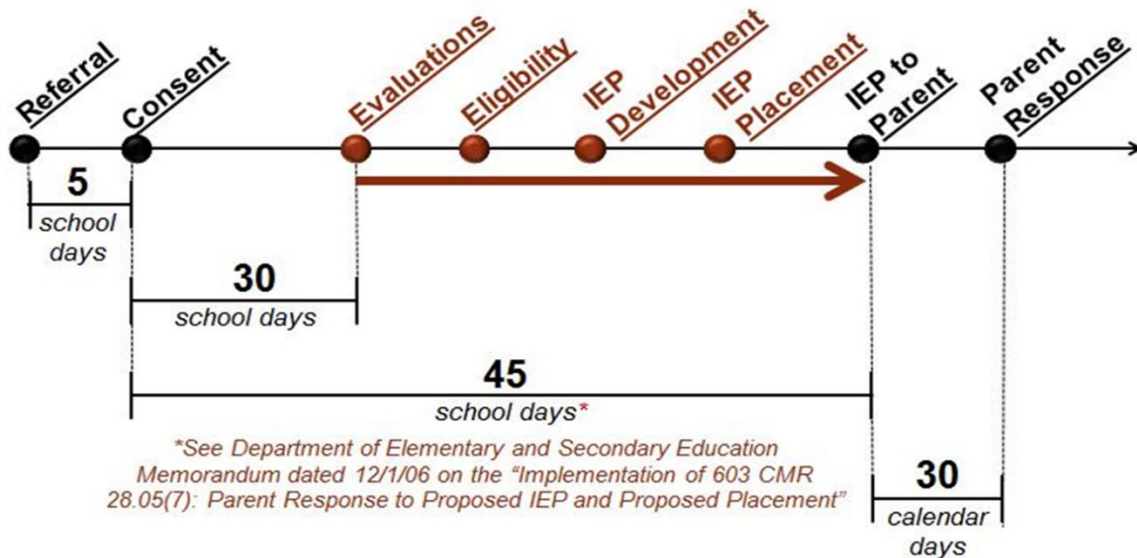




FEDERATION FOR CHILDREN
WITH SPECIAL NEEDS

UNDERSTANDING BASIC RIGHTS IN SPECIAL EDUCATION

SPECIAL EDUCATION TIME LINE



*Proposed IEP is to be given to parents immediately; but if parents are given the completed IEP grid sheet with types and amount of special education and related services and a statement of major goals, giving a proposed IEP within 2 weeks is considered immediate, unless parents request IEP within 3-5 days.

Referral

- Any family member or professional may refer a student for initial evaluation
- Make the request in writing and bring it to school principal or director of special education
- Keep a copy - date stamped by the receptionist - for your records

Consent

- School sends the Evaluation Consent Form to parents within 5 school days of receiving referral
- Parents can consent to some or all proposed evaluations, and ask for additional evaluations
- School cannot conduct special education evaluations without parent's signed Consent Form
- Keep a copy of signed Consent Form date stamped by the receptionist for your records

Re: [Name of Student and other necessary identifying information]

Notice Date: [Date from N 1]

School District Name

**EVALUATION CONSENT FORM
Attachment to N 1**

TYPE OF ASSESSMENTS: <i>A variety of assessment tools and strategies should be used to gather information that determines the educational needs of this student. [Check yes or no for each assessment.]</i>	RECOMMENDED	
	YES	NO
Assessment in All Areas Related to the Suspected Disability(ies) – describes the student’s performance in any area related to the child’s suspected disability(ies). List recommended assessment(s): _____ _____ _____		
Educational Assessment – includes the history of the student’s educational progress in the general curriculum and includes current information on the student’s performance.		
Observation of the Student – includes the student’s interaction in the student’s classroom environment or in a child’s natural environment or an early intervention program.		
Health Assessment – details any medical problems or constraints that may affect the student’s education.		
Psychological Assessment – describes the student’s learning capacity and learning style in relationship to social/emotional development and skills.		
Home Assessment – details any pertinent family history and home situations that may affect the student’s education and, with written consent, may include a home visit.		

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) _____

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 (use back of form) or call the indicated contact person. Thank you.



