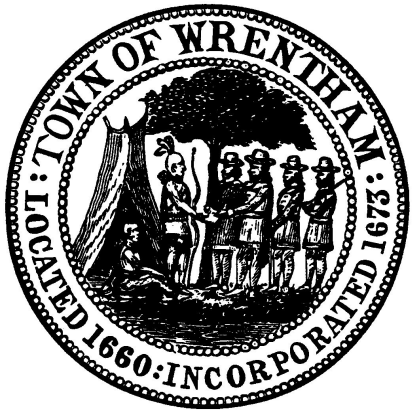
Parents, Students and Schools as Partners

Rights and Responsibilities in Special Education

Meet Your Directors…



Ann Dargon/Plainville

Dr. Dargon is the Director of Students Services in Plainville, MA. This is her 3rd year in Plainville. She has 43 years of experience in education. Prior to coming to Plainville she has been a teacher of students in kindergarten, grade one, two and six. She has also been a principal, an Assistant Superintendent and a Superintendent of Schools. In addition, Dr. Dargon has been teaching at Bridgewater State University since 2002.

She is the mom to four adult children and grandmother to three school age grandsons.

In her free time she loves to spend time reading and traveling.

Ellen White/Wrentham

Ellen is the new Director of Student Services in Wrentham. She spent the last nine years in the Franklin Public Schools as a teacher, out-of-district coordinator and most recently, the Assistant Director of Special Education. Prior to this, Ellen spent many years as a Teacher of Students with Visual Impairments in both private and public school settings.

Lisa Moy/KP Regional

Lisa Moy joined the KP team in July 2018 as the Director of Student Services for King Philip Regional School District, overseeing Special Education, Section 504, English Language Learners, Homelessness, Nursing, Guidance, and Psychological Services.

Lisa began her education career 29 years ago in Portsmouth, RI. In the 21 year tenure for Portsmouth Schools, she served as a special education teacher, general education teacher, school counselor, and Elementary Student Services Coordinator. Before joining King Philip, Lisa worked for the Fall River Public Schools as the Special Education Supervisor for Out of District Service and then as the Executive Director of Special Education and Student Services.

Anna Tupper/Norfolk

Anna has worked in public education since 1985. She began her career as a special education teacher, Grades 1- 6 at the Huntington elementary school working for the Brockton Public Schools. During that time, she worked as an assistant principal and principal, as well.

She began working for the Norfolk Public Schools on January 2, 2007 as Team Chairperson and diagnostician, running Team meetings and testing students for specific learning disabilities. On April 1, 2012, she transitioned to the role of Director of Student Support Services and has been in this position since. Anna has received an undergraduate degree in General Education/Special Education from Bridgewater University, and graduate degree from Boston College in Administration, Curriculum, and Special Education. She currently oversees special education and ELL programming, and 504 coordination for NPS.

During her non work hours, Anna enjoys being the mother to three wonderful children, and exercising, eating out and traveling.

Goal of Presentation

The goal of this presentation is to provide information so that:

- parents will understand their rights regarding special education; and
- collaboration between family and school personnel will be enhanced; and
- parents and school personnel will participate in special education matters as knowledgeable partners.

Special Education Laws

- *Federal Law: The Individuals with Disabilities Education Act - also known as IDEA. Sometimes referred to as IDEA-97. IDEA was then reauthorized in 2004.*
-
- *State Law: Chapter 766 or MGL Chapter 71B - Massachusetts' special education law. In Regulations at 603 CMR (Code of Massachusetts Regulations) Section 28.00.*

Related Laws

- The Massachusetts Education Reform Act, also known as “Ed. Reform”
- Section 504 of the Rehabilitation Act, also known as “Section 504”
- Chapter 688 of the Acts of 1983
- The Americans with Disabilities Act, also known as the “ADA”

One Source of Information

The Parent's Rights Brochure:

Notice of Procedural Safeguards. This document includes sources that you may contact for assistance in understanding your rights, as well.

When is a student eligible for Special Education?

A student is eligible if <u>all three</u> of the following are true:

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

Referring a student for an evaluation to determine eligibility

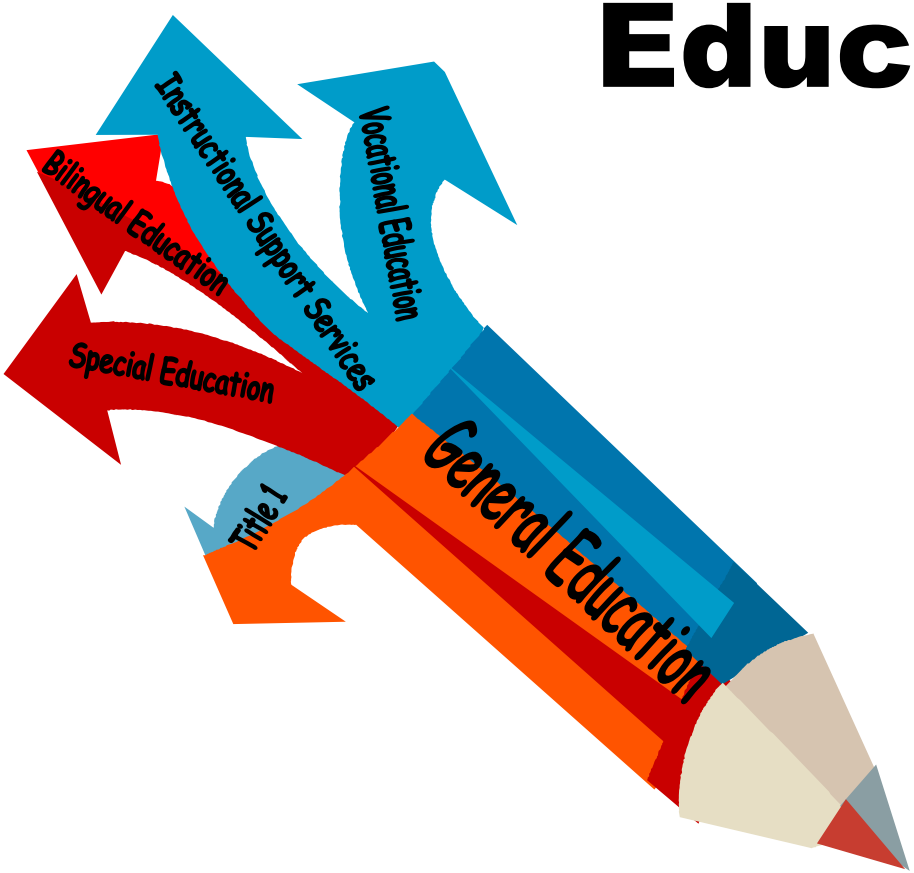
- Parents, or other adults involved with the student can make a referral for an evaluation
- A referral can be made at any time
- A district may not refuse a referral in order to try other supportive services

Types of Disabilities that may adversely affect educational progress

12 Different Types of Disabilities are defined in state and federal regulations

1. **Autism**
2. **Developmental Delay**
3. **Intellectual Impairment**
4. **Sensory Impairment - Hearing Loss or Deafness**
5. **Sensory Impairment - Vision Loss or Blindness**
6. **Sensory Impairment - Deafblindness**
7. **Neurological Impairment**
8. **Emotional Impairment**
9. **Communication Impairment**
10. **Physical Impairment**
11. **Health Impairment**
12. **Specific Learning Disability**

Special Education



Special Education - is

- specially designed instruction to meet the unique needs of an eligible student, <u>and/or</u>
- related services necessary to access and make progress in the general curriculum

How quickly can I get services?

- Consent to Evaluate → 30 School Working Days (SWD) to Evaluate
- Team meeting to determine eligibility no later than 15 SWDs later → If eligible, development of IEP and determination of placement at that Team meeting
- Proposed IEP & Placement to parent
- Services upon parental consent

→ **45 School Working Days**

Six Basic Principles

The federal and state special education laws and the rights of parents and students in special education are grounded upon the following six basic principles.

The Six Principles

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

Principle #1 - Parent and Student Participation

- Parents have the right to participate in all special education planning and decision-making activities
- Students are the focus of special education and, as they grow older, students 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

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 age 14, or younger if appropriate, are entitled to participate in all Team meetings
- Students at age 18 are adults under Massachusetts' law and assume all the rights formerly held by their parents for participation and decision-making

District Special Education Parent Advisory Council

SEPAC duties include but are not limited to:

- Advising the district on matters pertaining to the education and safety of students with disabilities
- Meeting regularly with school officials to participate in the planning, development, and evaluation of the school district's special education programs
- Conducting, with the district, the annual workshop on the rights of students and parents under special education law (This workshop)

The SEPAC is entitled to receive assistance from the district without charge, upon reasonable notice, and subject to the availability of staff and resources.

