



Navigating the Special Education System

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About Me



Christen Fanelli, Ph.D.

- Currently: Maryland State Department of Education (MSDE), Manager, Student Services and School Counseling
- Previous School Work: school psychologist, school counselor, and high school science teacher
- Previous Clinical Work: clinical psychologist, specializing in neuropsychological testing

Outline

Defining Special Education



The Special Education Process



The Individualized Education Program (IEP)



When Things Go Wrong

Outcomes



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|------------|---------------------------------------------------------------------------------------------------|
| Describe | Describe what is and is not special education |
| Explain | Explain the special education process and the role of the parent/guardian in that process |
| Review | Review the basic components of an Individualized Education Program (IEP) |
| Understand | Understand their rights and options when there is a disagreement in the special education process |



Defining Special Education

FERPA: Family Educational Rights and Privacy Act

Parents/guardians (and children over the age of 18) are entitled to the child's entire educational record

No one else is allowed to request these records without parental permission or consent

Must provide parent with the opportunity to inspect and review child's records within 10 school days of request

IDEA: Individuals with Disabilities Education Act

- Defines special education as:

“Specially designed instruction, provided at no cost to the parents, to meet the unique needs of a child with a disability, including adapting content, teaching methodology and delivery instruction to meet the appropriate needs of each child.”

IDEA: Individuals with Disabilities Education Act

- Sets the minimum requirements states must meet in order to receive federal special education funding
- Grants students with disabilities the right to receive a Free Appropriate Public Education



- Individualized Education Programs (IEP):
“must be appropriately ambitious in light of (a child’s) circumstances, just as advancement from grade to grade is appropriately ambitious for most children in the regular classroom.”
 - Supreme Court ruling in the case *Endrew F. v. Douglas County School District*

FAPE: Free Appropriate Public Education

What Special Education is Not

504 Plan

- For a student with a disability that interferes with the child's ability to learn in a general education classroom
 - Provides access to learning through accommodations

Individualized Education Program (IEP)

- For a student who has at least a disabilities listed in federal law that affect the child's educational performance and/or ability to learn and benefit from the general education curriculum
 - Provides access to special education through modifications

Accommodations vs. Modifications

Accommodations

- Changes how a student learns the material
- A change that helps a student overcome or work around the disability
- Typically, physical or environmental changes
- Examples:
 - Breaks
 - Large print books
 - Extended time
 - Reminders and redirections

Modifications

- Changes what a student is taught or expected to learn
- Connected to instruction and assessment
- Can be tangibly changed or modified
- Examples:
 - Using a lower level reading text
 - Completing alternative assignments
 - Being provided with an alternative curriculum



The Special Education Process



Your Rights

- Parents/guardians have rights during the special education process, known as **procedural safeguards**
- These safeguards are designed to protect the rights of parents/guardians and their child with a disability
- Must be provided to parents/guardians during the special education process

Individuals with Disabilities Education Act (IDEA) Disability Categories

Autism (ASD or AUT)

Deaf-Blindness

Deafness

Developmental Delay (DD)

Emotional Disturbance (ED)

Hearing Impairment

Intellectual Disability (ID)

Multiple Disabilities (MD)

Orthopedic Impairment

Other Health Impairment (OHI)

Specific Learning Disability (SLD)

Speech or Language Impairment (SLI)

Traumatic Brain Injury (TBI)

Visual Impairment, including Blindness

Pre-Referral

When a student exhibits learning or behavioral challenges, educators must first try to determine if changes to instruction or other aspects of the learning environment are sufficient

Uses evidence-based strategies that draw on your child's strengths and meet their educational needs

Usually a team process

Referral

Child Find: "The State must identify, locate, and evaluate all children with disabilities in the State who need special education and related services"

Both schools and parents/guardians can refer a student for the special education process

The school can reject the request and must provide a Prior Written Notice (PWN) that explains why

If school agrees to evaluation, parent/guardian must provide written consent for an evaluation

Evaluation

Federal law states that the evaluation must be completed within 60 calendar days of receiving parent/guardian consent



Initial comprehensive, individualized assessment consists of all areas of concern related to the suspected disability



Evaluation may include:

Interviews with parents/guardians, school staff, student

Review of developmental and background information

Review of educational records

Cognitive evaluation

Academic achievement evaluation

Evaluation of behavioral, adaptive, social, and emotional functioning

Speech, language, occupational therapy, physical therapy, audiology, or vision evaluations

