

Special Education Process

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What is the Special Education Process?

- ▶ **Identification and Referral**
- ▶ **Evaluation**
- ▶ **Determination of Eligibility**
- ▶ **Development of an Individualized Education Program (IEP) and Determination of Services**
- ▶ **Reevaluation**

Referral

- ▶ **When your child is suspected of having a disability, a referral, which is a written or oral request for an evaluation, is given to the school.**
- ▶ **A referral can be made by any source, including child study team, parent, school staff, or other individuals.**
- ▶ **Within three business days, the special education administrator must decide whether to evaluate your child, request a review from the school-based team, or deny the request.**

School-Based Team

- ▶ **Each school has a team to process referral requests for children suspected of having a disability.**
- ▶ **For children who are referred, the team will review the child's education records and information about the child's performance and make recommendations for meeting the child's educational and behavioral needs.**
- ▶ **The team may use a process based on your child's response to scientific and research-based interventions.**
- ▶ **If your child does not make appropriate progress using these interventions, the team will refer your child for an evaluation to determine if your child needs special education services.**
- ▶ **The team must meet within 10 business days following the referral.**

Evaluation

If the decision is to evaluate, the special education administrator must:

- **Give you notice of all evaluations, give you procedural safeguards, inform you of the procedures for the process, involve you in deciding what evaluation information is needed, and request any evaluation information you may have;**
- **Include you as a member of the team;**
- **Get your written consent;**
- **Ensure that all evaluations are completed and decision about eligibility has been made within 65 business days.**

What Happens if the School Decides Not to Evaluate?

If the decision is not to evaluate, you must be given:

- **A written notice (prior written notice) of the decision;**
- **A full explanation of the reasons for the decision not to evaluate;**
- **An explanation of procedural safeguards, including your right to challenge the decision through an opportunity to request mediation and/or a due process hearing.**

Eligibility

Eligibility for special education and related services must be determined within 65 days after the referral for initial evaluation is received.

Who is included on the eligibility team?

- **You;**
- **Special education administrator;**
- **School personnel from disciplines providing assessments;**
- **Special education teacher;**
- **The child's general education teacher or a general education teacher qualified to teach a child of the child's age;**
- **Person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or teacher of remedial reading.**

Eligibility

The determination of whether a child is a child with a disability is made by the parent(s) and a group that is collectively qualified to:

- **Conduct appropriate individual diagnostic assessments;**
- **Interpret and analyze the information from the assessments;**
- **Develop educational and transitional recommendations.**

If your child is found eligible, the group must forward a summary statement to the IEP team. Once the evaluation is complete and eligibility is decided, an IEP must be developed no later than 30 calendar days after the date eligibility was decided.

Individualized Education Program (IEP)

An IEP must be developed within 30 calendar days of the date that they child was found eligible for special education and/or related services.

Components of an IEP:

- **Present Levels of Academic Achievement and Functional Performance**
- **Measurable Annual Goals**
- **Measuring Progress**
- **Participation in State and Division wide Assessments**
- **Special Education Services**
- **Related Services**
- **Extended School Year**
- **Transition Plan**

What Happens in an IEP Meeting?

The school must ensure that you understand what is discussed at the meeting, including providing an interpreter for you if you are deaf or do not speak English.

At the IEP meeting, the IEP team will give you a written description of the factors the team must consider, including:

- The strengths of your child and your concerns about your child's education;
- The results of the most recent evaluation of your child;
- Your child's academic, developmental, and functional needs;
- Behavior intervention strategies and supports if your child's behavior interferes with learning;
- The child's language as it relates to the IEP;
- Instruction in Braille and the use of Braille
- The communication needs of your child;
- Your child's need for benchmarks and short-term objectives;
- Your child's language and communication needs if he or she is deaf or hard of hearing; and,
- Any need for assistive technology devices and services.

