

Parents, Students and Schools as Partners

Rights and Responsibilities in
Special Education

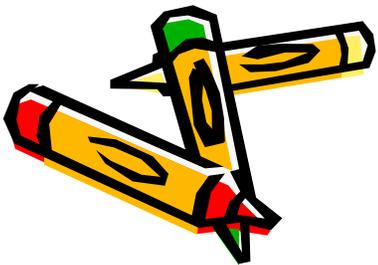
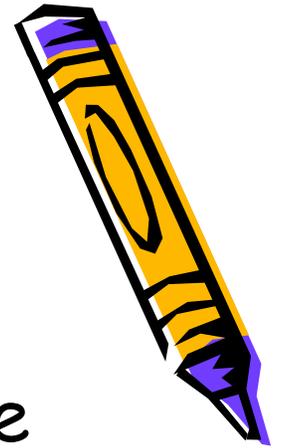


Developed by Bedford Public Schools using resources of
Department of Elementary and Secondary Education - Parents Rights

Goal of Presentation

The goal of this presentation is to provide information so that:

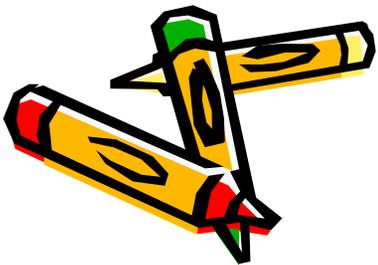
- Parents will understand their rights regarding special education; and
- Collaboration between family and school personnel will be enhanced; and
- Parents and school personnel will participate in special education matters as knowledgeable partners.



Special Education Laws

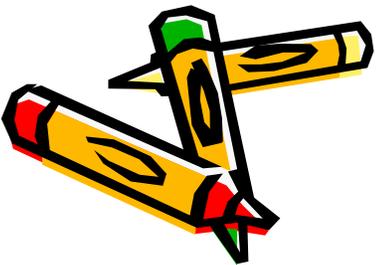
- The Individuals with Disabilities Education Act - also known as IDEA. Sometimes referred to as IDEA-04.
- Chapter 766 - Massachusetts' special education law. In Mass. General Laws at Chapter 71B. In Regulations at 603 CMR (Code of Massachusetts Regulations) Section 28.00.

<http://www.doe.mass.edu/sped/regs.html>



Related Laws

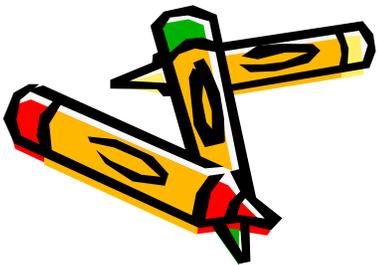
- The Massachusetts Education Reform Act, also known as "Ed. Reform", 1993
 - Further amended in 2000 to include FAPE
- Section 504 of the Rehabilitation Act, also known as "Section 504"
- Chapter 688 of the Acts of 1983
- The Americans with Disabilities Act, also known as the "ADA"



One Source of Information

The Parent's Rights Brochure

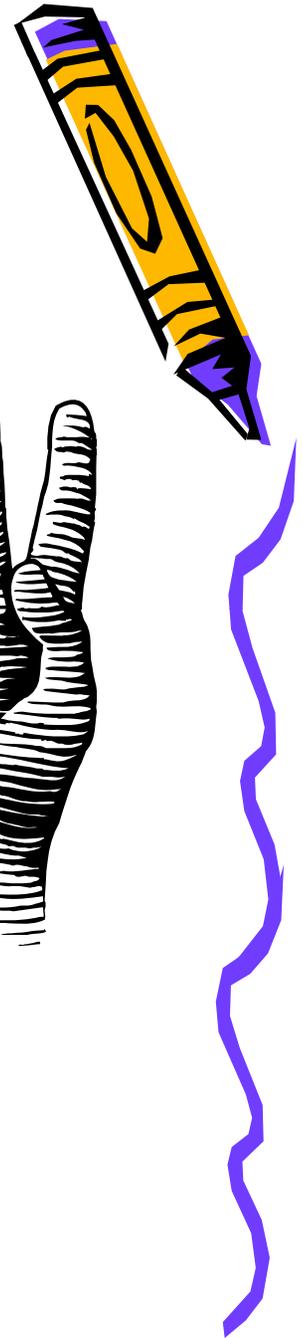
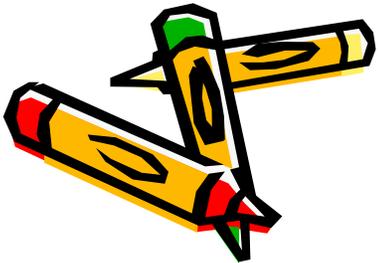
"Parent's Notice of
Procedural
Safeguards"



When is a student eligible for Special Education ?

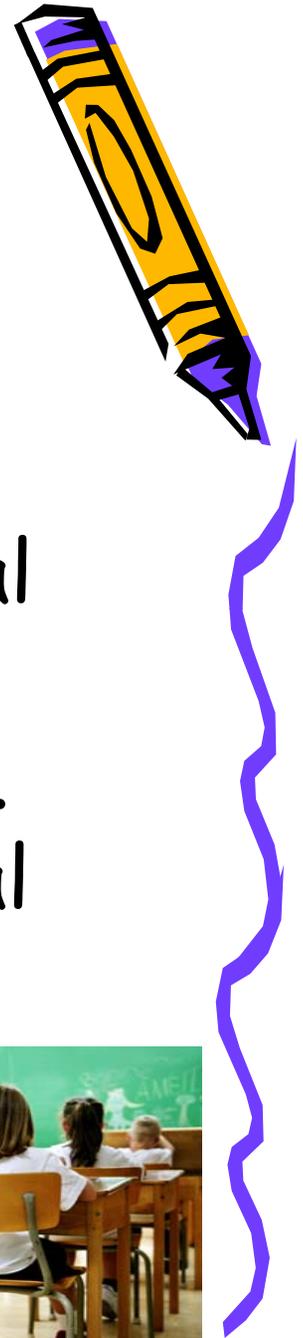
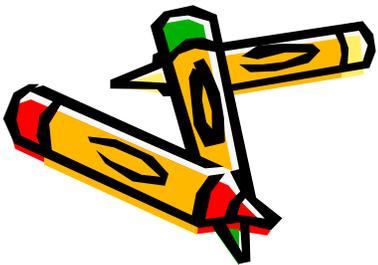
A student is eligible if all three of the following are true:

1. The student has one or more disabilities.
2. The student is not making effective progress in school as a result of the disability (ies).
3. The student requires specialized instruction (special education) in order to make effective progress.



