

Special Education Process: What You Need to Know

As a parent of a child who is receiving special education, it is important to learn and understand key concepts so you can be the best advocate in your child's education. Key points covered in this guide include:

- Individuals with Disabilities
- Education Act (IDEA)
- Special Education Defined
- Special Education Process
- Due Process Rights
- Need More Support?



Individual with Disabilities Education Act (IDEA)

Thanks to a federal law called the Individuals with Disabilities Education Act, or IDEA, children with disabilities are entitled to a free appropriate public education. This means special education and related services are available to eligible children with disabilities age 3 to 22 and are provided at no cost to the parents. This law provides parents the opportunity and right to be involved as a member of the team that makes decisions about your child's education. As a parent you have the right to:

- Be informed (in writing, in your native language) of the procedural safeguards (legal rights) that are available to you
- Receive copies of these rights at certain points in the process from school.



Special Education Defined

IDEA defines 'Special Education' as specifically designed instruction, at no cost to the parent, that meets the unique needs of a child with a disability, including instruction in:

- Regular and special classes
- Special schools
- Instruction in physical education
- Home instruction
- Hospitals and institutions
- Vocational instruction

Special Education Process

The special education process is designed to make sure that each child with a disability will have an education that is individualized to meet his or her needs. It is important to understand that this process has many parts and learning each step is equally important. The following image effectively illustrates actions in the process. Use it as a guide as each section will be outlined below.



Referral/Child Find

If your child is struggling in school, they may be referred for a special education evaluation. This referral can come from you as the parent, the school or your student. Be sure that if you as the parent are requesting an evaluation, your request is in writing and outlines your concerns. This will help determine if their education is being negatively impacted by a disability. Possible outcomes of a referral are:

- The school will move forward with the evaluation process.
- The school will decide the evaluation is not needed

Whether they move forward with the evaluation or not, the school must provide parents their decision in writing (called written prior notice) with an explanation for the choice made.

Evaluation

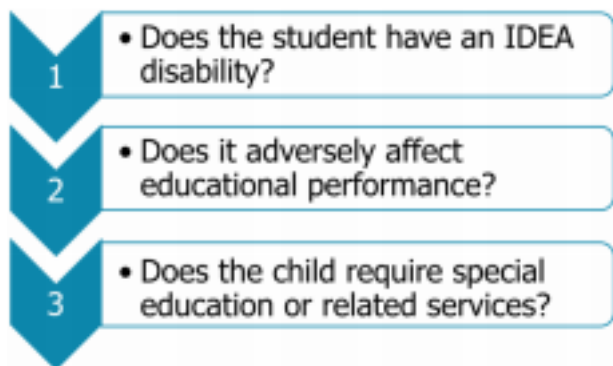
The Evaluation is a process of gathering information about the child that will be used in making decisions to determine special education eligibility. The child will take a series of tests that look at areas of their learning such as language skills, academics, social, emotional, cognition and medical findings. Some important things to remember are:

- Schools have 45 school days to complete testing once a parent gives written permission
- Consider sharing with the school any private evaluations, diagnosed disabilities and struggles at home.
- The child must be tested in their native language and be tested in all areas of concern.



Eligibility (Classification)

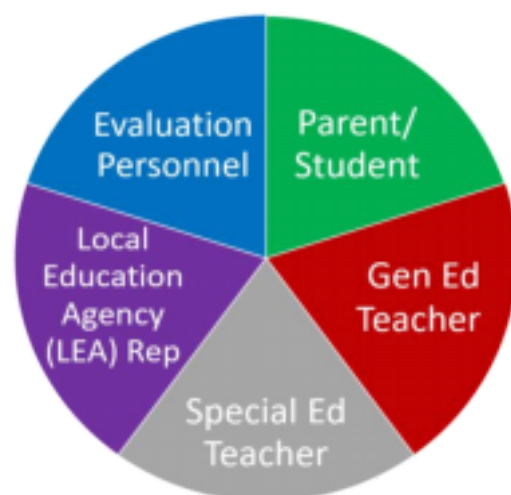
Students considered eligible for special education services must meet all 3 of the following criteria shown in this diagram. The team (including the parents) review the data from the



evaluation to determine if the student demonstrates a disability in 1 of 13 specific categories that are served in special education. The requirements for each category are determined by federal and state law.

Individualized Education Program (IEP)

You as the parent help make decisions about your child's education and become a team partner with other school personnel and specialists. Together, you will determine your child's special education program known as the Individualized Education Program, or IEP. The IEP is both a process and a document that needs to be written, as it explains how the school plans to help your child improve and build skills throughout the year.



Placement

Once the team decides *what* services and supports are necessary for the student, the next step is to determine *where* the services should be carried out. This is called placement. The student must be served in the Least Restrictive Environment (LRE), appropriate for that child.

Annual Review

At least annually, the team will meet to evaluate the child's total program and update the goals of the IEP. If it is determined that the student no longer qualifies for special education, the child will not continue with the IEP process and will exit the program.

Due Process Rights

You have a right to disagree with the team at any point in the process. In the event that you do, you have the option of due process (legal) rights, including mediation, which are outlined in the law. These rights are explained in detail and located in your parents' rights statement the school provides you. This is a very basic overview of the special education process, and does not cover all of your rights.

Need More Support?

Since 1983, the staff of the Utah Parent Center have helped change the lives of children with disabilities. As parents, we understand what it looks and feels like to have a child with a disability. We are parents offering other parents support in both English and Spanish across the State of Utah by providing free workshops, free individual consultations and comprehensive information— we help families and their children with special needs – get the support they need.



Utah Parent Center