

Parent/Guardian Rights Night

**Fairhaven/Acushnet
Public Schools**

Purpose of Presentation

The goal of this presentation is to provide information to families with students in special education so that participants understand their rights and the special education process in order to enhance collaboration between families and the school district.

State special education law requires that at least once per year each school district conducts a workshop on the rights of students and their parents or guardians under the special education law of Massachusetts and under the federal special education law.

Special Education Acronyms/Language

IEP - Individualized Educational Program which enables students identified with educational disabilities to make effective progress with proper modifications and accommodations through their participation in specially designed instruction or related services

Specially Designed Instruction - modifications to content, methodology, or performance criteria

Related Services - counseling, speech and language, occupational therapy, physical therapy, orientation and mobility, adaptive physical education

504 - 504 Accommodation Plan which provides students with accommodations to support their disabilities in order for them to access their education

DCAP - District Curriculum Accommodation Plan which provides accommodations to best support a student's learning style

FAPE - Free and Appropriate Education

LRE - Least Restrictive Environment

FBA - Functional Behavioral Assessment

BIP - Behavior Intervention Plan

SEPAC - Special Education Parent Advisory Council

Components of an IEP:

Parent/Guardian Concerns , Student Strengths and Identified Disability Type/s, Team Vision

PLEP A (present level of educational performance) to address academic accommodations and modifications

PLEP B (present level of educational performance) to address other areas (social-emotional, speech, motor to name a few) accommodations and modifications

Goals

Specialized Services (Grid page)

Explanation as to why students are removed from the regular education setting, consideration for extended school year/summer school, and consideration of specialized transportation

Standardized Testing Accommodations

Additional Information

Transition Planning Form (for students 14 and up)

Components of a 504 Plan

Identified Disability that substantially or extremely impacts the student's ability to access their education

Accommodations to ensure access to learning and address identified disability

Special Education Process and Parent/Guardian Rights

-Special Education Laws

The Individuals with Disabilities Education Act - also known as IDEA and sometimes referred to as IDEA-97

- Previously known as the Education for All Handicapped Children Act was signed into law by President Gerald Ford in 1975
- Makes available a free appropriate public education to eligible children with disabilities and ensures special education and related services to those children

Chapter 766 - Massachusetts' special education law

The Rehabilitation Act of 1973 - Section 504 which addresses protections for students with disabilities

Federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the department

Special Education Process and Parent/Guardian Rights

-Referral Process

- If a student experiences academic struggles, the school may initiate a referral for an Initial Evaluation (testing) to determine if the student has an educational disability that is contributing to their ability to make effective progress in school.
 - Parents/Guardians or other adults involved with the student (doctors, counselors, school team) can make a referral. A referral can be made at any time.
 - A district may not refuse a referral in order to try other supportive services, but there can be benefits to using RTI (response to intervention) and collecting data prior to a referral or in order to determine the need for a referral.
- When a student is referred for testing an Evaluation Consent to test package is sent for signature. Included within the packet is the Evaluation Consent Form and the Parents Rights Brochure
- [Link to Parent's Notice of Procedural Safeguards](#)

Special Education Process and Parent/Guardian Rights -Evaluation Process

Through testing if an educational disability is identified and the team determines it is impacting the student's ability to make effective progress, they may be found eligible for an IEP (Individualized Educational Program).

An IEP provides the student with specially designed instruction or related services to meet their needs.

IEPs are reviewed annually at Annual Reviews

Eligibility is reviewed every 3-years through 3-year Re-Evaluations

Progress on goal acquisition is reported at the same frequency as report cards are distributed through IEP Progress Reports

Special Education Process and Parent/Guardian Rights -Types of Testing

There are many types of testing that may be used as part of the student's Evaluation in the area of suspected disability(ies):

- Cognitive (IQ/learning style assessment)
- Psychological (behavioral, social-emotional, executive functioning)
- Academic/Achievement testing (reading, writing, math skills)
- Speech and Language (expressive/receptive language, social communication, augmentative communication, auditory processing)
- Motor (physical therapy, occupational therapy, orientation and mobility)

