

Does My Child Need Special Education Services?

Is your child struggling in school? Is getting ready for school a major battle everyday? What do you do if you suspect your child might have a learning disability?

Begin by finding out more about special services and programs for students in your school system. Also find out more about the Individuals with Disabilities Education Act (IDEA). This law gives eligible children with disabilities the right to receive special services and assistance in school. These services are known as special education and related services. They can be important in helping your child at school.

To receive special education services, your child must meet two criteria as defined by state rules and regulations:

- 1) Have a disability; and
- 2) Be in need of special education.

Children from age 3 through 21 are eligible for special education services.

Certain children with disabilities are eligible for special education and related services. The IDEA provides a definition of a "child with a disability." This law lists 13 different disability categories under which a child may be found eligible for special education and related services.

- Autism
- Deafness
- Deaf-blindness
- Hearing impairment
- Mental retardation
- Multiple disabilities
- Orthopedic impairment
- Other health impairment
- Serious emotional disturbance
- Specific learning disability
- Speech or language impairment
- Traumatic brain injury
- Visual impairment, including blindness

According to the IDEA, the disability must affect the child's educational performance. The question of eligibility, then, comes down to a question of whether the child has a disability that fits in one of IDEA's 13 categories and whether that disability affects how the child does in school. That is, the disability must cause the child to need special education and related services.

How do I find out if my child is eligible for special education?

The first step is to find out if your child has a disability. To do this, ask the school to evaluate your child. Call or write the Director of Special Education or the principal of your child's school. Say that you think your child has a disability and needs special education help. Ask the school to evaluate your child as soon as possible.

The public school may also think your child needs special help, because he or she may have a disability. If so, then the school must evaluate your child at no cost to you.

However, the school does not have to evaluate your child just because you have asked. The school may not think your child has a disability or needs special education. In this case, the school may refuse to evaluate your child. It must let you know this decision in writing, as well as why it has refused.

If the school refuses to evaluate your child, there are two things you can do immediately:

1. Ask the school system for information about its special education policies, as well as parent rights to disagree with decisions made by the school system. These materials should describe the steps parents can take to challenge a school system's decision.

Get in touch with your state's Parent Training and Information (PTI) center. The PTI is an excellent resource for parents to learn more about special education, their rights and responsibilities, and the law. The PTI can tell you what steps to take next to find help for your child.

What happens during an evaluation?

Evaluating your child means more than the school just giving your child a test or two. The school must evaluate your child in all the areas where your child may be affected by the possible disability. This may include looking at your child's health, vision, hearing, social and emotional well-being, general intelligence, performance in school, and how well your child communicates with others and uses his or her body. The evaluation must be complete enough (full and individual) to identify all of your child's needs for special education and related services.

Evaluating your child appropriately will give you and the school a lot of information about your child. This information will help you and the school:

- decide if your child has a disability; and
- design instruction for your child.

The evaluation process involves several steps. These are listed below.

Reviewing existing information. A group of people, including you, begins by looking at the information the school already has about your child. You may have information about your child you wish to share as well. The group will look at information such as: your child's scores on tests given in the classroom or to all students in your child's grade; the opinions and observations of your child's teachers and other school staff who know your child; and your feelings, concerns, and ideas about how your child is doing in school.

Deciding if more information is still needed. The information collected above will help the group decide:

- if your son or daughter has a particular type of disability;
- how your child is currently doing in school;
- whether your child needs special education and related services; and
- what your child's educational needs are.

Group members will look at the information they collected above and see if they have enough information to make these decisions. If the group needs more information to make these decisions, the school must collect it.

Collecting more information about your child. If more information about your child is needed, the school will give your child tests or collect the information in other ways. Your informed written permission is required before the school may collect this information. The evaluation group will then have the information it needs to make the types of decisions listed above.

So the school needs my permission to collect this extra information?

Yes. Before the school can conduct additional assessments of your child to see if he or she has a disability, the school must ask for your informed written permission. It must also describe how it will conduct this evaluation. This includes describing the tests that will be used and the other ways the school will collect information about your child. After you give your informed written permission, the school may evaluate your child.

How does the school collect this information?

The school collects information about your child from many different people and in many different ways. Tests are an important part of an evaluation, but they are only a part. The evaluation should also include:

the observations and opinions of professionals who have worked with your child;
your child's medical history, when it relates to his or her performance in school; and
your ideas about your child's school experiences, abilities, needs, and behavior outside of school, and his or her feelings about school.

