iowa 50309
Voice/TTY: (515) 281-9082
Voice/TTY: 1-800-452-1936
Fax: (515) 281-9087

The Governor's DD Council advocates for quality disability policies and services for Iowans. It also produces the newsletter "Inside Policy" as a resource for information on policy issues related to people with disabilities.



**GREAT PLAINS DISABILITY &
BUSINESS TECHNICAL ASSISTANCE
CENTER - Region VII ADA Project**

100 Corporate Lake Drive
Columbia, Missouri 65203
Voice/TTY: 1-800-949-4232
Voice/TTY: (573) 882-3600
Fax: (573) 884-4925
E-mail: adahl@showme.missouri.edu

**HOUSING AND URBAN
DEVELOPMENT (HUD)**

Office of Fair Housing and Equal
Opportunity
U.S. Dept. of Housing and Urban
Development
Room 5204
Washington, D.C. 20410-2000
Voice: 1-800-669-9777
TTY: 1-800-927-9275

**HOUSING AND URBAN
DEVELOPMENT (HUD)**

210 Walnut Street
Des Moines, Iowa 50309
Voice: (515) 284-4510
TTY: (515) 284-4728
Fax: (515) 284-4743

The Great Plains Center provides technical assistance, community links, ADA materials, and referrals to individuals and companies in four states: Iowa, Kansas, Nebraska, and Missouri.

HUD is the federal agency that enforces the Fair Housing Act. If you feel you have been discriminated against in housing because of a disability, you may write or call HUD to make a complaint.



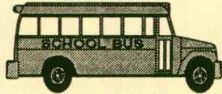
Complaints about housing discrimination can also be made by contacting your regional HUD office.

Houses For Sale



IDEA COMPLAINTS

See Department of Education listed on page 3.



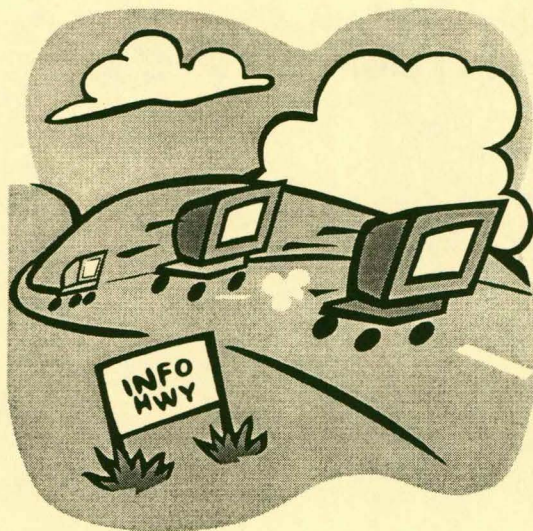
To file complaints or other actions for violation of the Individuals with Disabilities Education Act (the IDEA), contact the Iowa Department of Education.

IDEAS Project

University Hospital School
100 Hawkins Drive, Room 263
Iowa City, Iowa 52242-1011
Phone: (319) 353-6448
E-mail: michael-hoenig@uiowa.edu



The Iowans with Disabilities Exercising Advocacy Skills (IDEAS) Project offers self-advocacy training to Iowans with disabilities and their supporters. Topics include: self-advocacy and self-esteem, rights and responsibilities, decision-making, goal-setting, and accessing services. Training workshops offer group discussions, role-plays, videos and other opportunities for consumer participation.



INDEPENDENT LIVING CENTERS:

Iowa's seven regional independent living centers promote independent living, consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities and their integration and full inclusion into the mainstream of American society. Together, the seven centers form the Iowa State Association for Independent Living (ISAIL):

Black Hawk Center for Independent Living (BHCIL)

2401 Falls Avenue, Suite 5
Waterloo, Iowa 50701
Voice: (319) 291-7755
TTY: (319) 232-3955
Fax: (319) 291-7781
E-mail: bhcil@cedarnet.org
<http://www.cedarnet.org/bhcil/>

LEADERSHIP
Training

Central Iowa Center for Independent Living (CICIL)