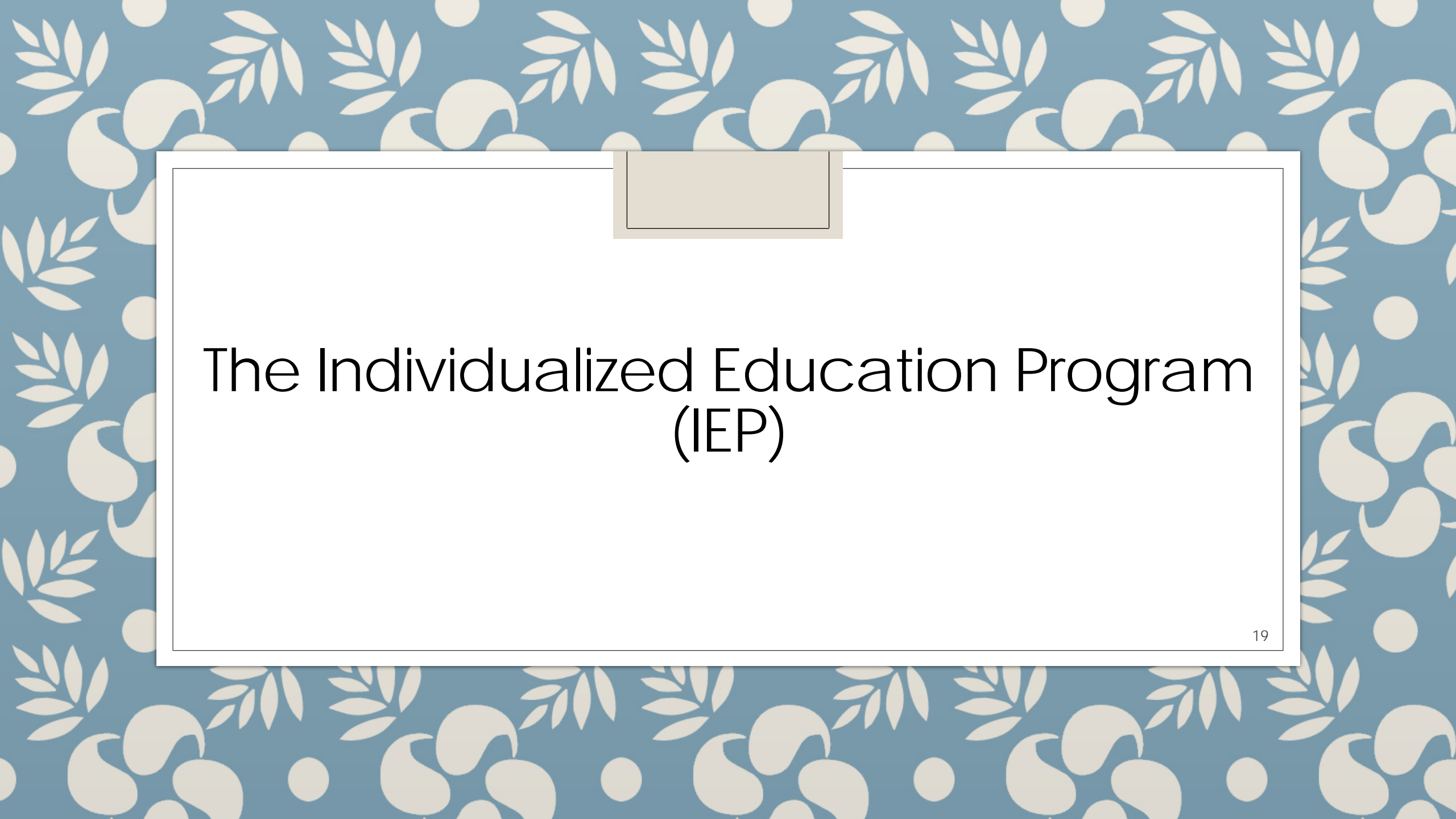
Eligibility

Eligibility is a Team decision:

- Does the student have a disability?
- Does that disability effect the student's academic and/or functional performance to such an extent that she requires special education services?

Team should include:

- Parent/guardian
- General education teacher
- Special education teacher
- Someone from the school who knows the student
- Someone who can interpret the evaluation(s)



The Individualized Education Program (IEP)

Individualized Education Program (IEP)

Developed by a team within 30 days of eligibility meeting

Parent/guardian must give consent again to provide the special education services identified in the Individualized Education Program (IEP)

Broadly identifies the academic, physical, cognitive and social-emotional instruction offered to children who are faced with one or more disabilities.

Contents



Present levels of academic achievement and functional performance (PLAAFP)



Annual goals, including description of measuring and reporting progress



Description of special education and related services and supplementary services, including the date of service initiation, frequency, duration, location



Explanation of the extent the student will not be educated in the general education setting



Student's participation in state and district-wide assessments

Annual Review

The student's progress toward meeting Individualized Education Program (IEP) goals is to be evaluated at least annually

Any member of the Individualized Education Program (IEP) team can request a meeting before this annual meeting



The student's current performance, progress, needs, and placement are revisited to update the Individualized Education Program (IEP)

Re- Evaluation

The student must be re-evaluated every three years, known as a triennial evaluation

The team may choose to re-evaluate sooner, if necessary



The purpose is to determine whether the student is still eligible for and requires special education services



Usually through another comprehensive, individualized evaluation



When Things Go Wrong

Special Education Complaints



A parent/guardian may file a written complaint when they believe a school has violated federal or state law concerning special education



A written report will be mailed within 60 days of receiving the complaint

- If the parent/guardian disagrees with the evaluation, they have the right to take their child for an Independent Educational Evaluation (IEE)
- Parents/guardian may ask that the school system pay for this IEE

Independent Educational Evaluation (IEE)

Mediation



- IDEA requires school systems to have procedures to make Mediation available to parents/guardians and schools to resolve a dispute
- Both parties must agree to mediation

Due Process Complaint

A letter/complaint filed by an individual or organization on matters of conflict

Must be filed within 2 years of the date the parent/guardian or school should have known about the alleged action

Due Process Timelines

Within 5 days of the request, the hearing officer must determine if the request is adequate to continue

School must offer to meet with parent/guardian within 15 days for a resolution meeting

If the dispute is not resolved within 30 days of the request for a hearing, the hearing must be held within 45 days (75 days total from request)

Resolution Meeting

Federal law requires that schools hold a resolution meeting within 15 days of receiving a due process complaint

Gives the opportunity to resolve the dispute without holding a due process hearing

If a resolution is reached the parent/guardian and school must enter into a legally binding, written agreement

If an agreement is not reached, the next step will be the due process hearing

Due Process Hearing



Legal proceeding; lawyers are highly recommended

Disclosure: all completed evaluation must be made available to all parties at least five business days before a hearing conducted

Meet with a hearing officers, who's job it is to weigh the merits of each party's argument, evidence, and witnesses in light of special education law



Questions??



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