Special Education Process and Parent/Guardian Rights –Educational Disability Types

- Autism
- Developmental Delay
- Intellectual Impairment
- Sensory Impairment (Hearing, Vision, Deaf/Hard of Hearing, Blind)
- Neurological Impairment
- Emotional Impairment
- Communication Impairment
- Physical Impairment
- Health Impairment
- Specific Learning Disability

Special Education Process and Parent/Guardian Rights -Autism

Brief Description:

- A developmental disability significantly affecting verbal and nonverbal communication and social interaction
- Characteristics can include repetitive activities and stereotyped movements, resistance to environmental change or change in routines, or unusual response to sensory experiences

Impact In School:

- May struggle socially in perspective taking, turn taking, initiating, and maintaining conversations.

Strategies:

- Benefit from routine based practices and approaches for consistency
- Direct instruction in social skills

Special Education Process and Parent/Guardian Rights -Developmental Delay

Brief Description:

- Learning capacity is significantly limited, impaired, or delayed
- Difficulties in one or more of the following areas: receptive and/or expressive language, cognitive abilities, physical functioning, social/emotional/or adaptive functioning, and/or self-help skills
- Can only be diagnosed between the ages of 3-9 years

Impact In School:

- Delays contribute to students presenting behind same age peers

Strategies:

- Require frequent repetition of instruction, multimodal learning, direct instruction of skills at their ability level

Special Education Process and Parent/Guardian Rights -Intellectual Impairment

Brief Description:

- The permanent capacity for performing cognitive tasks, functions or problem solving is significantly limited or impaired
- Difficulties in one or more of the following areas: a significantly slower rate of learning, disorganized patterns of learning, difficulty with adaptive behavior, and/or understanding abstract concepts

Impact in School:

- Students struggle to learn abstract tasks

Strategies:

- Present information in small chunks that are concrete and clear
- Provide multiple exposures of the information in meaningful context with frequent reinforcement and practice
- Provide direct instruction of adaptive daily living skills

Special Education Process and Parent/Guardian Rights -Sensory Impairment

- Hearing-the capacity to hear, with amplification is limited, impaired, or absent; reduced hearing acuity; difficulty with oral communication and understanding auditorily presented information
- Vision- the capacity to see, after correction is limited, impaired, or absent; reduced visual acuity, difficulty with written communication, and difficulty with understanding information presented visually
- Deaf-Blind- both hearing and vision impairments

Impact in School:

- Difficulties accessing auditory information (Hearing)
- Difficulties accessing visual information (Vision)
- Difficulties accessing auditory and visual information (Deaf-Blind)

Strategies:

- Instruction via sign language and with visual supplements (Hearing)
- Providing access to materials through enlarged print or Braille (Vision)

Special Education Process and Parent/Guardian Rights -Neurological Impairment

Brief Description:

- The capacity of the nervous system is limited or impaired in the following areas: use of memory, the control and use of cognitive functioning, sensory and motor skills, speech, language, organizational skills, information processing, affect, social skills, and life skills

Impact in School:

- Difficulties keeping up with the pace of the classroom
- Difficulties organizing materials and knowing how to get started

Strategies:

- Presenting instruction at a slower pace
- Providing direct instruction in executive functioning skills (organizational skills and strategies)

Special Education Process and Parent/Guardian Rights –Emotional Impairment

Brief Description:

- Exhibits one or more of the following over a long period of time (at least 6 months) and to a marked degree which adversely affects educational performance: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behaviors or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems

Impact in School:

- Apathetic toward learning
- Easily frustrated when faced with setbacks

Strategies:

- Access to the School Adjustment Counselor as needed
- Ability to take breaks when feelings of frustration arise

Special Education Process and Parent/Guardian Rights –Communication Impairment

Brief Description:

- The capacity to use expressive and/or receptive language is significantly limited, impaired, or delayed
- Difficulties in one or more of the following areas: speech, articulation, voice, conveying understanding, or using spoken, written or symbolic language
- Other areas impacted may be articulation, stuttering, language or voice impairment, and central auditory processing disorders

