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Questions Often Asked by Parents about Special Education Services

**Read This Publication
If You Want to Know...**

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- How to have your child evaluated (at no cost to you) to see why he or she is having difficulty in school;
- What the evaluation process involves and how you can contribute to it;
- How special education can support your child's learning, if he or she is found eligible for services;



- How your child's eligibility is determined and your right to participate in making that decision;
- What happens next, if your child is found eligible.
- *Hint:* It involves writing an individualized education program, or IEP, for your child...

1. Why is my child struggling in school?

When children are struggling in school, it's important to find out why. It may be that a disability is affecting your child's educational performance. If so, your child may be eligible for special education and related services that can help. To learn more about special education, keep reading. This publication will help you learn how you and the school can work together to help your child.

As a first step, the school may need to try sufficient interventions in the regular education classroom and modify instructional practices before referring your child for special education evaluation.

2. What is special education?

Special education is instruction that is specially designed to meet the unique needs of children who have disabilities. Special education and related services are provided in public schools at no cost to the parents and can include special instruction in the classroom, at home, in hospitals or institutions, or in other settings. This definition of special education comes from IDEA, the Individuals with Disabilities Education Act. This law gives eligible children with disabilities the right to receive special services and assistance in school.

More than 6.8 million children ages 3 through 21 receive special education and related services

each year in the United States. Each of these children receives instruction that is specially designed:

- ✧ to meet his or her unique needs (that result from having a disability); and
- ✧ to help the child learn the information and skills that other children are learning in the general education curriculum.

3. Who is eligible for special education?

Children with disabilities are eligible for special education and related services when they meet IDEA's definition of a "child with a disability" in combination with state and local policies. IDEA's definition of a "child with a disability" lists 13 different disability categories under which a child may be found eligible for special education and related services. These categories are listed in the box on this page. IDEA describes what each of these disability categories means. You'll find those descriptions online at: <http://www.nichcy.org/disability/categories/>

States and school districts must follow IDEA's definitions, but they also may add details to guide decision making about children's eligibility. That's why it's important to know what your state and local policies are. We'll tell you how to find out that information in this article.

4. How do I find out if my child is eligible?

You can ask the school to *evaluate* your child. Call or write the director of special education or the principal of your child's school. Describe your concerns with your child's educational performance and request an evaluation under IDEA, to see if a disability is involved.

The public school may also be concerned about how your child is learning and developing. If the school thinks that your child may have a disability, then it *must evaluate your child at no cost to you*. The school must ask your permission and receive your

written consent before it may evaluate your child. Once you provide that consent, the evaluation must be conducted within 60 days (or within the timeframe the state has established).

However, the school does not *have* to evaluate your child just because you have asked. The school may not think your child has a disability or needs special education. In this case, the school may refuse to evaluate your child. It must let you know this decision in writing, as well as why it has refused. This is called giving you *prior written notice*. (For more information about prior written notice,

IDEA's Categories of Disability

Autism

Deafness

Deaf-blindness

Hearing impairment

Mental retardation

Multiple disabilities

Orthopedic impairment

Other health impairment

Serious emotional disturbance

Specific learning disability

Speech or language impairment

Traumatic brain injury

Visual impairment, including blindness

To find out more about these disabilities and how IDEA defines them, read NICHCY's "Categories of Disability under IDEA"—available at:

www.nichcy.org/disability/categories/

see NICHCY's webpage *Right to Receive Prior Written Notice*, online at: www.nichcy.org/schoolage/parental-rights/notice-prior)

If the school refuses to evaluate your child, there are two things you can do immediately:

- ❖ Ask the school system for information about its special education policies, as well as parent rights to disagree with decisions made by the school system. These materials should describe the steps parents can take to appeal a school system's decision.
- ❖ Get in touch with your state's Parent Training and Information (PTI) center. The PTI is an excellent resource for parents to learn more about special education, their rights and responsibilities, and the law. The PTI can tell you what steps to take next to find help for your child. Visit NICHCY's website to identify how to contact your PTI. This information appears on our *State Resource Sheet* for your state, under "Organizations Especially for Parents." You'll find our state sheets online at: <http://www.nichcy.org/families-community/states/>

