

Advocating for you Child's Rights: A Parent Guide to Special Education

IF YOUR CHILD STRUGGLES WITH ISSUES OF:

- Truancy
 - Failing classes
 - Bullying
 - Sudden decline in academic performance
 - Trouble staying focused and on task
 - Acting out
 - Disruptive in class
 - Exhibiting behavioral issues
 - Chronically late
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YOU HAVE THE RIGHT TO:

- make a referral for a Committee on Special Education (CSE) to evaluate your child in all areas of suspected disabilities.
 - request or seek a second opinion if you are dissatisfied with school's evaluation. Independent Educational Evaluation (IEE).
 - have your child receive a Free and Appropriate Public Education (FAPE).
 - have your child to be taught in the Least Restrictive Environment (LRE)
 - participate in all decisions and planning for child's special education program.
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WHAT IS A FREE AND APPROPRIATE PUBLIC EDUCATION AND HOW THE LAW APPLIES TO YOUR CHILD(REN):

- Free, at no cost to the parent or guardian.
- Federal and state laws require schools to provide services that are reasonably calculated to enable the student to make progress at school.
- The law requires that the school provide the student with an individually tailored educational program that includes necessary related services, and will allow the student to progress, not regress.
- Applies to Pre-school, elementary, and secondary education.

COMMITTEE ON SPECIAL EDUCATION: UNDERSTANDING THE PROCESS AND DYNAMICS

INITIATING THE CSE

- o Submit a request/referral in writing to the chairperson of special education in the school district the student attends.
- o This request can be made at any time.
- o The request may not be turned down by the school district; unless a parent withdraws the request in writing..
- o The initial evaluation must be completed within sixty days of receiving parental consent to evaluate the child.

EVALUATIONS MUST BE CONDUCTED AT NO COST TO THE PARENT

- o The school district must evaluate the student in all suspected areas of disability.
- o The initial evaluation must include at minimum:
 - A physical examination
 - An individual psychological evaluation
 - A social history
 - An observation of a student in the student's learning environment.
- o The school district may conduct other appropriate evaluations based on each individual student's needs that include:
 - Functional Behavioral Assessment (FBA) – for a student whose behavior interferes with his or her learning or that of others.
 - Psychiatric
 - Neuropsychological
 - Reading
 - Speech and Language evaluation
- o A parent may request additional tests believed to be necessary.

RIGHTS OF THE PARENT

- o To have evaluations performed in the student's native language
- o To consent or refuse recommended assessments.
- o To have the student assessed in all areas of suspected disability .
- o To be actively involved in the meeting and crafting of the IEP.
- o To have anyone present at the meeting who has knowledge of the student and his/her specific needs.
- o To request an Independent Educational Evaluation (IEE), if dissatisfied with results of district's findings.
- o To appeal a finding of "No eligibility"

REQUESTING AN INDEPENDENT EDUCATIONAL EVALUATION

- o Paid for by the school district.
- o Put request in writing.
- o Specialist must have similar credentials as the school specialist and cost the same.
- o School district is required to consider information yielded from evaluations performed as a result of IEE.

DETERMINING ELIGIBILITY

THE STUDENT MUST MEET THREE CRITERIA BASED ON THE EVALUATIONS CONDUCTED

1. The student has one or more of the following disabilities:

- AUTISM
- INTELLECTUALLY DISABLED
- EMOTIONALLY DISTURBED
- LEARNING DISABILITY
- DEAFNESS
- HEARING IMPAIRMENT
- DEAF-BLINDNESS
- VISUAL IMPAIRMENT
- TRAUMATIC BRAIN INJURY
- SPEECH OR LANGUAGE IMPAIRMENT
- OTHER HEALTH IMPAIRMENT
- MULTIPLE DISABILITIES
- ORTHOPEDIC IMPAIRMENT

2. The disability must have an educational impact on the student

3. The student must require special education services in order to make effective progress

AREAS OF SPECIAL EDUCATION WHERE PARENT AND STUDENT PARTICIPATION IS GUARANTEED:

- Referral
- Evaluation
- Eligibility information
- Development of the Individual Education Program (IEP)

LEAST RESTRICTIVE ENVIRONMENT

- Generally, students with disabilities have the right to be educated in the general education environment and in the classroom he/she would have attended if he/she did not have a disability.
- A student cannot be removed from the general education classroom solely because of needed curriculum modifications.
- Removal from the general education program must only occur if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be satisfactorily achieved.

THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

IF THE STUDENT HAS BEEN DETERMINED TO BE ELIGIBLE FOR SPECIAL EDUCATION SERVICES THE CSE MUST DEVELOP AN IEP

THE IEP MUST INCLUDE:

- Date of implementation
- Present levels of performance
- Disability classification
- Measurable Annual goals
- Special education program and services
- Testing accommodations, if any
- Participation in state and local assessments
- Participation in regular class, if applicable
- Transition services (for students 15 years and older)
- Twelve Month services/Extended School Year, if applicable
- Projected date of annual review
- Placement

YOUR RIGHTS IN RELATION TO THE IEP

- Must be based on the most recent evaluations, the concerns of the parents, the academic developmental and functional needs of the student.
- Must be implemented within sixty school days of receipt of parental consent for initial evaluation.
- Prior written notice is required to be sent to the parent detailing the findings of the CSE and recommended educational plan that is to be implemented.
- A parent has the right to accept or reject the proposed IEP in part or in full.
- Before the school can begin IEP services, the school must obtain the parents' consent.
- A parent can withdraw consent at any time in relation to any service or program.
- School district must ensure that each student with a disability has an IEP in effect at the beginning of a school year.
- The IEP must be distributed to all appropriate staff members and properly inform each individual of his or her responsibilities in relation to implementation.