

Frequently Asked Questions About Brain Injury

IEP and 504 Plans for Children with Disabilities in School

What special rules in school might help my child with TBI?

There are two Federal Laws that apply specifically to the needs of students with disabilities.

- The **Individuals with Disabilities Education Act**, commonly called IDEA, is the Special Education Law
- **Section 504 of the Rehabilitation Act of 1973**, commonly called Section 504, is designed to eliminate discrimination against people with disabilities

There is also an Arizona State Law: Special Education for Exceptional Children.

What is IDEA? Is this what they call “Special Education?”

Individuals with Disabilities Education Act (IDEA)

The purpose of IDEA is to:

ensure that all **children with disabilities** have a **free, appropriate public education** with emphasis on **special education and related services designed** to meet their unique needs and prepare them for further education, employment, and independent living.

This is called “Special Education.” In Arizona, it is also called “Exceptional Student Services.”

When should we consider Special Education for our child?

You child’s brain injury may have caused physical and/or cognitive impairments that could have an adverse affect on her education.

Examples:

- Your child may process information more slowly and therefore require more time to understand and complete assignments.
- She might have speech or language problems that affect her ability to communicate her understanding of the class material.
- Your child may experience changes in behavior that interfere with her participation in class activities.
- Fatigue may be an issue for her, limiting her ability to keep up with a regular schedule of class segments.

Call us for more information

In Maricopa County:
602-508-8024

Statewide: 888-500-9165



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IEP and 504 Plans (page 2)

Definition: Under IDEA, *traumatic brain injury* means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. *Traumatic brain injury* does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

How do we apply for Special Education?

1. It is important to understand the IDEA definition of traumatic brain injury, so you can orient your discussions with the school to that definition. Read and understand the definition in the box above.
2. In writing, addressed to the appropriate school staff, request an Evaluation.
3. Provide written information about your child's injury from your medical team. It is important to understand that the school is not a medical services provider. The school's responsibility is to provide services and resources that support your child's ability to learn in the school environment. So the medical information you provide should be focused on how the injury may affect your child's ability to learn. Emphasize the functional areas from the IDEA definition of traumatic brain injury that apply to your child's condition.
4. When the evaluation is completed and the school determines that your child is eligible for special education, an Individual Education Program or IEP will be developed for the child.

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IEP and 504 Plans (page 3)

What is an IEP?

An IEP is a written statement for each child with a disability that is developed, reviewed, and revised in a meeting that includes school representatives and the parents. The IEP outlines your child's special education program.

What does an IEP include?

The IEP includes:

- What are your child's needs
 - What services will be provided by the school to meet those needs
 - What goals can you expect your child to meet as a result of receiving those services from the school
-

The IEP should describe the help your child needs in several areas:

- academics
 - behaviors
 - functional needs
 - communication
 - sensory skills
 - physical skills
-

The IEP should also outline teaching strategies and modification:

In addition, the IEP should describe the teaching strategies and modifications to the environment that may be necessary to support your child's learning process. For example, your child may need to sit in the front of the room, so that the movements of other children are less distracting.

And IEP should describe other services to be provided:

The IEP should also describe other related services that your child will receive, such as health services, speech therapy, occupational therapy, counseling, transportation and more.....

The IEP should be a working document that is reviewed annually or more frequently to keep up with your child's changing abilities and needs.

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IEP and 504 Plans (page 4)

What is Section 504?

Some students with a traumatic brain injury may not qualify for special education services under IDEA. However, these students may meet the eligibility requirements under Section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination.

Section 504 has a broader definition of a person with a disability than the definition in IDEA. Eligible students under Section 504 will receive appropriate education that could consist of regular education, special education, related aids and services, and accommodations and modification to the education environment.

What is a 504 Plan?

A 504 Plan is designed for each student's individual needs. It describes the specific academic, physical, cognitive, and behavioral challenges the child has and lists the appropriate services, accommodations, and modifications that the school will provide.

For example, if your child's brain injury has caused some learning, behavior, and/or mobility challenges (such as a slow gait), the 504 Plan might provide for things like:

- Academic adjustments
- Testing accommodations
- Specialized transportation
- Behavior Supports
- Early release from class to allow more time to move between classes
- A second set of books for home use to eliminate the need to carry books back and forth
- Assistance with carrying books, lunch tray, etc

What about assistive technology?

The 504 Plan might address assistive technology supports, such as:

- providing a computer for responding in class and doing homework
- providing a digital recorder to capture class lectures for later review.

These are just a couple of examples of many possible assistive technology solutions.

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IEP and 504 Plans (page 5)

Would we need BOTH and IEP and a 504 Plan?

Generally speaking, if a student qualifies for special education services, the IEP will cover all the needs and a 504 Plan will likely not be needed. But for those students who do not have an IEP, a 504 Plan can identify your child's needs and document strategies the school will provide to meet those needs.

Where can I find out more information?

The Arizona Center for Disability Law provides general information, self advocacy materials and training on the IDEA and Section 504 and other issues relating to students with special needs. Go to their website to find downloadable guides on understanding your child's educational rights and advocating for your child. Or call them to request information.

Arizona Center for Disability Law

- Website downloadable guides):
www.acdl.com/selfguides.html
Look for Special Education Guides
- Call for information:
Call 602-274-6287 (Voice/TTY) Phoenix Area
or 1-800-927-2260 (Voice/TTY) Toll Free

Intake lines are open on
Monday, Tuesday, Thursday and Friday
from 9 AM to 1 PM

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