



The Coalition

Advocacy Coalition for People with Disabilities

Save the Dates

March 22-24, 2007

Partners Make a Great IDEA:
The South Carolina Summit on the
Shared Implementation of the IDEA

Columbia Metro Center
1101 Lincoln Street
Columbia, SC

Planning is underway for this 3rd bi-annual conference sponsored by the SC Dept. of Education, Office of Exceptional Children. Both previous conferences (held in Charleston in 2003 & Columbia in 2005) have been very well attended by parents, educators, school administrators, service providers, and community members. Like the previous conferences, this one will also be free. While the conference agenda is still in development, it is certain to include topics related to early childhood & transition services, issues surrounding mental health & juvenile justice, parent involvement, and special education implementation. A limited number of parent stipends will be available. Check out the next Coalition for all the details.

Concerned about your young child's development?

The SC Autism Division will conduct a developmental screening for any child ages birth to six on October 20th from 1:30-4:00 PM at Gymboree Play and Music located at the Specialty Shops at Northcutt Plaza in Mount Pleasant. The address is 976 Houston Northcutt Blvd, Suite 1. Screening will include cognitive, motor, speech, social and self help development appropriate to the child's age. There is no charge to families however reservations are required. For additional information or to reserve a screening time contact Maria Bergman, MA at 843-852-4176 or mbergman@ddsn.sc.gov.

PTRC Workshops Scheduled for Parents and Professionals.

The Parent Training and Resource Center offers workshops appropriate for parents and professionals on a variety of topics. Most workshops are 2-3 hours long and all are free of charge. Upcoming workshops include:

“Changes in IDEA, how it affects your child and school” at the Family Resource Center Office, 1575 Savannah Hwy, Ste 6, Charleston 29407, October 19th from 6:30-8:30 PM,

“Understanding ADHD”, at the Otranto Road Branch of the Charleston County Library, 2261 Otranto Road, N. Charleston, **October 20, 2006**, 10:30-12:30 and again **January 18th**, 6:30-8:30 at the Family Resource Center.

“Positive Behavioral Interventions” at Coastal Autism Division, 1064 Gardner Road, Suite 302, Charleston. **November 3rd**, 9:30-12:00

“Assistive Technology Resources” at the Family Resource Center, **Nov. 16**, 6:30-8:30 PM.

For a complete listing of topics, dates, locations and to register, or to request a specific workshop for your group, contact Susan Clark at the Family Resource Center at 266-1318 or online: susan-clark@frcdsn.org.

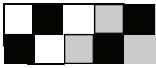
The Coastal Autism Division also offers parent training approximately once per month. Call 852-4120 for a list of topics and to register.

Autism Support Group for Parents of Newly Diagnosed Children

Hosted by the Coastal Autism Division
Thursday, Oct 19th
6-8 PM

1064 Gardner Road - Ste 301
Charleston (West Ashley)

Contact Maria Bergman : 843-852-4176 or
mbergman@ddsn.sc.gov



LOOK FOR SUPPORT FROM AMONG THESE AREA GROUPS:

Advocacy Coalition For People with Disabilities (ACPD) also Special Olympics contact Paula Byers 795-5316

Autism Support Groups: 1st Monday of each month at Locklear's in Mt. Pleasant at 6:30 PM. Contact Laurie Priester at 884-3062 for information. A group also meets the 3rd Thursday of each month in North Charleston at 6:30 PM. This group is presently taking a break for the summer but will begin with regular meetings again in August. The meetings will be at Carolina Children's Charities office at 6296 Rivers Ave. Suite 300. Contact Kelly Herrick at 863-1445 for information regarding the location of the next meeting or email at specialneedssupportsc@yahoo.com. In the Summerville area a group meets from 6:30-8 PM at the Summerville YMCA (900 Cross Creek Drive off Trolley Rd.) Childcare is provided For more information please contact Kima at 821-9337.

Trident Head Injury Support Group meets the 1st Tuesday of each month at 7:30, at the HASCI Center, St. Andrews Shopping Center, Savannah Hwy, Charleston. Contact Patricia Glenn at 875-5806.