Referring a student for an evaluation to determine eligibility

- Parents, or other adults involved with the student can make a referral for an evaluation.
- A referral can be made at any time.
- A district may not refuse a referral in order to try other supportive services.



Types of disabilities that may adversely affect educational progress



12 Different Types of Disabilities are defined in state and federal regulations.

1. Autism
2. Developmental Delay
3. Intellectual Impairment
4. Sensory Impairment-
Hearing Loss
5. Sensory Impairment-
Vision Loss
6. Sensory Impairment-
Deaf/blindness
7. Neurological Impairment
8. Emotional Impairment
9. Communication Impairment
10. Physical Impairment
11. Health Impairment
12. Specific Learning Disability

See related handout with full definitions

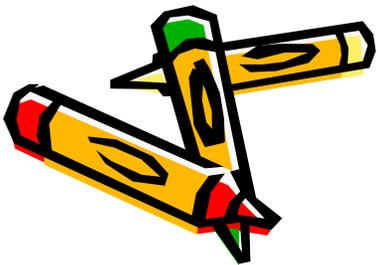


Special Education

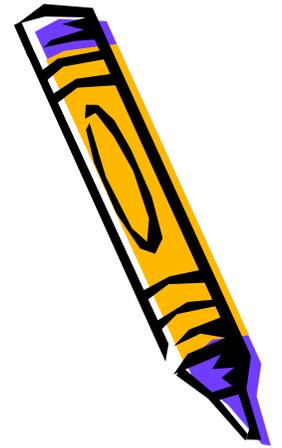


Special Education - is

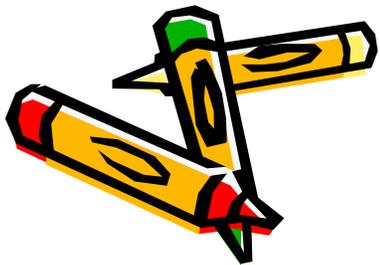
- Specially designed instruction to meet the unique needs of an eligible student, and/or
- Related services necessary to access and make progress in the general curriculum.



How quickly can I get services?



- **Consent to Evaluate** → 30 School Working Days (SWD) to evaluate.
- **Team meeting** to determine eligibility no later than 15 SWDs later. → If eligible, development of IEP and determination of placement at the Team meeting.
- Proposed IEP & Placement to parent.
- Services upon parental consent.

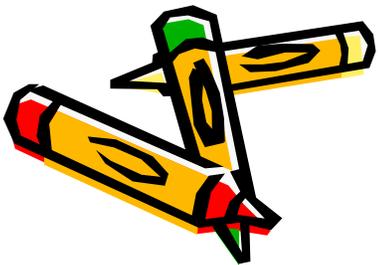
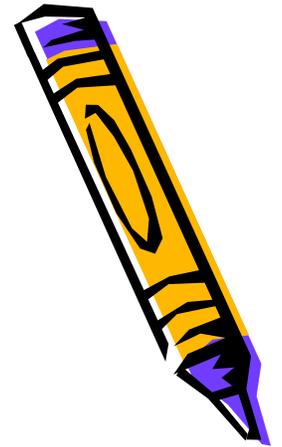


45 School Working Days



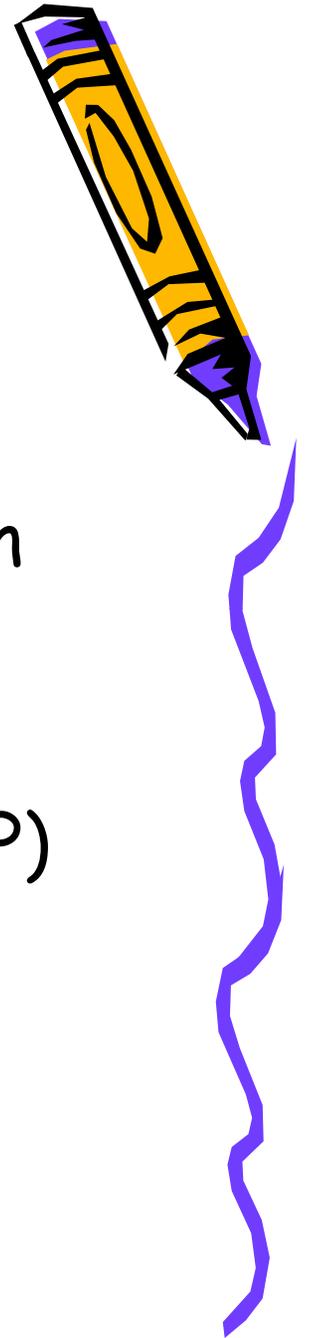
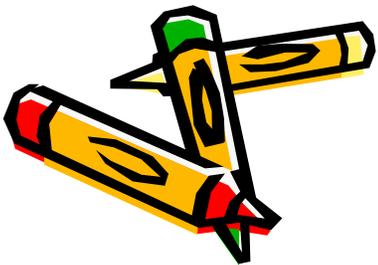
Six Basic Principles

The federal and state special education laws and the rights of parents and students in special education are grounded upon six basic principles.



