

Special Education

Basic Information for Parents

As a parent of a child who is or who may be receiving special education, you have certain rights which are guaranteed by a federal law called the Individuals with Disabilities Education Act (IDEA). This law outlines a process which ensures that you have the opportunity and right to be involved as an equal member of the team that makes decisions about your child.

One of your rights is to be informed (in writing, in your native language) of the procedural safeguards (legal rights) that are available to you. Copies of these rights must be given to you by the school at certain points in the process. If you would like more information about your rights or about how you can be an effective partner with the school, please see the resources listed at the end of this article.



What is Special Education?

Quoted directly from IDEA



“**Special Education**” means specially designed instruction, at no cost to the parent, to meet the unique needs of a child with a disability, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions.

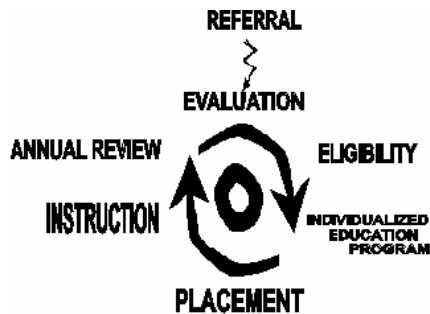
The term includes speech pathology, or any other related service...

The term also includes **vocational education** if it consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.

“**Related Services**” means transportation and such developmental, corrective and other supportive services (including speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children.



A Summary of the Special Education Process



The special education process is designed to make sure that each child with a disability will have an education that is individualized to meet his or her needs. The IEP (Individualized Education Program) is a written plan developed by the IEP team.

You as a parent are part of the team that makes decisions about the child's educational program. It is important for parents to become real partners in the process of making the decisions about their children. The information that a parent has to share is very important to the school. It is also important for the parent to understand and respect the point of view of the school personnel. By treating each other with mutual respect and working together, parents and school personnel can more effectively develop an appropriate program for the child.

Child Find/Referral

The school district must have a procedure for finding children that have disabilities. Either a parent or school personnel may refer a child to be evaluated to see if special education services are needed. Parents may submit a request to the Special Education department at the school. The possible outcomes of a referral are:

- ❖ The school will provide a complete evaluation.
- ❖ The school will decide an evaluation is not needed.

Evaluation (Assessment)

Evaluation to determine eligibility for special education is a process of gathering information about the child that will be used in making decisions about whether the child is eligible for services and which disability category the child should be served under. This information also helps to determine the strengths and needs of the child that will be considered in making decisions about the services the child needs. Parents must give permission for the evaluation to take place.

The evaluation should be appropriate for the child and conform to a number of legal requirements that are listed in the law. Parents will be better able to participate in the IEP process if they understand the results of the evaluation. If parents disagree with the results of the evaluation, they may request an independent evaluation (testing given by someone outside the school district) at the school district's expense within certain guidelines.

Some children who do not qualify for special education may be eligible for services under Section 504 of the Rehabilitation Act of 1973 which protects the rights of persons with disabilities. A Section 504 plan is developed by a team which includes the parents and can provide the student with accommodations or services that are needed.

Eligibility (Classification)

The team (including the parents) reviews the data from the evaluation and decides if the child qualifies in one of the categories that are served in special education. The requirements for each category are determined by federal and state law.

IEP Meeting

The team (including the parents) meets to develop an appropriate program for serving the child. In the team meeting, the student's educational needs are discussed. Measurable annual goals and short-term objectives are agreed upon. Based on the goals, decisions are made about how to meet the child's educational needs, including what special education and related services and supplementary aids and services are to be provided. A number of other factors related to the child's education must also be considered. The IEP sets forth in writing a commitment of the resources necessary to serve the child. The IEP also serves as an evaluation device and can be modified at any time, or the team can reconvene at any time.

Transition

No later than age 14, the team must include a statement of transition service needs to help the student move from school to post-school activities. Transition services must be provided starting by age sixteen.

Placement

The team (including the parents) decides upon the placement of the child based upon the program agreed upon in the IEP meeting. The team asks, "Where can these services be delivered?" The student must be served in the Least Restrictive Environment (LRE) appropriate for that child.

Annual Review

The team (including the parents) meets at least annually to evaluate the child's total program and update the IEP.

If it is determined that the child no longer qualifies for special education, the child will not continue with the IEP process and will exit the program.

Due Process Rights

You have a right to disagree with the team at any point in the process. In the event that you do, you have a number of due process (legal) rights, including mediation, that are outlined in the law. These rights are explained in detail in your parents' rights statement that the school provides you.

This is a very basic overview of the special education process, and does not cover all of your rights. You may obtain a free booklet that explains the process in detail by contacting the Utah Parent Center.



Resources

If you need help...

First...

If you have concerns or questions or want more detailed information about your rights and responsibilities, you should first ask the special education department at your child's school. If you have problems that you cannot solve within the school, you may call your school district's special education department. (You may also contact your school or district Section 504 coordinator for assistance with Section 504 concerns or questions.)

Utah Parent Center

The **Utah Parent Center** is a free resource for parents of children with disabilities which offers free information and workshops to help parents participate more effectively in the IEP process. Information on Section 504 is also available. Individual consultations are available in English and Spanish. Other services include a library, information and referral, and a newsletter. Staff of the Center are parents of children with disabilities offering assistance to families and others. **For more information call 801-272-1051 or TOLL-FREE in Utah 1-800-468-1160 or e-mail us at info@utahparentcenter.org or visit our website at www.utahparentcenter.org.**

Continued...

MORE RESOURCES...

ACCESS UTAH NETWORK (801) 533-4636 1-800-333-UTAH
Information and referral concerning disability issues

ALLIES WITH FAMILIES (801) 292-2515 1-877-477-0764
Support to families of children with emotional, behavioral, or neurobiological disabilities

ARC OF UTAH (801) 364-5060 1-800-371-5060
Promotes and defends rights of people with mental retardation.

AUTISM SOCIETY OF UTAH (801) 583-7049

BRAIN INJURY ASSOCIATION OF UTAH
(801) 484-2240 1-800-281-8442

CHADD (801) 537-7878 (For Recording)
Jacquie Chappell (801)254-3332
Diane Palmer (801) 446-5625
Attention Deficit Disorder/Attention Deficit Hyperactivity Disorder support information.

DISABILITY LAW CENTER (801) 363-1347 1-800-662-9080
Protection and Advocacy relating to disabilities.

LEGISLATIVE COALITION FOR PEOPLE WITH DISABILITIES
(801) 363-3300

LINCS (801) 281-4425 1-877-335-4627

TOURETTE SYNDROME ASSOCIATION 1-866-274-0700

UNITED CEREBRAL PALSY (801) 266-1805

UTAH DOWN SYNDROME FOUNDATION 1-877-499-8373



UTAH PARENT CENTER
2290 EAST 4500 SOUTH, SUITE #110
SALT LAKE CITY, UT 84117-4428
801-272-1051
1-800-468-1160 (Toll Free in Utah)
e-mail: info@utahparentcenter.org
www.utahparentcenter.org



There are many other support groups, disability organizations and resources available. For additional information, contact the UTAH PARENT CENTER or the ACCESS UTAH NETWORK. (See listing above)