HIPS (Head Injury Support Group for Survivors) meets the 3rd Tuesday of each month, at 7:30, at the HASCI Center, St. Andrews Shopping Center, Savannah Hwy, Charleston. Richard Aust, 852-5550)

Low country Polio Survivors Network will meet on Sept. 22 at Roper Hospital, Downtown, Conference Room 1 off the 1st Floor and on Oct. 27 at the Summerville Crestview Motor Park Club House. Both meetings begin at 3:00 PM. For directions or more info contact Patricia Buckner at 559-2728.

Down Syndrome Association of the Low country sponsors 4 Information Programs and 4 Social Events each year - watch for details of approaching events. For more information call 762-7602.

Parent & Guardian Association of the Coastal Center holds general meetings four times a year. The meetings are held on the 3rd Sunday in January, April, July, & October, for more info call Barbara West at 821-5809.

Rett's Syndrome Support - for families needing a contact person to access support services for girls with Rett's Syndrome contact Nancy Banov at 556-4632

Stroke Support Group meets the 2nd Tuesday of each month from 6:00 - 7:00 PM at Roper Rehab Hospital, 8th Floor, E Elevator, Roper Hospital. Call Carla Boyette at 792-2829 for more information.

Tourette's Syndrome Support Group meets the 1st Sunday of each month, at 3:00 PM at Healthfinders, next to Belk in Citadel Mall. For more information contact Nannetta Navarro at 873-3233

Summerville Multiple Sclerosis Support Group meets the 4th Friday of each month from 11:00-12:30 at Scottie's Restaurant Meeting Room on 10050 Dorchester Road. For more information, contact Elizabeth Peterson (873-0818), epertson6@sc.rr.com

Heart to Heart—a support group for patients, family members and parents of individuals with congenital heart disease meets the first and third Thursday of each month from 3-4 PM in room 841 at the MUSC Children's Hospital. Various topics of interest are discussed at each meeting. Contact Robin Ellinger at 792-3179

The National Alliance for the Mentally Ill (NAMI) of the Charleston area offers support group meetings for individuals who suffer from a brain disorder and for family members and caregivers of those who have severe and persistent mental illness. The meetings are 6-7:15 p.m. the second Monday of every month at First Christian Church, 1293 Orange Grove Road, West Ashley and at Sunrise Christian Church 102 Myers Road, Summerville. Another location meets on the fourth Monday of each month at the Institute of Psychiatry, 67 President Street, 5th floor, North Tower classroom 526. Free parking is available for this group in Visitor Lot G and Doughty Street Garage. The support group sessions often are followed by an educational program. For more information Call NAMI at 727-6405 or visit www.namicharlestonarea.org.



Special Needs Ministry - at Crowfield Baptist Church 100 Hunters Lane, Goose Creek offers Parents' Night Out for children with special needs and their siblings the third Friday of each month from 6-9 PM. This ministry offers a structured program with a choice of activities including music, crafts, games, and movies. Advanced registration is required. Call the church at 569-6745x13. www.crowfieldbaptist.org

The disAbility Resource Center support group meetings are the fourth Monday of each month from 5-7 at the disAbility Resource Center office 7944 Dorchester Road Suite 5, N. Charleston SC. 29418. Refreshments will be served and everyone is invited. Even if you don't feel you can give or need support come on out anyway! The dis-Ability Support Group is all about education AND entertainment!

"No Limits" Events! 3rd Fridays of every even Month (August, October, December) 7:00-9:00 PM Metro North Church Open to Adults/Young Adults, High School Age and Older with special needs. (No small children please.) First Timers please call 553-3405. Plan your calendar for the next Events! 8/18, 10/20, 12/15. Call 553-3405 (ask for Betty) to confirm the date a few days in advance. Due to church functions some dates may be changed on occasion. Come have fun with friends, a live DJ and refreshments!

