

Lowell Middlesex Academy Charter School



Special Education Parent Rights Workshop



Welcome and Introductions





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







Parents will understand their rights regarding special education

Collaboration between family and school personnel will be enhanced







Parents and school personnel will participate in special education matters as knowledgeable partners









Special Education Parent Advisory Council (SEPAC)

- PAC duties include but are not limited to:
 - Advising the school 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's special education programs.
 - Conducting, with the school, the annual workshop of the rights of students and parents under special education law. (THIS WORKSHOP)
 - The PAC is entitled to receive assistance from the school without charge, upon reasonable notice and subject to the availability of staff and resources.
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One Source of Information

- **Parent Rights Brochure:**
 - Contains the laws to protect and support your child in Special Education.
 - It is called "Parental Notice of Procedural Safeguards" and is provided in your native language.
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When is a student eligible for Special Education ?





- A student is eligible for special education if all three of the following are true:
 - The student has one or more disabilities.
 - As a result of the disability, the student is NOT making effective progress in school.
 - The student requires specialized instruction in order to make effective progress.
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Special Education Laws

- The Individual with Disabilities Education Act --- also known as IDEA-97
- Chapter 766-- Massachusetts' special education law. In Mass. General Laws at Children with disabilities were being unfairly and systematically excluded from school in Boston.






How quickly can my student receive services?

- When consent to evaluate arrives with parent signature, the school has 30 school days to conduct an evaluation in all areas where there is a suspected disability.
 - A Team meeting will be held within 45 school days to review the evaluation results and determine eligibility.
 - If the student is found eligible, the Team will develop an Individualized Education Plan.
 - The proposed IEP is sent to the parent for signature and when the IEP is signed, special education services begin.
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When is a student eligible for Special Education?




A student is eligible if all three of the following are true.

- The student has one or more disability(ies).
- The student is not 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

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- 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 or school may not refuse a referral in order to try other supportive services.
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Types of disabilities that may adversely affect educational progress

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

1. Autism

6. Emotional Impairment

2. Developmental Delay

7. Specific Learning Disability

3. Intellectual Impairment

8. Communication Impairment

4. Sensory Impairment

9. Physical Impairment

(Vision, Hearing, Deaf/Blind)

5. Neurological Impairment





10. Health Impairment





Special Education





Special Education -- is

- Specially designed instruction to meet the unique needs of an eligible student and/or
 - Related services necessary to access and make progress in the general curriculum. (Speech, Occupational Therapy, Physical Therapy, Counseling)
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Six Basic Principles

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








The Six Principles of Special Education

- 1. Parent and Student Participation
- 2. Free and Appropriate Public Education (FAPE)
- 3. Appropriate Evaluation
- 4. (IEP) 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 to make strong efforts, in multiple ways, to ensure parental and student participation.
 - Students at age 18 are adults under Massachusetts' law and assume all the rights formerly held by their parents for participation and decision-making.
 - 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 (E.g. phone participation).
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Principle #2: FAPE (Free 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 or under the direction of the public school district.
 - Education = Preschool, elementary and secondary education, including extra- curricular and non-academic school activities. Students receive the same curriculum as students without disabilities receive.
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Principle #2 FAPE (continued)

What is the general curriculum?

- The same curriculum a students without disabilities receive.
 - Including all Massachusetts Curriculum Frameworks - in particular, English Language Arts, Math, Science /Technology and History and Social Science
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Principle #3: Appropriate Evaluation





- Initial Evaluation
 - 3 Year re-evaluation
 - Individual assessments
 - Evaluation in all areas of suspected disability
 - Individualized, nondiscriminatory evaluations
 - Includes a variety of tools and strategies, including observations and information from parents.
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Some specific evaluation rights:

- Right to discuss both the proposed evaluations and evaluators prior to the evaluation.
- Parents may discuss the proposed evaluations prior to the evaluation.
- Right to an evaluation in the student's native language or mode of communication.
- Parent may refuse an evaluation and the district has the right to pursue an evaluation consent through the Department of Education if the student is being denied FAPE.
- If appropriate, right to an evaluation of need for Braille instruction.
- Right to appeal a finding of "No Eligibility"





Independent Educational Evaluation (IEE)

- Anytime you are dissatisfied with the district's evaluation.
 - Parents' option 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.
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Principle #4 - Individualized Education Plan (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 are reasonably calculated to be reached in a year's time.
 - A listing of the services to be provided to the student.
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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.
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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 and in the classroom they would have attended if they did not have disabilities.
 - The student cannot be removed from the general education classroom solely because of needed curriculum modifications.
 - That removal from the general education program occurs only 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.
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Some Types of Educational Placements




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 organization.





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 evaluation reports 2 days in advance of Team meeting, if requested.
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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.
- Seek resolution through the Bureau of Special Education Appeals (BSEA).
- Seek knowledgeable assistance elsewhere.

Resources

Teachers and other staff at Lowell Middlesex Academy Charter School.

The state Department of Elementary and Secondary Education. (DESE)

- <http://www.doe.mass.edu/sped/>
- Program Quality Assurance - 781-338-3700
- The Federation for Children with Special Needs (1-800-331-0688)
- Disability rights organizations and other disability-related agencies and organizations.

Thank You!