The following people will be part of the group evaluating your child:

you, as parents;
at least one regular education teacher, if your child is or may be participating in the regular education environment;
at least one of your child's special education teachers or service providers;
a school administrator who knows about policies for special education, about children with disabilities, about the general curriculum (the curriculum used by nondisabled students), and about available resources;
someone who can interpret the evaluation results and talk about what instruction may be necessary for your child;
individuals (invited by you or the school) who have knowledge or special expertise about your child;
your child, if appropriate;
representatives from any other agencies that may be responsible for paying for or providing transition services (if your child is 16 years or, if appropriate, younger and will be planning for life after high school);
and
other qualified professionals.

These other qualified professionals may be responsible for collecting specific kinds of information about your child. They may include:

a school psychologist;
an occupational therapist;
a speech and language pathologist (sometimes called a speech therapist);
a physical therapist and/or adaptive physical education therapist or teacher;

a medical specialist; and
others.

Professionals will observe your child. They may give your child written tests or talk personally with your child. They are trying to get a picture of the "whole child." For example, they want to understand:

- how well your child speaks and understands language;
- how your child thinks and behaves;
- how well your child adapts to changes in his or her environment;
- how well your child has done academically;

- what your child's potential or aptitude (intelligence) is;
- how well your child functions in a number of areas, such as moving, thinking, learning, seeing, hearing; and
- what job-related and other post-school interests and abilities your child has.

The IDEA gives clear directions about how schools must conduct evaluations. For example, tests and interviews must be given in your child's native language (for example, Spanish) or in the way he or she typically communicates (for example, sign language). The tests must also be given in a way that does not discriminate against your child, because he or she has a disability or is from a different racial or cultural background.

The IDEA states that schools may not place children into special education programs based on the results of only one procedure such as a test. More than one procedure is needed to see where your child may be having difficulty and to identify his or her strengths.

In some cases, schools will be able to conduct a child's entire evaluation within the school. In other cases, schools may not have the staff to do all of the evaluation needed. These schools will have to hire outside people or agencies to do some or all of the evaluation. If your child is evaluated outside of the school, the school must make the arrangements. The school will say in writing exactly what type of testing is to be done. All of these evaluation procedures are done at no cost to parents.

In some cases, once the evaluation has begun, the outside specialist may want to do more testing. If the specialist asks you if it is okay to do more testing, make sure you tell the specialist to contact the school. If the testing is going beyond what the school originally asked for, the school needs to agree to pay for the extra testing.

What does the school do with these evaluation results?

The information gathered from the evaluation will be used to make important decisions about your child's education. All of the information about your child will be used:

to decide if your child is eligible for special education and related services; and
to help you and the school decide what your child needs educationally.

How is a decision made about my child's eligibility for special education?

As was said earlier, the decision about your child's eligibility for services is based on whether your son or daughter has a disability that fits into one of the IDEA's 13 disability categories (see the list between the dashed lines below) and whether that disability affects how your child does in school. This decision will be made when the evaluation has been completed, and the results are in.

In the past, parents were not involved under IDEA in making the decision about their child's eligibility for special education and related services. Now, under the newest changes to IDEA (passed in 1997), parents are included in the group that decides a child's eligibility for special education services. This group will look at all of the information gathered during the evaluation and decide if your child meets the definition of a "child with a disability." (This definition will come from the IDEA and from the policies your state or district uses.) If so, your child will be eligible for special education and related services.

Under the IDEA, a child may not be found eligible for services if the determining reason for thinking the child is eligible is that:

the child has limited English proficiency, or
the child has a lack of instruction in math or reading.

If your child is found eligible, you and the school will work together to design an educational program for your child. This process is described in detail in Part III of this Briefing Paper.

As parents, you have the right to receive a copy of the evaluation report on your child and the paperwork about your child's eligibility for special education and related services.

What happens if my child is not eligible for services?

If the group decides that your child is not eligible for special education services, the school system must tell you this in writing and explain why your child has been found "not eligible." Under the IDEA, you must also be given information about what you can do if you disagree with this decision.

Read the information the school system gives you. Make sure it includes information about how to challenge the school system's decision. If that information is not in the materials the school gives you, ask the school for it.

Also get in touch with your state's Parent Training and Information (PTI) center. The PTI can tell you what steps to take next. Your PTI is listed on NICHCY's State Resource Sheet for your state.

WRITING AN IEP

So my child has been found eligible for special education. What next?

The next step is to write what is known as an Individualized Education Program—usually called an IEP. After a child is found eligible, a meeting must be held within 30 days to develop the IEP.