Please contact 266-1318 to make corrections or additions to this listing

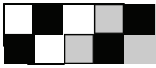
IDEA '04 REGULATORY UPDATES
1st in a Series of Topic Briefs

As you may have heard, regulatory guidance - "The Regs" - was released in August. These Regulations interpret the way in which the Individuals with Disabilities Education Improvement Act (IDEA '04) will be implemented. Following the publication of the Federal regulations, states will develop their own regulatory guidelines, which must minimally meet the Federal guidelines. Topics in this series include: **Alignment With the *No Child Left Behind Act*; Changes in Initial Evaluation and Reevaluation; Children Enrolled by Their Parents in Private Schools; Discipline; Disproportionality and Overidentification; Early Intervening Services; Highly Qualified Teachers; Identification of Specific Learning Disabilities; Individualized Education Program (IEP) Team Meetings and Changes to the IEP; Individualized Education Program (IEP); Local Funding; National Instructional Materials Accessibility Standard (NIMAS); Part C Amendments in *IDEA 2004*; Part C Option: Age 3 to Kindergarten Age; Procedural Safeguards: Surrogates, Notice and Consent; Procedural Safeguards: Mediation; Procedural Safeguards: Resolution Meetings and Due Process Hearings; Secondary Transition; State Complaint Procedures; State Funding; and Statewide and Districtwide Assessments.** Documents are available on the IDEA website at: <http://IDEA.ed.gov>. We begin with a topic that is of major concern.

IDEA Regulations
DISCIPLINE

(See also Procedural Safeguards: Resolution Meetings and Due Process Hearings)

The reauthorized *Individuals with Disabilities Education Act* (IDEA) was signed into law on Dec. 3, 2004, by President George W. Bush. The provisions of the Act became effective on July 1, 2005, with the exception of some of the elements pertaining to the definition of a "highly qualified teacher" that took effect upon the signing of the Act. The final regulations were published on August 14, 2006. This is one in a series of documents, prepared by the Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education, that covers a variety of high-interest topics and brings together the statutory language related to those topics to support constituents in preparing to implement the new requirements. This document addresses significant changes from preexisting regulations to the final regulatory requirements regarding discipline procedures.



IDEA Regulations

1. Adds a new authority for school personnel to consider unique circumstances.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of 34 CFR 300.530, is appropriate for a child with a disability who violates a code of student conduct.

[34 CFR 300.530(a)] [20 U.S.C. 1415(k)(1)(A)]

2. Expands removal authority for special circumstances related to serious bodily injury.

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child: carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of a State educational agency (SEA) or a local educational agency (LEA); knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA; or, *has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.* [34 CFR 300.530(g)(1)-(3)] [20 U.S.C. 1415(k)(1)(G)(i)-(iii)]

Serious bodily injury has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code. [34 CFR 300.530(i)(3)] [20 U.S.C. 1415(k)(7)(D)]

3. Retains previous authority for immediate short-term removals.

School personnel under 34 CFR 300.530 may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under 34 CFR 300.536). [34 CFR 300.530(b)(1)] [20 U.S.C. 1415(k)(1)(B)]

4. Retains authority for long-term removals for behavior that is not a manifestation of the disability.

For disciplinary changes in placement that would exceed ten consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to 34 CFR 300.530(e), school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except as provided in 34 CFR 300.530(d) (services).

[34 CFR 300.530(c)] [20 U.S.C. 1415(k)(1)(C)]

5. Clarifies when services are required during disciplinary removals, the provision of such services and who makes the determination regarding services and interim alternative educational settings.

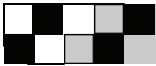
A public agency is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for ten school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.

[34 CFR 300.530(d)(3)]

After a child with a disability has been removed from his or her current placement for ten school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under 34 CFR 300.530(d) (services).

