



Special Education Laws and Regulations



**DUDLEY-CHARLTON REGIONAL SCHOOL
DISTRICT**

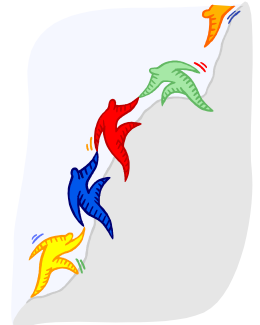
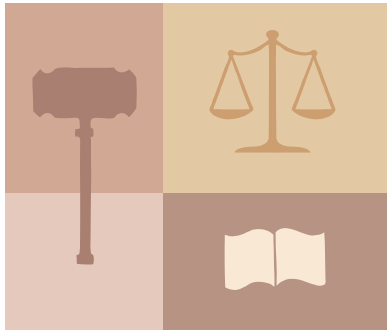


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IDEA - 2004

- The Individuals with Disabilities Education Act (IDEA) is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services to more than 6.5 million eligible infants, toddlers, children and youth with disabilities.
- The Individuals with Disabilities Education Act of 2004 (IDEA 2004) is the federal special education law. It gives specific requirements to ensure that students with disabilities receive the services they need to achieve their educational goals.
- IDEA 2004 helps to ensure equity, accountability and excellence in education for children with disabilities.



Related Laws

The Massachusetts Education Reform Act

The Massachusetts Education Reform Act of 1993 introduced sweeping changes for public education. The changes are programmatic as well as fiscal: organizational modifications were introduced; administrator roles and responsibilities were redefined; particular student populations were targeted for additional academic support; and the method for funding education was completely revamped.

The Educational Reform Act includes language making it clear that Education Reform is intended to apply to ALL students, including students with disabilities.

Section 504 of the Rehabilitation Act

Section 504 protects **qualified individuals with disabilities**. Under this law, **individuals with disabilities** are defined as persons with a physical or mental impairment which substantially limits one or more major life activities. People who have a history of, or who are regarded as having a physical or mental impairment that substantially limits one or more major life activities, are also covered.





Related Laws Continued



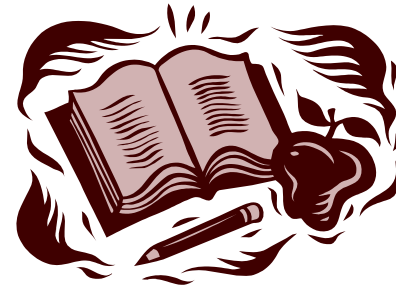
Chapter 688 of the Acts of 1983

Chapter 688 of the acts of 1983 gives certain rights to disabled students in Massachusetts who are leaving Special Education system either because they will turn twenty-two or because they will receive a MA diploma.

Chapter 688 guarantees an Individual Transition Plan (ITP) which should describe your service needs and indicate which state agencies should provide those services. Disability advocates believe that the statute will be interpreted as a guarantee of actual services. Chapter 688 is not a guarantee of service, only a plan.

The Americans with Disabilities Act – ADA

Ensures that people with disabilities are not subject to discrimination in their life activities. It is less likely to be applicable to your child's education in school (because in most cases, these other laws are more applicable to the school environment), but it is an important law that provides protections throughout life for people with disabilities.



Six Basic Principles

The federal and state special education laws are grounded in **six** basic principles. Understanding these **six** principles will help provide a strong understanding of the purposes of the law.



Parent and Student Participation



Free and Appropriate Public Education (FAPE)



Appropriate Evaluation



Individualized Education Program (IEP)



Least Restrictive Environment (LRE)



Procedural Safeguards

Parent and Student Participation

- ~ Parent and student participation is the first of six principles. Parents have the right and are encouraged to be involved as full partners in multiple ways with the school in all planning and decision-making related to their child. Parental involvement continues in all aspects up to the time the student becomes an adult
- ~ Students are the focus of special education, and as they grow older, are expected to participate in planning for their own future as much as possible.
- ~ It is the obligation of the school district to make strong efforts, in multiple ways, to ensure parental and student participation.



Participation is not just attendance at a meeting. Schools must make and document multiple efforts to ensure that parental participation and input is sought and to ensure that the needs and interests of the student are central to the process of considering appropriate services. If necessary, to ensure parent participation, schools must provide information in the parent's native language. When a student is 14 years of age, or younger if appropriate, he/she must be invited to participate as an active member of the TEAM.

The opportunities provided for parent participation are intended to promote dialogue between parents and school personnel on behalf of their child and to ensure that the parent has full knowledge of the information used to plan or propose services. Parent's rights do not stop with participation, they start there. Parents have ultimate decision-making authority of most aspects of their child's school program.

Specific Participation Rights

- School districts must make multiple efforts to facilitate parental attendance at TEAM meetings. If parents cannot attend, schools must seek parent input through other means.
- Students at the age of 14, or younger if appropriate, are entitled to participate in all TEAM meetings.
- Student at the age of 18 are adults under Massachusetts Law and assume all right formerly held by their parents for participation and decision-making.



Free and Appropriate Public Education



- Free = At no cost to parents.
- Appropriate = Services sufficient to enable the student to appropriately progress in education and advance toward achieving the IEP goals.
- Public = Provided by the public school district or under the direction of the public school district.
- Education = Preschool, elementary and secondary education, including extra-curricular and non-academic school activities.

The law ensures that students with disabilities have the right to go to school and to experience all of the benefits that school has to offer to students without disabilities. In other words, school is for every student. FAPE in special education ensures that when an eligible student receives special education, his/her special education program must be developed in such a way that it is reasonable to expect the student to receive measurable educational benefit. It would not be acceptable, for instance, for a school district to accept or propose a program for a student that results in little or no progress from year to year.



What is General Curriculum?



The same curriculum as students without disabilities receive, including all Massachusetts Curriculum Frameworks – in particular, English Language Arts, Math, Science & Technology, and History and Social Science.

One particular aspect of FAPE is ensuring that students with disabilities have access to the same academic curriculum and standards as students without disabilities. This is referred to as the “general curriculum.”

This means that receiving special education doesn't required the development of a special or different academic curriculum, but rather provision of the types of services and supports that make it possible for the student to be successful within the **same** curriculum that is provided to students without disabilities.

General Education Supports

- What is Early Intervening? It is NOT Special Education. It is pre-referral activities-Response to Intervention (RTI)
- The school district will make every effort to help a student before making a referral to special education.
- If the student responds to the intervention and the area of difficulty is addressed then a referral to special education is NOT necessary



Appropriate Evaluation

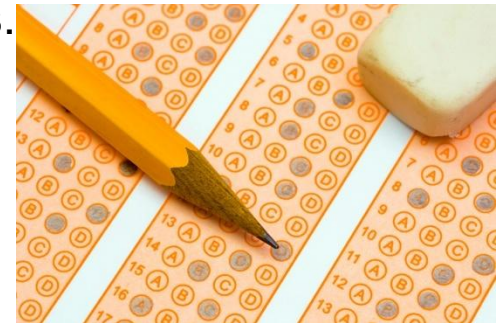
Before a student can be found eligible for special education an individualized appropriate evaluation is required, including evaluation of the student in all areas related to the suspected disability (ies) and the student's educational status. (Initial Evaluation)

The TEAM uses the evaluation information to determine if the student has an educational disability ~ that is, a disability that negatively affects the students ability to make progress in education and requires Special Education. (Specially Designed Instruction and/or Related Services)

Every three years, the student must be individually reevaluated to determine if he/she remains eligible for special education. (Three-Year Evaluation)

Evaluation must be tailored to the individual student.

No single assessment should be used as the sole basis for finding a student eligible or ineligible for special education. Sound comprehensive evaluations use a variety of assessment techniques, formal and informal, and may include observations (including parents' observations), surveys, interviews, as well as diagnostic and standardized tests.



