

# Parents Rights in Special Education

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Presenter Name/Title

# Goals

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Parents will have a better understanding of...

- Their basic rights under special education law.
- Basic special education procedures.
- How to participate in the “team process”,
- Collaborating with the school to support their child.

# Agenda

1. The Goal of Special Education
2. Core Values of Special Education
3. Basic Rights
  - a. Referral & Evaluation
  - b. The Team Meeting
  - c. Special Education Eligibility
  - d. The IEP
  - e. Discipline
4. Q & A

# The Goal of Special Education

*The ultimate goal of special education is to ensure the student, upon graduation, will be able to function in society and our community as independently as possible. This requires that thought be given to supports and services which might be necessary for a student's academic development. It also includes a student's social and emotional development; functional skills development; and all non-academic skills required to prepare the student for further education, employment, and independent living.*

*Special education is a temporary service, not a place. The goal for students receiving special education is to one day no longer need it!*

# Core Values

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1. Parent and Student Involvement
2. Least Restrictive Environment
3. Free Appropriate Public Education

# Core Value #1: Parent and Student Involvement

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- You know your child best!
- Participate in IEP meetings
- Consent to all evaluations
- Consent to all IEP services
- Appeal decisions you may disagree with
- Students formally join the IEP Team at 14 years, with decision making at 18 years.
- Document translations & meeting interpretation are available upon request

# Core Value #2: Least Restrictive Environment

- Least Restrictive Environment (LRE)
  - Spectrum of services
  - Goal is to educate students with disabilities with their general education peers as much as possible.

More Restrictive

Less Restrictive

Public or Private  
Spec Ed Schools,  
Residential Schools

Substantially  
Separate Class

Partial  
Inclusion

Full  
Inclusion

# Core Value #3: Free Appropriate Public Education

- Free Appropriate Public Education (FAPE)
  - Children with disabilities between the ages of 3-22
  - Always free to the parent
  - Appropriate = not too many services, not too few

# Start the process: Evaluation Referrals

- Request an evaluation
  - A parent or the school can make this request.
    - Parent should submit in writing & list their concerns (reading, speech, etc)
  - School will send home a consent form to evaluate the student
    - Parent consent is required before any testing can begin
- Types of Assessments:
  - An assessment in all areas related to the suspected disability
  - IQ, academic achievement, educational history, classroom observation.
  - Psychological, speech/language, occupational therapy, etc.
- A student's academic English abilities must be taken into account.

# What an evaluation consent form looks like...

Once a parent's consent is received, the school has 30 school days to test the student.

School District Contact Person/Phone #Daniel Turco/

## EVALUATION CONSENT FORM Attachment to Notice of Proposed School District Action

Student Name: XXXX XXXX DOB: xx/xx/xxxx ID: XXXXXXXXXX Grade: XX grade

Notice Date: XXX/XX/XXXX  Initial  Re-Evaluation  Additional Evaluation

Type of Assessments: <i>The school district uses a variety of assessment tools to gather information about the educational needs of your student. This table includes the different types of assessments and whether your school district recommends them for your student. (Check yes or no for each assessment.)</i>	RECOMMENDED	
	YES	NO
<b>Assessment in All Areas Related to the Suspected Disability or Disabilities*</b> - describes the student's performance in any area related to the child's suspected disability or disabilities. List recommended assessment(s): Academic Intellectual Speech & Language Occupational Therapy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Educational Assessment*</b> - includes the history of the student's educational progress in the general curriculum and includes current information on the student's academic performance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Observation of the Student</b> - includes an observation of the student's interactions in the classroom environment, in the student's natural environment, or in an early intervention program.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Health Assessment</b> - details any medical problems or constraints that may affect the student's education.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Psychological Assessment</b> - helps to identify a student's strengths and weaknesses as it relates to academics and social-emotional learning, as well as their individual learning style.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Home Assessment</b> - details any family history and home situations that may affect the student's education and, with written consent, may include a home visit.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

\* This assessment is required for initial evaluations and re-evaluations.

### 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)

I request access to all summaries of assessment reports at least two days in advance of the Team discussion. (603 CMR 28.042 (C))

Do you need an interpreter?  If yes, what language?   
 Do you need documents translated?  If yes, what language?

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

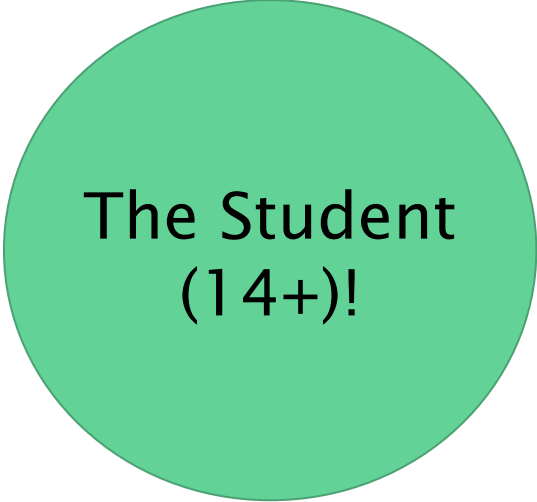
We strongly encourage you to share your knowledge of this student with us. If you choose, please provide a written statement below or call the indicated contact person. Thank you.

# The Referral: What happens after the student is tested?

- The evaluators shall summarize in written reports:
  - procedures used, results, diagnostic impression, student's needs, and make recommendations how to meet the child's needs.
- A Team meeting will be scheduled at a time mutually convenient to the school and parents, at which the evaluation will be discussed.
- If requested on the consent form, a parent can obtain a copy of the evaluation report at least 2 days before the Team meeting.

# Who Attends the Team Meeting?

1. The parent(s)
2. School District Representative
3. General Education Teacher
4. Special Education Teacher
5. Related Service Providers
6. Individual to interpret evaluations
7. Others with additional information about the child



The Student  
(14+)!

# What happens at the meeting?

**Eligibility:** The Team comes together to review the evaluation results and asks the following questions:

1. *Does the child have a disability? If yes, which one?*
2. *As a result of the disability, is the child not making progress in school?*
3. *Does the child require specialized instruction to make progress?*

If the answer is **YES to all of the questions**, then the student is eligible for special education and an **IEP is developed**.

- The Team comes back together annually.
- The student is re-evaluated every three years.

# DESE Disability Categories

1. Autism
2. Communication Impairment
3. Developmental Delay (ages 3-9 years)
4. Emotional Impairment
5. Health Impairment
6. Intellectual Impairment
7. Neurological Impairment
8. Physical Impairment
9. Sensory Impairment (Hearing, Vision, Deaf-Blind)
10. Specific Learning Disability

Having a disability does not automatically make one eligible for an IEP. All 3 questions must be a YES.

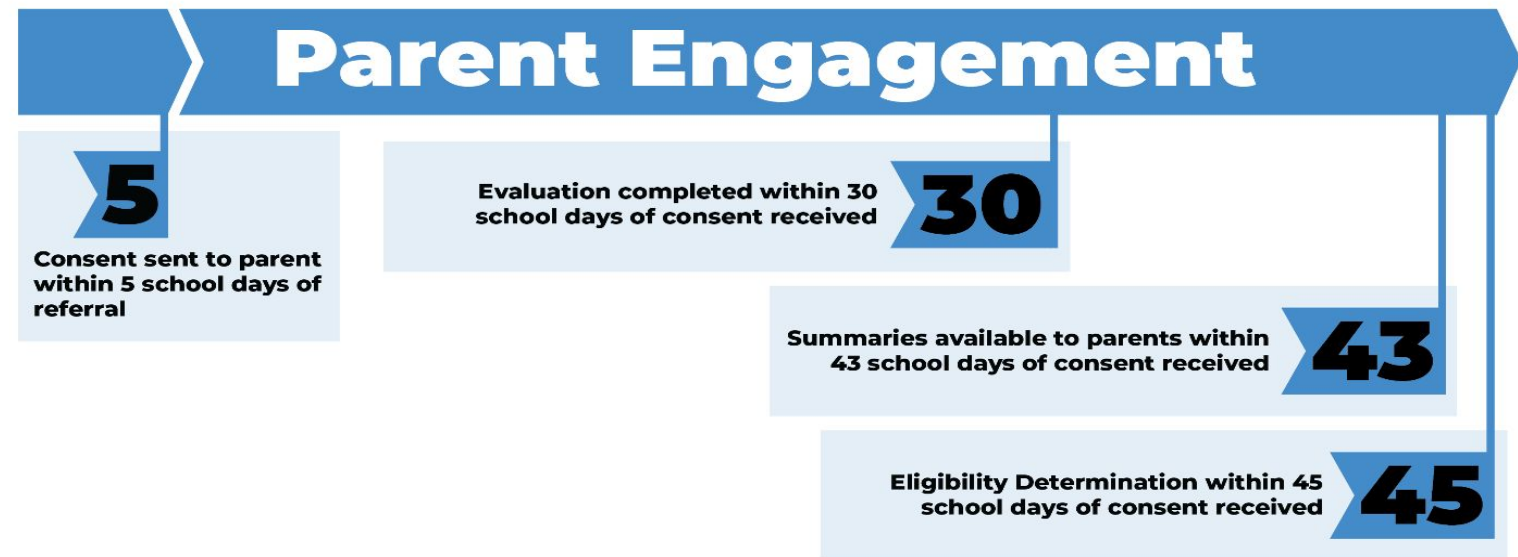
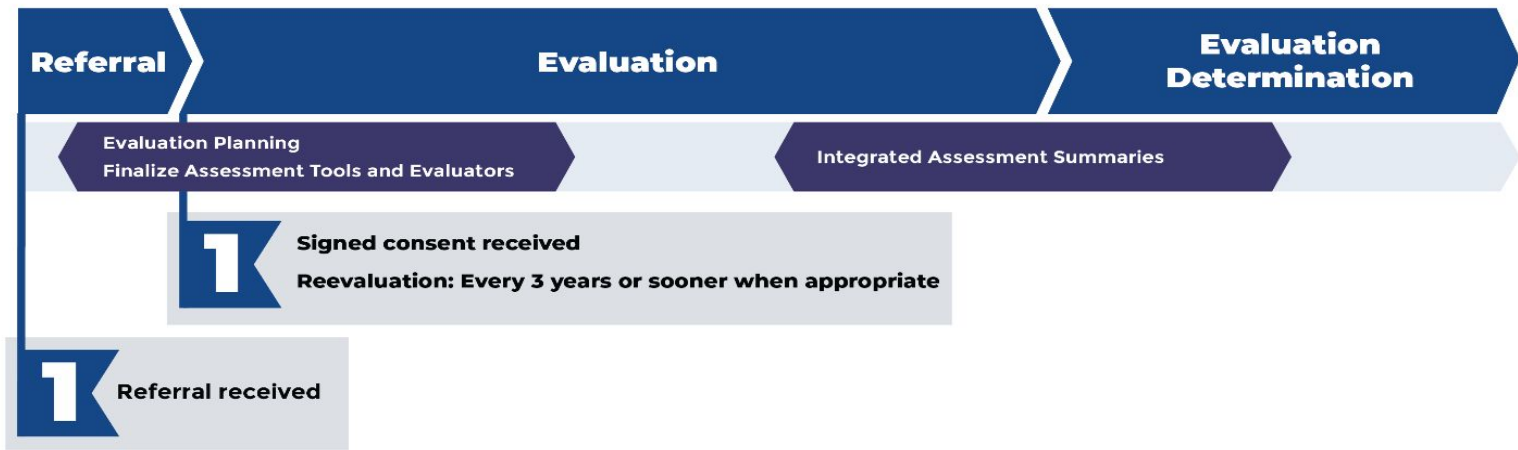
1. Does the child have a disability?  
If yes, which one?
2. As a result of the disability, is the child not making progress in school?
3. Does the child require specialized instruction to make progress?

