

PEN
PARENT EDUCATION
NETWORK

*“Respecting The Right
of Parents To Make
Educational Decisions
For Their Children”*

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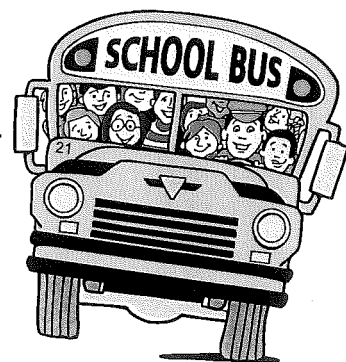
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Understanding Special Education

A Handbook for Parents

Navigating the Education System

Parents in Pennsylvania can be proud of their historical role in special education services within our state and country. The special education programs that you will learn about in this guide are the remarkable result of years of parental efforts.



Parents of students with disabilities insisted that their children should and could be educated. They recognized that changes in the education system were necessary to provide every child a variety of learning opportunities.

At first, parents may find the special education system complicated and over-whelming. Hopefully, you will soon see that it is a system that makes sense.

The special education process begins by identifying a student's learning strengths and needs and continues by calling together “experts”, including you as a parent, who know and understand how to educate the child. These individuals decide what and how the student will learn, and what services and supports are necessary to accomplish these goals.

Special education programs and services are unique in the education system and can allow your child to take positive steps toward successful adult life. *Parental participation in this system is not only helpful, it is necessary.*

What is IDEA and why is it important?

IDEA— Special Education and the LAW



This federal law, the Individuals with Disabilities Education Act (IDEA), defines the national requirements for special education services, and provides the foundation for Pennsylvania Chapter 14 of the Pennsylvania school code. The IDEA 2004 provides that:

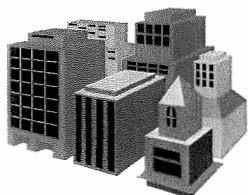
- All children identified as eligible for special education and related services are entitled to a free and appropriate public education (FAPE), in the least restrictive environment (LRE).
- Special education services must be designed to meet the unique needs of the child and provided in accordance with an individualized education program (IEP).
- Special education services should prepare the child for employment or independent living.
- The rights of children with disabilities and their parents are protected.

Does my child have a right to a free and appropriate education? (FAPE)

Every child identified as eligible for special education and related services must receive education services at no cost to the parent. These services can be made available to a child enrolled in pre-school, elementary school, secondary school or a charter school, which is considered a local education agency (LEA).

A free and appropriate public education (FAPE) must be provided for an eligible child no later than age three.

What agencies have general responsibility and supervision of Pennsylvania special education programs?



Many agencies work together to provide special education programs.

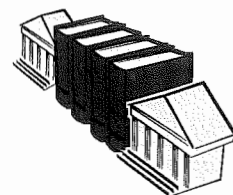
There are many federal and state agencies that have responsibilities for the education of eligible children. Each agency or facility has a specific role and works in cooperation with other agencies.

- **U.S. Department of Education** reviews and approves Pennsylvania's special education plan and provides funding to all the states.
- **Pennsylvania Department of Education—Bureau of Special Education** develops a state plan and distributes funds to local education agencies.
- **Intermediate Units and local School Districts** develop local plans and provide direct services for the education of special needs children.

Can you explain the terms laws, regulations and guidelines?

All federal and state agencies providing special education programs must follow the established laws, regulations and guidelines governing them.

- **Laws** are passed by the legislature on the federal and state levels and dictate the specific areas, requirements and criteria covered by the legislation.
- **Regulations** are issued by the State Board of Education to help interpret the laws, and become directives for the schools and intermediate units.
- **Guidelines** are issued by the Pennsylvania Department of Education, which suggest procedures for carrying out the special education laws and regulations.

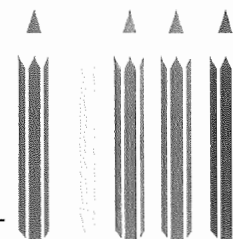


Laws, regulations and guidelines define and establish special education.

Who is eligible for special education?

Chapter 14 of the Pennsylvania Special Education regulations defines your child as eligible for special education, if your child has been evaluated by the evaluation team and has one or more of the following disabilities:

- Autism, Deaf-Blindness, Deafness, Emotional Disturbance, Hearing Impairment, Intellectual Disability, Multiple Disabilities, Orthopedic Impairment, Other Health Impairment, Specific Learning Disability, Speech or Language Impairment, Traumatic Brain Injury and Visual Impairment including blindness,
- And needs special education as determined by the evaluation team.



Special education eligibility includes many disabilities.

What are the types of supports and services?