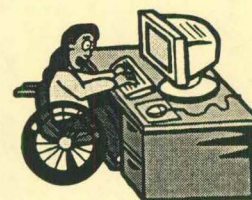
1024 Walnut Street
Des Moines, Iowa 50309-3424
Voice: (515) 243-1742
TTY: (515) 243-2177
Fax: (515) 243-5385
E-mail: cicil@raccoon.com
www.raccoon.com/cicil



Empowerment

Evert Conner Rights & Resources Center for Independent Living (ECRRCIL)

20 East Market Street
Iowa City, Iowa 52240
Voice: (319) 338-3870
Fax: (319) 338-8385
E-mail: connerctr@aol.com

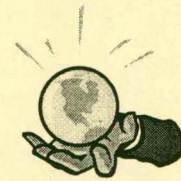


Productivity

INDEPENDENT LIVING CENTERS (continued):

Illinois/Iowa Center for Independent Living (IICIL)

736 Federal Street
Davenport, Iowa 52803
Voice/TTY: (319) 324-1460
Fax: (319) 324-1036
E-mail: iicil@revealed.net
<http://www.reavealed.net/iicil/>



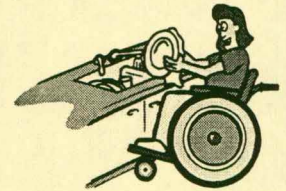
Inclusion

Mailing Address:
P.O. Box 6156
Rock Island, Illinois 61204-6156

South Central Iowa Center for Independent Living (SCICIL)

121½ High Avenue East, Suite 301
Oskaloosa, Iowa 52577
Voice & Fax: (515) 672-1867
E-mail: scicil@kdsi.net
<http://www.welcome.to/scicil>

Independence



Southwest Iowa Center for Independent Living (SWICIL)

League of Human Dignity
1417½ West Broadway
Council Bluffs, Iowa 51501
Voice: (712) 323-6863
Omaha Voice: (402) 558-3411
Fax: (712) 323-6811
E-mail: lhd@mitec.net

Three Rivers Independent Living Center Corp. (TRCIL)

Baxter Building
800 5th Street, Suite C
Sioux City, Iowa 51101
Voice & Fax: (712) 255-1065
E-mail: trilcbjd@aol.com
<http://members.aol.com/trilc/>



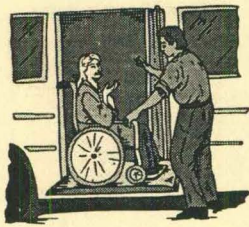
TRCIL

INFOTECH

Iowa Program for Assistive Technology
Iowa University Affiliated Program
University Hospital School
The University of Iowa
Iowa City, Iowa 52242-1011
Voice/TTY: 1-800-331-3027
Voice/TTY: 1-319-356-0550

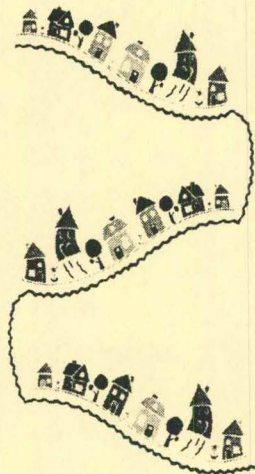
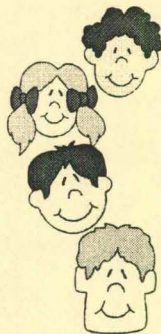
INFOTECH web site:

www.uiowa.edu/infotech/INFOTECH.htm



IOWA ASSOCIATION OF COMMUNITY PROVIDERS

7025 Hickman Road, Suite 5
Urbandale, Iowa 50322
Voice: (515) 270-9495
Fax: (515) 270-1035

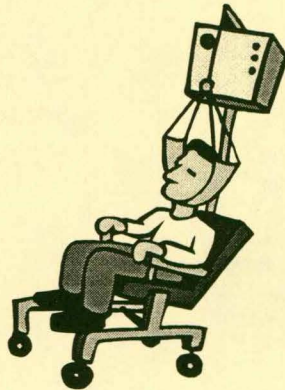


INFOTECH is a free information and referral service on assistive technology. The services provided include product information on adaptive devices, the Used Equipment Referral Service (UERS), the quarterly InfoTech newsletter, and funding information for Iowans.

