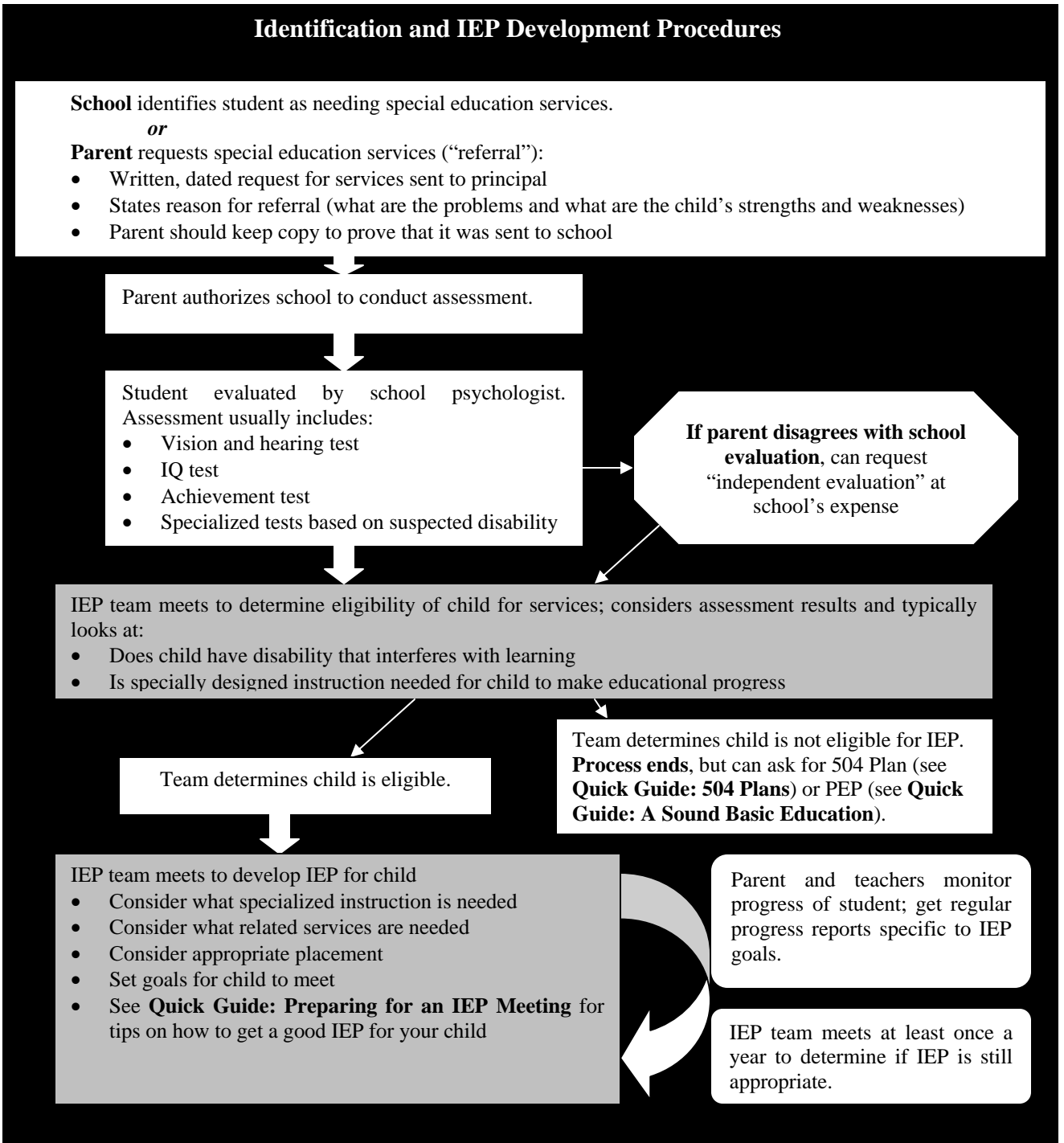# QUICK GUIDE: THE SPECIAL EDUCATION PROCESS

Procedures exist to help identify children needing special education services, to determine whether children are in fact eligible for special education services, to develop services specific to their needs, to ensure that those services are delivered effectively, and to allow parents to challenge decisions they disagree with.

Identification and IEP Development Procedures

School identifies student as needing special education services.
> *or*

Parent requests special education services ("referral"):
- Written, dated request for services sent to principal
- States reason for referral (what are the problems and what are the child's strengths and weaknesses)
- Parent should keep copy to prove that it was sent to school

Parent authorizes school to conduct assessment.