I. THE EVALUATION PROCESS

5. What happens during an evaluation?

Evaluating your child means more than the school just giving your child a test. The school must evaluate your child in all the areas where your child may be affected by the possible disability. This may include looking at your child's health, vision, hearing, social and emotional well-being, general intelligence, performance in school, and how well your child communicates with others and uses his or her body. The evaluation must be individualized (just your child) and full and comprehensive enough to determine if your child has a disability



Services to Very Young Children

Infants and toddlers can have disabilities, too. Services to children under three years of age are also part of IDEA. These services are called *early intervention services* and can be very important in helping young children develop and learn. For information about early intervention, visit NICHCY's webpages on the subject, beginning at:

<http://www.nichcy.org/babies/>

and to identify all of your child's needs for special education and related services if it is determined that your child has a disability.

The evaluation process involves several steps. These are listed below.

Reviewing existing information. A team of people, including you, begins by looking at the information the school already has about your child. You may have information about your child you wish to share as well. The team will look at information such as:

- ❖ your child's scores on tests given in the classroom or to all students in your child's grade;
- ❖ the opinions and observations of your child's teachers and other school staff who know your child; and
- ❖ your feelings, concerns, and ideas about how your child is doing in school.

Deciding if more information is still needed. The information collected above will help the group decide:

- ❖ if your son or daughter has a particular type of disability;
- ❖ how your child is currently doing in school;
- ❖ whether your child needs special education and related services; and



- ✧ what your child's educational needs are.

If the information the team collects doesn't answer these questions, then the school must collect more information about your child.

Collecting more information about your child. Your informed written permission is required before the school may collect additional information about your son or daughter. The school must also describe how it will collect the information. This includes describing the tests that will be used and the other ways the school will gather information about your child. After you give your consent, the school will go ahead as described. The information it gathers will give the evaluation team the information it needs to make the types of decisions listed above.

6. How does the school collect this information?

The school collects information about your child from many different people and in many different ways. Tests are an important part of an evaluation, but they are only a part. The evaluation should also include:

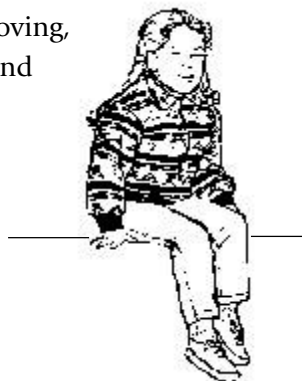
- ✧ the observations and opinions of professionals who have worked with your child;
- ✧ your child's medical history, when it relates to his or her performance in school; and
- ✧ your ideas about your child's school experiences, abilities, needs, and behavior outside of school, and his or her feelings about school.

The following people will be part of the team evaluating your child:

- ✧ you, as parents;
 - ✧ at least one regular education teacher, if your child is or may be participating in the regular educational environment;
 - ✧ at least one of your child's special education teachers or service providers;
 - ✧ a school administrator who knows about policies for special education, about children with disabilities, about the general education curriculum (the curriculum used by students who do not have disabilities), and about available resources;
 - ✧ someone who can interpret the evaluation results and talk about what instruction may be necessary for your child;
 - ✧ individuals (invited by you or the school) who have knowledge or special expertise about your child;
 - ✧ your child, if appropriate;
 - ✧ representatives from any other agencies that may be responsible for paying for or providing transition services (if your child is age 16 or, if appropriate, younger and will be planning for life after high school); and
 - ✧ other qualified professionals.
- These other qualified professionals may be responsible for collecting specific kinds of information about your child. They may include:
- ✧ a school psychologist and/or an occupational therapist;
 - ✧ a speech and language pathologist (sometimes called a speech therapist);
 - ✧ a physical therapist and/or adaptive physical education therapist or teacher;
 - ✧ a medical specialist; and
 - ✧ others.