InfoTech also provides referral to Iowa Protection & Advocacy Services and the University of Iowa College of Law for legal advocacy involving assistive technology.

The Iowa Association of Community Providers is comprised of over 130 community-based organizations providing services to over 65,000 Iowa residents with mental illness, mental retardation, and other developmental disabilities. The association is committed to promoting healthy and secure communities in which people have access to appropriate services and supports which enable them to be a part of the community of their choice.

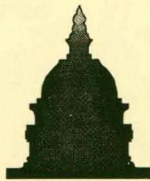
IOWA ABLE LOAN PROGRAM
Iowa Program for Assistive Technology
University Hospital School
The University of Iowa
Iowa City, Iowa 52242-1011
Phone: (319) 356-1514
Toll free: 1-800-331-3027



The Iowa Able Loan Program is a new program that offers low-interest loans to Iowans with disabilities to purchase adapted equipment. Funds borrowed be used to purchase adapted equipments such as TTYS, wheelchairs, or communication devices, or to make home and vehicle modifications. Iowa Able is a joint project of the Iowa Program for Assistive Technology, the Iowa Able Foundation, and First National Bank Iowa.

IOWA CITIZENS' AIDE/OMBUDSMAN

215 East 7th Street
Des Moines, Iowa 50319
Voice: (515) 281-3592
Voice: 1-888-IA-OMBUD
TTY: (515) 242-5065
Fax: (515) 242-6007
E-mail: ombud@legis.state.ia.us



Iowa Citizens' Aide/Ombudsman is a legislative office established to investigate complaints and answer questions concerning the administrative actions of most state and local government agencies.

IOWA CIVIL RIGHTS COMMISSION

211 East Maple Street, 2nd Floor
Des Moines, Iowa 50309-1858
Phone: 1-800-457-4416
Phone: (515) 281-4121
TTY (Relay Iowa): 1-800-735-2942
Fax: (515) 242-5840

The mission of the Iowa Civil Rights Commission (ICRC) is to eliminate discrimination in Iowa. ICRC fights discrimination through complaint resolution and education.

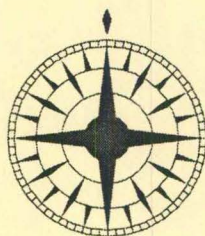
ICRC Web site:
www.state.ia.us/government/crc



IOWA COMPASS

University Hospital School
100 Hawkins Drive, Room S277
Iowa City, Iowa 52242-1011
Voice/TTY: 1-800-779-2001
Fax: (319) 356-1343
E-Mail: iowa-compass@uiowa.edu

IOWA COMPASS web site:
[http://www.medicine.uiowa.edu/
iowacompass](http://www.medicine.uiowa.edu/iowacompass)



IOWA COMPASS is a free information and referral service for Iowans with disabilities and their families. IOWA COMPASS provides information on local, state and national supports and services. Information can be accessed by phone or TTY, by mail, on audio cassette, or on the Internet.

IOWA DEPARTMENT FOR THE BLIND

524 4th Street
Des Moines, Iowa 50309-2364
1-800-362-2587
Voice: (515) 281-1333
TTY: (515) 281-1355
Fax: (515) 281-1263
E-mail: creigs@blind.state.ia.us



The Iowa Department for the Blind provides services and information to Iowans who are blind. These services include, but are not limited to, vocational rehabilitation, aids and devices, a business enterprises program, independent living rehabilitation services, and library services.

IOWA FAMILY SUPPORT INITIATIVE

P.O. Box 30145
Des Moines, Iowa 50310
Phone: (515) 277-0112
Fax: (515) 277-9268
E-mail: IFSI30145@aol.com



IFSI is a statewide, grassroots organization of parents of children with all types of disabilities who want their children to live at home and be a part of our communities and our everyday lives. IFSI works with policymakers to bring about this change.

**IOWA MENTAL HEALTH
RECOVERY & ADVOCACY**

611 1st Street
Perry, Iowa 50220
Phone: (515) 465-4137
Phone: 1-800-775-2379

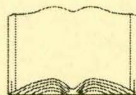
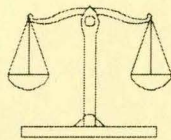


Iowa Mental Health Recovery & Advocacy is a peer support group that provides telephone wellness checks, home visits, transportation, and linkage with community resources for persons diagnosed with mental illness who are experiencing problems with their illness. They also provide support and education to persons who have a diagnosed mental illness as well as alcoholism and/or drug addiction.