Present Level of Academic Achievement and Functional Performance (PLAAFP)

This statement, written in objective measurable terms describes:

- **How your school-age child's disability affects his or her involvement in the general curriculum;**
- **How the disability affects your preschool child's participation in appropriate activities;**
- **What other educational needs result from the disability.**

Measurable Annual Goals

- ▶ **The IEP must state measurable annual goals, including academic and functional goals for your child, meaning what the team believes he or she reasonably can accomplish in a year.**
- ▶ **This statement of annual goals may include individual steps (sometimes called short-term objectives) or major milestones (sometimes called benchmarks).**
- ▶ **If your child's IEP provides that your child will participate in alternative assessments that reflect alternative achievement standards, the IEP must include benchmarks or short-term objectives.**
- ▶ **The goals must relate to meeting the needs that result from your child's disability.**
- ▶ **They also must help your child to be involved and progress in the general curriculum.**

Measuring Progress

The IEP must state:

- **How your child's progress toward the annual goal will be measured;**
- **When you will receive periodic reports on your child's progress toward meeting his or her annual goals.**

Progress reports are provided on a quarterly basis on a timeline consistent with report cards.

Participation in State and Division Wide Assessments

The IEP must include a statement explaining:

- **Any accommodations or modifications for the state or divisionwide assessments;**
- **Reasons for your child's nonparticipation in the state or divisionwide assessments;**
- **How your child's nonparticipation in these assessments will affect his or her promotion or graduation with a standard or advanced studies diploma;**
- **How your child will be assessed in each area of nonparticipation, and why the particular alternate assessment is appropriate for your child.**

Placement

- ▶ **The placement decision determines where your child's special education instruction will occur.**
- ▶ **This decision is made by the IEP team, including you, each year and is based on your child's IEP.**
- ▶ **If your child is placed in a private special education facility, a Comprehensive Services Act (CSA) team, including you, may meet to discuss your child's placement.**
- ▶ **The IEP team must consider placement closest to your child's home.**
- ▶ **Your child must be educated in the school that he or she would attend if not disabled unless the IEP indicates that another school is more appropriate.**

Least Restrictive Environment (LRE)

- ▶ **LRE means that children with disabilities are educated with children without disabilities to the maximum extent appropriate.**
- ▶ **Your child must not be placed in special classes or separate schools unless education in general education classes with aids and services cannot be achieved satisfactorily.**
- ▶ **Similarly, your child must be able to participate with children without disabilities, to the maximum extent appropriate, in nonacademic activities such as meals and recess, or extracurricular activities.**
- ▶ **If the IEP team determines that your child needs aids and services to help him or her to participate in these activities, the school must make those available.**

Special Education Services

This statement also includes changes to the program or supports for school personnel that will be provided for your child to:

- **Advance appropriately toward attaining the annual goals;**
- **Be involved and progress in the general curriculum;**
- **Participate with other children with disabilities and children without disabilities in the general education curriculum as well as extracurricular activities.**

The IEP must state:

- **What month, day, and year the services and modifications will start;**
- **How often they will be provided;**
- **Where they will be provided; and,**
- **How long they will last.**

The IEP must include an explanation about the extent of your child's nonparticipation in general education classes and activities.

Related Services

- ▶ **Related Services means transportation and such developmental, corrective, and other supportive services as are required for a child with a disability to benefit from special education.**
- ▶ **Can include but are not limited to: speech-language, physical therapy, occupational therapy, counseling services, and nursing services.**
- ▶ **A child who is eligible for special education is then eligible for related services.**
- ▶ **The type and amount of related services a child needs is determined by the IEP team.**

Extended School Year

- ▶ **Extended school year services shall be provided only if a child's IEP team determines on an individual basis that the services are necessary for the provision of a free appropriate public education to the child, because the benefits a child with a disability gains during the regular school year will be significantly jeopardized if extended school year services are not provided.**

Transition Plan

Before your child enters secondary school, but no later than the first IEP to be in effect when your child reaches age 14 (or younger, if the IEP team decides it's appropriate), your child's IEP must include:

- **Post-secondary goals, appropriate to your child's age, which are measurable and based on age-appropriate assessments. The goals should relate to training, education, employment, and if appropriate, independent living;**
- **Transition services which must be based on your child's needs and take into account your child's strengths, preferences, and interests. These services may also include activities such as instruction, related services, and community experiences.**

Prior Written Notice

- ▶ **Parents must receive this notice before the school implements whatever it proposes or refuses to do**
- ▶ **The school must give this notice on matters involving the identification, evaluation, or placement of your child or the provision of a free appropriate public education to your child.**

What Information is in the Prior Written Notice?