Professionals will observe your child. They may give your child written tests or talk personally with your child. They are trying to get a picture of the “whole child.” For example, they want to understand such aspects as:

- ❖ how well your child speaks and understands language;
- ❖ how your child thinks and behaves;
- ❖ how well your child adapts to changes in his or her environment;
- ❖ how well your child has done academically;
- ❖ how well your child functions in a number of areas, such as moving, thinking, learning, seeing, and hearing; and
- ❖ your child’s job-related and other post-school interests and abilities.



IDEA gives clear directions about how schools must conduct evaluations. For example, tests and interviews must be given in the language (for example, Spanish) or communication mode (for example, sign language) that is most likely to yield accurate information about what your child knows or can do developmentally, functionally, and academically. The tests must also be given in a way that does not discriminate against your child because he or she has a disability or is from a different racial or cultural background.

IDEA states that schools may not decide a child’s eligibility for special education based on the results of only one procedure such as a test or an observation. More than one procedure is needed to see where your child may be having difficulty and to identify his or her strengths and needs.

In some cases, schools will be able to conduct a child’s entire evaluation within the school. In other

cases, schools may not have the staff to do all of the evaluations needed. These schools will have to hire outside people or agencies to do some or all of the evaluation. If your child is evaluated outside of the school, the school must make the arrangements. The school will say in writing exactly what type of testing is to be done. All of these evaluation procedures are done at no cost to parents.

In some cases, once the evaluation has begun, the outside specialist may ask to do more testing. Make sure you tell the specialist to contact the school. If the testing is going beyond what the school originally asked for, the school needs to agree to pay for the extra testing.

II. DECIDING ELIGIBILITY

7. What does the school do with these evaluation results?

The information gathered from the evaluation will be used to make important decisions about your child’s education. All of the information about your child will be used:

- ❖ to decide if your child is eligible for special education and related services; and
- ❖ to help you and the school decide what your child needs educationally.

8. How is my child’s eligibility for special education decided?

As was said earlier, the decision about your child’s eligibility for services is based on whether your son or daughter has a disability that fits into one of the IDEA’s 13 disability categories (see page 2) and meets any additional state or local criteria for eligibility. This decision will be made when the evaluation has been completed, and the results are available.

Parents are part of the team that decides a child’s eligibility for special education. This team

will look at all of the information gathered during the evaluation and decide if your child meets the definition of a “child with a disability.” If so, your child will be eligible for special education and related services.

Under IDEA, a child may *not* be found eligible for services if the determining reason for thinking the child is eligible is that:

- ❖ the child has limited English proficiency, or
- ❖ the child has not had appropriate instruction in math or reading.

If your child is found eligible, you and the school will work together to design an individualized education program for your child. This process is described in detail in Part III.

The school will give you a copy of the evaluation report on your child and the paperwork about your child’s eligibility for special education and related services. This documentation is provided at no cost to you.

9. What happens if my child is not eligible for special education?

If the eligibility team decides that your child is not eligible for special education, the school system must tell you this in writing and explain why your child has been found “not eligible.” Under IDEA, you must also be given information about what you can do if you disagree with this decision.

Read the information the school system gives you. Make sure it includes information about how to appeal the school system’s decision. If that information is not in the materials the school gives you, ask the school for it. IDEA includes many different mechanisms for resolving disagreements, including mediation. The school is required to tell you what those mechanisms are and how to use them.

Also get in touch with your state’s Parent Training and Information (PTI) center. The PTI can tell you what steps to take next. Your PTI is listed on NICHCY’s *State Resource Sheet* for your state under “Organizations Especially for Parents”—available online at: www.nichcy.org/families-community/states/

10. What happens if my child is found eligible for special education, but I do not agree?

If your child is found eligible for special education and related services and you disagree with that decision, or if you do not want your child to receive special education and related services, you have the right to decline these services for your child. The school may provide your child with special education and related services *only* if you agree. Also, you may cancel special education and related services for your child at any time.

It is important to note, however, that if you decline or cancel special education for your child and later change your mind, the evaluation process must be repeated.