**IOWA PROTECTION & ADVOCACY
SERVICES, INC.**

3015 Merle Hay Road, Suite 6
Des Moines, Iowa 50310
Voice: 1-800-779-2502
Voice: (515) 278-2502
TTY: (515) 278-0571
Fax: (515) 278-0539
E-mail: hn5317@earthlink.net

P & A

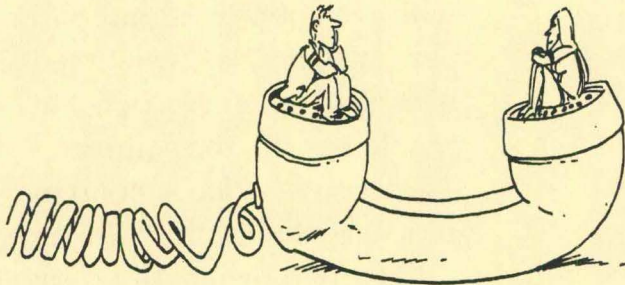


Iowa P & A provides free legal and non-legal advocacy assistance to persons with disabilities. Services are free of charge to qualified persons and include: assistance in securing entitlements and services, individual representation for the protection of rights, advocacy assistance to overcome discrimination, advocacy to remedy abuse or neglect of individuals with developmental disabilities or mental illness, and assistance in securing assistive technology devices and services.

IOWA RELAY SERVICE

TTY: 1-800-735-2942

Voice: 1-800-735-2943



Iowa Relay Service links deaf and hard of hearing people by telephone. To use this service, dial the number shown and give the agent the number you want to call. The agent will stay on the line to relay the conversation. You can talk directly with the person you call. All calls and information are confidential. The service is provided at no cost to callers and is available 24 hours a day.

LEARNING DISABILITIES ASSOCIATION OF IOWA (LDA-I)

P. O. Box 665

Indianola, Iowa 50125

Phone: (515) 280-8558

Fax: (515) 961-6413



LDA of Iowa is a group of parents, teachers, school administrators, and others who are interested in children and adults affected by learning disabilities. For 27 years, the group has sponsored an annual conference to inform, educate, and motivate people to "expand the possibilities" of success for individuals with learning disabilities.

LEGAL SERVICES CORPORATION OF IOWA

312 8th Street, Suite 300

Des Moines, Iowa 50309-3828

Voice/TTY: (515) 280-3636

Voice/TTY: 1-800-532-1503

Fax: (515) 246-6075

Legal Services Corporation of Iowa offers free legal services to income eligible persons on "civil" matters.



**NATIONAL INFORMATION CENTER
FOR CHILDREN AND YOUTH
WITH DISABILITIES ("NICHY")**

P.O. Box 1492
Washington, D.C. 20013-1492
Voice: (703) 893-6061
Voice: 1-800-999-5599
TTY: (703) 893-8614



NICHY provides technical assistance guides and other informational materials and can respond to individual requests for information. NICHY materials may be helpful to you in gaining a better understanding of the special education process, laws, and how to access services in your area.

**OFFICE ON THE AMERICANS WITH
DISABILITIES ACT**

Civil Rights Division
U.S. Department of Justice
P.O. Box 66118
Washington, D.C. 20035-6118
Voice: (202) 514-0301
TTY: (202) 514-0381
or (202) 514-0383

The U.S. Department of Justice enforces compliance with the Americans with Disabilities Act. The Office on the ADA can provide information about ADA requirements affecting public accommodations and state and local government services.