Student evaluated by school psychologist. Assessment usually includes:
- Vision and hearing test
- IQ test
- Achievement test
- Specialized tests based on suspected disability

If parent disagrees with school evaluation, can request "independent evaluation" at school's expense

IEP team meets to determine eligibility of child for services; considers assessment results and typically looks at:
- Does child have disability that interferes with learning
- Is specially designed instruction needed for child to make educational progress

Team determines child is eligible.

Team determines child is not eligible for IEP. **Process ends**, but can ask for 504 Plan (see **Quick Guide: 504 Plans**) or PEP (see **Quick Guide: A Sound Basic Education**).

IEP team meets to develop IEP for child
- Consider what specialized instruction is needed
- Consider what related services are needed
- Consider appropriate placement
- Set goals for child to meet
- See **Quick Guide: Preparing for an IEP Meeting** for tips on how to get a good IEP for your child

Parent and teachers monitor progress of student; get regular progress reports specific to IEP goals.

IEP team meets at least once a year to determine if IEP is still appropriate.

Dispute Resolution Procedures

Sometimes disagreements may arise between the parent and other members of the IEP team. The disagreement can be anything from a refusal to test a student, to disagreement over eligibility, to inability to agree on what services or goals are appropriate in the IEP, to whether the school is providing the services effectively. There are established procedures to resolve these disagreements.

Informal Resolution:
- Conferences with teachers, principal, special education program administrators
- IEP meetings (parents can request IEP meeting at any time to address concerns or adjust IEP)
- Facilitated IEP meetings – the State provides facilitators who can attend IEP meetings to help resolve problems or concerns the school or parent may have; this is helpful if the relationship between the parent and school officials or teachers has gotten strained
- Contact consultants at the State Department of Public Instruction (DPI). They are impartial and provide advice and guidance on options parents have in disputes. They are Lynn Smith (919-807-3978) and Kate Neale (919-807-3979).

Mediation:
- If both the parent and school agree, the State provides a mediator who can help the sides resolve disputes.
- Requesting mediation cannot delay a parent's rights to a due process appeal

Due Process Appeal:
- This is an administrative hearing conducted by state administrative court
- It is a formal process, similar to a trial. Each side can call witnesses and present documentary exhibits.

State Complaint:
- File a formal, written complaint with DPI
- Triggers official investigation by Exceptional Children's Division of DPI
- Investigation completed within 60 days

Sample Letters and Documents

Attached to this Quick Guide are two sample letters.

The first is a request for evaluation. In this letter, parents should explain why they think the child may have a disability that is affecting their ability to learn, what the specific shortcomings or challenges the child has with school, and what the child's strengths and weaknesses are academically and socially. Providing detail in this letter is not bad.

The second is a request for an IEP team meeting. Parents might want to alter their child's IEP if current services do not seem to be working. If progress reports do not show improvement or child is struggling with work or behavior, you can request a new meeting

so the team can consider those developments. Again, parents should provide specific information about why they think the IEP is not working.

<u>Request for Special Education Evaluation</u>

Date: ____/____/____

Your name: _____
Your full mailing address: _____
                                         _____
                                         _____

Name of the Principal: _____
School's mailing address: _____
                                         _____
                                         _____

Dear _____:

I am writing to request that my child, _____, be evaluated for exceptional children's services. His/her date of birth is _____. I am concerned   about   his/her   educational   progress because_____
_____
_____.

Please contact me within ten business days to schedule a time to meet with you to discuss the process and for me to sign any necessary paperwork so that my child's needs can be addressed as soon as possible. Also, please accept this request as written consent to evaluate my child to determine eligibility for special education services.

I look forward to hearing from you soon. My daytime telephone number is _____. Thank you for your time.

Sincerely,

_____

<u>Request for IEP Team Meeting</u>

Date: ____/____/____

Your name: _____
Your full mailing address: _____
                                         _____
                                         _____

Name of the Principal: _____
School's mailing address: _____
                                         _____
                                         _____

Dear _____:

I am writing to request an IEP review meeting for my child, _____,
to discuss_____.

His/her date of birth is _____.   Please contact me within ten
business days to arrange an IEP meeting.

I look forward to hearing from you soon.   My daytime telephone number is
_____. Thank you for your time.

Sincerely,

_____