III. WRITING AND IMPLEMENTING AN IEP

11. So my child has been found eligible for special education, and I agree. What’s next?

The next step is to write and implement what is known as an *Individualized Education Program*—usually called an IEP. After a child is found eligible, a meeting must be held within 30 days to develop the IEP.

12. What's an IEP?

The acronym IEP stands for Individualized Education Program. This is a written document that describes the educational program designed to meet a child's individual needs. Every child who receives special education must have an IEP.



The IEP has two general purposes: (1) to set learning goals for your child; and (2) to state the supports and services that the school district will provide for your child.

13. What type of information is included in an IEP?

According to IDEA, your child's IEP must include specific statements. These are listed in the box on page 8 entitled "What Information is in Your Child's IEP?" Take a moment to read over this list.

It is very important that children who receive special education participate in the general education curriculum as much as possible. That is, they should learn the same curriculum as children without disabilities—for example, reading, math, science, social studies, and physical education. In some cases, this curriculum may need to be adapted for your child to learn, but it should not be omitted. Participation in extracurricular activities and other nonacademic activities is also important. Your child's IEP needs to be written with this in mind.

For example, what special education and related services will help your child participate in the general education curriculum—in other words, to study what other students are studying? What special education, related services, or supports will help your child take part in extracurricular activities such as school clubs or sports? When your child's IEP is developed, an important part of the discussion will be how to support your child in regular education classes and activities in the school.

14. Who develops my child's IEP?

Many people come together to develop your child's IEP. This group is called the IEP team and includes most of the same types of individuals who were involved in your child's evaluation. Team members will include:

- ✧ you, the parents;
- ✧ at least one regular education teacher, if your child is (or may be) participating in the regular education environment;
- ✧ at least one of your child's special education teachers or special education providers;
- ✧ a representative of the school system who (a) is qualified to provide or supervise the provision of special education, (b) knows about the general education curriculum; and (c) knows about the resources the school system has available;
- ✧ an individual who can interpret the evaluation results and talk about what instruction may be necessary for your child;
- ✧ your child, when appropriate; and
- ✧ other individuals (invited by you or the school) who have knowledge or special expertise about your child. For example, you may wish to invite a relative who is close to your child or a child care provider. The school may wish to invite a related services provider such as a speech therapist or a physical therapist.

With your consent, the school must also invite representatives from any other agencies that are likely to be responsible for paying for or providing transition services (if your child is 16 years old or, if appropriate, younger).

What Information is in Your Child's IEP?

Your child's IEP will contain the following statements:

- ✧ *Present levels of academic achievement and functional performance.* This statement describes how your child is currently achieving in school. This includes how your child's disability affects his or her participation and progress in the general education curriculum.
- ✧ *Annual goals.* The IEP must state annual goals for your child, what you and the school team think he or she can reasonably accomplish in a year. The goals must relate to meeting the needs that result from your child's disability. They must also help your son or daughter participate in and progress in the general education curriculum.
- ✧ *Special education and related services to be provided.* The IEP must list the special education and related services to be provided to your child. This includes supplementary aids and services (e.g., preferential seating, a communication device, one-on-one tutor) that can increase your child's access to learning and his or her participation in school activities. It also includes changes to the program or supports for school personnel that will be provided for your child.
- ✧ *Participation with children without disabilities.* The IEP must include an explanation that answers this question: How much of the school day will your child be educated separately from children without disabilities or not participate in extracurricular or other nonacademic activities such as lunch or clubs?



- ✧ *Dates and location.* The IEP must state (a) *when* special education and related and supplementary aids and services will begin; (b) *how often* they will be provided; (c) *where* they will be provided; and (d) *how long* they will last.

- ✧ *Participation in state and district-wide assessments.* Your state and

district probably give tests of student achievement to children in certain grades or age groups. In order to participate in these tests, your child may need individual accommodations or changes in how the tests are administered. The IEP team must decide what accommodations your child needs and list them in the IEP. If your child will not be taking these tests, the IEP must include a statement as to why the tests are not appropriate for your child, how your child will be tested instead, and why the alternate assessment selected is appropriate for your child.