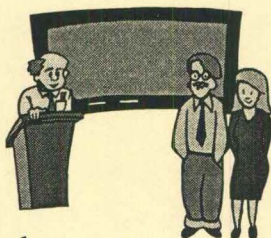
**Americans ^{with}
Disabilities Act**



PARENT-EDUCATOR CONNECTION (PEC)

Resource Center for Issues in Special Education

Drake University
2507 University Avenue
Des Moines, Iowa 50311
Phone: (515) 271-3936
Fax: (515) 271-4185
E-mail: deb.samson@drake.edu

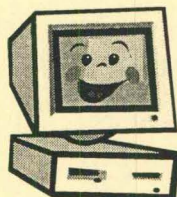


Web site: www2.aea11.k12.ia.us/pareduc/
or www.aea11.k12.ia.us

The Parent-Educator Connection is a statewide network that encourages and promotes active partnerships between parents and educators of children and young adults with special needs. PEC Coordinators for your area can be contacted through the state office or through your Area Education Agency.

PARENT TRAINING AND INFORMATION CENTER OF IOWA

321 East 6th Street
Des Moines, Iowa 50309
Voice: (515) 243-1713
Toll free: 1-800-450-8667
Fax: (515) 243-1902
E-mail: PTIIOWA@aol.com



The PTIC is a statewide resource to assist parents of children with special needs by providing training on special education laws, programs, and rights, information and referral, parent-to-parent support, and advocacy assistance.

PARTNERS IN POLICYMAKING

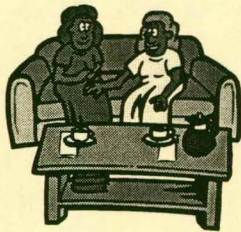
Iowa Protection & Advocacy Services, Inc.
3015 Merle Hay Road, Suite 6
Des Moines, Iowa 50310
Voice: (515) 278-2502
Voice: 1-800-779-2502
TTY: (515) 278-0571
Fax: (515) 278-0539
E-mail: hn5317@earthlink.net



"Partners" is a leadership training project coordinated by Iowa P & A and federally funded through the Governor's DD Council. The program is designed to teach individuals with disabilities and parents of young children with disabilities to be community leaders, and to foster a partnership between people who need and use disability-related services and those who make public policy.

**STATEWIDE INDEPENDENT
LIVING COUNCIL (SILC)**

524 Fourth Street
Des Moines, Iowa 50309-2364
Voice/TTY: (515) 281-1333
Voice/TTY: 1-800-362-2587



The SILC consists of members appointed by the Governor, most of whom are people with disabilities. The mission of the SILC is to promote the independent living philosophy, to provide a forum for the discussion of issues relating to independent living in Iowa and to provide technical assistance to the Centers for Independent Living serving Iowans with disabilities.

SYSTEMS CHANGE NETWORK

200 10th Street
5th Floor
Des Moines, Iowa 50309
Phone: (515) 243-2000
Toll free: 1-800-765-3022
Fax: (515) 243-5941
E-mail: SPPG@SPPG.com



SCN is a statewide grassroots, cross-disability organization which supports Iowans in affecting public policy at the state level. "InfoNet" and "Turning Point" newsletters on policy issues are available to members.

**UNIVERSITY AFFILIATED
PROGRAMS (UAP)**

University of Iowa
University Hospital-School - 225 HS
Iowa University Affiliated Program
100 Hawkins Drive
Iowa City, Iowa 52242-1011
Phone: 319-356-1335
Fax: 319-356-8284
E-mail: [disABILITY-RESOURCES@
uiowa.edu](mailto:disABILITY-RESOURCES@uiowa.edu)

University Affiliated Programs are federally funded to serve people with disabilities and their families, and are found in every state. University Hospital School is Iowa's UAP. Current IUAP projects focus on community support, education, employment, health, housing, and self-determination.



VOTING INFORMATION

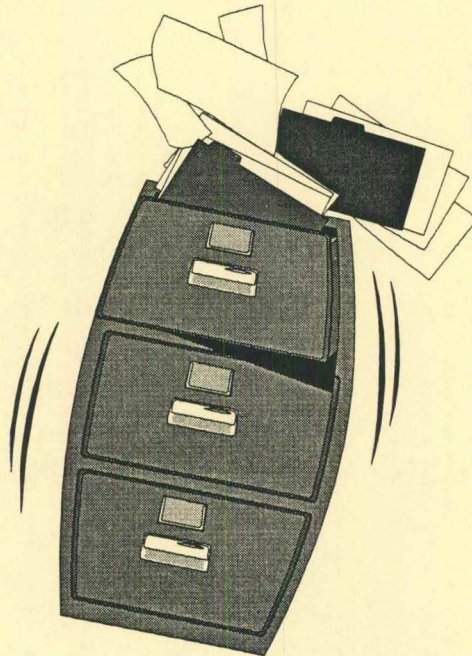
Elections Division
Office of Secretary of State
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319
Voice/TTY: (515) 281-5865

Web site: <http://www.sos.ia.us/>

Voter Registration Office
Level B, Hoover State Office Building
Des Moines, Iowa 50139
Voice: (515) 281-5781

Or contact the County Auditor at the
Courthouse in your county seat.

The Elections Division of
the Secretary of State's office
provides information on
election-related questions
or concerns and provides
copies of the Iowa Voter
Registration Guide upon
request. The Guide is also
available on audio cassette
from the Iowa Department
for the Blind.



INTERNET INFORMATION RESOURCES

ADVOCACY

Justice for All

<http://www.jfanow.org>

The Special Ed Advocate

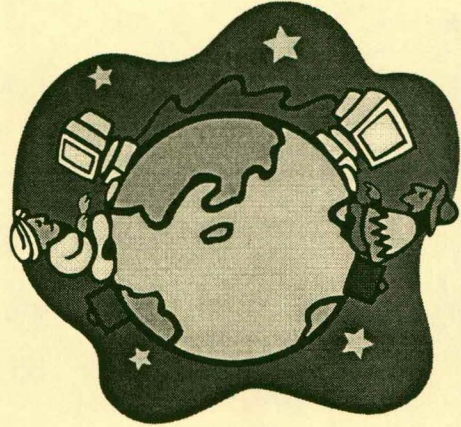
<http://www.wrightslaw.com>

Partners in Policymaking (Minnesota)

<http://www.thirdageinc.com/partners>

Partners in Policymaking '99 (Iowa)

<http://www.starfishadvocate.com>



AUTISM

Autism Society of America

www.autism-society.org/

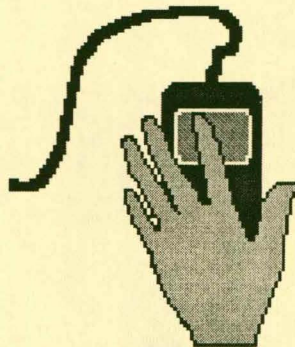
BLINDNESS AND VISUAL IMPAIRMENT

American Council for the Blind

<http://www.ach.org>

National Federation of the Blind

<http://www.nfb.org/>



CEREBRAL PALSY

United Cerebral Palsy

<http://www.ucpa.org/>

DISABILITY INFORMATION

Cape-Ability Website

<http://www.nyu.edu/projects/cocco/cate-ability>

DISABILITY LAW

Department of Justice ADA home page

www.usdoj.gov/crt/ada/adahoml.com

Office of Civil Rights – How to file a complaint

<http://www.ed.gov/offices/OCR/ocrcomp.html>

Protection & Advocacy

<http://www.protectionandadvocacy.com/index.htm>

U.S. Department of Education-OSERS/OSEP

<http://www.ed.gov>

DOWN SYNDROME

National Down Syndrome Society

<http://www.ndss.org>

EARLY CHILDHOOD

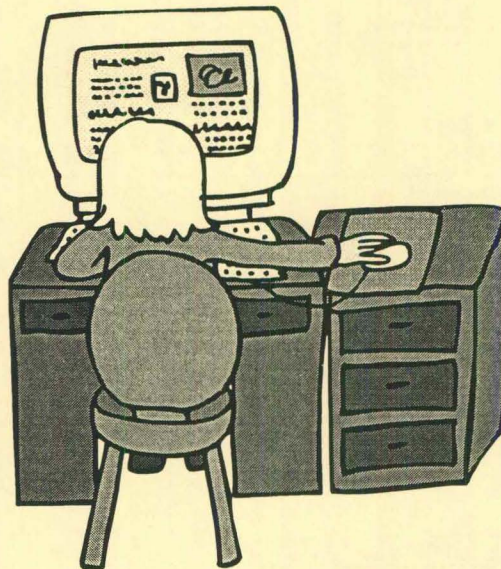
Through the Looking Glass

<http://www.lookingglass.org/>

EDUCATION

State of Iowa Educational Services

<http://www.state.ia.us/educate>



ELECTRONICS/INTERNET

Webable-Directory of Websites for people with Disabilities

<http://www.webable.com/>

EMPLOYMENT OPPORTUNITIES

National Business and Disability Council (NBDC)

