

Special Education: A Basic Guide for Parents

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Parents are the most important people in a child's education. While teachers and even schools can change from year to year, parents are the constant connection between children and learning, both at home and at school. When children are struggling in school or have identified disabilities, parents face additional challenges to ensure that their children receive the best possible education to meet their needs. Often this means trying to navigate the complicated world of special education. While each state has its own procedures and rules for providing special education services, there are some basic steps based on federal law that must be followed. This handout provides answers to some frequently asked questions in order to help parents understand the basic procedures of the special education system.

WHAT DO I DO IF I HAVE A CONCERN ABOUT MY CHILD'S PROGRESS?

When a parent has concerns about a child's progress in school, the first step must be to contact the child's teacher or teachers. Classroom teachers are the professionals who are most intimately involved in the child's education. A teacher conference should be requested as soon as the parent has a concern. It is helpful if the parent can briefly state the concern when scheduling the meeting, so that the teacher is able to prepare to answer questions and provide relevant examples of the child's schoolwork or lessons.

The parent should prepare for the conference as well. Make a list of questions and points to be addressed. Close collaboration between home and school is essential for student success. By raising concerns and working together, teachers and parents lay the foundation for a working relationship that will help children progress.

HOW DO I ASK FOR SPECIAL HELP?

A parent conference sometimes helps resolve a student's problems. However, sometimes the parent may feel that additional support for the child is warranted. Ask the teacher or other school personnel (such as the counselor, psychologist, social worker) what services are available. Typical examples of services include extra tutoring, specific instructional interventions (such as Title I reading groups, extra practice using different materials), behavior plans, counseling, and classroom accommodations (such as a change in seating, a quiet study space, or allowing a child to orally dictate homework rather than writing it out).

Federal regulations require schools to try out such strategies before considering evaluation for special education services. Some schools will refer to this process as *response to intervention*, or RTI. RTI models vary from one school district to another, but generally refer to a systematic sequence of support to struggling students, starting with very general interventions to help large groups of children, and then using progressively more intensive interventions for students who need more help. Student progress is measured frequently along the way to be sure interventions are working.

Schools should involve parents in designing such interventions within regular education. Parents should ask questions about the goals of the intervention, the length of time that the intervention will be implemented, how progress will be measured, and how parents will be informed of progress.

WHAT DO I DO IF INTERVENTIONS DON'T SEEM TO WORK?

Many times, the interventions that are available to all students (such as a district math curriculum) or more specific interventions in the regular education classroom (such as peer tutoring or modified assignments) will be successful. When the child's progress is less than expected despite these interventions, an evaluation for special education eligibility may be the next step. Most often, classroom teachers or other school personnel suggest a special education evaluation; however, a parent may make this request.

An evaluation for special education eligibility is conducted to determine if (a) the child has a disability as defined by federal law, and (b) the child's educational needs related to the disability require specialized intervention that can only be provided through special education services. Children ages 3-21 may be served through special education programs, and in some states children as young as newborns may receive early childhood special education services.

Parents must agree to an evaluation—this can't take place without your consent. Before giving consent, it is important that you understand the procedures involved, how the information will be used, and who will have access to the information. Parents must be provided a statement of *procedural safeguards*—the rights and responsibilities of all parties involved in the special education process—prior to the start of the evaluation. This is a very important document that parents should review carefully (and ask questions about) before consenting to the evaluation or any recommended special education services.

WHAT HAPPENS DURING THE EVALUATION?

The child must be evaluated in all areas of suspected disability. There are 13 categories of disability that are defined by federal law, including autism, deafness, deaf-blindness, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, serious emotional disturbance, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment, including blindness. In addition to addressing areas of disability, the evaluation must also address needs for "transition" services for older students (by age 16 and in some states as young as 14)—supports to help students move from school to work or postsecondary education settings when they leave high school.

An individual child is rarely evaluated for all disability areas. Typically, a team of educational professionals and the parent will plan the assessment based on concerns raised by those involved with the child's education. The evaluation is conducted by a multidisciplinary team with each individual concentrating on his or her area of expertise. This team then compiles and analyzes the results. This process must occur in a timely fashion (usually within 30-60 days) and results must be shared with the parents.

WHAT HAPPENS AFTER THE EVALUATION IS COMPLETED?

After the evaluation is completed, a meeting is scheduled to review the results and determine eligibility for special education. The educational professionals involved in the evaluation and the parents review the

results and the team (including parents) determines whether the child is a "child with a disability" and, if so, what disability category is most appropriate. If the parent does not agree with the findings of the evaluation, he or she may *request* an Independent Educational Evaluation (IEE) be conducted at the school district's expense or seek a second opinion at their own expense. Note that a school district might disagree with the need for an Independent Educational Evaluation, and may seek a hearing to determine if in fact the district must pay for an IEE.

WHAT HAPPENS AFTER THE CHILD IS DETERMINED TO BE A CHILD WITH A DISABILITY?

Within 30 days of determination of eligibility, a meeting must be convened to develop an Individualized Education Program (IEP). This plan describes the educational goals and objectives for the child related to the area of disability, and the nature of the special education services needed to meet these goals. The IEP includes measurable goals (e.g., identifying all letters of the alphabet, all vowel sounds, using multiplication facts 1-5), necessary accommodations and modifications (such as the use of assistive devices for a child with physical disabilities), the persons responsible for implementation (special education teacher, speech pathologist), the process for monitoring progress toward the goals (e.g., weekly oral reading tests) and any related services that are appropriate (speech therapy, occupational therapy, counseling with the psychologist). The IEP should be based on the evaluation results and should be created specifically for the individual child. The services described in the IEP are provided to the child at district expense. Before special education services can be provided for the first time, parental consent must be obtained.