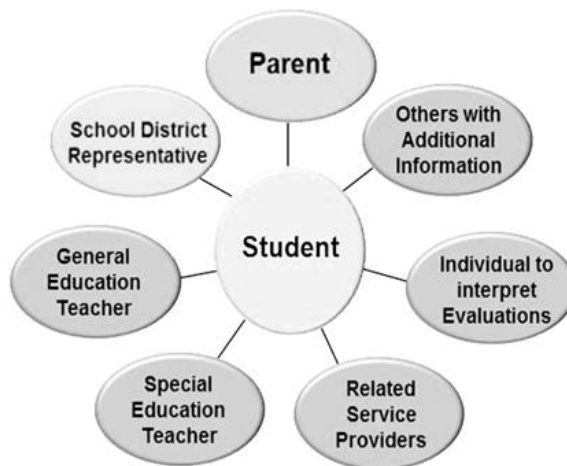
Evaluations

- Are done by qualified persons and finished within 30 school days after the signed Consent Form is received by school
- If the student's native language is not English, testing should be done in the native language as well as English to determine student's abilities
- Written evaluation report will specify the processes used, testing results, diagnostic impression, student's needs, and clear recommendations to meet needs
- If requested in writing, evaluation reports will be given to parents at least 48 hours before the Team meeting
- Parents should review evaluation reports before the Team meeting so they can knowledgeably contribute in the Team Meeting. You can read this rule at 603 CMR 28.04(2) (c) participate.
- Keep copies of all evaluations for your records

Team Meeting

- Occurs within 45 school days after Consent Form is received by the school
- Will be scheduled at a time equally suitable to school and parents
- If parents cannot attend in person, they may attend electronically or by phone. You can read these rules at 34 CFR 300.322(a)(2) and 34 CFR 300.322(c)