www.business-disability.com

FETAL ALCOHOL SYNDROME

Fetal Alcohol Syndrome

<http://www.worldprofit.com/mafas.htm>

HEALTH/INSURANCE

Healthy and Well Kids in Iowa (HAWK-I)

www.legis.stte.ia.us/IAC.html

IOWA GOVERNMENT

Iowa Legislature

<http://www.legis.state.ia.us>

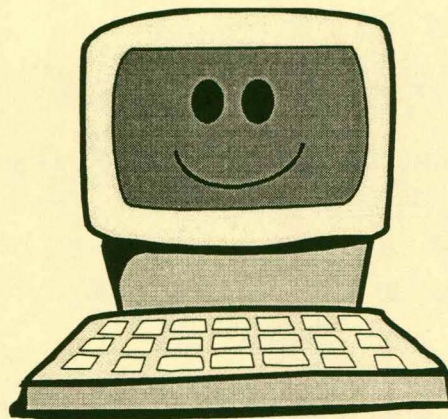
State of Iowa Home Page

<http://www.state.ia.us/>

LEARNING DISABILITIES

LD Online: The Interactive Guide to LD

<http://www.ldonline.org/>



NATIONAL RESOURCES ON DISABILITY

ABA Commission on Disabilities

<http://www.abanet.org/disability/hime.html>

National Library Service for the Blind & Physically Handicapped

<http://lcweb.loc.gov/nls/nls.html>

NICHCY

<http://www.nichey.org/page4.htm>

The ARC – A National Organization on Mental Retardation

<http://TheArc.org/welcome.html>

<http://www.usdoj.gov/crt/ada/adahom1.htm>

http://www.TheArc.org/ga/Governmental_Affairs.html

Consortium of People with Disabilities

www.c-c-d.org/

PARENTS/PARENTAL INVOLVEMENT

Boys Town

www.parenting.org:

National Parent Network on Disabilities

www.npnd.org

Pacer Center – Parent Information Network

www.pacer.org

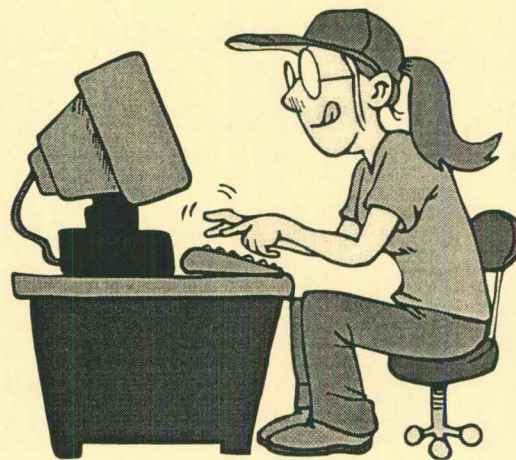
Parents Helping Parents

<http://www.php.com>

TRAINING

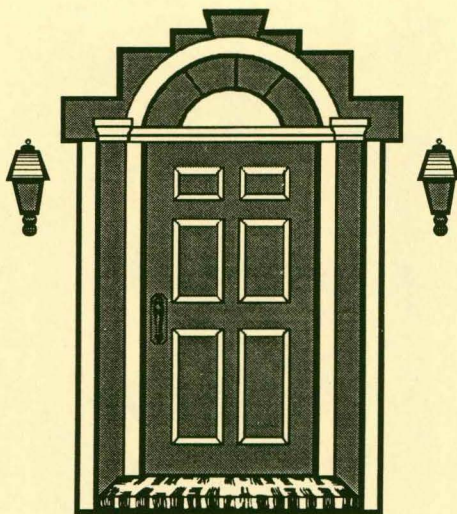
Iowa Training Consortium

www.DisabilityTraining.org



*“When one door of happiness closes, another opens;
but often we look so long at the closed door that we
do not see the one which has been opened for us.”*