What is an Individualized Education Program?

An Individualized Education Program (IEP) is a written statement of the educational program designed to meet a child's individual needs. Every child who receives special education services must have an IEP.

The IEP has two general purposes: (1) to set reasonable learning goals for your child; and (2) to state the services that the school district will provide for your child.

It is very important that children with disabilities participate in the general curriculum as much as possible. That is, they should learn the same curriculum as nondisabled children, for example, reading, math, science, social studies, and physical education, just as nondisabled children do. In some cases, this curriculum may need to be adapted for your child to learn, but it should not be omitted altogether. Participation in extracurricular activities and other nonacademic activities is also important. Your child's IEP needs to be written with this in mind.

For example, what **special education services** will help your child participate in the general curriculum—in other words, to study what other students are studying? What **special education services** or supports will help your child take part in extracurricular activities such as school clubs or sports? When your child's IEP is developed, an important part of the discussion will be how to help your child take part in regular classes and activities in the school.

Who develops my child's IEP?

Many people come together to develop your child's IEP. This group is called the IEP team and includes most of the same types of individuals who were involved in your child's evaluation. Team members will include:

- you, the parents;
- at least one regular education teacher, if your child is (or may be) participating in the regular education environment;
- at least one of your child's special education teachers or special education providers;
- a representative of the public agency (school system) who (a) is qualified to provide or supervise the provision of special education, (b) knows about the general curriculum; and (c) knows about the resources the school system has available;

an individual who can interpret the evaluation results and talk about what instruction may be necessary for your child;
your child, when appropriate;
representatives from any other agencies that may be responsible for paying for or providing transition services (if your child is 16 years or, if appropriate, younger); and
other individuals (invited by you or the school) who have knowledge or special expertise about your child. For example,
you may wish to invite a relative who is close to the child or a child care provider.

Together, these people will work as a team to develop your child's IEP.

So I can help develop my child's IEP?

Yes, absolutely. The law is very clear that parents have the right to participate in developing their child's IEP. In fact, your input is invaluable. You know your child so very well, and the school needs to know your insights and concerns.

The school staff will try to schedule the IEP meeting at a time that is convenient for all team members to attend. If the school suggests a time that is impossible for you, explain your schedule and needs. It's important that you attend this meeting and share your ideas about your child's needs and strengths. Often, another time or date can be arranged.

However, if you cannot agree on a time or date, the school may hold the IEP meeting without you. In this event, the school must keep you informed, for example, by phone or mail.

Measuring progress. The IEP must state how school personnel will measure your child's progress toward the annual goals. It must also state how you, as parents, will be informed regularly of your child's progress and whether that progress is enough to enable your child to achieve his or her goals by the end of the year.

What happens during an IEP meeting?

During the IEP meeting, the different members of the IEP team share their thoughts and suggestions. If this is the first IEP meeting after your child's evaluation, the team may go over the evaluation results, so your child's strengths and needs will be clear. These results will help the team decide what special help your child needs in school.

What type of information is included in an IEP?

According to the IDEA, your child's IEP must include specific statements about your child. These are listed below. Take a moment to read over this list. This will be the information included in your child's IEP.

Your child's IEP will contain the following statements:

Present levels of educational performance. This statement describes how your child is currently doing in school. This includes how your child's disability affects his or her involvement and progress in the general curriculum.

Annual goals. The IEP must state annual goals for your child, meaning what you and the school team think he or she can reasonably accomplish in a year. This statement of annual goals includes individual steps that make up the goals (often called short-term objectives) or major milestones (often called benchmarks). The goals must relate to meeting the needs that result from your child's disability. They must also help your son or daughter be involved in and progress in the general curriculum.

Special education and related services to be provided. The IEP must list the special education and related services to be provided to your child. This includes supplementary aids and services (such as a communication device). It also includes changes to the program or supports for school personnel that will be provided for your child.

Participation with nondisabled children. How much of the school day will your child be educated separately from nondisabled children or not participate in extracurricular or other nonacademic activities such as lunch or clubs? The IEP must include an explanation that answers this question.

Participation in state and district-wide assessments. Your state and district probably give tests of student achievement to children in certain grades or age groups. In order to participate in these tests, your child may need individual modifications or changes in how the tests are administered. The IEP team must decide what modifications your child needs and list them in the IEP. If your child will not be taking these tests, the IEP must include a statement as to why the tests are not appropriate for your child and how your child will be tested instead.

Dates and location. The IEP must state (a) when services and modifications will begin; (b) how often they will be provided; (c) where they will be provided; and (d) how long they will last.

