

A PARENTS' GUIDE

**THE EDUCATIONAL RIGHTS
OF
STUDENTS WITH
DISABILITIES**

(Revised 2001)

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OF
STUDENTS WITH DISABILITIES**

**Illinois State Board of Education
Special Education Compliance Division**

Revised 2001

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MEMORANDUM

TO: Parents, Advocates, School Personnel and Others

**FROM: Jack Shook, Division Administrator
Special Education Compliance Division
Illinois State Board of Education**

DATE: May 1, 2001

SUBJECT: A Parents' Guide: The Educational Rights of Students with Disabilities

A Parent's Guide: The Educational Rights of Students with Disabilities is a document, developed by the Illinois State Board of Education, for parents and others to learn about the educational rights of children who have disabilities and receive special education services. This document has been revised to incorporate the changes made to the Individuals with Disabilities Education Act (IDEA) in 1997 and the Illinois special education rules and regulations effective August 25, 2000.

The Parents' Guide is not meant to replace the Explanation of Procedural Safeguards that districts are required to provide to parents of eligible children at specific times throughout the school year. The Illinois State Board of Education recognizes that the special education process is complex and parents may have questions about the information contained in the Parents' Guide. Parents may contact one of the four Parent Training Information Centers listed on page 76 with questions about the special education process or the rights of students receiving special education services.

Questions regarding a specific violation of a special education rule or regulation may be directed to any of the special education program consultants in the Special Education Compliance Division at 217/782-5589 (Springfield) or 312/814-5560 (Chicago).

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STEPS TO GETTING SERVICES

What Happens If My Child Is Having Trouble Learning in School?

If your child is having trouble in school, you should contact the teacher or principal to discuss your concerns. Some school districts have teams consisting of school personnel that review student problems and suggest academic and/or behavioral strategies in an attempt to change or improve student performance. Please be prepared to provide information that may be helpful to the team. This process does not preclude you from making a referral for special education. The chart below will guide you through the **special education process**.

	PARENT/GUARDIAN	SCHOOL DISTRICT
REFERRAL	<ul style="list-style-type: none"> • Make a referral, <i>preferably written</i>, for an evaluation if you suspect a disability or believe that your child has significant learning problems. • Receive a copy of parent rights information (called Explanation of Procedural Safeguards). • Have questions answered. • Ask for information about advocacy groups or area parent support groups, if desired. • Provide consent. • If it is determined that no evaluation is needed, receive in writing the reasons for not conducting the evaluation. 	<ul style="list-style-type: none"> • Make written referral for an evaluation if child is suspected of having a disability. • Contact parent, explain referral process, and provide copy of procedural safeguards. • Obtain parental consent. • If it is determined that no evaluation is needed, provide in writing reasons for not conducting the evaluation to parent and person who made the referral.
EVALUATION	<ul style="list-style-type: none"> • Provide information for evaluation process (e.g. medical, family, and educational history; perceptions of child's strengths and needs at home and in community). • Provide input, in collaboration with the school district, to determine the specific assessments needed to evaluate. • Receive notification of the evaluation decisions. 	<ul style="list-style-type: none"> • Collect information from parent, teacher, and others. • Review existing information, in collaboration with the parent, to determine the specific assessments needed to evaluate. • Notify parent of the evaluation decisions. • Complete evaluation.
BEFORE THE MEETING(S)	<ul style="list-style-type: none"> • Review procedural safeguards information. • Seek support, if needed. • Bring support person(s) to meetings, if needed. • Bring concerns, questions, and suggestions to meeting. 	<ul style="list-style-type: none"> • Notify parent of meeting(s) and participants. • Determine mutually agreed on time and place for the meeting(s). • Provide a copy of procedural safeguards. • Arrange for appropriate school personnel to be present.

PARENTAL INVOLVEMENT

Both state and federal laws and regulations governing the administration of educational programs for students with disabilities have recognized the important role of parents in the special education process. It is important that you take an active role in the educational process. You and the school personnel should establish a positive relationship with shared goals and a common understanding of your child's needs at home, at school, and in the community. It is essential that you and the school district work cooperatively together.

To be an effective advocate for your child, you should:

- ✓ Be fully informed about the services available in or through your child's school,
- ✓ Know your child's special needs,
- ✓ Know your child's rights,
- ✓ Participate in the meetings to determine eligibility and the Individualized Education Program (IEP) meetings, and
- ✓ Ask questions and voice concerns when you are unsure of terms, language, the appropriateness of your child's program, the school's recommendations, etc.