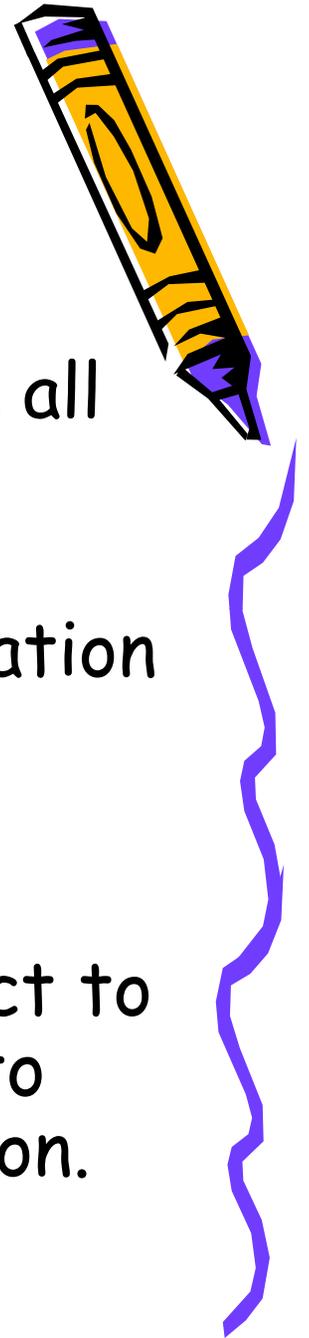
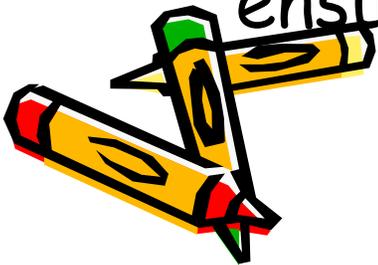
The Six Principles

1. Parent and Student Participation
2. Free and Appropriate Public Education (FAPE)
3. Appropriate Evaluation
4. Individualized Education Program (IEP)
5. Least Restrictive Environment (LRE)
6. Procedural Safeguards



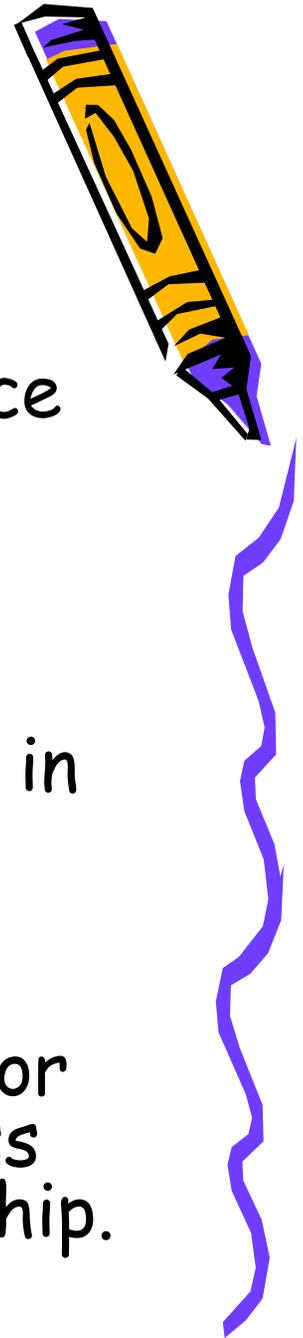
Principle # 1 - Parent and Student Participation

- Parents have the right to participate in all special education planning and decision-making activities.
- Students are the focus of special education and, as they grow older, students are expected to participate in planning for their own future as much as possible.
- It is the obligation of the school district to make strong efforts, in multiple ways, to ensure parental and student participation.

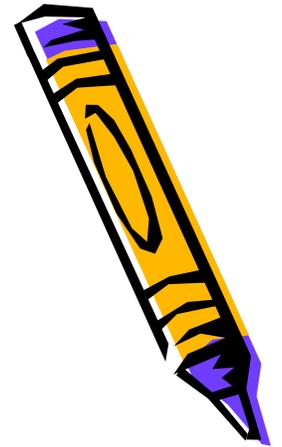


Specific participation rights:

- School districts must make multiple efforts to facilitate parental attendance at Team meetings. If parents cannot attend, schools must seek parent input through other means.
- Students at age 14, or younger if appropriate, are entitled to participate in all Team meetings.
- Students at age 18 are adults under Massachusetts' law and assume all the rights formerly held by their parents for participation and decision-making, unless parents have taken legal guardianship.



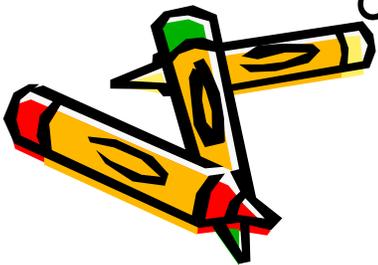
District Parent Advisory Council (PAC or SEPAC)



PAC duties include but are not limited to:

- Advising the district on matters pertaining to the education and safety of students with disabilities.
- Meeting regularly with school officials to participate in the planning, development, and evaluation of the school district's special education programs.
- Conducting, with the district, the annual workshop of the rights of students and parents under special education law. (THIS WORKSHOP)