Areas of Education Where Parent and Student Participation is Guaranteed

- Referral
- Evaluation
- Eligibility Determination
- IEP Development
- MCAS Participation
- Placement Decisions
- Disciplinary Actions

Principle #2 - FAPE

Free and Appropriate Public Education

- Free = At no cost to the parent
- 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

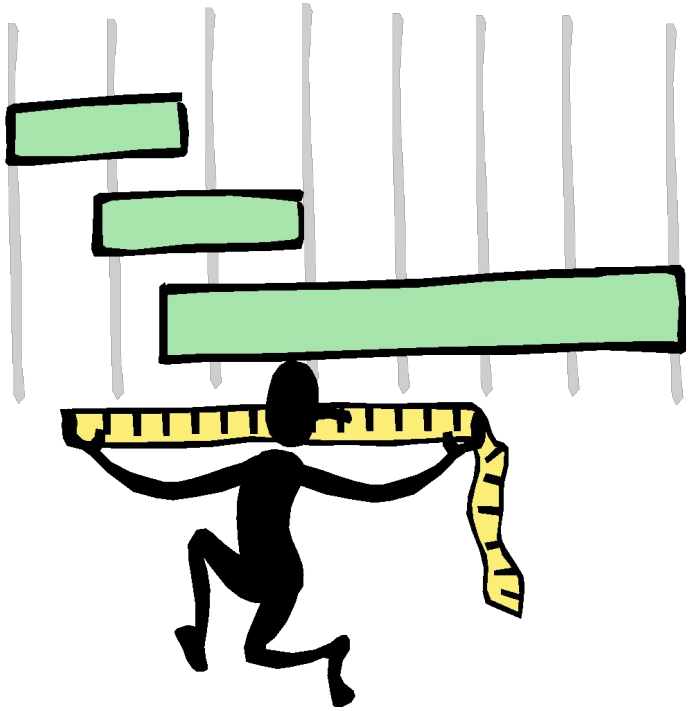
Principle #2 - FAPE (continued)

What is the 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

Principle #3 - Appropriate Evaluation

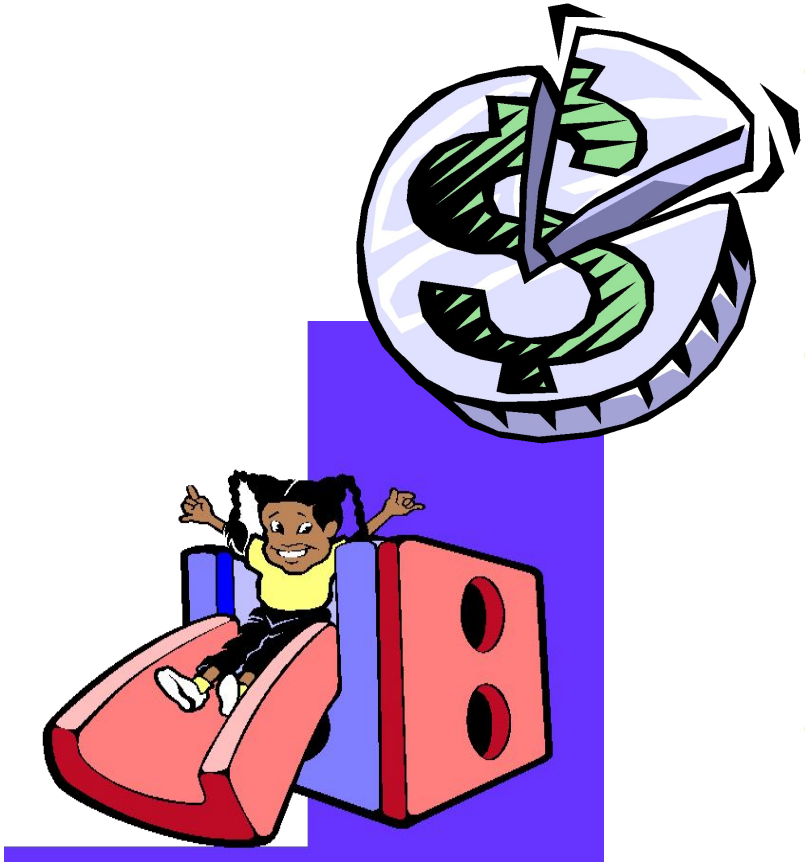
- Initial evaluation
- 3 year re-evaluation
- Individualized assessments
- Non-discriminatory assessments
- Includes a variety of tools and strategies, including information provided by the parent



Some specific evaluation rights:

- Right to discuss both the proposed evaluations and evaluators prior to the evaluation.
- Right to an evaluation in the student's native language or mode of communication.
- If appropriate, right to an evaluation of need for Braille instruction.
- Right of parents to consent or refuse evaluation.
- Right to independent educational evaluation when parents disagree with the results of the evaluation done by the school district.
- Right to appeal a finding of "No Eligibility."

Independent Educational Evaluation (IEE)



- Anytime you are dissatisfied with the district's evaluation.
- Parents' <u>option</u> to participate in a sliding fee scale to share the cost of the IEE with the district.
- School district is obligated to consider information from IEE.

