

Special Education What Do I Need to Know?

A Brief Overview for Parents

Inside Learn About:

- Special Education
- Related Services
- Referral
- Evaluation
- Eligibility
- IEP Teams
- Developing the IEP
- Placement
- Resolving Disagreements
- Resources



In 1975, an important federal law was passed.

This law said that all children with disabilities have the right to go to public schools. It also said that children with disabilities have the right to a Free Appropriate Public Education (FAPE).

Today, this law is called The Individual with Disabilities Education Act (IDEA 04)

In the law Congress states...

“Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by ...strengthening the role and responsibility of parents and ensuring that families ... have meaningful opportunities to participate in the education of their children...”

Almost seven million children with disabilities receive services under IDEA 04. These services are called special education and related services. For children birth to age 3, IDEA 04 Part C provides for Early Intervention Services. Part B of IDEA 04 contains the regulations for children starting at age 3 years.

This booklet provides basic information to help parents understand and participate in the special education process.

For more information about IDEA 04 Nevada PEP offers:

- Training workshops
- Information packets
- Individual assistance
- Lending library

You can also access the Web-site for a variety of information and links to excellent local, state and national groups and experts.

THE TERM **SPECIAL EDUCATION** MEANS:

- Specially designed instruction: adapting content, methodology or instruction
- To meet the unique needs of a child with a disability
- At no cost to parents

Special Education services may take place in:

- The classroom
- The home
- Hospitals, institutions/treatment centers
- Other settings

Special education is services and/or supports a child may need if that child has a disability. It is not a place, and it does not mean that a child cannot learn. Services are designed to provide your child a Free Appropriate Public Education (FAPE) to meet your child's unique needs and prepare them for further education, employment, and independent living.

Informed Written Consent...

must be obtained from the parents of the child before conducting an initial evaluation, before doing additional assessments in a reevaluation, and before special education and related services are started for a child with a disability. Recent changes to the law allow parents to revoke consent for special education services. Before doing so, parents are urged to learn about revoking consent from the school or contacting Nevada PEP.

Least Restrictive Environment (LRE)

An important part of the law is the requirement for Least Restrictive Environment (LRE). This means that services are provided in the general education setting with children who are not disabled, to the greatest extent possible.

The type of classroom is based on your child's needs not the type of disability.

WHAT DO I NEED TO KNOW ABOUT Related Services?

When a child qualifies for special education, related services may also be needed. Under IDEA, these services are provided when they are needed to help a child to benefit from special education.

Related Services Include:

- Transportation
- Speech-Language pathology
- Audiology
- Interpreting services
- Psychological services
- Physical and occupational therapy
- Recreation, including therapeutic recreation
- Early identification and assessment
- Counseling services
- Orientation and mobility services
- Medical services to diagnose or evaluate only
- School health services
- School nurse services
- Social work services in schools
- Parent counseling and training

This list does not include all services that can be provided as related services. Also, not all children who need special education need related services.

Nevada PEP offers statewide resources by providing information, support, and training programs on the IEP process, Positive Behavior Interventions and many other topics. For more information on trainings go to www.nvpep.org.

WHAT DO I NEED TO KNOW ABOUT Referral for Special Education?

A teacher may notice that a child is having a hard time learning. Or, it might be the parent who first sees that their child is having trouble in school. When someone is concerned that a child may have a disability, they may make a referral for evaluation. An evaluation identifies a child's needs. It also identifies their strengths. It helps show if the child has a disability and needs special education.

Referral for Evaluation:

A teacher, principal, or other educator may ask to evaluate your child. This request is made to you in writing asking for your written consent. You may say Yes or No to the request.

You may also ask the teacher or principal for your child to be evaluated. This should also be done in writing. Nevada PEP has sample letters you may use as a guide for preparing your written request for evaluation (and/or re-evaluation).

If you ask for an evaluation the school district may say...

Yes. The school will give you prior written notice and ask for your written consent. The form will tell you the type of assessment tools they want to use.

No. The school will give you written notice of their refusal and let you know your rights.

We want to try something else first. Sometimes schools want to try a different teaching method before deciding if evaluation is needed. This may be called RTI (Response to Intervention).

To learn more about RTI ask your child's school or contact Nevada PEP.

For some children, a different way of teaching is enough, and they will not need special education. For others, special education is important to be sure they receive a Free Appropriate Public Education (FAPE).

If the school agrees that an evaluation is needed, they will give you the forms to get started. They must obtain your informed written consent before they test your child.

If the school suspects your child has a disability, they must not refuse to conduct the initial evaluation or delay the initial evaluation to try interventions.

Generally, Nevada schools have 45 school days after you give your informed written consent to finish the evaluation.

WHAT DO I NEED TO KNOW ABOUT Evaluation?

Why would a child need an evaluation?

