



A Step by Step Guide to Special Education

Special Education Rights: Federal and State Laws and Students with Disabilities

Individuals with Disabilities Education Act

(IDEA 2004), Federal Regulations 34 C.F.R. 300

Section 504 of the Rehabilitation Act

State Educational Law and Regulations

Local Law

Entity Regulations and Policy

Eligibility

In order to be eligible for special education your child must have a disability and by reason thereof require

Special education or one or more related services to access and make progress in the general curriculum

Or make progress in other areas impacted by their disability (behavior, social, emotional, functional needs i.e. daily living skills)

Evaluations

Evaluations are the way that we know if your child is eligible for special education

Initial evaluations are done to determine eligibility and every 3 years your child is re-evaluated and eligibility is redetermined.

Evaluations must also be done to terminate special education services

Types of evaluations

School evaluations—the school must conduct evaluations at the request of a parent or if the school suspects that a child had special education needs.



Required Assessments:

An assessment in all areas related to the suspected disability (functional behavioral assessments, assistive technology, OT, PT, speech or the basic assessment. THERE ARE MANY.)

Educational Assessment

Optional Assessments:

Health Assessment

Psychological Assessment

Home Assessment

Content of Assessments—summary of tests, results, diagnostic impression AND define in detail student's needs and means for meeting those needs (recommendations). If there are no recommendations the assessment is incomplete.

Parent's Rights to Assessments

At the Team meeting the school is required to have someone there who is capable of explaining the assessments and the results.

Parents have a right to have a copy of all the school's assessments at least two days in advance of the Team meeting. You must request in writing copies of your child's assessments.

Timelines Vary State to State but cannot be less than what the FEDERAL Law REQUIRES...only better than the federal law*.

Sample ONLY (depends on state law; see above*)

Within 5 school days of referral, and evaluation consent form must be sent to parents

Within 30 school days of receipt of consent, all evaluations must be complete

Within 45 school working days of receipt of consent, Team meeting to determine eligibility and if appropriate develop IEP and determine placement



Types of Disabilities

Autism

Developmental Delay

Intellectual Impairment

Sensory Impairment; including hearing impairment or deaf, vision impairment or blind, deafblind

Neurological Impairment

Emotional Impairment

Communication Impairment

Physical Impairment

Health Impairment

Specific Learning Disability

Independent Evaluations

Parents can obtain an independent evaluation at private expense at any time.

If the parent disagrees with the Team about their evaluation, eligibility, program, placement, or services the parent may request a publicly funded independent evaluation.

The Team must reconvene to consider an independent evaluation within 10 school days of receiving the report.

Requesting an Independent Evaluation

- Parents have the right to request a publicly funded independent evaluation if:

The parent disagrees with the school district's evaluation(s); or

If the parent believes that the student has not been assessed in all areas suspected of disability

School Response (Federal Law)

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If the School District refuses to fund the evaluation, the District must file with the BSEA within five (5) days and prove that the District's evaluation(s) were comprehensive and appropriate

Independent Evaluations (IEE) under State Law

IEP Team Responsibilities

1. Determine Eligibility
2. Develop an IEP, if student is found eligible
3. Determine Placement (Least Restrictive Environment considerations)

IEP Team—Required Members

Parent(s) of the Student

Student, when appropriate

At least one regular education teacher (if student is or may be participating in regular education)

At least one special education teacher

An individual with the ability to interpret evaluation results

A school district representative with the authority to allocate resources

At the Parent's or the District's discretion, others with knowledge of the Student

(Inform the District of person(s) you intend to bring to the meeting)

IEP Team—Attendance NOT Required

A member of the Team is not required to attend the IEP meeting if;

1. The Parent and the District agree that the member's attendance is unnecessary
2. The Parent agrees in writing

IEP Development

Key Evaluation and Summary Results

Parent Concerns

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Vision Statement

Present Levels PLEP A & B (PLAAF) --- Accommodations and Modifications (content, methodology, performance criteria)

Goals---for each area requiring special education or related services AND short-term objectives or benchmarks

Service Delivery Grid— Grid A (consultation and training), Grid B (services in the regular education classroom), Grid C (services out of the classroom—i.e., resource room, therapy room)

Extended Day or Extended Year

Transportation

Issuing the IEP and Response

At the end of the IEP meeting you should receive a Team meeting summary

At a minimum, this summary of the decisions and agreements reached during the Team meeting must include:

- (a) a completed IEP service delivery grid describing the types and amounts of special education and/or related services proposed by the district, and
- (b) a statement of the major goal areas associated with these services.

The District may then take no more than two calendar weeks to prepare the Complete IEP for parent's signature.

For full text of DOE memo on this issue go to;

<http://www.doe.mass.edu/news/news.asp?id=3182>

Parent Response to IEP

- IEP Response Options—within 30 calendar days

Accept in Full

Reject in Full (Not advisable when it is first IEP as there are no services to “fall back” to under “stay put”)

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Reject in Part & Request a Meeting to discuss the rejected portions—You can reject in part by “omission” for services you requested and were refused—District must provide reasons for their refusal under prior written notice

All portions not rejected are accepted and implemented

Placement—Accept or Reject Placement

Prior Written Notice

20 U.S.C. § 1415 - Procedural Safeguards

(c) Content of Prior Written Notice.

--The notice required by subsection (b)(3) shall include--

- (1) a description of the action proposed or refused by the agency;
- (2) an explanation of why the agency proposes or refuses to take the action;
- (3) a description of any other options that the agency considered and the reasons why those options were rejected;
- (4) a description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action;
- (5) a description of any other factors that are relevant to the agency’s proposal or refusal;
- (6) a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- (7) sources for parents to contact to obtain assistance in understanding the provisions of this part. “

After Services Begin

Progress reports-generally issued with report cards—progress toward meeting annual goals

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Annual Review of IEP

Re-evaluation-unless Team and parent(s) agree it is not necessary.

Amend or modify IEP—can be done by agreement in writing signed by both parties without a meeting.

If your child is not making effective progress you should request a Team meeting

IEP Compliance Issues

Once an IEP is signed by the parent(s) the services are to be implemented immediately. If your child is not receiving the supports and services required under their IEP you may file a complaint with the Department of Education at no cost to you.

Don't IEP ALONE!

Get help with the Process!

There is way more to cover so please make sure to reach out and ask for help:

Contact Selina Davis, B.A. to schedule a consultation: <https://sdcta1love.satoriapp.com/book>
Special Education Advocate (COPAA SEAT 2.0 Certified)
Trillium Consultancy: trilliumconsultancy.org
(951) 782-1550
Serves Southern California locally and Nationwide (virtually)

General Services Include:

Review all special education and section 504 documents, including student files, assessment reports, IEPs and Section 504 Plans.

Use specific knowledge of the laws related to education and disability.

Knowledgeable with assessments and reports to articulate their meaning to and with parents and explain them with regard to the child's educational needs.

Review all special education and section 504 documents, including student files, assessment reports, IEPs and Section 504 Plans.

Review IEP documents before parent signs them.

Empower, inform, guide and educate parents/guardians and students to strengthen their own advocacy skills.

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