- ✧ *Transition services.* By the time your child is 16 (or younger, if the IEP team finds it appropriate for your child), the IEP must include measurable postsecondary goals related to your child's training, education, employment, and (when appropriate) independent living skills. The IEP must

also include the transition services needed to help your child reach those goals, including what your child should study.

- ✧ *Measuring progress.* The IEP must state how school personnel will measure your child's progress toward the annual goals. It must also state when it will give you periodic reports on your child's progress.

To Learn More About These IEP Components

Read:
Developing Your Child's IEP

[www.nichcy.org/
publications/pa12](http://www.nichcy.org/publications/pa12)

15. So I can help develop my child's IEP?

Yes, absolutely. The law is very clear that parents have the right to participate in developing their child's IEP. In fact, your input is invaluable. You know your child so very well, and the school needs to know your insights and concerns. That's why IDEA makes parents equal members on the IEP team. (See our separate publication, *Q&A on Parent Participation*, available online at: www.nichcy.org/schoolage/qa-series-on-idea/qa2)

The school staff will try to schedule the IEP meeting at a time that is convenient for all team members to attend. If the school suggests a time that is impossible for you, explain your schedule and needs. It's important that you attend this meeting and share your ideas about your child's needs and strengths. Often, another time or date can be arranged.

16. Can the meeting be held without the parents participating?

Yes. IDEA's regulations state that the school may hold the IEP meeting without you if it is unable to convince you that you, as parents, should attend. If neither parent can attend the IEP meeting, the school must use other methods to ensure your participation, including video conferences and individual or conference telephone calls.

If, however, you still can't attend or participate in the IEP meeting, the school may hold the IEP meeting without you—as long as it keeps a record of its efforts to arrange a mutually agreed-on time and place and the results of those efforts. This can be accomplished by keeping detailed records of:

- telephone calls made or attempted and the results of those calls;
- copies of correspondence sent to you and any responses received; and
- detailed records of visits made to your home or work and the results of those visits.



If the school *does* hold the meeting without you, it must keep you informed about the meeting and any decisions made there. The school must also ask for (and receive) your written permission before special education and related services may be provided to your child for the first time.

17. What should I do before the IEP meeting?

The purpose of the IEP meeting is to develop your child's Individualized Education Program. You can prepare for this meeting by:

- ✧ making a list of your child's strengths and needs;
- ✧ talking to teachers and/or therapists and getting their thoughts about your child;
- ✧ visiting your child's class and perhaps other classes that may be helpful to him or her; and
- ✧ talking to your child about his or her feelings toward school.

It is a good idea to write down what you think your child can accomplish during the school year. Look at your state's standards for your child's grade level. It also helps to make notes about what you would like to say during the meeting.

18. What happens during an IEP meeting?

During the IEP meeting, the different members of the IEP team share their thoughts and suggestions. If this is the first IEP meeting after your child's evaluation, the team may go over the evalua-

tion results, so your child's strengths and needs will be clear. These results will help the team decide what special help your child needs in school.

Remember that you are a very important part of the IEP team. You know your child. Don't be shy about speaking up, even though there may be many people at the meeting. Share what you know about your child and what you would like others to know.

After the various team members (including you, the parent) have shared their thoughts and concerns, the group will have a better idea of your child's strengths and needs. This will allow the team to discuss and decide:

- ✧ the educational and other goals that are appropriate for your child; and
- ✧ the type of special education services your child needs.

The IEP team will also talk about the **related services** your child may need to benefit from his or her special education. The IDEA lists many related services that schools must provide if eligible children need them. The related services listed in IDEA are presented in the box on this page. Examples of related services include:

- ✧ occupational therapy, which can help a child develop or regain movement that he or she may have lost due to injury or illness; and
- ✧ speech and language services, which can help children who have trouble speaking.