Principle #4 - Individualized Education Program (IEP)

- 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 or 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.

Purpose of the 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 in 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.

Rights Associated with the IEP

- Before the school can begin IEP services, the school must obtain the parent's consent.
- The parent has the right to accept or reject the proposed IEP in part or in full.
- The completed IEP is signed by both the school district and the parent and serves as a contract between the school and the parent.
- The parents can withdraw their consent at any time in relation to any service or program.

Principle #5 - 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.

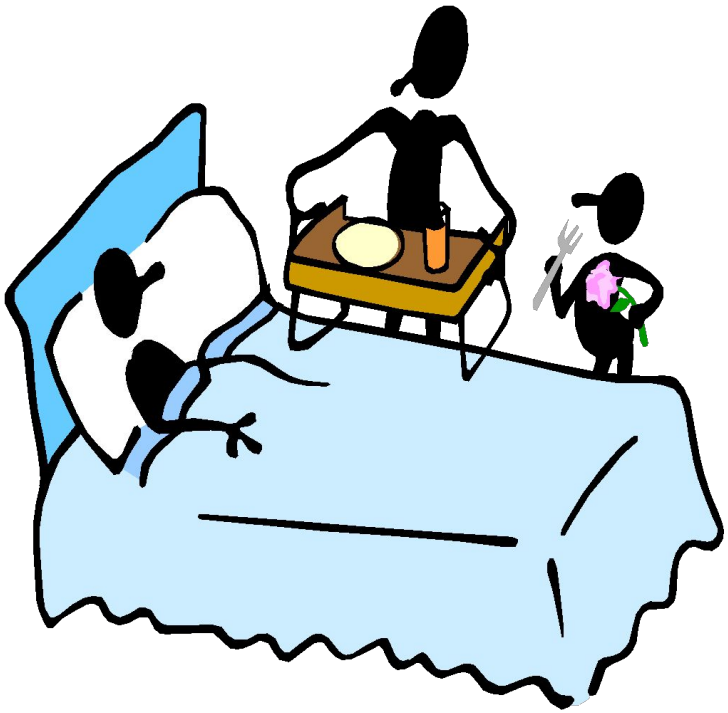
LRE means the student cannot be removed from the general education classroom solely because of needed curriculum modifications.

LRE means that removal from the general education program occurs <u>only</u> 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.

Some Types of Educational Placements

- 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

Students have the right to receive special education services even when they are unable to attend school.



Sometimes students are unable to attend public schools for non-educational reasons. Students may be:

- In a hospital,
- At home
- Or in an institutional setting run by a state agency.

Principle #6 - Procedural Safeguards

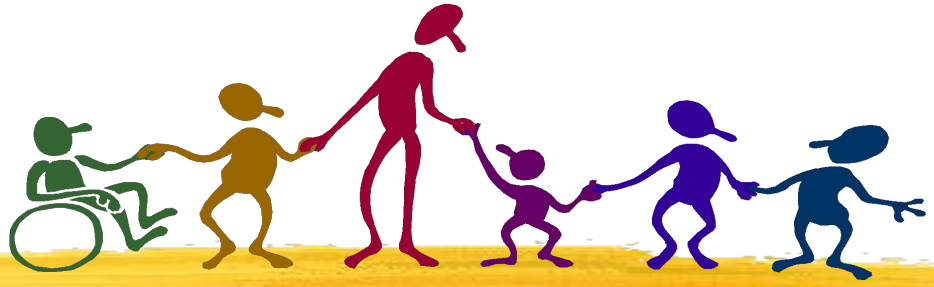
- Right to written notice
- Right to consent/refuse
- Right to “stay put”
- Problem Resolution System
- Mediation and Due Process
- Timelines
- Confidential records
- Right to receive evaluations 2 days in advance of Team meeting, if requested

How the law can help with disputes

If you believe your rights or the rights of your child are not being appropriately provided you can:

- Discuss resolution with your school district.
- File a complaint with the Department of Education Problem Resolution System (PRS).
- Seek resolution through the Bureau of Special Education Appeals (BSEA).
- Seek knowledgeable assistance elsewhere.

Resources



- Teachers and other staff at the local school district
- Members of your Special Education Parent Advisory Council (SEPAC)
- The state Department of Education
- The Federation for Children with Special Needs (1-800-331-0688) www.fcsn.org
- Disability rights organizations and other disability-related agencies and organizations

Contact Information

Ann Dargon: adargon@plainville.k12.ma.us

Ellen White: whitee@wrenthamschools.org;
(508) 384-5430

Lisa Moy: moyl@kingphilip.org

Anna Tupper: tupper@norfolk.k12.ma.us;
(508) 541-5478 x 2248

Thank you for your attention.