In addition:

- ✓ Share letters, reports, or other materials that can help the school understand your child and provide appropriate services to your child. Be sure to keep a copy of these items for your records.
- ✓ Start a log or journal in which you record important dates and milestones of your child's program. This will also be a good place to record the results of important conversations and meetings you have had with teachers and others regarding your child's program.
- ✓ Keep all documents and correspondence from the school that you feel are important such as IEPs, samples of your child's work, notices regarding the dates of meetings, etc. Keep these documents with your journal.
- ✓ Develop an ongoing working relationship with those persons who are responsible for or provide services to your child. Get to know the names and responsibilities of all those working with your child.

Any questions or concerns you have may be answered and/or may be resolved by contacting your child's teacher, the school district, program administrator(s) or the district/cooperative director of special education. You are encouraged to be involved in every aspect of your child's educational program. You are your child's best advocate.

Parent Participation in Meetings

School districts are required to ensure your participation in the discussion regarding your child's evaluation. School districts are also required to ensure your participation in the meetings to determine eligibility and plan your child's IEP including where those services will be delivered. This means that the local school district or special education cooperative must contact you in a timely manner to set a mutually convenient time to meet.

To be an active participant in these meetings, you must be able to use effective communication skills such as good listening skills, assertive communication patterns, and respect for other's opinions and feelings. The following are general suggestions for establishing and maintaining an effective team atmosphere:

BE POSITIVE

Go to the meetings with a positive attitude.

BE PREPARED

Go to the meetings with specific ideas, suggestions and questions to ask.

BE DIRECT

Speak clearly and avoid vague statements or charges. If you have specific concerns, bring them up and let school personnel respond to your concerns.

BE CONFIDENT

Do not be intimidated. If terms or concepts are presented that you do not understand, ask for clarification.

BE CALM

Remain in control of your feelings. A team meeting can plan an effective instructional program when all participants are calm and no member is under attack.

BE INVOLVED

Take an equal and active role in the team. You may have information that is important to effective program development - do not be afraid to ask questions, to disagree with instructional or management suggestions, and to expect the team to treat you with respect.

Before the Meetings

- Review your child's school records, previous eligibility reports, IEPs and any other information you received from the school.
- Write down questions and concerns to discuss or any suggestions you have regarding special education and related services and/or the special education placement.
- Prepare a folder to take to the conference that contains: (a) information you want to share about your child; (b) questions, (c) paper on which to take notes, and (d) any other pertinent information.

- Decide whether your child should attend.

During the Meetings

- Introduce yourself and be introduced to all by name and job title.
- Maintain a positive attitude.
- Stay on task - remember the purpose of the conference and the scheduled time period is to address your child's needs.
- Take notes on discussions, recommendations, items to follow through on, and scheduled dates/appointments.
- Ask school personnel to explain terms, language or statements that are unclear.
- Set a regular time to contact the teacher to discuss your child's progress.
- Provide school personnel with praise when you are pleased with their efforts.

After the Meetings

- Put items on the calendar that you agreed to follow through on.
- Add documents from the conference to your files.
- Contact the teacher periodically to see how the program is going.

EXAMPLES OF CURRICULAR, ENVIRONMENTAL, AND BEHAVIORAL MODIFICATIONS

This chart provides examples of curricular, environmental, and behavioral modifications/interventions that may be useful for improving your child's performance in school. If specific interventions are required for your child, they should be documented in the IEP. The chart is meant to provide some examples but is not an exhaustive list.

Curricular Modifications	Environmental Modifications	Behavioral Interventions
<ul style="list-style-type: none"> - tape lessons or instructions for student - simplify vocabulary of test items, practice sheets - provide tests in segments - provide visual or memory aids such as number lines, formulas, pictures, and charts - highlight main ideas and supporting details in text - provide study outlines and guides - reduce quantity of materials to be read - have student keep an assignment notebook - provide a sample or practice test - provide opportunities for extra drill - use special supplementary material - provide text written at student's reading level - provide self-checking materials - provide immediate correction of errors - teach learning strategies 	<ul style="list-style-type: none"> - change the student's seat assignment - assign preferential seating - post class routine - move location of classroom supplies to minimize distractions - assign student a study partner - provide one-on-one tutoring - use small group instruction - provide a monitoring buddy - establish time expectations for assignment completion - provide verbal cues to indicate beginning and ending instructional time - provide visual, tactile, or auditory prompts to indicate appropriate behavior 	<ul style="list-style-type: none"> - establish home-school communication system - post rules and consequences for behavior - put student on daily/weekly progress report - keep graphs, charts, or calendars of student progress - establish contingency contracts - establish verbal or nonverbal signals to monitor behavior (winks, hand signals, etc.) - move closer to student to monitor behavior - establish a list of reinforcers for student - offer social reinforcers (hugs, praise, winks) - offer tangible reinforcers (points, tokens, stickers) - provide immediate reinforcement for correct responses - implement a token or point system - implement a self-recording of behavior

REFERRAL

Making a Referral

If you believe your child is experiencing educationally related problems and alternative intervention strategies have not been successful, you should make a referral for an evaluation. To make a referral for an evaluation, you should contact your child's building principal, local school district superintendent, or any school official. A referral may also be initiated at anytime through coordination with early intervention programs, as a result of a screening, or concern of school personnel. The special education rules define "date of referral" at 23 Illinois Administrative Code 226.75 as *the date on which written parental consent to complete an evaluation is obtained or provided*. If you make a verbal referral, the district is required to provide any necessary assistance in order for you to meet the district's requirements regarding referral procedures. If you make a written referral, you should date it and indicate the reasons for your concerns. Be sure to keep a copy of your request for your own records.

