

Special Education:

Understanding Your Rights

Designs for Change

2001

Thank you for contacting Designs for Change

It's our pleasure to provide helpful information to those who are concerned about special education.

Based in Chicago, Designs for Change provides training and advocacy on behalf of parents in a variety of communities throughout Illinois. In those communities we help organize parent groups and train them to act as advocates on behalf of other parents and their children.

This newsletter has been designed to provide you with current information on your rights, some helpful tips as you work through the special education process, and key advocacy techniques for working in the public school system.

We hope that this information is useful and will help you as you advocate for your child. If you have any additional questions or need information, please call Designs for Change at (312) 236-7252.

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A Good Advocate . . .

- . . . **gathers information.** Know your rights! Read records!
- . . . **sets goals and objectives.** Be prepared! Have a plan. Know what you want to get out of each meeting.
- . . . **is assertive, not antagonistic.** Don't lose your cool!
- . . . **is a good listener.** Listen carefully! So much good information can be collected at a meeting. Take notes for further reference.
- . . . **doesn't assume anything.** Don't be afraid to ask questions!
- . . . **isn't controlled by the clock.** Meetings can always be rescheduled. If you have issues you know will need more time, notify your district. Don't let the clock pressure you into signing something you don't agree with, or you don't understand.
- . . . **cooperates.** Remember, you can cooperate without agreeing. Even though you may not agree with a placement or program, look at it! You can't fight something you know nothing about.

Taking a look at the law

There are federal and state special education laws that protect the civil rights of children with disabilities. Using the Civil Rights movement as their foundation, a group of parents in the early 70's filed a lawsuit to get their children with mental disabilities educated. Their fight became the catalyst for the first federal law in this country that guaranteed an education for children with disabilities. Public Law 94-142, known as **The Education for All Handicapped Children Act**, was signed by President Gerald Ford in 1975.



To receive special education funding for educating children with disabilities, States had to write laws and regulations that conformed to the federal law. These rules described the procedures each state would use to make sure that children

with disabilities would be provided an appropriate education. In Illinois, these laws are found in section 226 of the Illinois School Code.

As is customary, Congress has reviewed PL 94-142. Over the last two years new regulations have been added, and the law has been renamed. PL 94-142 is now known as IDEA, **Individuals with Disabilities Educational Act (PL 101-476)**.

Key provisions of special education laws

- **All children will be served.**

All children between the ages of 3-21 are guaranteed an education. No child, no matter how severe his or her disability, can be denied an education.

- **Special Education must be provided free, and children must receive an appropriate education.**

Children who have disabilities cannot be charged extra for their education or services. School districts must provide each child an appropriate education and related services that meet that child's individual needs.

- **Children must be tested fairly.**

Tests must show not only a child's weaknesses, but must also show their strengths. Cultural differences must be taken into account when testing is done.

No child, no matter how severe his or her disability, can be denied an education.

- **Children must be served to the fullest extent with non-disabled students.**

This provision is called serving children in the "Least Restrictive Environment," or LRE. We must use every available service and aid to guarantee that children can be served, if possible, in the school they would attend if not disabled.

- **Parents of children with disabilities participate in the planning of programs and services.**

The law mandates parent participation in every step of the special education process. Parents are to be partners with the educational system in all planning of programs and services.

- **Parents can disagree.**

Parents have the right to say NO! Special education laws lay out a process for settling all disagreements.

You have the right:

- To inspect, review, and obtain copies of your child's records.
- To have your child's records explained to you.
- To have all information written—that includes all letters and forms so that you can understand them. An interpreter must be provided if you need one.
- To be given ten days notice before the school changes (or refuses to change) the identification, evaluation, or placement of your child.
- To give consent before an evaluation or placement is made.
- To say no or revoke your consent.
- To have a case study evaluation completed within 60 school days. More than one criterion must be used for placement.
- To have a reevaluation done every three years or sooner if requested.
- To have an independent evaluation done and to have that evaluation considered when placement and program decisions are made.
- To have your child educated to the fullest extent possible with non-disabled peers, and to have your child removed from the regular education environment after supplementary aids and services being tried were not enough.
- To have your child participate with non-disabled children in nonacademic and extracurricular services and activities.
- To file a complaint with the Department of Special Education and have a report of findings within 60 days.
- To request an impartial due process hearing and to be informed of the procedures, and any available free or low cost legal service.

You have the right to have your child educated to the fullest extent possible with non-disabled peers.

Learning the language

Whether you're learning to drive a car, trying a new recipe, or referring your child for special education, the first thing you need to do is understand the terminology that is used. School districts have their own language, and use different letter combinations as abbreviations when describing different procedures or disabilities. Labels like Down Syndrome and Cerebral Palsy are considered medical terms and are not used in schools. Here are some commonly used abbreviations.