Transition service needs. If your child is age 14 (or younger, if the IEP team determines it appropriate), the IEP must include a statement of his or her transition service needs.

Transition planning will help your child move through school from grade to grade.

Transition services. If your child is age 16 (or younger, if determined appropriate by the IEP team), the IEP must include a statement of needed transition services and, if appropriate, a statement of the interagency responsibilities or any needed linkages.

Remember that you are a very important part of the IEP team. You know your child better than anyone. Don't be shy about speaking up, even though there may be a lot of other people at the meeting. Share what you know about your child and what you wish others to know.

After the various team members (including you, the parent) have shared their thoughts and concerns about your child, the group will have a better idea of your child's strengths and needs. This will allow the team to discuss and decide on:

the educational and other goals that are appropriate for your child; and
the type of **special education services** your child needs.

The IEP team will also talk about the related services your child may need to benefit from his or her special education. The IDEA lists many related services that schools must provide if eligible children need them. The related services listed in IDEA are presented between the dashed lines below. Examples of related services include:

occupational therapy, which can help a child develop or regain movement that he or she may have lost due to injury or illness; and
speech therapy (called speech-language pathology), which can help children who have trouble speaking.

Related Services, as listed in IDEA

Transportation
Speech-language pathology
Audiology services
Psychological services
Physical therapy
Occupational therapy
Recreation (including therapeutic recreation)
Early identification and assessment of disabilities in children
Counseling services (including rehabilitation counseling)
Orientation & mobility services
Medical services for diagnostic or evaluation purposes
School health services
Social work services in schools
Parent counseling & training

This list does not include every related service a child might need or that a school system may offer.

Depending on the needs of your child, the IEP team may also discuss the special factors listed below:

If your child's behavior's interferes with his or her learning or the learning of others: The IEP team will talk about strategies and supports to address your child's behavior.

If your child has limited proficiency in English: The IEP team will talk about your child's language needs as these needs relate to his or her IEP.

If your child is blind or visually impaired: The IEP team must provide for instruction in Braille or the use of Braille, unless it determines after an appropriate evaluation that your child does not need this instruction.

If your child has communication needs: The IEP team must consider those needs.

If your child is deaf or hard of hearing: The IEP team will consider your child's language and communication needs. This includes your child's opportunities to communicate directly with classmates and school staff in his or her usual method of communication (for example, sign language).

The IEP team will also talk about whether your child needs any assistive technology devices or services. Assistive technology devices can help many children do certain activities or tasks. Examples of these devices are:

devices that make the words bigger on the computer screen or that "read" the typed words aloud—which can help children who do not see well;
electronic talking boards—which can help students who have trouble speaking; and
computers and special programs for the computer—which can help students with all kinds of disabilities learn more easily.

Assistive technology services include evaluating your child to see if he or she could benefit from using an assistive device. These services also include providing the devices and training your child (or your family or the professionals who work with your child) to use the device.

As you can see, there are a lot of important matters to talk about in an IEP meeting. You may feel very emotional during the meeting, as everyone talks about your child's needs. Try to keep in mind that the other team members are all there to help your child. If you hear something about your child which surprises you, or which is different from the way you see your child, bring this to the attention of the other members of the team. In order to design a good program for your child, it is important to work closely with the other team members and share your feelings about your child's educational needs. Feel free to ask questions and offer opinions and suggestions.

Based on the above discussions, the IEP team will then write your child's IEP. This includes the services and supports the school will provide for your child. It will also include the location where particular services will be provided. Your child's placement (where the IEP will be carried out) will be determined every year, must be based on your child's IEP, and must be as close as possible to your child's home. The placement decision is made by a group of persons, including you the parent, and others knowledgeable about your child, the meaning of the evaluation data, and the placement options. In some states, the IEP team makes the placement decision. In other states, the placement decision is made by another group of people.

Depending on the needs of your child and the services to be provided, your child's IEP could be carried out:

in regular classes,
in special classes (where all the students are receiving special education services),
in special schools,
at home,
in hospitals and institutions, and
in other settings.

If your child is eligible, before he or she receives any special education services, a written plan for your child must be developed with you. The IEP (Individualized Education Program) is that written plan and describes what your child will work on through special education services. It has four major parts:

1. Present level of performance (how he or she is currently doing).
2. Goals and objectives (what he/ she will work on, when and how it will be evaluated).
3. Special education services needed (services needed to meet the goals/objectives above).
4. Extent of participation in regular education (how much time he or she will be in regular education classes).