[34 CFR 300.530(b)(2)]

A child with a disability who is removed from the child's current placement pursuant to 34 CFR 300.530(c) (a disciplinary change in placement for more than ten consecutive school days where the behavior is determined



not to be a manifestation of the disability) or (g) (a removal for special circumstances related to drugs, weapons or serious bodily injury) must: Continue to receive education services, as provided in 34 CFR 300.101(a) (free appropriate public education (FAPE) requirements), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

[34 CFR 300.530(d)(1)] [20 U.S.C. 1415(k)(1)(D)]

After a child with a disability has been removed from his or her current placement for ten school days in the same school year, if the current removal is for not more than ten consecutive school days and is not a change of placement under 34 CFR 300.536, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed, as provided in 34 CFR 300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

[34 CFR 300.530(d)(4)]

If the removal is a change of placement under 34 CFR 300.536, the child's IEP Team determines appropriate services under 34 CFR 300.530(d)(1). [34 CFR 300.530(d)(5)]

The services required by 34 CFR 300.530 (d)(1), (d)(3), (d)(4), and (d)(5) may be provided in an interim alternative educational setting. [34 CFR 300.530(d)(2)]

The child's IEP Team determines the interim alternative educational setting for services under 34 CFR 300.530(c) (a disciplinary change in placement for more than ten consecutive school days where the behavior is determined not to be a manifestation of the disability), (d)(5) (a removal that is a change of placement), and (g) (a removal for special circumstances related to drugs, weapons or serious bodily injury). [34 CFR 300.531] [20 U.S.C. 1415(k)(2)]

6. Specifies when the LEA must give notice.

On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice described in 34 CFR 300.504.

[34 CFR 300.530(h)] [20 U.S.C. 1415(k)(1)(H)]

7. Establishes a new standard for manifestation determinations.

Within ten school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

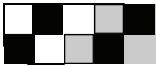
If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or if the conduct in question was the direct result of the LEA's failure to implement the IEP.

The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team determine that a condition in either 34 CFR 300.530(e)(1)(i) or (1)(ii) was met. [34 CFR 300.530(e)(1) and (2)] [20 U.S.C. 1415(k)(1)(E)]

If the LEA, the parent, and relevant members of the child's IEP Team determine the condition described in 34 CFR 300.530(e)(1)(ii) was met, the LEA must take immediate steps to remedy those deficiencies.

[34 CFR 300.530(e)(3)]

8. Adds a new provision when there is a determination that the behavior was a manifestation of the disability.



If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team must either conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child or, if a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and except as provided in 34 CFR 300.530(g), return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan. [34 CFR 300.530(f)] [20 U.S.C. 1415(k)(1)(F)]

9. Retains a definition of change of placement and clarify that the public agency makes a case-by-case determination of whether a specific pattern of removals meets the definition.

For purposes of removals of a child with a disability from the child's current educational placement under 34 CFR 300.530 through 300.535, a change of placement occurs if:

The removal is for more than ten consecutive school days; or

The child has been subjected to a series of removals that constitute a pattern:

Because the series of removals total more than ten school days in a school year;

Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and

Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another

The public agency determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings. [34 CFR 300.536]

10. Retains and revises the standard for a public agency's basis of knowledge for children not determined eligible for special education and related services.

A child who has not been determined to be eligible for special education and related services under Part B of the IDEA and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in Part B if the public agency had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

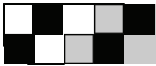
A public agency must be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred:

The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, *or a teacher of the child*, that the child is in need of special education and related services; The parent of the child requested an evaluation of the child pursuant to 34 CFR 300.300 through 300.311; or The teacher of the child, or other personnel of the LEA, expressed specific concerns *about a pattern of behavior demonstrated by the child directly* to the director of special education of the agency *or to other supervisory personnel of the agency*. [34 CFR 300.534(a) and (b)] [20 U.S.C. 1415(k)(5)(A) and (B)]

11. Establishes exceptions to the public agency's basis of knowledge for ineligibility, or refusal of consent to evaluation or services.

A public agency would not be deemed to have knowledge under 34 CFR 300.534(b) if the parent of the child has not allowed an evaluation of the child pursuant to 34 CFR 300.300 through 300.311 or has refused services under Part B of the IDEA; or the child has been evaluated in accordance with 34 CFR 300.300 through 300.311 and determined to not be a child with a disability under Part B of the IDEA. [34 CFR 300.534(c)] [20 U.S.C. 1415(k)(5)(C)]

12. Retains hearing rights related to disciplinary removals.



The parent of a child with a disability who disagrees with any decision regarding placement under 34 CFR 300.530 and 300.531, or the manifestation determination under 34 CFR 300.530(e), or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision by requesting a hearing. The hearing is requested by filing a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). [34 CFR 300.532(a)] [20 U.S.C. 1415(k)(3)(A)]

13. Establishes the authority of the hearing officer.

A hearing officer under 34 CFR 300.511 (impartial due process hearing) hears, and makes a determination regarding an appeal under 34 CFR 300.532(a) (disagreements regarding disciplinary removals and placement and manifestation determinations are subject to a hearing).