Supplementary aids and services can also play a pivotal role in supporting the education of children with disabilities in the general education classroom and their participation in a range of other school activities. That is also the intent of supplementary aids and services. Not surprisingly, these supports may be an important topic to discuss in the IEP meeting. Examples include but are not limited to:

- Supports to address your child's *environmental needs* (e.g., preferential seating; altered physical room arrangement);
- Levels of *staff support needed* (e.g., type of personnel support needed, such as behavior

(continued on page 11)

Related Services, as listed in IDEA

Audiology

Counseling services
(including rehabilitation counseling)

Early identification and
assessment of disabilities in children

Interpreting services

Medical services for
diagnostic or evaluation purposes

Occupational therapy

Orientation & mobility services

Parent counseling and training

Physical therapy

Psychological services

Recreation (including
therapeutic recreation)

Speech-language pathology services

School health services and
school nurse services

Social work services in schools

Transportation

This list does not include every related service a child might need or that a school system may offer. To learn more about these related services and how IDEA defines them, read NICHCY's Related Services, available online at:

[www.nichcy.org/schoolage/iep/
iepcontents/relatedservices/](http://www.nichcy.org/schoolage/iep/iepcontents/relatedservices/)

specialist, health care assistant, or instructional support assistant);

- *Specialized equipment needs* that your child may have (e.g., wheelchair, computer, augmentative communication device);
- *Pacing of instruction* needed (e.g., breaks, more time, home set of materials);
- *Presentation of subject matter* needed (e.g., taped lectures, sign language, primary language); and
- *Assignment modification* needed (e.g., shorter assignments, taped lessons, instructions broken down into steps).

Deciding which supplementary aids and services (if any) will support your child's access to the general education curriculum and participation in school activities will very much depend upon your child's disability and his or her needs. None may be needed. Or many. All are intended to enable your child to be educated with children without disabilities to the maximum extent appropriate.

Special factors. Depending on the needs of your child, the IEP team must also discuss these special factors:

- ✧ *If your child's behavior interferes with his or her learning or the learning of others:* The IEP team will talk about strategies and supports to address your child's behavior.
- ✧ *If your child has limited proficiency in English:* The IEP team will talk about your child's language needs as these needs relate to his or her IEP.

To Learn More About AT

Visit the:
Family Center on
Technology and Disability
www.fctd.info

✧ *If your child is blind or visually impaired:* The IEP team must provide for instruction in Braille or the use of Braille, unless it determines after an appropriate evaluation that your child does not need this instruction.

✧ *If your child has communication needs:* The IEP team must consider those needs.

✧ *If your child is deaf or hard of hearing:* The IEP team will consider your child's language and communication needs. This includes your child's opportunities to communicate directly with classmates and school staff in his or her usual method of communication (for example, sign language).

Assistive technology. The IEP team will also talk about whether your child needs any *assistive technology devices or services*. Assistive technology devices can help many children do certain activities. Examples include:

- adapted furniture, tools, utensils, and other typically nonelectronic devices—which can help children with physical challenges; and
- digital books, or devices that enlarge words on a computer screen or read them aloud—which can help children who do not see or read well.

Assistive technology services include evaluating your child to see if he or she could benefit from using an assistive device. These services also include

providing the device and training your child to use it. If appropriate, your family and/or the professionals who work with your child may also receive training in using the device.

To Learn More About Transition Planning

Visit the:
National Secondary Transition
Technical Assistance Center
www.nsttac.org/

Transition services. You may have noticed that one of the components of the IEP was transition services. We'd like to look more closely at this component now, because it's a very important time in your child's life—and an important part of the IEP when the time comes.



objectives; and, if appropriate, the acquisition of daily living skills and functional vocational evaluation.

Transition services can be provided as special education if they are specially designed instruction or as a related service, if they are required for your child to benefit from special education.

Beginning when your child is age 16 (or younger, if appropriate), the IEP team will help your son or daughter plan ahead to life after high school and include statements in the IEP with respect to:

- postsecondary annual *goals* for your child;
- the *transition services* (including courses of study) needed to help your child reach those goals; and
- the *rights* (if any) that will transfer from you to your child when he or she reaches the age of majority, and that your child and you have been notified of these.

