

# section

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Educational Rights for Your Child  
Part 2

# Educational Rights for Your Child

## part two

### Individuals With Disabilities Education Act

The Individuals With Disabilities Education Act, or IDEA, also known as special education, provides federal funding to school districts to provide eligible students with disabilities special education and related services to meet their individual needs. Each child must meet the eligibility criteria in at least 1 of 13 categories. The child must be in need of special education and related services, and the disabling condition must adversely affect the child's educational performance, creating an "educational need."

#### What Is Educational Need?

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An educational need is established when a child shows evidence of a need for special education services through his or her inability to progress in a regular education program. An educational need is not limited to academics; it also pertains to behavior and social skills.

#### IDEA Disability Categories

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- Autism
- Deafness
- Deaf-blindness
- Hearing impairment
- Intellectual disability
- Multiple disabilities
- Orthopedic impairment
- Other health impairment
- Serious emotional disturbance
- Specific learning disabilities
- Speech or language impairment
- Traumatic brain injury
- Visual impairment, including blindness



## process

## What Is the Process Used in Special Education?

### Step 1: Referral

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If a student is suspected of having a disability, his or her parents, or school personnel, must submit a referral (or request) for an educational evaluation in writing.

### Step 2: Notice of Rights and Parental Consent

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Once the referral is received, the district must provide the parents with a written notice of receipt and a copy of their rights. The district must also obtain a written consent from the parents to schedule and complete an evaluation.

### Step 3: Conduct an Individual Initial Educational Evaluation

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The evaluation will cover information about the student from a variety of sources. It will include background information and any outside evaluations, or medical information provided by the parents. The evaluation must be completed by the school within 60 calendar days after they receive written consent from the parents.

The written report should contain the following:

- A current status of academic achievement and related developmental needs
- A description of any problems the student has with school subjects and skills
- An assessment of how the child compares in his or her knowledge of the general education curriculum with other students of the same grade level
- The reason for the child's problems in school, including his or her relevant cognitive and behavioral concerns

## process

### Before the Individualized Education Program Meeting

- **Request** a copy of the evaluation report, read it, and meet with the teacher(s) or diagnostician before the **Individualized Education Program (IEP)** meeting to review the results of the tests
- **Decide** whom you will bring with you to attend the IEP meeting. You can bring an objective friend who can give a clear view of the problem, help you to take notes, and review them with you after the meeting. You can also bring an advocate who can help you better understand the process. Be prepared and always speak up for yourself and for your child
- **Read** your notice to see what issues will be discussed by the school and who will attend
- **Be prepared** to list the skills and behaviors you would like to see your child improve upon. **It may help to complete the sample worksheet on the next page and bring it with you**

Be prepared.





Print this page!

# worksheet

## Sample Worksheet to Take to an IEP or 504 Accommodations Plan Meeting

**Purpose:** To create a positive school and learning experience for \_\_\_\_\_

### Strengths:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

### Learning differences:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

### What happens to him/her in the classroom:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

### What would help him/her in the classroom:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

**Other:** \_\_\_\_\_



## process

### Step 4: The IEP Meeting

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You are a member of your child's IEP team. It is important to develop a positive working relationship with the team from the beginning. Thank the members for the work that they are doing on behalf of your child. No matter what, choose your battles wisely and be prepared to negotiate.

The discussion at the IEP meeting should address your child's current level of performance; academic, social, and behavioral development; and strengths and concerns. Measurable annual goals may also be addressed, as well as the method for assessing progress toward those goals. The educational services that will be provided will also be discussed, including transition planning should your child be 16 years of age or older.

The IEP team meets to determine your child's eligibility, appropriate "programming," and placement. Remember, your participation and input are critical, so don't hesitate to make suggestions for consideration by the team.



## process

### Step 5: The IEP

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The IEP is a written plan designed specifically for your child that outlines how he or she will be educated. The IEP must indicate what the school is going to do for the child, not what the child is going to do, and the plan must address all of your child's school-related needs, not just those for which he or she has been referred. If you disagree with the IEP, voice your concerns during the meeting and put them in writing after the meeting. Ask to see and receive a copy of the meeting minutes before you leave the meeting, and be sure that they reflect your concerns.

### Step 6: After the Meeting

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After the meeting, ensure that both you and the teacher have received a copy of the IEP that has been developed for your child. Set up routine communications with the school to keep track of your child's progress and challenges, and provide positive feedback when something has worked well for your child.

You are a valuable resource for the teacher, so stay actively involved and offer to help. Any skills learned at school need to be reinforced and supported at home. Be sure to read and save all progress reports and other notes sent home during the year to stay aware of how your child is doing.

Parent-teacher conferences can always be scheduled as needed. The IEP team must meet at least once a year to develop or revise your child's IEP, but you may request additional meetings if needed.

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# positive feedback



## process

### Section 504 or IDEA?

Section 504 provides a faster, more flexible procedure for obtaining accommodations and services for children with disabilities, particularly for children with less “serious” disabilities.

IDEA offers a wider range of service options and procedural safeguards and includes written parental consent and involvement.

Accommodations and modifications are meant to help your child within the area of his or her disability. They are **not** a reflection of your child’s intelligence or strengths. The goal is for your child to learn the age-appropriate grade level curriculum and to complete the schoolwork assigned by the teacher.

Tell your child whom he or she can ask for help. It is important for him or her to know whom to talk to when an accommodation plan or IEP isn’t being implemented. It is also important to remind your child that having a disability is not an excuse for bad behavior. Your child must be sure to understand and follow the student code of conduct.





activity to share with your child

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Print this page for your child!

# flashcards

It's important that you know whom to talk to at school if you need help with something or need something to be changed for you, such as a test or assignment.

On the cards below, write the names of people you can talk to when you need help. Ask your parents or guardians if you are not sure. Cut the cards out and keep them with you every day in a place where you will remember when you're at school, such as in a notebook or folder.



Name: \_\_\_\_\_

Who is this person? \_\_\_\_\_

What can this person help me with? \_\_\_\_\_

Where can I find this person? \_\_\_\_\_

Name: \_\_\_\_\_

Who is this person? \_\_\_\_\_

What can this person help me with? \_\_\_\_\_

Where can I find this person? \_\_\_\_\_

Name: \_\_\_\_\_

Who is this person? \_\_\_\_\_

What can this person help me with? \_\_\_\_\_

Where can I find this person? \_\_\_\_\_