Evaluation Timelines

- Referral- Parent or professional identifies a child as possibly needing special education or related services
- Consent-Within 5 school days of the receipt of a referral (verbal or written), the school district (through the Team chairperson) notifies the parent and requests written consent to evaluate
- Evaluation-Within 30 school days of written parental consent, evaluations are completed
- Eligibility Meeting-Within 45 school days of written parental consent, a Team meeting is held to determine eligibility and develop an IEP if the student is found eligible.

When is a student eligible for Special Education?

A student is eligible if all three of the following are true:

- The student has one or more disabilities.
- The student is not making effective progress in school as a result of the disability(ies).
- The student requires special education in order to make effective progress.

Individualized Education Program

IEP

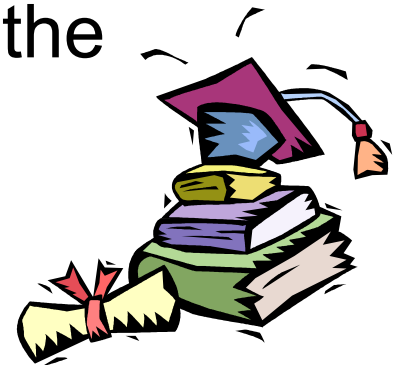
The IEP contains:

Written information on the parent's concerns and the student's skills

A written explanation of how the disability affects the student's ability to learn and to demonstrate his/her learning

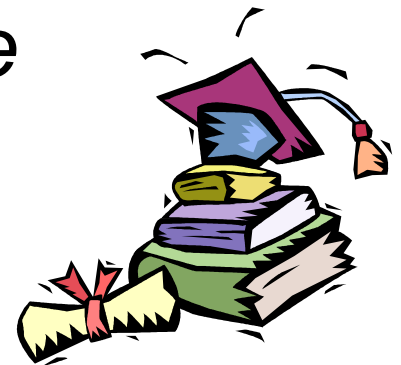
An identification of specific, measurable goals which can be reached in a year's time

A listing of the services to be provided to the student



Individualized Education Program IEP

A student who is found eligible for special education has the right to receive, in written format, information on how the disability affects the student's learning and the special education services that the student will receive from the school district in order to meet his/her unique educational needs arising from the disability.



Individualized Education Program

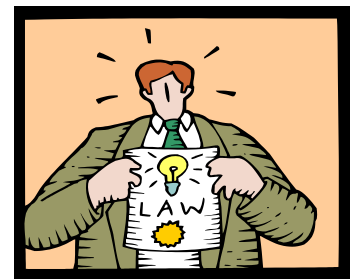
IEP



An **IEP** (as well as a 504 Plan) is a **LEGAL DOCUMENT**. School staff who work with the student are **REQUIRED** to implement the IEP or 504 plan as it is written.

The IEP must be:

- ✓ Written in generally understandable language and provided to the parent in the parent's native language.
- ✓ Developed by a TEAM of people familiar with the student and supported by the assessment information (the TEAM always includes the parent).



Individualized Education Program

IEP



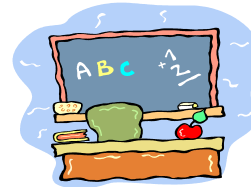
The IEP's purpose is to outline:

What will be done to assist the student to make effective progress in the general curriculum and within the life of the school.

How the student will participate in state and local assessment. State assessment in Massachusetts means the MCAS.

The goals the student is expected to reach by the end of the IEP period.

Least Restrictive Environment (LRE)



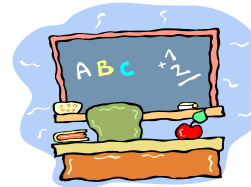
LRE means that to the maximum extent appropriate, students with disabilities have the right to be educated in the general education environment in the classroom they would have attended if they did not have disabilities.

LRE means that student cannot be removed from the general education classroom solely because of needed curriculum modifications.

LRE means that removal from the general education program occurs only if the nature or severity of the disability is such that education in the general education classes with the use of supplementary aids and services cannot be satisfactorily achieved.



