

## SPECIAL EDUCATION

Special Education is an individually planned, carefully evaluated and implemented instructional plan to help exceptional individuals achieve their greatest possible self sufficiency and success in present and future environments.

Your child's future success is highly dependent on the quality of education he or she receives, along with the patience, fairness, and support of special education teachers. The Individuals with Disabilities Education Act (IDEA) guarantees the right to a free and appropriate public education for children who have been diagnosed with special needs, including learning or physical disabilities, behavioral problems, or special aptitude. When these basic rights are not met, you need a special education lawyer who knows how to be an advocate for your child.

The Individuals with Disabilities Education Act (IDEA) is the law governing how States and public agencies provide early intervention, special education and related services to US children. IDEA, is designed to insure that children with disabilities receive a "free appropriate public education" (FAPE).





This means that schools will provide Students who are eligible with special supports and instruction that will address their academic needs in the least restrictive environment.

## QUALIFYING DISABILITIES

Children with disabilities are “identified” by category of disability through an evaluation. The categories of disability are:

- Developmentally delayed
- Seriously behaviorally disabled
- Communication disordered
- Orthopedically impaired
- Health impaired
- Specific learning disability
- Mental retardation
- Multiple disabilities
- Deafness
- Hearing impairment
- Visually impaired/blindness
- Deaf/blindness
- Autism
- Traumatic brain injury

## BEHAVIORAL CUES

Children with developmental disabilities will show symptomatic behaviors long before these behaviors impact their formal education. The behavioral patterns listed above may indicate that a child should





be assessed to determine whether special education services are appropriate.



## What Are IDEA's 9 Basic Steps?

The child is identified as potentially requiring special education support. Teacher notices or parent of preschooler identifies the need.

The Child is Evaluated. The evaluation will include the school team and the parent. IDEA states that the evaluation must gather relevant functional, developmental, and academic information about the child, including information provided by the parent.

After evaluation, the eligibility is determined. Qualified professionals and the parent will determine the eligibility.

The eligibility may be turned down if there is not enough data to support the eligibility. If the response is no, the parents will be given information about what they can do, should they disagree with the decision.

An Individualized Education Program (IEP) meeting is scheduled. The IEP meeting must be scheduled within 30 days of the determination of the eligibility.



## The IEP is Written.

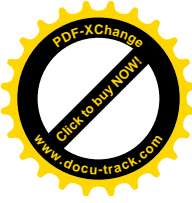
The Plan is Carried Out - Services Are Provided. In other words, the child is now receiving special education supports to ensure he/she reaches their full academic potential.

Ongoing measurement of progress and reporting to parents. It is important to ensure the child is making progress based on the IEP within the time frames established.

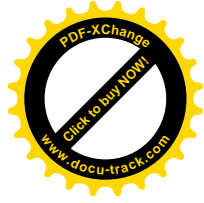
The IEP is reviewed. The IEP is a working document, it only makes sense to review it regularly to ensure that the child's educational needs are being met. The IEP school team will meet to determine what changes if any need to be made. Parents will always have a copy of the most recent IEP.

Reevaluation. The main reason for the reevaluation is to determine if the child continues to meet the criteria outlined in IDEA. Is the child still a child with a disability? This process will not occur anymore than once a year but must occur at least every 3 years. Parents and or teachers may request a reevaluation.





## IEP CHECKLIST FOR PARENTS



This checklist is designed for parents of special needs children. The checklist is designed to ensure that the child has the most appropriate IEP possible, one that includes parent contributions. The checklist helps parents determine if the IEP puts the child's needs and strengths first.

-- The assessments/evaluations used in the planning stages of the IEP were appropriate and supportive for developing an appropriate IEP.

-- I was informed of the IEP minutes in a timely fashion (Usually within 30 days of the testing/assessment/evaluations).

-- The conference included all support staff and myself.

-- The information was presented to me in terms I fully understood and I was given the opportunity to share my thoughts and ask for clarification.

-- My contributions were taken into account and they provided necessary information for the IEP.

-- I was made to feel like a valued member of the team and felt welcome.



-- I was given information about how to appeal any decisions regarding the IEP.

-- The goals were completely appropriate for my child. The goals included short and long term objectives, and focused on what, how and when my child would achieve the goals.

-- The IEP included specific support staff that would be involved as well as any special services that may be needed and these services and support were made fully understandable to me.

-- Present level of achievement both academically and socially were described fully. (This level helps to determine if goals are being met as time progresses.)