IDEA defines **transition services** as a coordinated set of activities for a student with a disability that is designed within a results-oriented process focused on improving the student's academic and functional achievement and promoting the student's movement from school to post-school activities. These activities can include postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. With respect to *your child*, this coordinated set of activities:

- is based on your child's individual needs, taking into account his or her strengths, preferences, and interests; and
- includes instruction; related services; community experiences; the development of employment and other post-school adult living

As you can see, there are a lot of important matters to talk about in an IEP meeting. You may feel very emotional during the meeting, as everyone talks about your child's needs. Try to keep in mind that the other team members are all there to help your child. If you hear something about your child that surprises you, or that is different from the way you see your child, bring it to the attention of the other members of the team. In order to design a good program for your child, it is important for you to work closely with the other team members and share your feelings about your child's educational needs. Feel free to ask questions and offer opinions and suggestions.

Based on the above discussions, the IEP team will then write your child's IEP. This includes the services and supports the school will provide for your child. It will also include the *location* where particular services will be provided. Your child's placement (where the IEP will be carried out) will be determined every year, must be based on your child's IEP, and must be as close as possible to your child's home. The placement decision is made by a group of persons, *including you, the parent*, and others knowledgeable about your child, the meaning of the evaluation data, and the placement options. In some states, the IEP team makes the placement decision. In other states, the placement decision is made by another group of people. *In all cases, you as parents have the right to be members of the group that makes decisions on the educational placement of your child.*

Depending on the needs of your child and the services to be provided, your child's IEP could be carried out:

- ✧ in regular education classes;
- ✧ in special classes (where all the students are receiving special education services);
- ✧ in special schools;
- ✧ at home;
- ✧ in hospitals and institutions; and
- ✧ in other settings.

Which of these placements is most appropriate for your child? IDEA strongly prefers that children with disabilities be educated in the general education classroom, working and learning alongside their peers without disabilities. In fact, placement in the regular education classroom is the *first* option the IEP team should consider. With the support of supplementary aids and services, can your child be educated satisfactorily in that setting? If so, then the regular education classroom is your child's appropriate placement. If not, then the group deciding placement will look at other placements for your child.



19. Does the school need my consent to implement the IEP?

The school must obtain your informed written consent before the *initial* provision of special education and related services to your child and must make reasonable efforts to obtain that consent.

If you don't respond to the request for consent for the initial provision of special education and related services, or you refuse to give consent, the school system may *not* override your lack of consent and implement the IEP. The school system is not considered in violation of its requirement to make a

free appropriate public education available to your child. Your lack of consent, however, means that your child will not receive special education and related services in school.

20. May I revoke my consent for special education and related services after initially giving it?

Yes. At any time after providing initial consent, you may revoke consent, in writing, for the continued provision of special education and related services. Once you revoke consent, the school system may no longer provide special education and related services to your child, and they may not use mediation or due process procedures to try to override your revocation of consent.

Once you revoke consent, your child will be no longer receive the services and supports that were included in his or her IEP. Additionally, there are also a number of other consequences that may arise, such as how your child may be disciplined.

Therefore, it is important for you to ask questions about how your child's education will be affected before revoking consent.

21. Can my child's IEP be changed?

Yes. At least once a year a meeting must be scheduled with you to review your child's progress and develop your child's new annual IEP. But you don't have to wait for this annual review. You (or any other team member) may ask to have your child's IEP reviewed or revised at any time.

The meeting to revise the IEP will be similar to the IEP meeting described above. The team will talk about:

- ✧ your child's progress toward the goals in the current IEP;

- ✧ what new goals should be added; and
- ✧ whether any changes need to be made to the special education and related services your child receives.

This annual IEP meeting—or any periodic IEP review you might request—allows you and the school to review your child’s educational program and change it as necessary.

