

# Parents, Students and Schools as Partners

## Rights and Responsibilities in Special Education



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# Why do we want you to know about Your Legal rights?

- To meet each student's individual needs, parents and school personnel need to work together as partners to share their knowledge about the student.



# One Source of Information

The Notice  
of  
Procedural  
Safeguards



# Special Education Laws

- The Individuals with Disabilities Education Act -- also known as IDEA or IDEA2004. This is the Federal Special Education Law.
  - <http://idea.ed.gov/explore/home>
- 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/lawsregs/603cmr28.html>



# Referring a student for an evaluation to determine eligibility

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



# 12 Types of Disabilities Which May Adversely Affect Educational Progress

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




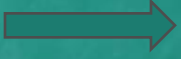
# When is a student eligible for Special Education?

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

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



# 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 that 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.



# Principle #1 - Parent and Student Participation

- 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.



# 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 #3 - Appropriate Evaluation

- Initial evaluation
- 3 year re-evaluation
- Individualized assessments
- Non-discriminatory assessments
- Includes a variety of tools and strategies, including information provided by the parent



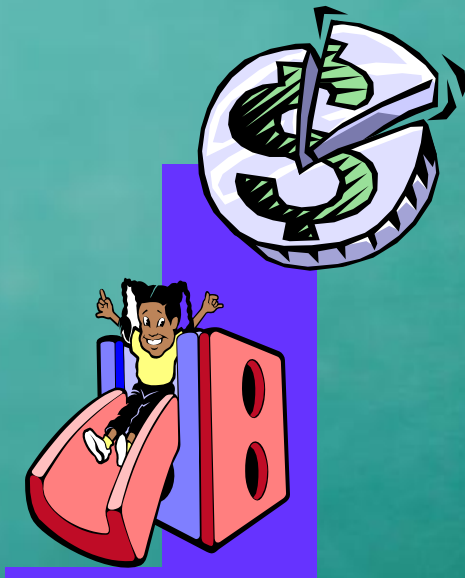
# What do I do if I don't agree with the Evaluation results?

- Let the Special Education Coordinator know in writing what parts you disagree with and meet to review those parts.
- If you still don't agree, you may request additional in-district testing, or an independent evaluation by an outside person for disputed areas.
- You have the right to appeal a finding of no needs.



# 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 can be reached in a year's time.
- A listing of the services to be provided to the student.



# 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 may withdraw their consent at any time in relation to any service or program.





# What do I do if I don't agree with the services in the IEP?

- If you are not in agreement, you may reject the whole IEP or just the parts you disagree with.
- To eliminate misunderstandings, always describe your concerns and objections in writing.
- Meet with the IEP team again to discuss solutions.



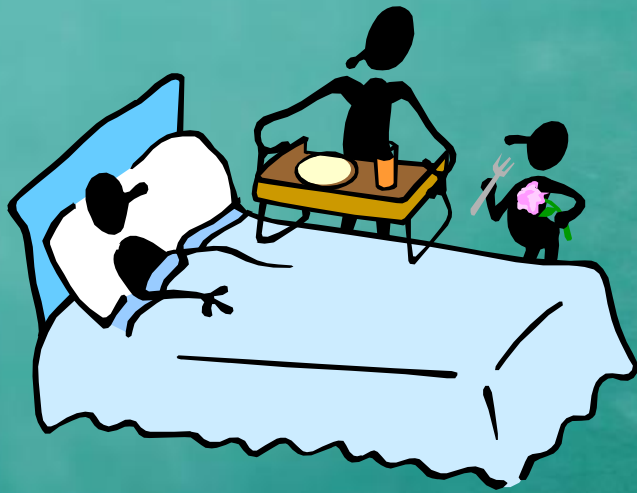
# Principle #5 - Least Restrictive Environment (LRE)

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.

LRE means 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.



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.

# 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 evaluations 2 days in advance of Team meeting, if requested



# If the school and I can't come to an agreement, what next?

- File a complaint with the Department of Education Problem Resolution System.
- Go to mediation-an impartial mediator works with you and the school to come to resolution.
- Participate in the SPEDEx process, where a neutral expert evaluates your child's program and gives suggestions.
- Seek resolution through the Bureau of Special Education Appeals (BSEA).



# Section 504 vs. Special Education

## 504

- Students K-post sec.
- Employees
  
- Levels the playing field by Eliminating barriers
  
- Accommodations or modifications to general curriculum

## Special Education

- Students PK-12 or 3-22
  
- Remedial
  
- Specially designed instruction



# Resources



## Teachers and other staff at the local school district!

- Members of your Parent Advisory Council
- The state Department of Education
- Disability rights organizations and other disability-related agencies and organizations



**Thank you for working with our school staff  
to support your child!**

*Director of Pupil Personnel Services*

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# Resources for Parents:

- General information on Special education Law: [www.wrightslaw.com](http://www.wrightslaw.com)
- Idea 2004: <http://idea.ed.gov/explore/home>
- MA Regulations: <http://www.doe.mass.edu/lawsregs/603cmr28.html>
- Provide feedback on the proposed new IEP Form- <http://www.doe.mass.edu/sped/ImproveIEP/updates.html>
- The Federation for Children with Special Needs (1-800-331-0688): [www.fcsn.org](http://www.fcsn.org)