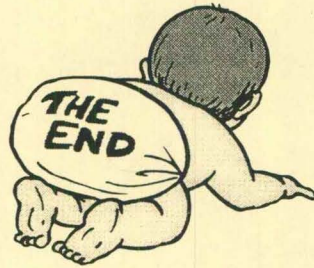
-- Helen Keller

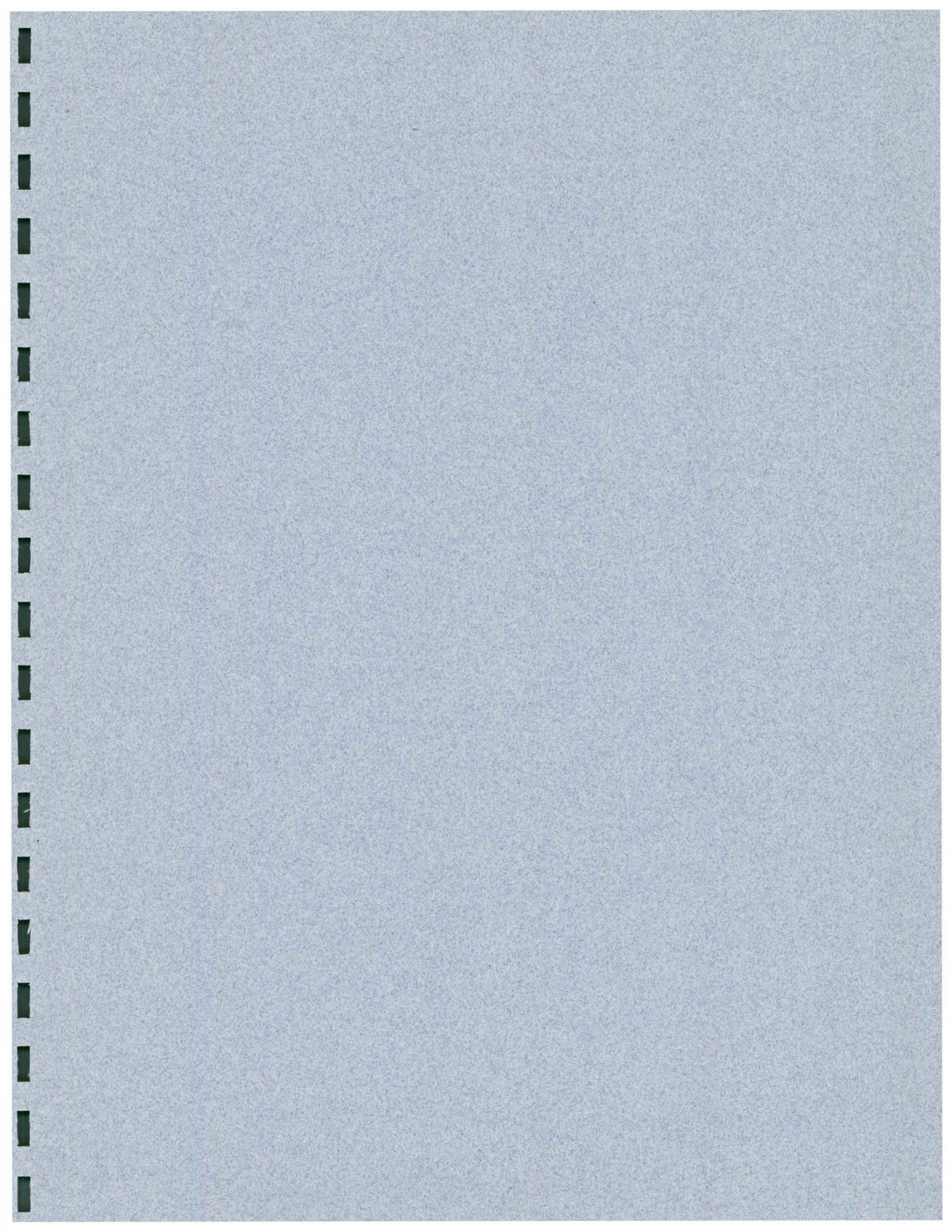


Look for the open doors in your life.

The Project PRIDE Guide

June 1999 Edition





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