Least Restrictive Environment (LRE)



LRE is designed to ensure that students with disabilities are educated with students who do not have disabilities to the maximum extent appropriate and consistent with the needs of the individual student. Students have the right to be educated in the **Least Restrictive Environment (LRE)**. TEAMS, however, will determine placement in which a student will receive IEP services and a student need not fail in one environment before being moved to another environment.



The TEAM, after developing the IEP, must decide what environment is the **Least Restrictive Environment** able to deliver the services on the IEP. The most common placements identified by the TEAM are:

- ~ **In the public school building**: the general education classroom, a resource room, or a substantially separate classroom.
- ~ **Outside of the public school building**: a separate day school or a separate residential school.
- ~ **For young children (aged 3-5)**: a home-based or center-based early childhood program.





Generally speaking, the more time a student spends with students who do not have disabilities, the less restrictive the placement is considered. Sometimes the TEAM will identify a combination or something different that provides a particular student with a placement responsive to his/her unique needs. For instance, sometimes for older students the placement is a combination of work environments and school environments. All of these are possibilities that the TEAM may consider.

**THE STUDENT CANNOT BE PLACED BY THE SCHOOL DISTRICT,
IN AN EDUCATIONAL PLACEMENT, UNLESS THE PARENT
CONSENTS TO THE PLACEMENT.**

Parents' Procedural Safeguards

Include:

- ✓ Right to written notice
- ✓ Right to consent/refuse
- ✓ Right to “stay put”
- ✓ Problem Resolution System
- ✓ Medication and Due Process
- ✓ Timelines
- ✓ Confidential Records
- ✓ Right to receive evaluations 2 days in advance of TEAM meeting, if requested





Resources:

Massachusetts Special Education Regulations 603 CMR 28.00

<http://www.doe.mass.edu.lawsregs/603cmr28>

Is Special Education the Right Service?

http://www.doe.mass.edu/sped/2001/elig_drft01.pdf

Parent's Rights Brochure

<http://www.doe.mass.edu/sped/prb>

A Parent's Guide to Special Education

<http://www.fcsn.org/parentguide/pgintro.html>



If any faculty or staff have questions about any part of special education law pertaining to students that they work with, please contact and direct your questions to the building special education Team chairperson within your building.

Student Records & Confidentiality

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

Parents or eligible students have the right to:

- inspect and review the student's education records maintained by the school
- request that a school correct records which they believe to be inaccurate or misleading

Student Records & Confidentiality

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest
- Other schools to which a student is transferring
- Specified officials for audit or evaluation purposes
- Appropriate parties in connection with financial aid to a student
- Organizations conducting certain studies for or on behalf of the school
- Accrediting organizations
- To comply with a judicial order or lawfully issued subpoena
- Appropriate officials in cases of health and safety emergencies
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

Student Records & Confidentiality

Students have a right to have their school records kept private.

The student records maintained by the school may include - but are not necessarily limited to:

- Identifying data
- Report cards and transcripts of academic work completed
- Standardized achievement test scores
- Attendance data
- Reports of psychological testing
- Special education documents
- Health data
- Teacher or counselor observations
- Disciplinary records
- Verified reports of serious or recurrent behavior patterns.

Such information should be shared only with other school staff who need to know the information to perform their duties.

Student Records & Confidentiality

As an employee of the district, DO NOT discuss or share personally identifiable student information including personal information, academic performance, behavioral incidences, health information, or any part of the student's record with (but not limited to):

- Outside contacts such as an advocate, social worker, counselor, etc.-UNLESS parents have signed a release giving permission to disclose information (Please contact your building principal to determine if this documentation is on file with the school)
- Your own family members
- Your neighbor
- At sports events or social functions
- With other teachers/staff who do not work with the student (ie. in the teacher lunch room)

The words "THANK YOU" are rendered in a bold, 3D, light blue font with a slight shadow effect. The letters are set against a black, slightly tilted rectangular background. The "O" in "YOU" is a ring-like shape.

Please CLICK the link below to acknowledge viewing this presentation and respond to the survey document that will appear.

<http://www.dcrsd.org/forms.cfm?myForm=7224>