Pennsylvania school code, Chapter 14, lists three types of special education supports and services provided by special education personnel. This continuum of services includes:

1. **Full-time.** Special education supports and services provided by special education personnel for **80% or more** of the school day.
2. **Itinerant.** Special education supports and services provided by special education personnel for **20% or less** of the school day.
3. **Supplemental.** Special education supports and services provided by special education personnel for **more than 20% but less than 80%** of the school day.

There are three types of special education supports and services.

Are there different support programs for the special education student?

A student's educational placement is determined by the IEP Team. *The IEP team must first consider the regular classroom with the provision of supplementary aids and services before considering the provision of services in other settings.* Special education support services are based on the student's primary need and are available in the following categories:



Support programs exist in nine categories.

1. Autism support
2. Blind-visually impaired support
3. Deaf and hard of hearing support
4. Emotional support
5. Learning support
6. Life Skills support
7. Multiple disabilities support
8. Physical support
9. Speech and language support

Parents should also ask if their child's school is using a **RtII (Response to Instruction and Intervention)** approach to support struggling learners. This **general education** effort is for ALL students and identifies those in **academic or behavior** need long before they fail.

What happens if the district determines my child needs special education?

If the evaluation shows that your child is in need of special education and related services, you will receive an invitation to participate in an Individualized Education Program (IEP) Meeting.

Your child's IEP will be developed in this meeting, and will be used as the guide for your child's education. **The IEP is your child's education plan.**

Parents of special education students are invited to an Individualized Education Program (IEP) Planning Meeting.

Where will my child with special needs receive services?

Special Education programs and services for children with disabilities are available in various locations and settings. They can include:

- Regular classroom or special education classroom in the public school within or outside of the child's home school district
- Special education services provided by the Intermediate Unit within or outside of the home school district
- Special education services in a Pennsylvania Department of Education approved private school
- Special education services and programs provided with parental consent in a residential school, residential facility, State school or hospital or secure setting
- Special education services in an approved out-of-state program
- Special education instruction in the home

Special Education classes are available in a variety of settings.

How old must my child be to receive special instruction?



The starting age for school-age children varies among districts.

In Pennsylvania, eligible children can receive special instruction from birth through age 21. Children, birth through age 3, can obtain these services through the Pennsylvania Department of Public Welfare.

The Pennsylvania Department of Education is responsible for providing special education services to children 3 through 21 years of age.

Individuals can contact PEN for more information about Early Intervention and Preschool programs for children with delays or disabilities.

How long may my child stay in school?

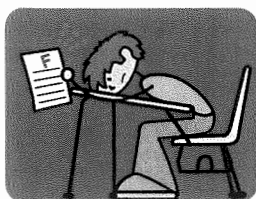
A special education student may stay in school until he or she qualifies for a high school diploma or turns twenty-one.

Students who receive programs and services via an IEP and turn 21 years of age during the school term are legally permitted to complete that school term.

The LEA established the school term through the adoption of a school calendar.

By law, a special education student can remain in school until he or she qualifies for a diploma or turns 21.

What if a parent suspects their child needs special education?



Parents can request an educational evaluation of their child.

If parents believe their child has special needs, they should send a written request to their school district or intermediate unit requesting an evaluation by a team including educational specialists and the parent. Requests may be made at any time during the school year. The evaluation must be completed and the report given to you within 60 calendar days of your written request and approval, except during the summer recess.

Keep a copy of all information sent to and received from the school district.

How does the school district determine where my child will receive education services?

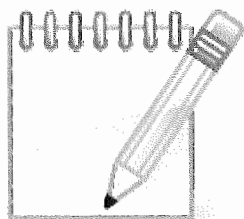
The IEP team determines educational placement for children with special needs based on evaluation results and program design. The decision also includes review of the following criteria:

- The level of educational support which is necessary to allow the child to function successfully in school
- The appropriate location for education services based on the child's age and academic and behavioral needs
- The appropriate educational setting for the child based on ability and individual student need
- The "least restrictive learning environment" which will meet the needs of the student. The federal law IDEA, 34 CFR 300.114 (ii) states:
"Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs ONLY if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."



Education placement should focus on educating children with disabilities with non-disabled children to the maximum extent possible.

What does the term "evaluation" mean and why is it important?



Children are individually tested during an evaluation.

The evaluation process provides information to determine if the child needs special education and related services, by accessing how the child learns, what he or she already knows, and what kinds of special help he or she may need.

Parents as a part of the evaluation team should contribute information they have about their child. School professionals may give the child tests, interview or talk with him or her and observe what he or she does in the classroom.

The evaluation team determines whether a child is eligible and the nature and extent of his or her special education and related service needs.