Common Letter Terminology

- AU** Autistic
- LD** Learning Disabled
- BD** Behavior Disordered
- ED** Emotionally Disabled

- EMH** Educable Mentally Handicapped
- TMH** Trainable Mentally Handicapped
- TBI** Traumatic Brain Injury
- VI** Visually Impaired
- HI** Hearing Impaired
- PH** Physically Handicapped
- SPL** Speech and Language
- OT** Occupational Therapy
- PT** Physical Therapy
- MDC** Multidisciplinary Conference
- IEP** Individual Education Program
- EBD** Emotional Behavior Disorders
- CD** Cognitive Disorders
- SLD** Specific Learning Disorders
- MMI** Minimal Mental Impairment
- ADHD** Attention Deficit Hyperactive Disorder
- ADD** Attention Deficit Disorder

THE SPECIAL EDUCATION PROCESS

REFERRAL



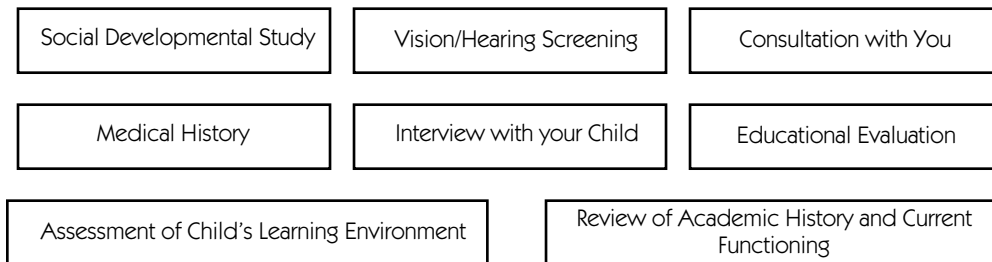
SCREENING



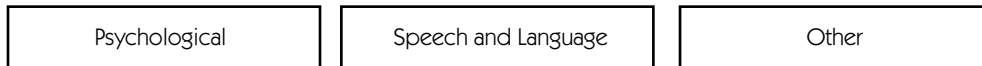
If no services are necessary, you should receive a refusal to evaluate in writing.



CASE STUDY EVALUATION



ADDITIONAL SPECIALIZED EVALUATIONS



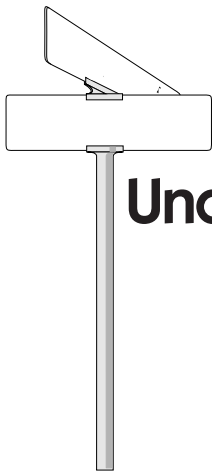
MULTIDISCIPLINARY CONFERENCE



INDIVIDUAL EDUCATION PROGRAM



PLACEMENT



Understanding the road signs

Referral

Referrals are nothing more than asking your district to test your child. Referrals may be made by teachers, parents, guardians, etc. The date you refer your child is an important one to document. The referral date starts the clock on the 60 school day evaluation process.

Case Study Evaluation (CSE)

A CSE is a series of diagnostic tests and procedures that are used to provide information about a child and how his problems are affecting his educational performance. A parent plays an important part in helping the district gather correct information about the child. Your permission is needed for any evaluation to take place.

Multidisciplinary Staffing or Conference (MDC)

After all the testing and evaluations are completed, a meeting is called to discuss the results. This meeting is called a multidisciplinary conference, and must take place within 60 school days of your referral. As a parent, you are invited to attend, and you may bring anyone along with you.

Individual Education Program

An IEP is an individualized written statement of a special education child's goals, objectives, and related service needs for the school year.

These are written annually for each child. Don't forget—IEPs should also include goals for behavior, special transportation needs, and the need for any assistive technology device, from calculators to communication devices. Through IDEA (the Individuals with Disabilities Educational Act) your district must provide assistive technology devices.

Related Services

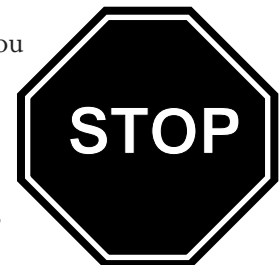
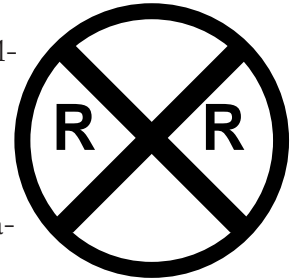
Related services are services that help children benefit from their education. They include such things as bathroom aides, parent training, Occupational Therapy (OT) and Physical Therapy (PT), speech and language services, counseling, etc. These must be written on your child's IEP and must include the minutes of service per week, the duration and the type of service (direct or consultive). It's also important for you to ask if these services are to be given to your child in a group or on a one-to-one basis.

Placement

Placements must be made that are appropriate to meet the needs of each individual child. Children with disabilities must be educated to the fullest extent possible with children who are non-disabled. Placements have many different labels, and are different from community to community. It's important that you see any program that your child will be attending **before** you agree to any placement or sign any papers.

Transition Plans

For children at least 14.5 years old, but no later than the child's 16th birthday, the law requires that a plan for transition from school is developed. This plan is written every year and identifies what skills or services a child needs so that their transition from school can be successful. Community agencies and other service providers are to be invited to this meeting so a comprehensive plan can be developed.



How to get your child's school records

WRITE: Always put your request in writing. See sample letter below.

COPY: Always make a copy of any request you make.

MAIL: Always mail your request certified, return receipt requested.