Team Members

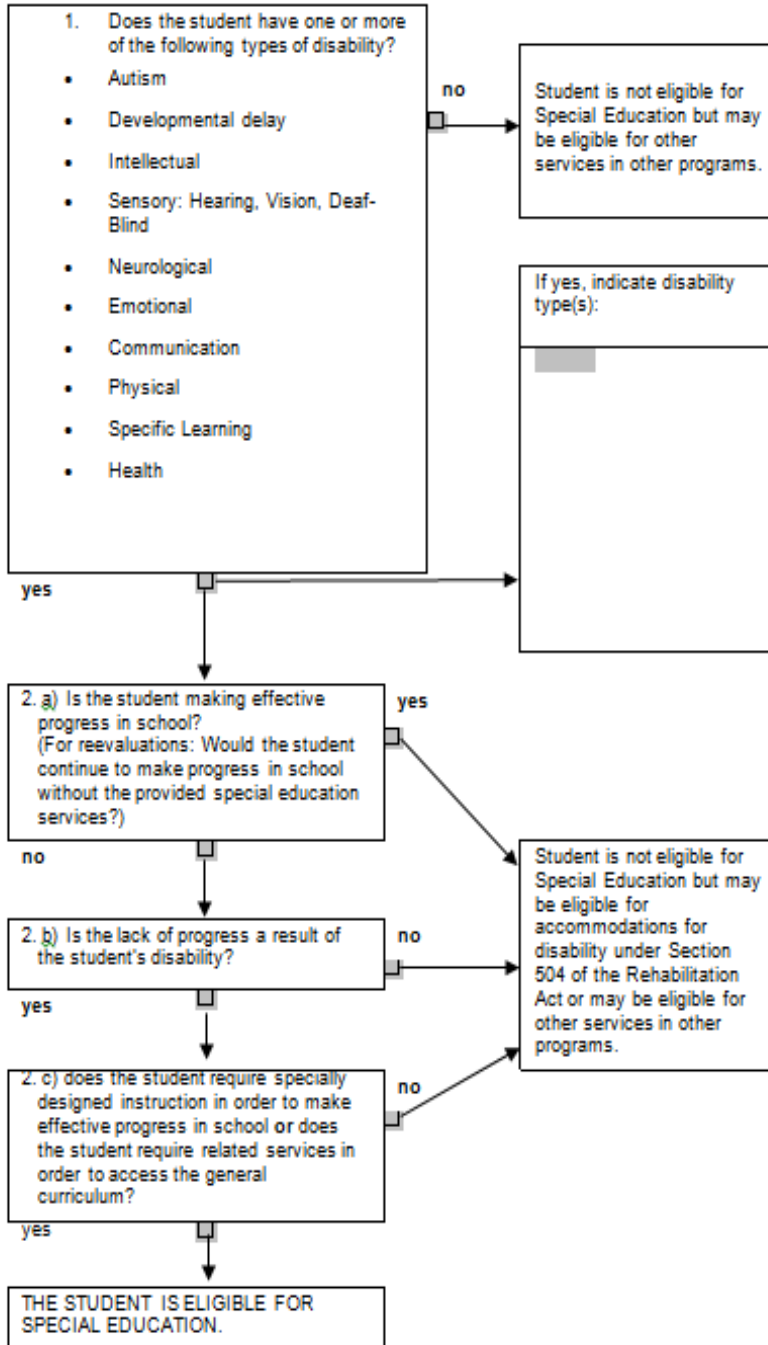


- Parents are full members of the Team
- Every Team member must attend unless released in writing by the parents. This rule can be read at 34 CFR 300.321(e)
- Parents may bring someone to the meeting for support if they wish. Notify school in advance

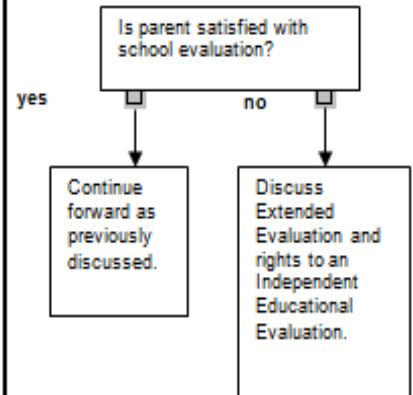
Special Education Eligibility/Initial and Reevaluation Determination

Student Name: _____ DOB: _____ ID#: _____ Date: _____

A. Proceed through the flowchart until an eligibility determination is reached..



B. Answer this question for all students.



KEY EVALUATION FINDINGS AND/OR NEXT STEPS



DEFINITIONS

Effective Progress

- Increased knowledge and skills in the general curriculum, including social/emotional, according to student's age, capabilities, and potential. See 603 CMR 28.02(17)
- Effective progress is NOT determined by passing grades or being promoted from grade to grade.

General Curriculum

- Includes the Mass. Curriculum Frameworks, MCAS, district curriculum and preschool and early childhood programs offered by the district, academic and non-academic offerings of the district, and vocational programs and activities. See 603 CMR 28.02(17)

Specialized Instruction

- *Is* special education. It means that the content, methods of teaching or grading is changed to meet the needs of the student so the student can learn the general curriculum

Related Services

- Includes transportation, developmental, corrective and supportive services to help the child benefit from special education, such as speech-language pathology, psychological services, physical and occupational services, and many others

Accommodations

- Changes in the learning environment so student can access the same curriculum as other students. Example are: graphic organizers, digital books, preferred seating, pencil grips and extra time on tests. Accommodations are included on the IEP

Free and Appropriate Education (FAPE)

- Services that allow student to make effective progress toward reaching IEP goals

Least Restrictive Environment (LRE)

- Student is placed, to the maximum level appropriate, with students who are not disabled. Removal from general education classes happens when inclusion with the use of additional aids and services cannot be achieved appropriately

IEP to the Parent

- If you received a goal summary and service delivery grid at your Team meeting, expect the IEP in 2 weeks
- If you didn't receive these documents at the Team meeting, expect the IEP in 5 days

Parent's IEP Response Options

- Respond within 30 days or sooner so new services can start
- Parents may:
 1. accept the IEP
 2. reject the IEP or
 3. accept in part/reject in part
- All portions of the IEP that are accepted must be implemented immediately.
- The lack of a service can be rejected (or rejected in part)
- In Massachusetts, parents can exercise "Stay Put" rights so that previously accepted services or placement remain in place until the issues are resolved
- Placements may be accepted or rejected

IEP Changes after the Team Meeting

- If the school and a parent agree to a change to the IEP, the school will send an amendment to the IEP for the parent's signature
- The school cannot change an IEP on its own. The team may also be reconvened to discuss the student and the IEP

Parents or their experts have the right to observe a proposed program: DESE Advisory SPED 2009-2. Parents are also entitled to review their student's records 603 CMR 23.07(2).