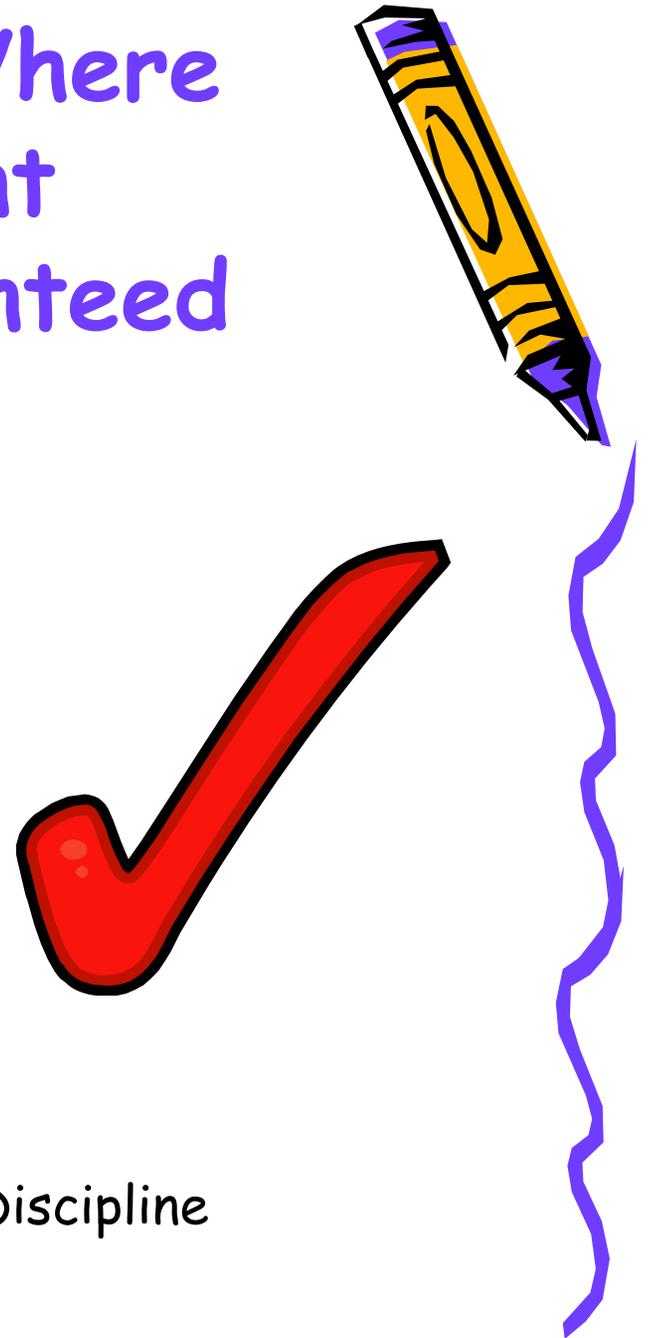
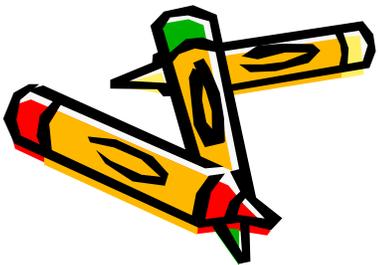
The PAC is entitled to receive assistance from the district without charge, upon reasonable notice, and subject to the availability of staff and resources.



Areas of Education Where Parent and Student Participation is Guaranteed

- Referral
- Evaluation
- Eligibility Determination
- IEP Development
- MCAS Participation
- Placement Decisions
- Disciplinary Actions*

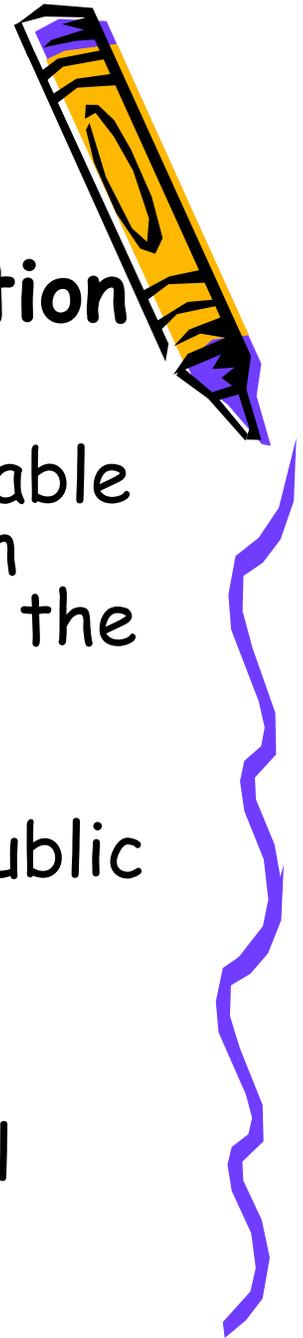
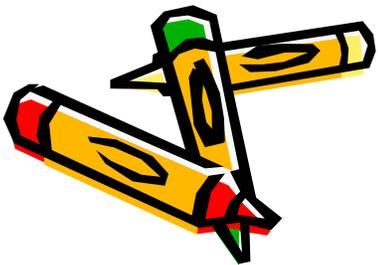
*see additional handout on Discipline



Principle #2 - FAPE

Free and Appropriate Public Education

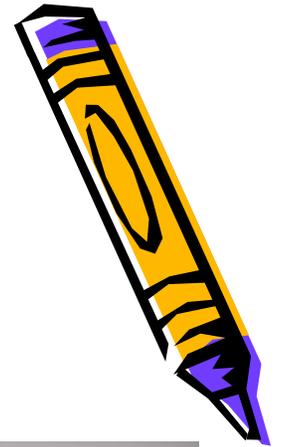
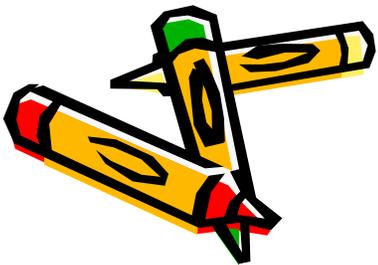
- **Free** = At no cost to the parent
- **Appropriate** = Services sufficient to enable the student to appropriately progress in education and advance toward achieving the IEP goals.
- **Public** = provided by the public school district or under the direction of the public school district.
- **Education** = Preschool, elementary and secondary education, including extra-curricular and non-academic school activities.



Principle #2 - FAPE (continued)