22. Can the IEP be changed without holding an IEP meeting?

Yes. If you and the school want to change your child’s IEP after the annual IEP meeting, you and the school may agree not to convene an IEP meeting. Instead, you and the school will develop a written document that will amend your child’s IEP. If your child’s IEP is changed, all IEP team members will be informed of the changes, and if you request it, the school must give you a copy of the revised IEP.

23. Does the IEP meeting have to be in person?

No. When holding an IEP meeting, you and the school may agree to use other means of participation. For example, some members may participate by video conference or conferences calls.

24. May a team member be excused from attending an IEP meeting?

Yes, under certain circumstances and *only* with the consent of both the school system and the parent. If the member’s area of the curriculum or related service is *not* going to be discussed or modified at the meeting, then he or she may be excused if you, as parents, and the school system agree in writing. A member whose area of expertise is going to be discussed or changed at the meeting may be excused—under two conditions:

- ✧ You (in writing) and the school agree to excuse the member; and
- ✧ The member gives written input about developing the IEP to you and the team before the meeting.

IV. REEVALUATION

25. Will my child be re-evaluated?

Yes. Under IDEA, your child must be reevaluated at least every three years, unless you and the school agree that a reevaluation is not necessary. The purpose of this reevaluation is to find out:

- ✧ if your child continues to be a “child with a disability,” as defined within the law; and
- ✧ your child’s educational needs.

The reevaluation is similar to the initial evaluation. It begins by looking at the information already available about your child. More information is collected only if the IEP team determines that more information is needed or if you request it. If the group decides that additional assessments are needed, you must give your informed written permission before the school system may collect that information. The school system may only go ahead without your informed written permission if they have tried to get your permission and you did not respond.

Although the law requires that children with disabilities be re-evaluated at least every three years, your child may be re-evaluated more often if you or your child’s teacher(s) request it. However, reevaluations may not occur more than once a year, unless you and the school system agree that a reevaluation is needed.

V. RESOLVING DISPUTES

26. What if I disagree with the school about what is right for my child?

You have the right to disagree with the school's decisions concerning your child. This includes decisions about:

- ✧ your child's identification as a "child with a disability;"
- ✧ his or her evaluation;
- ✧ his or her educational placement; and
- ✧ the special education and related services that the school provides to your child.

In all cases where the family and school disagree, it is important for both sides to first discuss their concerns and try to reach consensus. Decisions can be temporary. For example, you might agree to try out a particular plan of instruction or classroom placement for a certain period of time. At the end of that period, the school can check your child's progress. You and other members of your child's IEP team can then meet again, talk about how your child is doing, and decide what to do next. The trial period may help you and the school come to a comfortable agreement on how to help your child.

If you still cannot agree with the school, it's useful to know more about IDEA's protections for parents and children. The law and its regulations include ways for parents and schools to resolve disagreements. These

include mediation, due process, and filing a complaint with the state educational agency. You also have the right to refuse consent for initial provision of special education and related services, or to cancel all special education and related services for your child *without* using mediation, due process, or filing a complaint.

There's a lot to know about each of these vehicles for resolving disputes. If you'd like to learn more, visit the section of NICHCY's website called *Resolving Disputes*, which begins at: www.nichcy.org/schoolage/disputes/

You may also call the PTI center in your state. We've mentioned the PTI several times in this publication. PTIs are an excellent resource for parents to learn about special education. Your PTI is listed on NICHCY's *State Resource Sheet* for your state.

Always remember that you and the school will be making decisions together about your child's education for as long as your child goes to that school and continues to be eligible for special education and related services. A good working relationship with school staff is important now and in the future. Therefore, when disagreements arise, try to work them out within the IEP team before filing a complaint or requesting mediation or due process. Both you and the school want success for your child, and working together can make this happen.



To Learn More About Resolving Disputes

Visit the:

National Center for
Dispute Resolution

www.directionservice.org/cadre

The information in this publication is consistent with the requirements of IDEA 2004, our nation's special education law. NICHCY also disseminates other materials and can respond to individual requests for information. We invite you to visit our website (www.nichcy.org), where you will find all of our publications.

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