# IEP - Individualized Education Program

1. Parent &/or student concerns
2. The student's vision & the team's response to the student's vision
3. Student's Performance, Preferences & Needs in different areas:
  - a. Academic, Social-Emotional & Behavioral, Communication, Additional areas
4. Accommodations, Modifications, and specially designed instruction
5. Measurable IEP Goals & benchmarks
  - a. IEP Goal Progress Reports!
6. When & where the IEP services will be delivered
  - a. Includes related services (e.g., Speech in the speech office 1x30/week...)
7. Schedule modifications including Extended School Year (ESY)
8. Transportation needs due to disability
9. How student will participate in Standardized Testing (MCAS)

# After the IEP Meeting

- The Special Education Director will provide parents with an IEP Team Summary Form outlining student goal areas and proposed service delivery grid.
- The school will send home the proposed IEP within 10 *school* days of the meeting or on the 45th *school* day of receiving evaluation consent (whichever is earlier).
- The parent has 30 *calendar* days to review, sign, and return the IEP to the school.
- Options for the IEP:
  - Accept the IEP in full
  - Reject IEP in full
  - Accept the IEP in part
- Parent can request a Team meeting to discuss rejection portion of the IEP if they check the appropriate box.



# Discipline

- Students may be suspended for 10 days before special education process “kicks in”.
  - After 10 days, IEP Team meets to conduct a Manifestation Determination Review.
  - Educational services provided for suspensions that last more than 10 days.
- Due process & a hearing is required before being suspended.
  - The school must “exhaust all other remedies” and have a hearing with parent before suspending.
- Emergency Removal
  - Temporary removal of the student from school before a hearing.
  - Occurs when a student’s continued presence at school poses “a danger[...] or substantially disrupts the order of the school [...] and there’s no alternative.”
- For more information, please see your school district’s handbook

# The Manifestation Determination Review (MDR)

After 10 days of being suspended, IEP Team meets to conduct a Manifestation Determination Review (MDR).

The Team Chair leads the IEP Team through the following items:

1. Review all relevant information to the student's disability
2. Description of the recent incident
3. Decision: The Team Chair will determine whether the conduct was a manifestation of the student's disability by answering the following questions:
  - a. *Was the conduct caused by or have a direct and substantial relationship to the disability?*
  - b. *Is the conduct in question a direct result of the system's failure to implement the child's IEP?*

# The Manifestation Determination Review (MDR)

If the conduct is a manifestation of the student's disability, the school must implement either a Functional Behavior Assessment (FBA) and develop a Behavior Support Plan (BSP). If one already exists, the school must revisit and make necessary changes.

- a. Parent consent is required to conduct an FBA.

If it is NOT a manifestation the same consequence applies as it would to a non-disabled student.

# Parent's Notice of Procedural Safeguards

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Dear Parents:

You are receiving this Notice of Procedural Safeguards (Notice) because your son or daughter (student) has been referred for an evaluation or is currently receiving special education services. If your student is eligible for special education, the school district must provide a free appropriate public education commonly referred to by the acronym FAPE. In order to provide a FAPE the school district must work in partnership with you. You will be a member of the IEP team that will consider your student's unique needs and develop an individualized education program or [IEP](#), for your student.<sup>1</sup> The IEP must provide instruction that is tailored to your student's unique needs and includes sufficient support services to enable your student to make meaningful educational progress and to assist your student in acquisition of knowledge and skills, including those necessary for social and emotional development according to appropriate chronological and developmental expectations. Any special education services identified for your student must be provided at public expense with no cost to you. All students in the Commonwealth's public education system, including students with disabilities, are entitled to the opportunity to learn the material that is covered by the academic standards in the Massachusetts curriculum frameworks. Massachusetts also provides an individual right to FAPE for its resident students with disabilities who attend private schools at private expense, and who seek public special education services.

# Q & A

Please share your questions at this time!

Come off mute or type a question into the chat.

Before you leave, please share your feedback on today's session!

<https://forms.gle/DCLPpDLPYzHe1fFw5>

Thank you!