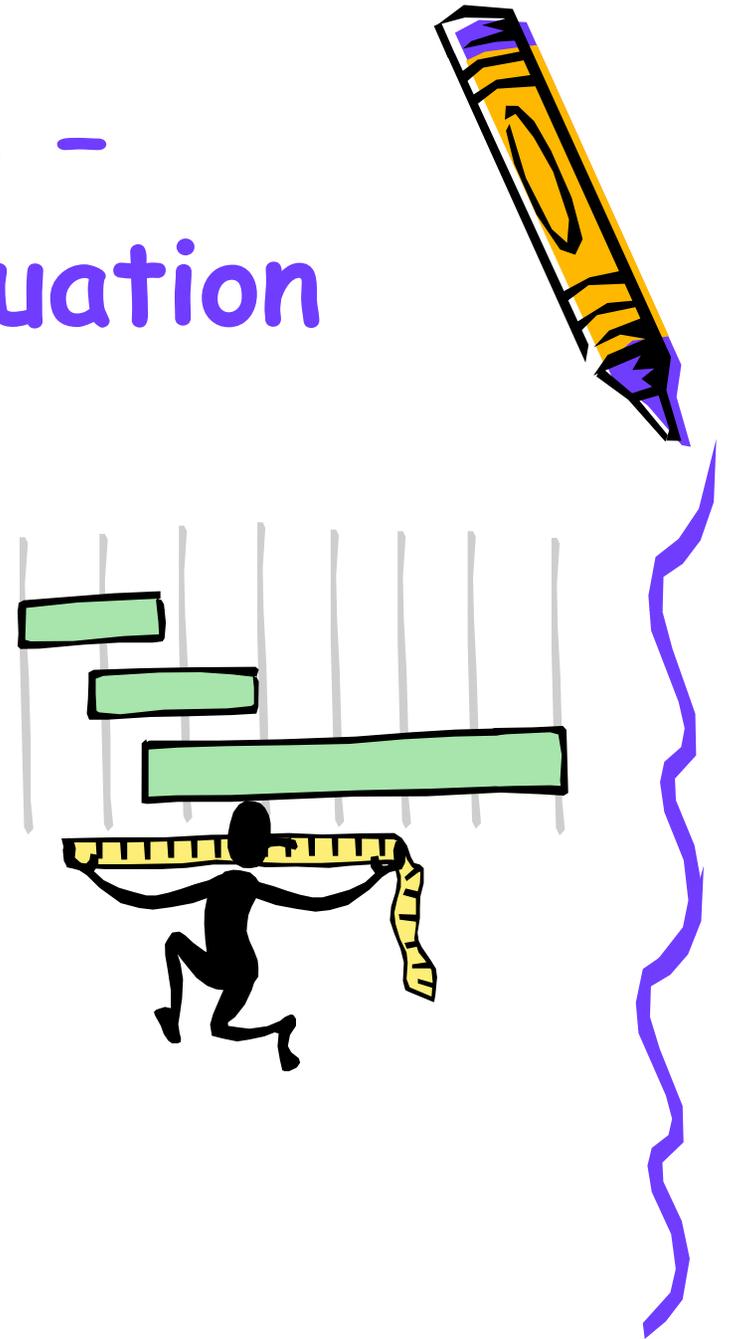
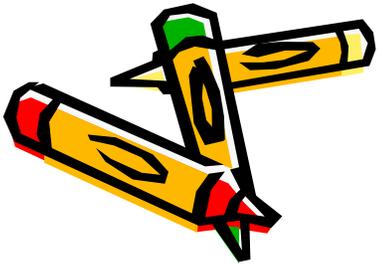
What is the General Curriculum?

- The same curriculum as students without disabilities receive.
- Including all Massachusetts Curriculum Frameworks - in particular, English Language Arts, Math, Science & Technology, History and Social Science.



Principle #3 - Appropriate Evaluation

- Initial Evaluation
- 3 year evaluation
- Evaluation in all areas of suspected disability
- Individualized assessments
- Non-discriminatory assessments
- Includes a variety of tools and strategies, including information provided by the parent.



Re: [Name of Student and other necessary identifying information]

Notice Date: [Date from N 1]

School District Name

**EVALUATION CONSENT FORM
Attachment to N 1**

TYPE OF ASSESSMENTS: <i>A variety of assessment tools and strategies should be used to gather information that determines the educational needs of this student. [Check yes or no for each assessment.]</i>	RECOMMENDED	
	YES	NO
Assessment in All Areas Related to the Suspected Disability(ies) – describes the student’s performance in any area related to the child’s suspected disability(ies). List recommended assessment(s): _____ _____ _____		
Educational Assessment – includes the history of the student’s educational progress in the general curriculum and includes current information on the student’s performance.		
Observation of the Student – includes the student’s interaction in the student’s classroom environment or in a child’s natural environment or an early intervention program.		
Health Assessment – details any medical problems or constraints that may affect the student’s education.		
Psychological Assessment – describes the student’s learning capacity and learning style in relationship to social/emotional development and skills.		
Home Assessment – details any pertinent family history and home situations that may affect the student’s education and, with written consent, may include a home visit.		

PARENT RESPONSE SECTION

Please indicate your response by checking at least one (1) box and returning a signed copy to the school district. Please keep one copy for your records. Thank you.

I accept the proposed evaluation in full. I reject the proposed evaluation in full.

I accept the proposed evaluation in part and request that only the listed assessments be completed:

I additionally request the following assessment(s): assessment(s) listed above: _____ other assessments: (specify) _____

Signature of Parent, Guardian, Educational Surrogate Parent, Student 18 and Over* _____ Date _____

**Required signature once a student reaches 18 unless there is a court appointed guardian.*

PARENT INPUT

We strongly encourage you to share your knowledge of this student with us. If you choose, please provide a written statement (use back of form) or call the indicated contact person. Thank you.

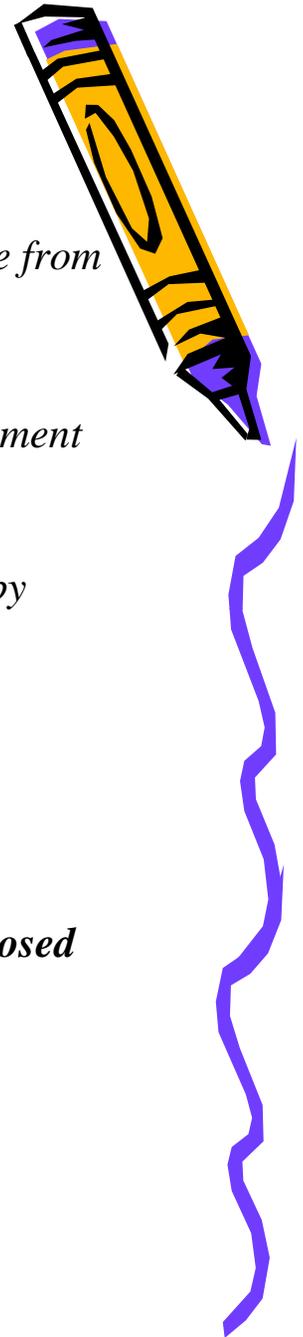


N-1 Notice

Re: *[Name of Student and other necessary identifying information]* Notice Date: *[Date from page 1]*