- To show if he or she has a disability and needs special education and related services
- To understand the child's strengths, needs, and learning styles
- To make educational decisions

Tools that are **part of a complete evaluation/assessment:**

- Tests
- Observation
- A review of the child's work
- Interviews with teachers
- Interviews with and information from parents
- Medical reports
- Other sources

QUESTIONS YOU MAY WANT TO ASK ABOUT Evaluation:

- What will I find out about my child from each assessment tool?
- Is the evaluator experienced in testing children like my child?
- Will the evaluation be in my child's first language?
- Will I be able to see the results of the tests?

Evaluation may not discriminate. If you are concerned about this, talk with the school.

You may agree or disagree with evaluation results. If it does not 'fit' with what you know about your child, you may ask the school:

- to do more testing, or
- for an Independent Educational Evaluation (IEE)

An Independent Educational Evaluation (IEE)...

is a second look at a child. The person who does the IEE does not work for the school district.

If you disagree with the school's evaluation results you may ask for an IEE. The district must provide a reference list and cover the cost of the IEE or request a due process hearing to show its evaluation is correct. (Learn more about Due Process on pg. 13)

If the school district's evaluation is found appropriate through due process, the district is not responsible for paying for an IEE. You may still obtain one at your own expense, and the results must be considered by the school.

If requested the district must provide you with information as to where an independent evaluation may be obtained.

WHAT DO I NEED TO KNOW ABOUT Eligibility?

IDEA describes a “child with a disability” as, a child who...

- Has a disability and, because of the disability, needs special education.
- In Nevada there are 13 different categories of eligibility; such as Learning Disability, Autism, Hearing Impairment, Other Health Impaired. Visit the Nevada PEP web site for a full list.

Many Children have disabilities. Not all children with disabilities need special education.

School personnel and the child’s parents will look at the child’s evaluation results. You are part of the eligibility team that makes the decision.

If you disagree with the decision:

- Let the school personnel know in writing that you disagree.
- Learn what steps you need to take, ask the school/or call Nevada PEP.

What happens if I agree with the school that my child needs special education?

- Once your child is eligible for special education an IEP team meeting will be held within 30 days of the eligibility decision.
- The school will provide you with a prior written notice any time they are suggesting or refusing an action about the eligibility, evaluation, placement or the Free Appropriate Public Education for your child.

Sign up for IEP training and other trainings at www.nvpep.org.

WHAT DO I NEED TO KNOW ABOUT the IEP Team?

The purpose of the IEP Team meeting is to review the evaluation and to develop an Individualized Education Program (IEP).

Team members include:

- Parents
- One special education teacher who teaches or provides special education services to the child
- One regular classroom teacher of the child, if the child participates in a regular educational environment
- Someone who can talk about evaluation (this may be someone who is already a member of the IEP team in another role)
- District representative who is able to provide or supervise special education. This person must also know about the general education curriculum and the availability of the district's resources

With school and parent written agreement a member may be excused from the IEP meeting.

The team may also include:

- The child if appropriate (a child must be invited if the team is planning transition to adulthood).
- Others invited by parents or school staff who may have knowledge or expertise about the child.

School staff will schedule the team meeting...

for a time and place that is mutually agreed upon. They will invite the team members and provide you with written notice of the purpose, date, time, and location of the meeting and list of the representatives who will attend the meeting.

WHAT DO I NEED TO KNOW ABOUT Developing the IEP?

The IEP team must discuss:

- What your child is able to do well - his or her strengths
- Your concerns for your child's education
- The results of the evaluation
- Your child's academic and functional needs*
- The service that your child needs

*Functional needs: the activities of everyday living. These are non-academic needs, such as gross and fine motor skills, self-help and independent living skills.

The team will also talk about “special factors” that include:

- What to do when behavior affects learning
- Language and communication needs related to English skills (English Language Learners)
- Braille (blind or visually impaired)
- Your child's communication needs
- Your child's need for assistive technology

Each year you and other team members will discuss and write your child's Individualized Education Program (IEP).

A draft IEP may be prepared prior to the IEP meeting, you may request a copy of the draft for review.

With agreement, in some cases, amendments to the IEP can be made without a meeting. Parents or school staff can request an IEP meeting during the year to make changes and/or address concerns.

THE IEP WILL DESCRIBE:

Present levels of performance- how your child is doing in school. The information is from the evaluation and how your child is doing in the general curriculum/school.

Annual goals- the goals for your child to meet within one year. The goals must be measurable and should relate to the present levels of performance.

Benchmarks- or short-term objectives describe performance levels or skills your child is expected to meet.

Special education and related services- the special services that the school will provide.

The Least Restrictive Environment- if your child is not able to participate with all children in the regular class and other school activities, the team must explain why.

Modifications to the regular educational program or support for school personnel that must be provided for the child to advance appropriately toward attaining the annual goals; participate and progress in the general education curriculum; and participate in extracurricular activities and other nonacademic activities.

Dates and place when services will begin, how often, where, and for how long each service will be provided.