Impact in School:

- Difficulties communicating needs effectively
- Difficulties taking in and processing lengthy language

Strategies:

- Speech and Language Therapy
- Access to communication devices
- Providing supplemental visual materials paired with oral explanations

Special Education Process and Parent/Guardian Rights –Physical Impairment

Brief Description:

- The physical capacity to move, coordinate actions, or perform physical activities is significantly limited, impaired, or delayed
- Difficulties in one or more of the following areas: physical and motor tasks; independent movement; performing basic life functions
- Can include severe orthopedic impairments caused by congenital anomaly, cerebral palsy, amputations, and fractures

Impact in School:

- Difficulties moving around school or classroom environments without supports
- Inability to participate in physical activities like peers

Strategies:

- Physical Therapy and/or Occupational Therapy or both
- Adapted physical education

Special Education Process and Parent/Guardian Rights –Health Impairment

Brief Description:

- Chronic or acute health problem
- Limited strength or limited vitality or alertness including a heightened alertness to environmental stimuli resulting in limited alertness with respect to the educational environment
- Can include asthma, ADHD, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia...

Impact in School:

- Attendance issues
- Difficulties on tasks requiring sustained attention

Strategies:

- Provide copies of classroom notes, access to materials if missed class
- Provide repeated exposure of information, cues to pay attention and focus, breaking down large tasks into smaller steps

Special Education Process and Parent/Guardian Rights –Specific Learning Disability

Brief Description:

- Disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written that manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations

Impact in School:

- Difficulties reading grade level text
- Inability to solve math problems without support
- Difficulties writing sentences or paragraphs in an organized manner

Strategies

- Specialized reading instruction or intervention
- Use of calculator
- Graphic organizers

Special Education Process and Parent/Guardian Rights -Timelines

In order to complete an evaluation the district is required to secure parental/guardian consent.

- Upon receipt of the signed Evaluation Consent Form, the district is required to conduct the testing within 30 school days
- A Team Meeting to review the testing, make appropriate recommendations, and determine the student's eligibility for an IEP is required to occur within 45 school days after receipt of the signed Evaluation Consent Form
- If the student is found eligible for an IEP, the IEP will be developed and placement will be determined at the Team Meeting
- The proposed IEP and Placement Page/s should be provided to the family within ten school days following the team meeting
- Special education services begin once the IEP is signed by the parent/guardian

Special Education Process and Parent/Guardian Rights -The Six Principles of Special Education Law

1. Parent/Guardian and Student Participation
2. Free and Appropriate Public Education (FAPE)
3. Appropriate Evaluation
4. Individualized Educational Program (IEP)
5. Least Restrictive Environment (LRE)
6. Procedural Safeguards

Special Education Process and Parent/Guardian Rights

-Principle 1: Parent/Guardian and Student Participation

- Provide meeting options
 - Provide information in family's native language
 - The school district's goal is to ensure a collaborative partnership between the school and family with regard to developing the student's IEP remembering that ultimate decision-making authority on most of the student's school program relies on the parent/guardian
 - Ensure student participation in IEP meetings beginning at age 14 to develop transition plans through opportunities to ensure the team keeps the student's voice in mind at all times
 - Upon the student turning 18 support the student in determining decision making rights (independent or shared with parent/guardian)
 - SEPAC - Special Education Parent Advisory Committee
 - Parent/Guardian observations
- Families have the right to observe their student's program
 - If you want to observe your student's program contact the Student Services Director

Special Education Process and Parent/Guardian Rights –Principle 2: Free and Appropriate Education

Free - at no cost to the parent/guardian

- Appropriate - sufficient services to enable the student to appropriately progress in education and

advance toward achieving IEP goals

- Public - provided by the public school district or under the direction of the public school district

- Education - preschool, elementary, and secondary education; can include extracurricular and nonacademic school activities