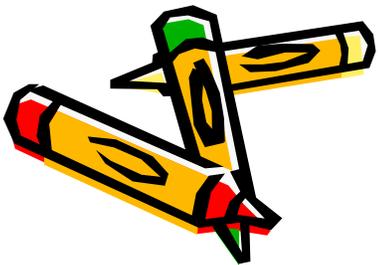
Describe one or more of the following actions: Initial Evaluation, Reevaluation, Emergency Evaluation, Extended Evaluation Period, IEP, IEP Amendment, Placement (include the specific placement location and transportation requirements, if any), Graduation or any other proposal used to initiate or change the identification, evaluation, educational placement or the provision of special education services by answering the following questions:

- 1. What action is the school district proposing to take?*
- 2. Why is the school district proposing to act?*
- 3. What rejected options were considered and why was each option rejected?*
- 4. What evaluation procedure, test, record or report was used as a basis for the proposed action?*
- 5. What other factors were relevant to the school district's decision*
- 6. What next steps, if any, are recommended?*



Some specific evaluation rights:

- Right to discuss both the proposed evaluations and evaluators prior to the evaluation.
- Right to an evaluation in the student's native language or mode of communication.
- If appropriate, right to an evaluation of need for Braille instruction.
- Right of parent to consent or refuse evaluation. *
- Right to independent educational evaluation (IEE) when parents disagree with the results of the evaluation done by the school district.**
- Right to appeal a finding of "No Eligibility"



*Balanced with District responsibility to conduct evaluation to provide FAPE for student

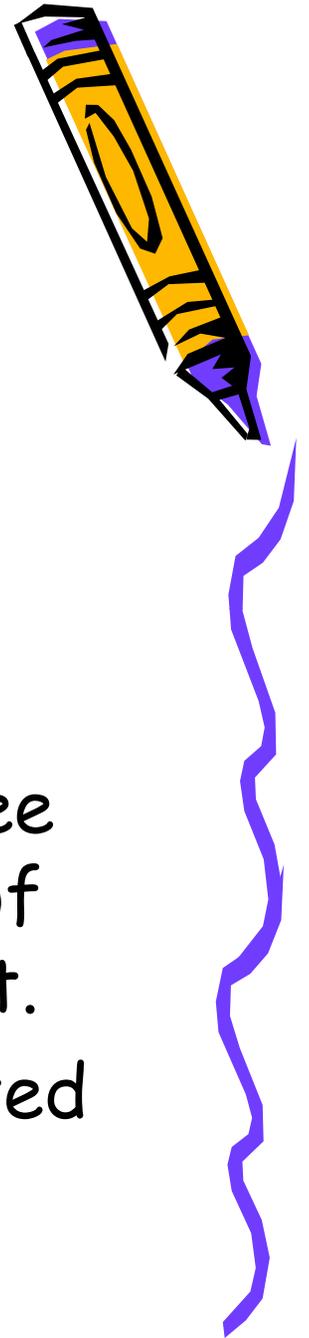
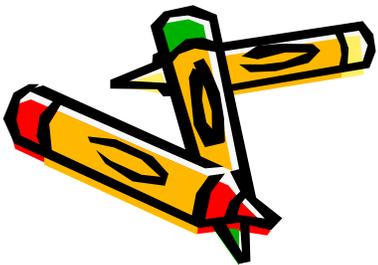
**Specific regulation detail structure for IEE



Independent Educational Evaluation (IEE)



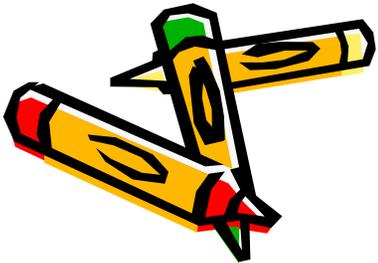
- Anytime you are dissatisfied with the district's evaluation.
- Parents' option to participate in a sliding fee scale to share the cost of the IEE with the district.
- School district is obligated to consider information from IEE.



Principle #4 - Individualized Education Program (IEP)



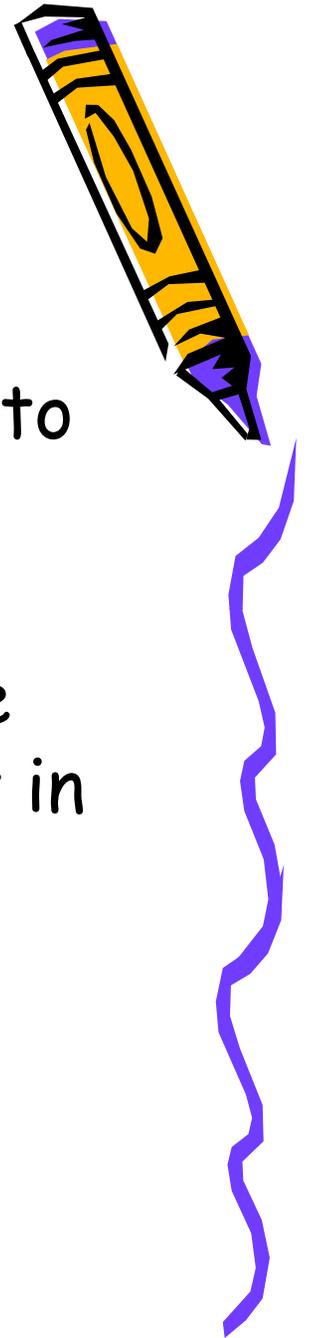
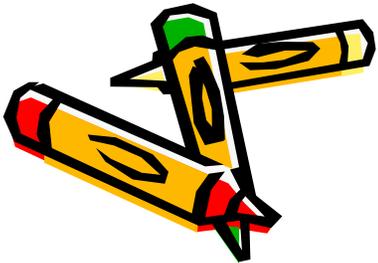
- Written information on the parent's concerns and the student's skills.
- A written explanation of how the disability affects the student's ability to learn and to demonstrate his or her learning.
- An identification of specific, measurable goals which are reasonably calculated to be reached in a year's time.
- A listing of the services to be provided to the student.