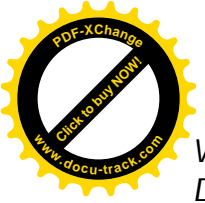
-- I have been made aware of all dates for the IEP for implementation purposes.

-- I feel well informed about how, who and when my child will be assessed for progress.

-- I have been informed about the review of the IEP process and am aware that a new IEP may be required at this time.

It is important for parents and the school staff to work together and for both to become as informed as possible regarding the child's social, emotional and academic development. The IEP should be a collaborative effort and no parent should be surprised by its content.





*We here at the Law Office of Dennis M. Schuster are able to assist you in what you need to know about special education programs for students with learning disabilities in public schools.*

Contents of an Individual Education Plan (IEP)  
*Exceptional Students Will Require an IEP*

The IEP is a long range (yearly) planning document that is used in conjunction with the classroom teacher's daily and long range plans. The actual programming details will be contained in the teacher's daily and short range plans. Each student has unique needs that must be recognized and planned for in the academic program so that each student will be able to function as effectively as possible in the school environment. This is where the IEP comes into play. Placement of students may vary depending upon their needs and exceptionalities.

A student may be placed in:  
-- a regular classroom and receive program modifications.

– a regular classroom and receive program modifications and also receive additional support from the special education teacher.



-- a regular classroom for a part of the day and a special education classroom for the remainder of the day.

-- a special education classroom with a variety of direct and indirect support from special education teachers and consultative support staff.

-- a treatment program or residential program with complete and ongoing support from a variety of staff.

Regardless of the placement of the student, an IEP will be in place. The contents of the IEP will vary from state to state and county to county, however, most will require the following:

The date the plan will be implemented along with the date that the placement of the student became effective.

A signature from the parent and depending upon the age of the student, it too may be required.

The exceptionality of the student or the multiple exceptionalities of the student. Health issues will also be noted if they are applicable.







Personalized equipment that is required for the student to function must be identified and any equipment that may be on loan to the student must also be included on the IEP.

Any equipment that is used on a regular basis, such as a walker or a feeding chair.

Personnel that may be involved during the time that the IEP is in effect must also be listed. For instance, the vision resource specialist or the physio therapist etc.

Curricular modifications and or curricular accommodations should be contained in the IEP.

The amount of support that the student will receive must be listed. For instance, if the student will be in a regular class for certain subjects and receive special education assistance in other subjects, the amount of special education support must be calculated. It may be calculated in minutes or percentage of the special educational day.

The IEP should list the student's strengths and interests also. This will help to provide motivation when programming for the student and is something that anyone working with the student should know about.



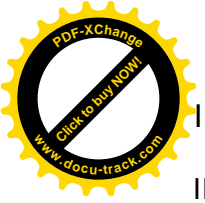


Standardized assessment results and or scores should all be identified in the IEP.

Academic functioning along with the date also needs to be listed. For instance, if the student is in the 6th grade but is functioning academically at the second grade, this needs to be noted. If there are supporting tests used to determine grade functioning, those scores should also be included along with the date the tests were conducted.

All subject areas requiring modifications or additional support should be listed. Grade levels should also be included. If the student is working at grade level in everything except math - this needs to be noted. Goals, Expectations and Performance Standards should be clearly identified with very specific details. Strategies for how the student will achieve the goals or expectations must also be very clearly stated. Evaluation comments should be added throughout the year as the IEP is "a working" document. If and when something isn't working in the IEP, suggestions for improvement can then be added. Parents and students (if applicable) should have a copy of the IEP and the IEP is stored in a safe place at the school - usually in the office.





## IEP TEAM MEMBERS:

IEP team members are parents of the student, special education teacher, classroom teacher, support workers and attorney advocates involved with the individual. Each member of the team plays a vital role in the development of a successful IEP. Education Program Plans can become overwhelming and unrealistic. A good rule of thumb is to set one goal for each academic strand. This enables the teams manageability and accountability to ensure that resources are available to help the individual achieve the desired goals.

If the student IEP meets all of the student needs and is focused on skills for success, results and outcomes, the student with special needs will have every opportunity for academic achievement no matter how challenging their needs may be.

Individuals with disabilities, their families, as well as professionals who represent them, face a host of unique legal issues and other challenges unfamiliar to most of their peers.



*The Law Office of Dennis M. Schuster assists you in what you need to know about special education programs for students with learning disabilities in public schools. Understand your program options and how to make the best decisions to meet your child's needs.*

Notes:

