

# Basic Rights in Special Education





# Hello!

**I am Barbara Cerwonka**

I am the new Director of Student Services

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Our goal today is for:

- Parents to understand their rights regarding special education,
- Families and school personnel to collaborate, and participate as knowledgeable partners.



# Special Education Law

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- x Federal: Individuals with Disabilities Education Act (reauthorized in 2004)
- x Massachusetts: Chapter 71B (Chapter 766)  
603 CMR 28.00





# Special Education is:

- x Specially designed instruction to meet the unique needs of an individual in order to access and make effective progress in the general curriculum, and/or
- x Related services necessary to access and make effective progress in the general curriculum



# Eligibility for Special Education:

(All 3 Must Be Met)

1. The student has a diagnosed disability
2. The student is **not** making effective progress\* as a result
3. The student requires special education services to do so.

A decorative background featuring several sharpened colored pencils in various colors (red, purple, blue, teal, green, yellow, orange) arranged around the central text. The pencils are scattered across the page, with some pointing towards the center and others pointing outwards. The background is a light, textured white.

## Qualifying Disability Categories:

1. Autism
2. Developmental Delay
3. Intellectual Impairment
4. Sensory Impairment
5. Neurological Impairment



6. Emotional Impairment

7. Communication Impairment

8. Physical Impairment

9. Health Impairment

10. Specific Learning Disability



# Let's review the process:

## Referral is made

by a parent/guardian/care giver or a teacher

## Response from School

within 5 school days of receiving the referral; may include consent to evaluate.

## Evaluation

Within 30 school days of receiving signed consent to evaluate.

In suspected areas of disability

## IEP meeting

Within 45 school days total (15 days after evaluation period)

Determine eligibility, develop IEP, determine placement

## Next step

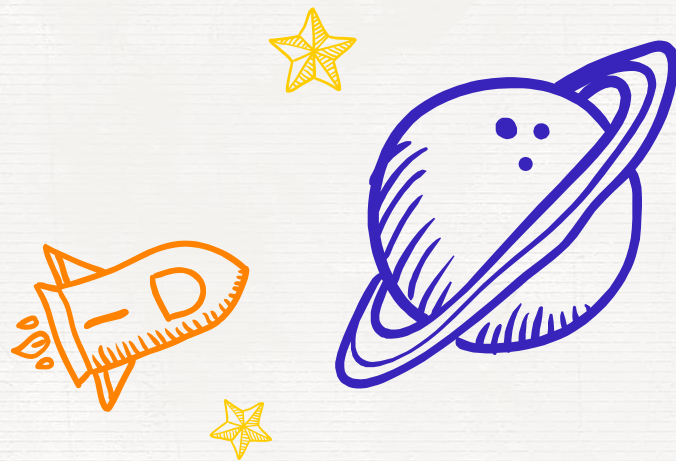
Parents receive 2 copies of the IEP with choices on signature page and placement page

30 days to sign and return.

## Implementation

IEP is fully implemented once it is signed and received by the school.





# Parents are equal partners!

Team consists of parents, general education teacher, special education provider, student if 14 or older, and others based on need/discretion of family or school



# Six Basic Principals

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## Participation

Parent and student participation is paramount, as students are the focus of special education.

It is the obligation of the district to ensure participation.

## FAPE

Is Free and Appropriate Public Education

Services are provided by the public school district at no cost to families with services to enable progress including all levels PK-22, and extra curricular

## Evaluation

Initial

Reevaluation

Variety of assessment tools and strategies

Independent evaluation



# Six Basic Principals

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## IEP

Individualized  
Education Program

- \*Parent concerns
- \*Student skills
- \*Measurable goals
- \*Consent

## LRE

Least Restrictive  
Environment

- ~in general  
education  
environment

## Procedural Safeguards

- \*Written notice
- \*Consent
- \*Stay put
- \*BSEA/PRS
- \*Timelines
- \*Confidential  
records





# Resources

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## Team

1. Teacher
2. Team Chair
3. Director

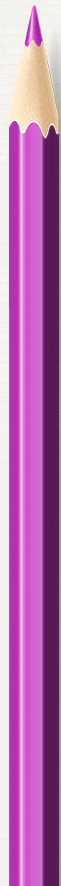
## SEPAC

1. Advises district
2. Meets regularly to participate in planning, development and evaluation of programming
3. Conducting annual workshop

## Parents' Rights Brochure

1. Emailed annually
2. On our webpage
3. On DESE website





# Thanks!

**Any questions?**

You can find me at:

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# Credits

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Special thanks to all the people who made and released these awesome resources for free:

- ✘ Presentation template by [SlidesCarnival](#)
- ✘ Recommendation by Abigail Cerwonka





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