Purpose of the IEP

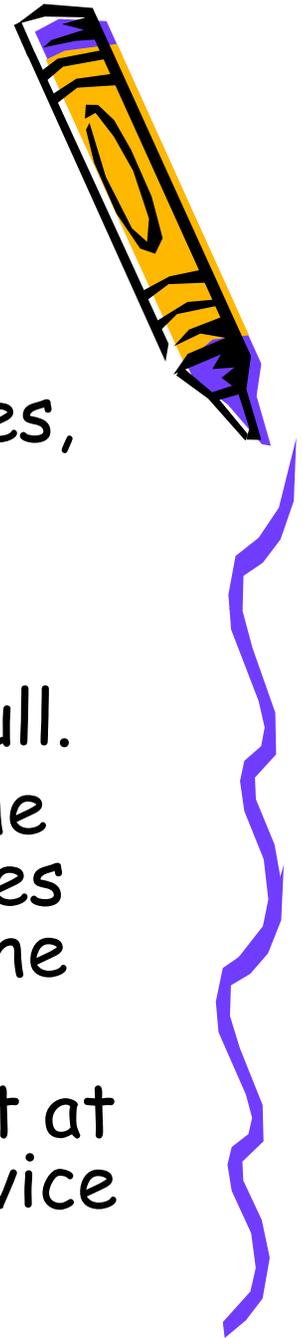
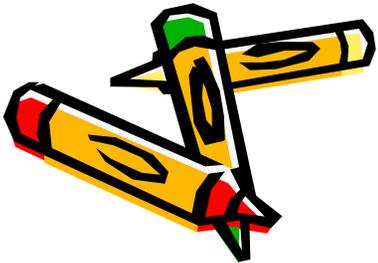
The IEP's purpose is to outline:

- What will be done to assist the student to make effective progress in the general curriculum and in the life of the school.
- How the student will participate in state and local assessment. State assessment in Massachusetts means the MCAS.
- The goals the student is expected to reach by the end of the IEP period.

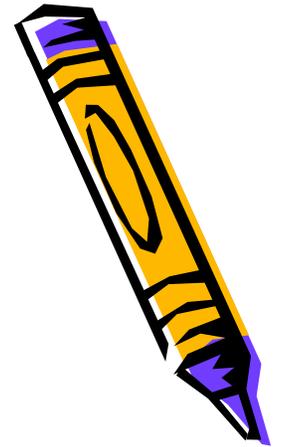


Rights Associated with the IEP

- Before the school can begin IEP services, the school must obtain the parent's consent.
- The parent has the right to accept or reject the proposed IEP in part or in full.
- The completed IEP is signed by both the school district and the parent and serves as a contract between the school and the parent.
- The parents can withdraw their consent at any time in relation to any service or program.

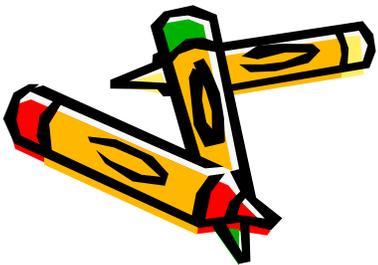


Principle #5 - Least Restrictive Environment (LRE)



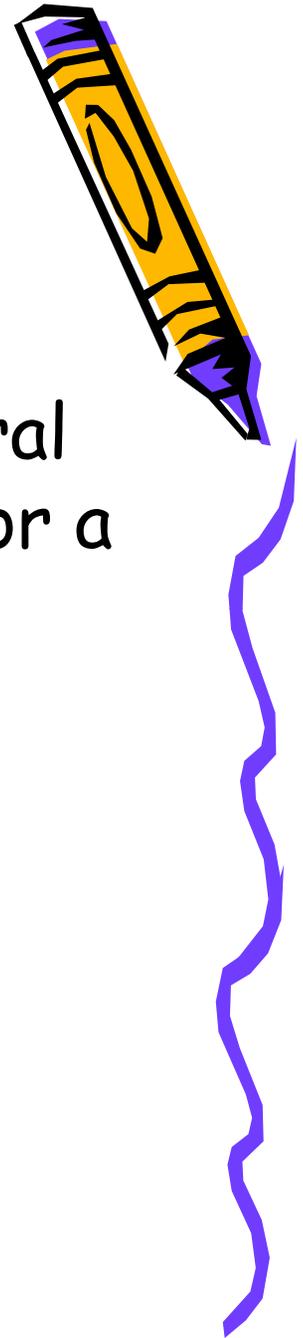
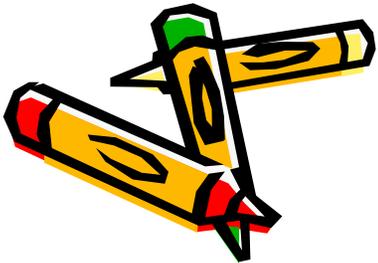
LRE means:

- That to the maximum extent appropriate, students with disabilities have the right to be educated in the general education environment & in the classroom they would have attended if they did not have disabilities.
- The student cannot be removed from the general education classroom solely because of needed curriculum modifications.
- That removal from the general education program occurs only 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.

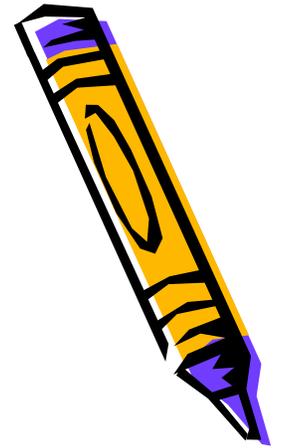


Some Types of Educational Placements

- In the public school building: the general education classroom, a resource room, or a substantially separate classroom
- Outside of the public school building: a separate day school or a separate residential school
- For young children (aged 3-5): a home-based or center-based early childhood program



Students have the right to receive special education services even when they are unable to attend school*

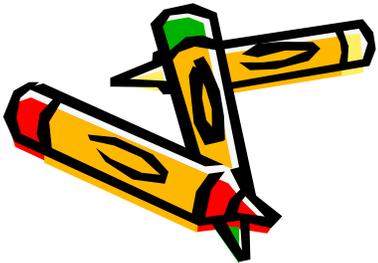


Sometimes students are unable to attend public schools for non-educational reasons.