Transition Planning Begins by Age 14

- The Transition Planning Form (TPF) is completed at the Team meeting before the IEP is written.
- The TPF is not part of the IEP but is used as a roadmap in drafting the IEP and planning the transition to adult life.
- Students are to be invited to the Team meeting for the year in which they turn 14.
- When student reaches the age of majority at 18, student can sign IEP and made own education decisions unless student signs a document:
 1. Giving education decision making control to parent or
 2. Sharing decision making with parents.
- Parents can also become court appointed guardians in some cases.

RESOLVING DISAGREEMENTS

Request an Additional Team Meeting

- Or a meeting with the special education director, principal or superintendent

Request an Independent Educational Evaluations (IEE)

- There are 3 options:
 - 1) If parents disagree with an evaluation (must be within 16 months) and meet free or sliding scale financial standards; see the rules 603 CMR 28.04(5) and 34 CFR 300.502
 - 2) If the school failed to assess an area. The school must dispute the need for a publically funded IEE within 5 school days
 - 3) Parents may always obtain an IEE at their own expense
- The Team must consider an IEE within 10 school days of receipt but is not bound by the report
- Do your best to have the expert performing the IEE attend the meeting in person or by phone so he/she can explain the findings and answer any questions

Problem Resolution System (PRS)

- Department of Elementary and Secondary Education enforces IEPs and school laws and regulations. <http://www.doe.mass.edu/pqa/prs/>. 781-338-3700

Office of Civil Rights (OCR)

- Investigates discrimination complaints
<https://www2.ed.gov/about/offices/list/ocr/index.html>. 1-800-421-3481

Facilitated Team Meetings

- Offers help with difficult meetings (both parties must agree to facilitation)
<http://www.mass.gov/anf/hearings-and-appeals/bureau-of-special-education-appeals-bsea/facilitated-iep-team-meeting.html> 617-626-7250

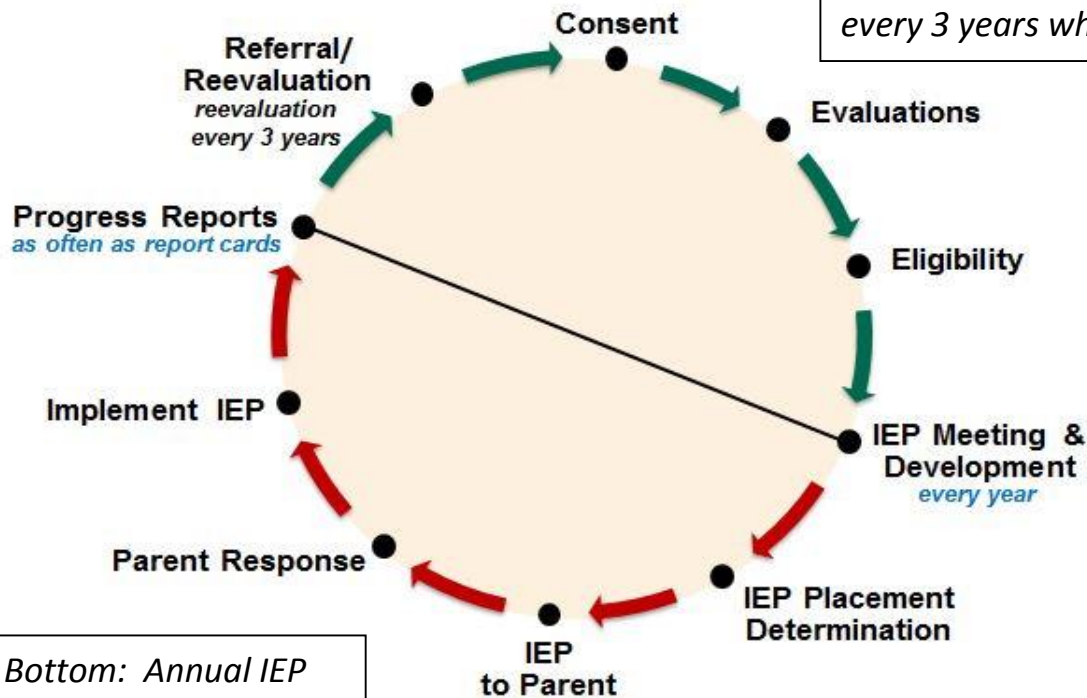
Mediation

- Offers help in reaching a settlement (both parties must agree to mediation)
<http://www.mass.gov/anf/hearings-and-appeals/bureau-of-special-education-appeals-bsea/mediation/> 617-626-7291