Special Education Process and Parent/Guardian Rights - Principle 3: Appropriate Evaluation

Initial Evaluation

3-year Re-Evaluation

- Can be waived or postponed

Assessments

- Individualized
- Nondiscriminatory assessments
- Include a variety of assessment tools and strategies to secure information regarding the student to ensure a comprehensive and whole picture is achieved through the evaluation process

Evaluation Rights - Parent/Guardians have the right to:

- Discuss both the proposed evaluations and evaluators prior to the evaluation upon request
- Consent or refuse the evaluation
- Request an independent evaluation when the parent/guardian disagrees with the results of the evaluation done by the school district
- Appeal a finding of No Eligibility (for an IEP)

Special Education Process and Parent/Guardian Rights

-Principle 4: Individualized Educational Program

Includes documented:

- Parent/guardian concerns and student's skills/strengths
- Explanation of how the educational disability affects the student's ability to learn and demonstrate their learning
- Identified specific and measurable goals which can be reached within a year's time
- List of special education services to be provided to the student
- Team determination if the student's disability puts them at risk to be vulnerable to bullying, harassment, or teasing because of the student's disability; and if it does then the IEP shall address the skills and proficiencies needed to avoid and respond to such situations (with social skills instruction embedded within the IEP)
- If the identified disability is Autism, the IEP must address social skills development

Parental/guardian rights associated with an IEP

- IEP services cannot begin without parental/guardian consent
- Can accept or reject the proposed IEP in part or in full
- Can withdraw consent at any time in relation to any service or program

Special Education Process and Parent/Guardian Rights

-Principle 5: Least Restrictive Environment (LRE)

LRE the Basics:

- Definition - to the maximum extent appropriate, students with disabilities have the right to be educated in the general education environment and in the classroom they would have attended if they did not disabilities.
- Students have the right to be educated in the Least Restrictive Environment (LRE).
- To ensure the Least Restrictive Environment (LRE) removal from the general education program occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be satisfactorily achieved.
- IEP Teams determine the placement where the student will receive their IEP services.
- A student need not fail in one environment before being moved to another environment

Special Education Process and Parent/Guardian Rights

-Principle 5: Least Restrictive Environment (LRE)

Education Placement Options

- Public School Building - general education classroom , small group special education classroom, and/or substantially separate program/classroom
- Out-of-District Placement - separate public day school
- (collaborative), private day school, or residential placement
- Home-Based Center or Early Childhood Program for students aged 3 to 5

Right to receive special education services even when student is unable to attend school

- If student is in a hospital
- If student is at home
- If student is in an institutional setting run by a state agency

Special Education Process and Parent/Guardian Rights -Principle 6: Procedural Safeguards

[Link to Parent's Notice of Procedural Safeguards](#)

- Right to written notice (about evaluation process)
- Right to consent/refuse (evaluation process or proposed IEP)
- Right to receive evaluations two days in advance of the IEP Team Meeting (upon request)
- Right to “stay put” (if not in agreement with newly proposed IEP or if rejected newly proposed IEP; services currently in place continue as stay put)
- Adherence to timelines
- Confidential Records

Special Education Process and Parent/Guardian Rights - Principle 6: Procedural Safeguards

If there are disputes or disagreements you can:

- Discuss your concerns with the district and work toward a resolution with the support of building administration and/or the Director of Special Education
- Utilize SEPAC as method to facilitate communication with the school district while ensuring advocacy and collaboration
- PRS - Problem Resolution System - if not satisfied with supports you can file a PRS Complaint that results in the district and potentially the DESE (Department of Elementary and Secondary Education) conducting a Local Investigation
- Mediation and Due Process - seek resolution by filing with the Bureau of Special Education Appeals (BSEA)
- Seek knowledge assistance elsewhere

**A copy of the Procedural Safeguards will be sent electronically

District Resources

Fairhaven:

Tanya Dawson, Student Services Director - tdawson@fairhavenps.net

Nicole McNeil, Assistant Student Services Director - nmcneil@fairhavenps.net

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