

# A Brief Overview of the Special Education Process

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If your child is struggling in school, it's important to find out why. It is possible he/she may have a disability. By law, schools must provide special help to eligible children with disabilities. This help is called special education and related services.

There's a lot to know about the process by which children are identified as having a disability and in need of special education and related services.

The process is outlined into 10 basic steps below and is just a **brief overview**. Once you have a picture of the process, it's easier to understand the various details under each step.

## Step 1 - IDENTIFICATION

Child is identified as possibly needing special education and related services.

There are **two** primary ways in which children are identified as possibly needing special education and related services: the system known as Child Find (which operates in each state), and by referral of a parent or school personnel.

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1. **Child Find.** Each state is required by IDEA to identify, locate, and evaluate all children with disabilities in the state who need special education and related services. To do so, states conduct what are known as Child Find activities.

When a child is identified by Child Find as possibly having a disability and as needing special education, parents may be asked for permission to evaluate their child. Parents can also call the Child Find office and ask that their child be evaluated.

2. **Referral or request for evaluation.** A school professional may ask that a child be evaluated to see if he or she has a disability. Parents may also contact the child's teacher or other school professional to ask that their child be evaluated. This request may be verbal, but it's best to put it in writing.

Parental consent is needed before a child may be evaluated. Under the federal IDEA regulations, evaluation needs to be completed within 60 days after the parent gives consent. However, if a State's IDEA regulations give a different timeline for completion of the evaluation, the State's timeline is applied.

## Step 2 - EVALUATION

The child being evaluated is an essential step in the special education process. It's intended to answer these questions:

- Does the child have a disability that requires the provision of special education and related services?
- What are the child's specific educational needs?
- What special education services and related services are appropriate for addressing the child's individual needs?

By law, the initial evaluation of the child must be "full and individual" (multidisciplinary) focused on that child individually. The evaluation must assess all areas related to the child's suspected disability. The evaluation results will be used to decide eligibility for special education and related services and to make decisions about an appropriate educational program for the child.

If the parents disagree with the evaluation, they have the right to take their child for an Independent Educational Evaluation (IEE). They can ask that the school system pay for this IEE.

## Step 3 - ELIGIBILITY

A group of qualified professionals and the parents look at the child's evaluation results. Together, they decide if the child is a "child with a disability," as defined by IDEA. If the parents do not

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agree with the eligibility decision, they may ask for a hearing to challenge the decision.

#### **Step 4 - CHILD IS FOUND ELIGIBLE FOR IDEA SERVICES**

If the child is found to be a child with a disability, as defined by IDEA, he or she is eligible for special education and related services. Within 30 calendar days after a child is determined eligible, a team of school professionals and the parents must meet to write an individualized education program (IEP) for the child.

#### **Step 5 - IEP MEETING IS SCHEDULED**

The school system schedules and conducts the IEP meeting. School staff must:

- contact the participants, including the parents
- notify parents early enough to make sure they have an opportunity to attend
- schedule the meeting at a time and place agreeable to parents and the school
- tell the parents the purpose, time, and location of the meeting
- tell the parents who will be attending the meeting, and
- tell the parents that they may invite people to the meeting who have knowledge or special expertise about the child.

#### **Step 6 - IEP**

The IEP team gathers to talk about the child's educational needs. The evaluation is what drives the services in the IEP. The student's IEP is then written. Parents are full participating members of the team. Where appropriate, the child may participate. The initial placement should be in the child's most Least Restrictive Environment (LRE). If the child's placement (meaning, where the child will receive his or her special education and related services) is decided by a different group, the parents must be part of that group as well.

Before the school system may provide special education and related services to the child for the first time, the parents must give consent. The child begins to receive services as soon as possible after the IEP is written and this consent is given.

If the parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. If they still disagree, parents can ask for mediation, or the school may offer mediation. Parents may file a state complaint with the state education agency or a due process complaint, which is the first step in requesting a due process hearing, at which time mediation must be available.



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## **Step 7 - THE IEP IS WRITTEN / SERVICES ARE PROVIDED**

The school makes sure that the student's IEP is carried out as it was written. Parents are given a copy of the IEP. Each of the child's teachers and service providers has access to the IEP and knows his or her specific responsibilities for carrying out the IEP. This includes the accommodations, modifications, and supports that must be provided to the child, in keeping with the IEP.

## **Step 8 – PROGRESS MONITORING**

The student's progress, toward the annual goals is measured, as stated in the IEP. His or her parents are regularly informed of their child's progress and whether that progress is enough for the child to achieve the goals by the end of the year. These progress reports must be given to parents at least as often as parents are informed of their nondisabled children's progress.

## **Step 9 - IEP REVIEWED**

The child's IEP is reviewed by the IEP team at least once a year, or more often if the parents or school ask for a review. If necessary, the IEP can be revised. Parents, as full IEP team members, must be invited to participate in these meetings. Parents can make suggestions for changes, can agree or disagree with the IEP, and agree or disagree with the placement.

If parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. There are several options, including additional testing, an independent evaluation, or asking for mediation, or a due process hearing. They may also file a complaint with the state education agency.

## **Step 10 – REEVALUATION**

At least every three years the child must be reevaluated. This evaluation is sometimes called a "triennial." Its purpose is to find out if the child continues to be a child with a disability, as defined by IDEA, and what the child's educational needs are. However, the child must be reevaluated more often if conditions warrant or if the child's parent or teacher asks for a new evaluation.

### **Want More Details?**

On **April 21, 2015** [Families Helping Families of Jefferson](#) will be having a comprehensive workshop, "[Understanding the IEP](#)", from **10:00 am – 12:00 pm** at the **East Bank Regional Library, 4747 W. Napoleon Ave., Metairie**. You won't want to miss out on this thorough and informative event. [Register here!](#)



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