Bureau of Special Education Appeals (BSEA) hearing

- “Due process” hearing where a judge rules on the disagreements
- Hiring an attorney is strongly suggested for this process, as it is very complex
<http://www.mass.gov/anf/hearings-and-appeals/bureau-of-special-education-appeals-bsea/>.
617-626-7250

THE SPECIAL EDUCATION CYCLE



Top: Evaluation process - after referral and at least every 3 years while on an IEP

Bottom: Annual IEP development process

You can find the text of the federal and state laws and regulations on the internet:

IDEA begins at 20 USC (United States Code) 1400:

<http://uscode.house.gov/view.xhtml?path=/prelim@title20/chapter33&edition=prelim>

IDEA Regulations: 34 CFR (Code of Federal Regulations) Part 300: https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title34/34cfr300_main_02.tpl

Mass Special Education Law: MGL (Mass General Laws) Chapter 71B:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71B>

Mass Special Education Regulations: 603 CMR (Code of Mass Regulations) 28.00:

<http://www.doe.mass.edu/lawsregs/603cmr28.html>

STRATEGIES FOR SUCCESS

- Know your basic rights; take trainings until you understand how the system works
- Use effective communication skills with school; consider all recommendations
- Be prepared to be an active participant on Team
 - Obtain and review evaluations before the Team meeting
 - Prepare a list of concerns in advance
 - Have a vision for the next 1-5 years for your child
 - What are your child’s unique needs?
 - Is your child making progress?
 - Set high expectations for your child
 - Don’t allow IEP goals to stagnate from year to year
 - Do you need to verify your child’s progress with an evaluation?
 - Observe programs or have an expert do so
 - Obtain a copy of your child’s school records if needed
- Request information and assistance from Federation Call Center and other resources
- If you need support, bring someone with you to Team meeting
- Network with your SEPAC and learn all you can from others
- Acknowledge and be grateful to teachers and therapists who make a difference in your child’s life
- Be positive, professional, and persistent

RESOURCES

The LINK center provides information for transition age youth and their families http://fcsn.org/linkcenter/ .	The Federation’s Visions of Community in March has presentations and many resources and networking opportunities. See website for details: www.fcsn.org .
Parent’s Guide www.fcsn.org/parentguide/pgintro.html	Mass. Association of Special Education PACs www.fcsn/masspac
Massachusetts Advocates for Children www.massadvocates.org	MA Department of Elementary and Secondary Education www.doe.mass.edu
Massachusetts Arc www.arcmass.org/	Disability Law Center www.dlc-ma.org
Parent Professional Advocacy League (PPAL) www.ppal.net	NAMI National Alliance on Mental Illness www.naminmass.org
Wrights Law Special Education Advocacy www.wrightslaw.com/	Special Needs Advocacy Network (SPAN) www.spanmass.org

Parent Training & Information Center

CALL CENTER FREE info about <i>Special Education Rights</i> http://fcsn.org/ptic/call-center/ 617-236-7210 Mon-Fri 10am-3pm	The PTIC provides special education training, information, and support groups to families who speak: Spanish, Portuguese, Chinese and Vietnamese
WORKSHOPS (FREE to participants) - A IEP For My Child - Discipline & Suspension - Effective Communication <i>AND MORE!</i> http://fcsn.org/ptic/workshops	Parent Consultant Training Institute An in-depth training for parents in a 54-hour tuition-based program. http://fcsn.org/ptic/parent-consultant-training



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To learn more about the IEP form and how it is developed, take the Federation's workshop on:
An IEP for My Child

To learn how to work more effectively with your district, take the Federation's workshop on:
Effective Communication

To learn more about the transition planning process, take the Federation's workshop on:
Introduction to Transition Planning

The Federation also offers a workshop on self-advocacy for young adults in transition on:
Achieving Goals

All workshops are free to attend and offered throughout Massachusetts during the school year. See the schedule and locations at www.fcsn.org/ptic/workshops/schedule

The Federation's LINK Center offers a two-day **Planning a Life** conference about the transition process and available services. Visit www.fcsn.org/linkcenter/ for more information