The notice must include:

- **A description of the action proposed or refused by the school;**
- **An explanation of the school's proposal or refusal to take action;**
- **A description of any other options the school considered and the reason(s) for rejecting those options;**
- **A description of other factors important to the school's proposal or refusal;**
- **A description of each evaluation procedure, test, record, or report the school used as a basis for the action;**
- **A statement that you as a parent of a child with a disability have protection under the procedural safeguards;**
- **Information on how to get a copy of the procedural safeguards (if it is not included);**
- **Sources for you to contact in order to get help in understanding the content of the notice.**

Procedural Safeguards Notice

- ▶ Another type of notice is the procedural safeguards notice, which provides an explanation of your legal rights.
- ▶ A copy of the procedural safeguards notice must be given once a year.
- ▶ The school division may post a copy of this notice to its website; however, the school division still must provide you a copy of the procedural safeguards notice, as required.

http://www.doe.virginia.gov/special_ed/regulations/state/procedural_safeguards/english_procedural_safeguards.pdf

Annual Review

The IEP team will meet at least once a year to review and revise your child's IEP. The IEP team addresses:

- Progress or lack of progress towards your child's annual goals;
- The results of any reevaluation;
- Information provided to or by you;
- Your child's anticipated needs; or,
- Other matters.

You may request that your child's IEP be reviewed at any time.

Reevaluation

At least every three years, the school must reevaluate your child, unless you and the school agree that the reevaluation is not needed. Your child may be reevaluated more often if you or the teacher requests it or if conditions justify a reevaluation to determine whether your child is still a child with a disability or to determine your child's educational needs. However, a school may not conduct a reevaluation more than once a year, unless you and the school agree otherwise.

Parent Participation

You must be provided an opportunity to participate in meetings concerning your child's special education identification, evaluation, and educational placement and the provision of free appropriate public education (FAPE) to him or her.

Therefore, the school must provide notice of a meeting early enough to ensure that you have an opportunity to participate.

Informal or unscheduled conversations between school personnel about such topics as teaching methods, lesson plans, preparation for a future meeting, or coordination of services are not considered meetings. Therefore, notice is not required.

Parental Consent

Consent means that:

- You have been given all the information you need in order to make a decision;
- You have been given this information in your native language or other mode of communication;
- You understand and agree in writing to the activity proposed by the school;
- The given information describes the activity proposed by the school and lists the records, if any, that will be released and to whom they will be released.

When Does the School Need My Permission?

Giving permission, or written consent, is voluntary on your part and may be withdrawn at any time.

However, you must give written consent before the school can:

- **Conduct any evaluations which would be used to qualify your child for special education;**
- **Change the identification of your child;**
- **Place your child for the first time in a program providing special education and related services;**
- **Change your child's IEP or placement, including any partial or complete ending of special education or related services;**
- **Release information from your child's school record to non-school personnel;**
- **Access your child's Medicaid or other insurance benefits; or,**
- **Invite someone to an IEP meeting from a participating agency that is likely to provide or pay for secondary transition services.**

How can I Support and Encourage My Child's Learning?

- ▶ **Talk with other parents of children with disabilities, contact Parent Resource Services, get involved in a local parent group, and attend workshops to learn more about the education of children with disabilities.**
- ▶ **Attend all meetings concerning your child. Prepare by talking with your child, by listing your ideas about your child's strengths and weaknesses, your goals for your child, and by making notes about what you want to say during the meeting.**
- ▶ **Ask your child's teacher, the principal, or special education administrator when you have questions.**
- ▶ **Communicate requests, concerns, or problems in writing and keep a copy for your own records.**
- ▶ **Explain any special equipment, medication, or medical problem your child has.**
- ▶ **Let the teacher(s) know about any activities or big events that may influence your child's performance in school.**
- ▶ **Ask the teacher(s) how you can build upon your child's school activities at home.**
- ▶ **Encourage behavior that leads to success in school, such as accepting responsibility, following rules, being organized, and being on time.**
- ▶ **Remember that you and the school want success for your child. Working together can make this happen.**

Resources

- ▶ **Parent Resource Services:** www.lcps.org/parentresourceservices
- ▶ **Virginia Department of Education:**
http://www.doe.virginia.gov/special_ed/index.shtml
- ▶ **United States Department of Education:** <http://www.ed.gov>