Students may be:

- In a hospital,
- At home
- Or in an institutional setting run by a state agency.

*Upon 14th day of absence. Documentation from Physician required



Principle #6 - Procedural Safeguards

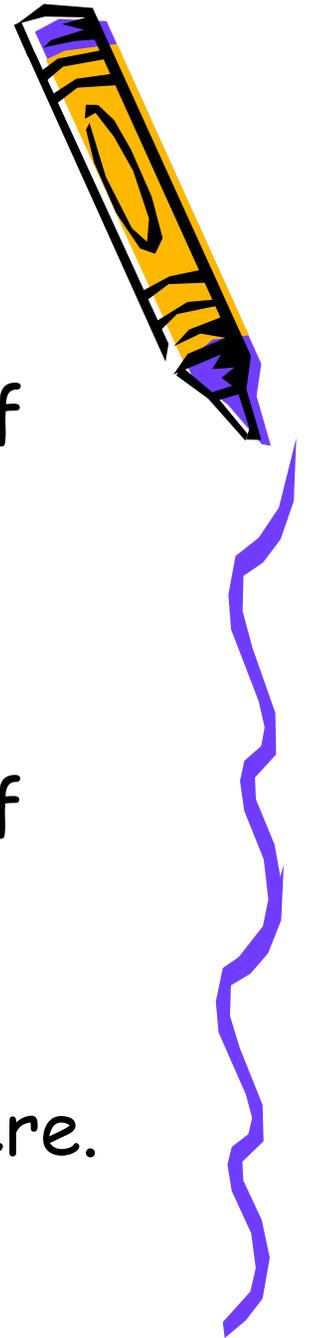
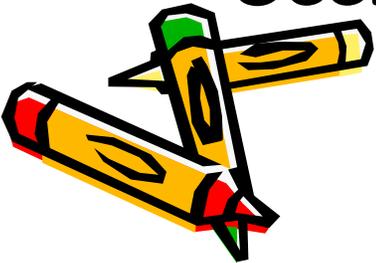
- Right to written notice
- Right to consent/refuse
- Right to 'stay put'
- Problem Resolution System
- Mediation and Due Process
- Timelines
- Confidential records
- Right to receive evaluation reports 2 days in advance of Team meeting, if requested.



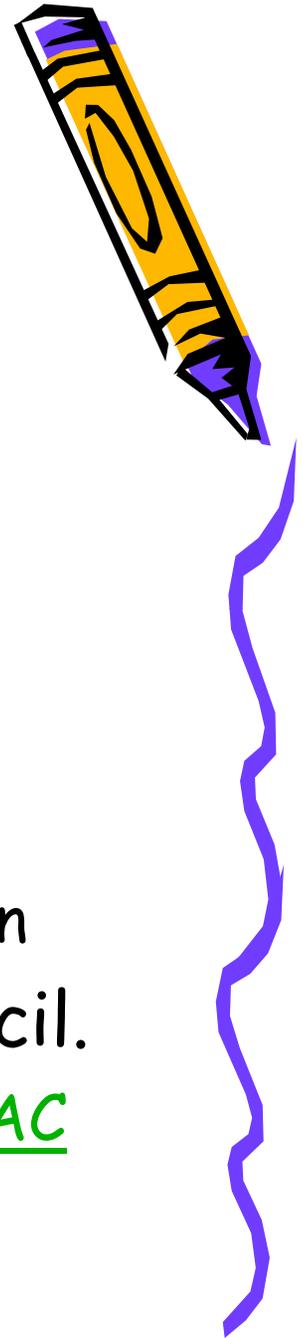
How the law can help with disputes

If you believe your rights or the rights of your child are not being appropriately provided you can:

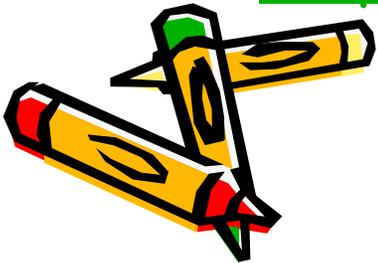
- Discuss resolution with your school district.
- File a complaint with the Department of Education Problem Resolution System.
- Seek resolution through the Bureau of Special Education Appeals (BSEA).
- Seek knowledgeable assistance elsewhere.



Resources



- Teachers and other staff at the local school district.
- Bedford website:
<http://www.bedford.k12.ma.us>
 - Each building has parent info tab
 - Principals publish monthly newsletters
 - Special Education info under Administration
- Members of your Parent Advisory Council.
<http://groups.yahoo.com/group/BedfordSEPAC>



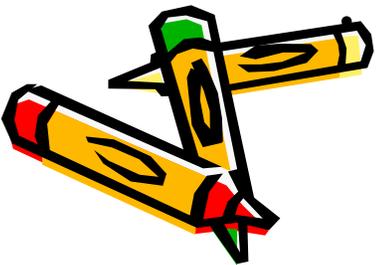
Resources, con't

The state Department of Elementary and Secondary Education. (DESE)

<http://www.doe.mass.edu/sped/>

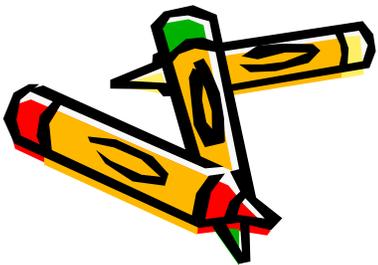
- "A Parent' Guide to Special Education"
- "A Parent's Guide to Selecting A Special Education Advocate in Massachusetts"
- "Notice of Procedural Safeguards"
- "Parent's Rights in Special Education"
- "Disability Definitions and Related Links"
- "Best Practices in Early Childhood Transitions"
- Program Quality Assurance - 781-338-3700

Much more.....



Resources, con't.

- The Federation for Children with Special Needs (1-800-331-0688)
www.fcsn.org
- Disability rights organizations and other disability-related agencies and organizations.



Thank you
for your
attention