In making the determination under 34 CFR 300.532 (b)(1), the hearing officer may:

Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of 34 CFR 300.530 or that the child's behavior was a manifestation of the child's disability; or

Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

The procedures under 34 CFR 300.532(a) and (b)(1) and (2) may be repeated, if the LEA believes that returning the child to the original placement is substantially likely to result in injury to the child or to others. [34 CFR 300.532(b)] [20 U.S.C. 1415(k)(3)(B)]

14. Establishes procedures for an expedited hearing.

Whenever a hearing is requested under 34 CFR 300.532(a) (related to disciplinary removals), the parents or the LEA involved in the dispute must have an opportunity for an impartial due process hearing consistent with the requirements of 34 CFR 300.507 and 300.508(a) through (c) and 300.510 through 300.514, except as provided in 34 CFR 300.532(c)(2) through (4).

The SEA or LEA is responsible for arranging the expedited due process hearing, which must occur within 20 school days of the date the complaint requesting the hearing is filed. The hearing officer must make a determination within ten school days after the hearing. Unless the parents and LEA agree in writing to waive the resolution meeting described in 34 CFR 300.532(c)(3)(i), or agree to use the mediation process described in 34 CFR 300.506:

A resolution meeting must occur within seven days of receiving notice of the due process complaint; and
The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process complaint.

A State may establish different State-imposed procedural rules for expedited due process hearings conducted under 34 CFR 300.532 than it has established for other due process hearings, but, except for the timelines as modified in 34 CFR 300.532(c)(3), the State must ensure that the requirements in 34 CFR 300.510 through 300.514 are met.

The decisions on expedited due process hearings are appealable consistent with 34 CFR 300.514. [34 CFR 300.532(c)] [20 U.S.C. 1415(k)(4)(B)]

15. Addresses the child's placement pending a disciplinary hearing decision.

When an appeal under 34 CFR 300.532 has been made by either the parent or the LEA, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period specified in 34 CFR 300.530(c) or (g), whichever occurs first, unless the parent and the SEA or LEA agree otherwise. [34 CFR 300.533] [20 U.S.C. 1415(k)(4)(A)]



Overcome By Events

The Family Resource Center is a small organization; what touches one of us touches all of us. Unfortunately, a lot of something has been touching too many of us. As a result, we will be unable to host our Annual Halloween Fund-raiser - All Treats, No Tricks - this October as planned. Not only is the event enjoyed by all, it's a major fundraiser for us and not hosting it will negatively impact our coffers. If you had planned on attending and would still like to provide a donation, by all means do so. If you want to wait until the next event to show support, we hope to plan a few smaller events once things settle down a bit for our fundraising committee. Naturally, the Family Resource Center is always happy to accept donations to support our advocacy efforts. We're all disappointed that "All Treats, No Tricks" must be cancelled this year but we look forward to providing an equal level of merriment at our next function. For more information about the Family Resource Center & our fundraising activities, please contact us at 266-1318.

Family Resource Center for Disabilities and Special Needs
 1575 Savannah Highway - Suite 6
 Charleston, South Carolina 29407

Phone: 843-266-1318
 Www.frcdsn.org

Nonprofit Standard Mail

Thanks for Caring

The FRC was lucky to benefit from the recent Day of Caring organized by Trident United Way. The FINE Volunteers from Sun Trust Bank spent the day at our office contributing both time and resources in support of the work that we do. We are very grateful to: Melissa Gaines, Branch Manager, David Wenger, Asst. Vice President, Tony Kassis, and the rest of the volunteers for choosing to support the Family Resource Center and our projects.

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