SAVE: Always save your return receipt and the copy of your request. Copies of your records should be made available to you within 15 school days.

REMEMBER: Your district may charge you for the cost of copying. If you cannot afford this cost your district must give you a copy without charge.

Dear _____ (Principal),

According to 23 Illinois Administrative Code Section 226, and the Student Records Act, I am requesting a copy of all of (child's full name and birthdate) records, both permanent and temporary. It is my understanding that my son's/daughter's records should be made available to me within 15 school days.

Your prompt attention to this matter is appreciated.

Referral tips

The best way to refer your child for an evaluation is to do it in writing. Some school districts may ask you to fill out a special form. When completing school referral forms, follow the tips below.

Date

This form should have the actual date of referral, not a predated one.

Blanks

All blanks should be completed with the correct information.

Boxes

Make sure all needed ones are checked.

Questions

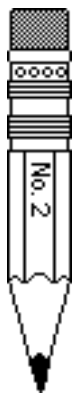
If you don't understand, ask!

Sign

For any testing to take place, your signature is needed.

Remember

Other evaluations, like speech and language, physical therapy, etc. have their own referral forms. Make sure they're signed now.



Case study evaluation tips

Schedule:

Always ask when your child will be evaluated. Remember — no child tests well if s/he is hungry, not feeling well, or is in need of a nap. If your family has just moved into new surroundings or a family problem has caused your child to not “be himself,” delaying the testing for a few months may be helpful. If you need to delay testing for any reason, it is always best to put your request in writing.

Ask questions:

Don't be afraid to ask the person who is going to test your child about the tests and testing procedures. How many days will the testing take? Where will the child be tested? What classes will your child miss?

Explain:

Testing for any child can be frightening. Try and explain everything you know about the procedure and be sure to answer any questions your child has. The more comfortable your child is, the better s/he'll do.

Preparing for a staffing

When your notice for a staffing arrives:

- Make sure you understand the purpose of the meeting.
- Check date, time, and place; re-schedule if necessary.
- Check the list of participants; request the participation of any staff member you feel has information about your child.
- Contact the school if you have had new medical or a private evaluation done on your child. Make sure they have copies of the evaluation to read and review before your child's annual review. This will help facilitate a productive meeting.

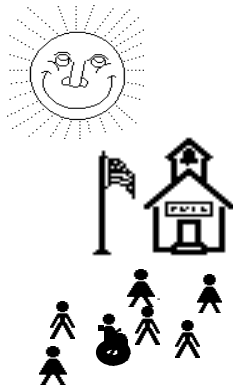
How to prepare:

- Review all the material and information you have gathered.
- Make a list of all the points you want to share.
- Make a list of questions you want answered. Remember—when it comes to your child, all questions are important!!

The day of your staffing:

- Bring someone with you for support or to take notes.
- Before the meeting begins, make sure you know who everyone is, and what role they play in your child's education. If you don't know, ask!
- Ask questions! Don't be afraid to ask about anything you don't understand. Very few parents understand tests, test scores, and all the abbreviations that schools use. Terminology in special education is always changing, and terms may differ from district to district.

- Make sure that the meeting focuses on your child's strengths, not just weaknesses.
- Share information and make suggestions. Everyone needs to work together for your child to receive an appropriate placement, including you. You are an important member of the team.
- If your child will be attending a new program, new school, or just a new classroom in the fall, don't be "too embarrassed" to ask to see it. Most principals and school officials want parents to be satisfied with the program their child will be attending. If the program your child will be attending isn't available for you to observe, ask for a reconvening of the IEP, after your child has entered his/her new program. This will give you a chance to observe your child in a new setting and determine if it is appropriate or changes need to be made. Classroom labels (LD resource room, BD classroom, etc.) don't really explain programs. Seeing a program will help you understand more about your child, give you the opportunity to talk to the teacher, and make both you and your child more comfortable.
- Don't sign anything you haven't read. Make sure you read all paper work before signing, and understand what has been written. The law gives you ten days to sign, so if you're not sure or want to discuss the program with someone else, just ask!
- If you disagree with the program or placement, discuss it with your district, call an advocacy group, or contact the Illinois State Board of Education. Any one of these organizations will provide you with the proper steps to file for a due process hearing.



Appropriate Placement

An appropriate placement needs to be based on the assessed needs of your child and where your child can make meaningful progress. An important part of deciding if a program is appropriate for your child is to visit the classroom. Below is a list of questions to ask the school.

- What are the ages of the students in the program?
- Are there other children in the building without disabilities? What are their ages?
- Will my child spend any time with non-disabled students? When?
- How many children are in the classroom?
- What is the ability of the other students in comparison to my child? Above? Below? About the same?
- How many teachers? How many aides?
- Where is therapy given? Classroom? Pullout?
- How much time will my child receive individual instruction each day? Small group? Number in the group?
- Where is the classroom within the school?
- Is the building accessible for my child's needs?
- How long will my child be on the bus? Going to school? Coming from school?
- How will the behavior of the other students affect my child?
- What are the rules of the classroom?
- Will my child need a behavior plan?
- How are parents involved in the classroom?
- How does the classroom staff communicate with parents?

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