How progress will be measured and how you will be informed of your child's progress towards meeting annual goals.

Nevada uses a standard IEP form. Register for Nevada PEP's IEP clinic for a sample copy and detailed review of the contents.

Transition:

By the age of 14, the child's courses of study should be identified in the IEP. By the age of 16 (or younger, if needed), the services your child needs to move from school to adulthood must be listed. It includes such things as job skills and living skills.

Age of Majority:

In Nevada children become legal adults at the age of 18. On or before the student's 17th birthday, the IEP must state that the child has been told of the rights that will be given to him or her as an adult. At 18, most young people will have the right to plan and develop their own special education services. This includes agreeing or disagreeing to their IEP. After the transfer of rights, the school must provide all prior and other written notices to both the young adult and their parents. Depending on the student's IEP, services can continue until their 22nd birthday.

WHAT DO I NEED TO KNOW ABOUT Placement?

Special education is a program or a set of services a child needs; it is not a place.

Placement is where special education and related services are provided for a child. The IEP team will determine placement at the IEP meeting. Parents must be invited to any meeting where their child's IEP or placement is discussed.

The process is:

- First the team develops the IEP
- Then the team will talk about placement
- The team must consider Least Restrictive Environment (LRE) requirements. Meaning that, to the maximum extent appropriate, children with disabilities must be educated with children who do not have disabilities

WHAT DO I NEED TO KNOW ABOUT Resolving Special Education Disagreements?

Parents may agree or disagree with their child's IEP.

Parents may agree or disagree with the evaluation results or the placement decision.

Before a school district can provide special education to a child for the first time, parents must give written consent. The child receives services as soon as possible after parents agree to the written IEP.

Procedural Safeguards protect the rights of parents to help plan their child's educational program. These rights also provide steps for parents and schools to try to reach an agreement. Each school district must give parents a copy of their IDEA rights.

Tips for resolving differences:

- Meet with school and/or district staff
- Present concerns without pointing blame
- Focus on what the issues are, not on individual opinions
- Listen respectfully to the ideas of others
- Brainstorm ways around differences
- Celebrate progress made toward agreement

Additional Options for Resolving Differences:

A State Complaint is one option provided by IDEA to try to reach agreement. It is not a meeting, but a written complaint explaining why parents think their school district is not following the law. Model complaint forms are available either at the school district, through the Nevada Department of Education or Nevada PEP.

WHAT DO I NEED TO KNOW ABOUT Due Process?

Meet with the school/district staff. This is the first step in finding agreement. Talk about your differences, and be clear about why you do not agree. Sometimes this is the easiest way to solve a problem. If it is not successful, then try one of the other more formal steps.

Mediation is a meeting between parents and the school district. The parent and school must agree to try mediation. A person who does not work for the district helps both sides to find agreement. This person is called an impartial mediator.

Resolution session is a required meeting, in most cases, whenever a parent submits a due process request. It is organized by the school. It is held within 15 days of the school receiving a due process request. The resolution session includes parents, other IEP team members, and a representative of the school district who can make decisions.

An impartial due process hearing is a formal hearing. Each “side” presents its position, and a hearing officer makes the final decision about what to do. A decision is based on evidence and law. Parents and schools often have attorneys, but it is not required, to represent them at due process hearings.

Appeal- a due process decision made by a hearing officer may be appealed to a review officer. Decisions made by the review officer may be appealed by filing a civil action. Parents should seek the advise of legal counsel for details regarding filing appeals.

TEAMWORK

IDEA calls for an IEP team to work together to develop the educational program for a child who is eligible for special education services. Teamwork goes beyond the team concept by building a relationship with mutual interests and equal status. Teamwork is the foundation of a successful Individualized Education Program. Parents need to gather information, learn all they can about special education and the disability. The more parents know, the more comfortable they are being equal members of the team.

RESOURCES

For additional information please contact Nevada PEP, your local school district or Nevada Department of Education at www.doe.nv.gov - Las Vegas Phone: 702.486.6458
Carson City Phone: 775.687.9200

Additional Resources

www.ed.gov - Promoting educational excellence for all Americans

<http://idea.ed.gov> - This site was created to provide a “one-stop shop” for resources related to IDEA and its implementing regulations.

www.fape.org - This project is a partnership that aims to improve the educational outcomes for children with disabilities. It links families, advocates, and self-advocates to information about the Individuals with Disabilities Education Act (IDEA).

www.pacer.org - This brochure was adapted from PACER Center’s “Special Education: What Do I Need to Know?” A Brief Overview for Parents” created by PACER as a tool for Parent Centers to use across the country. Thank you PACER for once again providing us with an exceptional tool to work with.

The IDEA goal...

To ensure that all children with disabilities have a free appropriate public education designed to **meet their unique needs and prepare them for further education, employment, and independent living**; and to ensure that the rights of children with disabilities and their parents are protected.



Strengthening Families *with*
Education • Empowerment • Encouragement

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