Note that the initial disability determination is not the only time a child will be evaluated by the special education team. Reevaluations must be considered at least every three years to ensure that the child continues to need special education and that the services on the IEP are still appropriate, and before a student is discharged from special education.

WHAT IF I DON'T AGREE WITH THE PROPOSED IEP?

A parent has the right to disagree with the IEP team's recommendations. If agreement cannot be reached about the appropriate services for the child, the parent or the school may request mediation (a nonadversarial session with an objective person to work out differences). Parents may also request a due process hearing through their state department of education. This is a legal proceeding in which a hearing officer takes testimony from both the parents and the school district,

renders an opinion, and orders action as deemed appropriate.

WHAT DOES SPECIAL EDUCATION INVOLVE?

Special education is a broad term that describes a wide variety of instructional services that are based on a child's individual needs. Special education is not a place or a class. Children have the right to receive education in the "least restrictive environment." That means that children should remain included with students without disabilities to the greatest degree possible while still receiving those services that allow the child to make progress toward his or her individual goals. The strategies developed to achieve these goals determine the most appropriate type of placement for the implementation of the IEP.

Special education can include a variety of instructional arrangements such as:

- Inclusion in the general education classroom full time, with special education support (such as consultation between specialists and the classroom teacher or provision of special materials and modifications)
- Placement in a class or school for part or all of the school day, where specific interventions and instructional techniques can be provided by special education personnel
- Small group instruction from special education personnel for relatively short periods of time (an hour per day) within or outside the regular education classroom
- Individual or group specialized therapy (such as speech therapy or occupational therapy)
- Combination of settings and services

WHY DOES THE SPECIAL EDUCATION ELIGIBILITY DETERMINATION TAKE SO LONG?

Ensuring that children receive the educational services that are most appropriate is a collaborative and complex process. Schools are required to ensure that every effort has been attempted to serve the child within general education before changing to a more restrictive program. Many times, schools have many supplemental programs that are available to all students, such as Title I. It is important to utilize these services before considering special education. In addition, it is important that the educational professionals have time to observe, document, intervene, and analyze a student's educational performance. By doing this, contributing factors such as adjustment, family or cultural issues, second language issues, and limited educational opportunities can be ruled out as the primary cause for difficulty in school. It is crucial that parents stay in close contact with teachers,

request updates on their child's progress, and attend meetings where progress and interventions are discussed.

HOW CAN I LEARN THE LANGUAGE OF SPECIAL EDUCATION?

Education in general has its own vocabulary and special education has an even more specialized language. To make matters worse, most educators frequently speak in acronyms. Here are some of the key terms and acronyms needed to understand the language of special education:

- *Behavior intervention plan* or *behavior improvement plan* (*BIP*). If a child with a disability exhibits behavior that impacts his/her educational progress, a BIP is included in the IEP. This plan contains specific goals and positive strategies for improving the child's behavior.
- *Due process hearing*. The state education agency provides this process for parents to pursue when they do not agree with the school's proposed plan for special education or believe their child's IEP has not been appropriately implemented, and are unable to resolve the conflict otherwise.
- *Free and appropriate education* (*FAPE*). This is a concept from civil rights law, guaranteeing all children, including those with disabilities, a "free and appropriate public education."
- *Individualized Education Program* (*IEP*). Sometimes referred to as the individual education plan, this document describes the goals, objectives, services, and who is responsible for each. The parent should participate in the development of this document and be provided a copy. The IEP is reviewed at least annually to ensure goals are updated and that the plan is working well for the student.
- *Least restrictive environment* (*LRE*). The school is required to create an educational plan (IEP) that allows a student with a disability to receive instruction with nondisabled peers to the maximum extent possible. Teams determine the LRE based on assessment data and the goals and objectives of the IEP.
- *Manifestation determination* (*MD*). When a student with a disability commits an offense that results in a disciplinary action that would change the student's educational placement (such as a long suspension or expulsion), a "manifestation determination" must be conducted. This is the process for determining if the behavior subject to disciplinary action is directly related to the student's disability, which will affect the severity of any disciplinary action.
- *Response to intervention* (*RTI*). Before a child is identified as a child with a specific learning disability, the school must ensure and document that all appropriate educational interventions within general

education have been attempted with inadequate response. A systematic model of implementing increasingly intensive educational interventions and evaluating the outcomes is typically known as response to intervention (RTI). In some states this model is part of the requirements for determining special education eligibility.

- *Section 504 Plan.* Section 504 of the Rehabilitation Act of 1973 is federal legislation that protects individuals with disabilities from discrimination in the public schools. If the child's disability does not require special education or related services, that child might be eligible for a Section 504 plan that specifically describes what accommodations are necessary for the child to access instruction in the classroom.

SUMMARY

This guide has provided an overview of some important terms and procedures that parents encounter in the special education process, particularly in determining eligibility and designing programs. The most important aspect of the special education process is communication. Parents and educators working together provide the greatest probability of successful outcomes for children with disabilities.

RECOMMENDED RESOURCES

Print

U.S. Department of Education, Office of Special Education Programs. *Building the legacy: IDEA 2004*. Available: <http://idea.ed.gov>

Weinfeld, R., & Davis, M. (2008). *Special needs advocacy resource book: What you can do now to advocate for your exceptional child's education*. Waco, TX: Prufrock Press.

Wilmshurst, L., & Brue, A. W. (2005). *A parent's guide to special education: Insider advice on how to navigate the system and help your child succeed*. New York: AMACON.

Online

LD OnLine: <http://www.ldonline.org>

PACER Center: <http://www.pacer.org>

Wrightslaw: <http://www.wrightslaw.com>

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