Reevaluation occurs every 3 years and every 2 years for students with intellectual disability. A parent or teacher can request a reevaluation sooner, if a child's situation or conditions warrant a reevaluation.

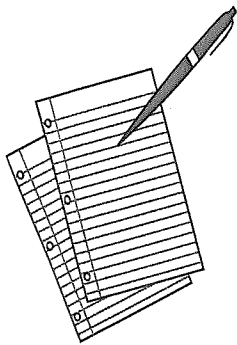
Can my child be evaluated for special education without my knowledge and permission?

The school must notify you, in writing, that your child has been referred for an evaluation. This notice should tell you:

- The reasons for the referral
- The procedures and types of tests that will be given to your child, and the approximate dates of when the evaluation will take place
- The parent (s) has the right to meet with the evaluator (s) to discuss the referral and evaluation procedure
- The parent (s) has the right to see, study and obtain copies of his or her child's school records
- The parent (s) has the right to object to the evaluation and to request a meeting and/or hearing

The school must notify a parent, if his or her child has been referred for an evaluation.

What is an IEP and why is it important?



The IEP is your child's individual special education plan.

An Individualized Education Program (IEP) is a plan designed to meet *your* child's special education needs identified in the evaluation report.

The IEP team should address the following questions when creating the IEP:

- What are my child's current education levels?
- What are appropriate expectations and goals for my child?
- What do I want my child to learn during the school year.
- What special education services are needed to achieve these goals?

Comprehensive information concerning the IEP process can be found in two PEN publications: *Putting The Pieces Together: An IEP Guide for School Age Students* and the *A Parent Guide to Early Intervention for Infants and Toddlers and Pre-school Children in PA*.

How and when will my child's IEP plan be changed?

The IEP can be reviewed and revised at any time, but must be reviewed each year. The law requires that the **IEP be developed** at a conference with the child's parents and school professionals. Parents will be notified in writing of the time, location and purpose of the IEP conference. The notice will also include the names of other persons invited to the meeting.

Annual IEP reviews or revisions insure that your child has current educational goals.

School officials must receive your approval, in writing, before implementing your child's first IEP.

The parent and the education entity can agree not to convene an IEP Team meeting for the purpose of making changes to the current IEP. The parent and school officials may develop a written document to amend or modify the child's IEP. If changes are made, the school must ensure that the child's IEP Team is informed of those changes. Upon request, a parent must be provided a copy of the amended IEP.

Does the law provide for related services for eligible children?

The law provides for "related services" that are necessary to help your child benefit from, or gain access to his or her special education program. These services may include but are not limited to:



The law does provide for related special education services.

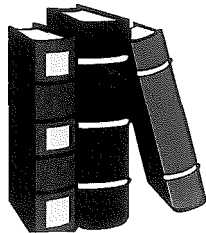
- Speech language pathology and audiology services, psychological services, physical and occupational therapy, recreation (including therapeutic recreation), early identification and assessment of disabilities in children, counseling services (including rehabilitation counseling), orientation and mobility services and medical services for diagnostic or evaluation purposes

Related services also includes school health services, social work services in the schools, and parent counseling and training.

Do parents have the right to review their child's school records?

Federal and state law gives parents the right to review and receive copies of their child's school records.

Parents of children currently or previously receiving special education can view or receive copies of their child's records within 45 days of their request.



Parents can review and copy their child's school records.

You can not be charged for reviewing your child's records, but you can be charged the actual cost of copying them. The law also gives parents the right to ask and receive from school officials an explanation of any information contained in the record.

Parents **do not** have the right to see private notes of school officials, therapists or teachers that are not shared with anyone else and are not kept in your child's files, unless they are included in a court proceeding.

Are my child's school records kept confidential?

School records cannot be released to anyone outside the school system without your notification or consent. The school district must keep records of those individuals or agencies that have access to your child's records.

The school district must have a procedure parents can use to correct inaccurate or misleading information found in their child's records. Parents can ask for a due process hearing if the school does not make the requested record change.

A child's school records must be kept confidential.

How can parents learn about special education programs and laws?

Parents may be able to obtain free information, brochures and pamphlets from the following:

- Local School Districts, Intermediate Units and County Mental Health & Mental Retardation Offices
- Pennsylvania Department of Education, Bureau of Special Education
- U.S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS)

Legal Information

Education Law Center of Pennsylvania (toll call) (215) 238-6970

Free Mediation Services

Pennsylvania Office of Dispute Resolution (ODR) (800) 222-3353

Free IEP Facilitation Assistance

IEP Facilitation Form and Assistance (ODR) (800) 222-3353