Determining Whether To Conduct an Evaluation

Each district must have a procedure in place for determining whether or not to conduct an evaluation. A referral for an evaluation does not necessarily mean that your child has a disability which interferes with educational performance. It signals that your child is having educationally related difficulties and that the person making the referral is concerned that the problem may be due to a disability. Not all referrals result in an evaluation being conducted. If the district determines that the evaluation is not necessary, it must notify you in writing of its decision not to evaluate and the reasons for the decision. The district must advise you of your right to request a due process hearing to challenge its decision.

If, after reviewing the referral information, the district determines that an evaluation is appropriate, your written consent must be obtained to proceed with the evaluation. A request for your consent should not be misinterpreted as a decision that your child has a disability. It is important that you fully understand the reasons for the evaluation and support the district's decision to conduct the evaluation.

If you disagree with the district's decision to evaluate your child and you do not give written consent, the district may request a due process hearing. If the district requests a due process hearing, an impartial hearing officer will determine if the evaluation is necessary. In the case of a reevaluation for which you do not give your consent, the district must prevail in a due process hearing in order to conduct an evaluation (see - Reevaluations).

The Illinois State Board of Education has developed consent forms that all districts must use. These mandated forms indicate the reason(s) the evaluation has been requested, the evaluation domains, a description of the evaluation procedures, and your rights regarding special education.

Participants

The IEP team and other qualified professionals whose expertise is necessary to administer and interpret evaluation data and make informed determinations as to whether the child needs special education and related services must participate in meetings when:

- ❖ identifying the specific assessments required in order to evaluate your child;
- ❖ determining whether your child is eligible for special education and related services; and
- ❖ conducting a manifestation determination review.

Conference Summary Report

A conference report must be written during the meeting which describes consideration of pre-existing information, new evaluation reports, and any other relevant information. The report should also include the date, the conference participants, the conditions that would affect educational performance, and the conclusions reached regarding eligibility for special education and related services. A copy of this report must be given to you at the end of the meeting. You may also request a copy of any evaluation reports developed. If you disagree with the determination(s) made at this meeting, you may challenge the district's decision by requesting a due process hearing (see *Section 8 Conflict Resolution for Parents of Students with Disabilities*).

If your child is determined not eligible for special education and related services at the eligibility conference, he or she may still be eligible for services under Section 504 of the Rehabilitation Act. (See *Section 14* for more information on Section 504.)

INDEPENDENT EDUCATIONAL EVALUATION

Public Expense

You have the right to request an independent educational evaluation at public expense when you disagree with the evaluation conducted or obtained by your local school district. Your request must be made in writing (and dated) to the district superintendent. The district then has five (5) school days to respond to your request.

- ❖ If the district **agrees** with your request, the independent evaluation must be completed within 30 calendar days and a meeting convened to consider the results. You and the district may agree to extend this timeline.
- ❖ If the district **denies** your request, the district must state its reasons for the denial and demonstrate at a due process hearing that its evaluation is appropriate.

Within ten (10) days after the district receives the evaluation report or after your request for an IEP meeting to consider the results of the evaluation, the district must provide you with notice of the IEP meeting. The required credentials a person must have in order to conduct an independent educational evaluation are listed in the special education regulations at 23 Illinois Administrative Code 226.840. The district must provide to you, upon request, a listing of independent evaluators.

Private Expense

You always have the right to obtain an independent evaluation, but not necessarily at public expense. Whether you obtain an independent educational evaluation at public expense or at your own expense, the district must consider the results of **all** independent evaluations at a conference.

REEVALUATION

State and federal laws require all children with disabilities who are receiving special education and related services to be reevaluated every three years or more frequently if necessary. Your written consent is required for all reevaluations. The district **must** request a due process hearing when you do not provide written consent to conduct a reevaluation within 10 calendar days of the date of request.

The purpose of the three-year reevaluation is to determine if your child continues to be eligible for special education and related services. The district must reevaluate your child before determining that he/she is no longer eligible for special education services. The district is not required to reevaluate your child if he/she is graduating from high school with a diploma or attains the age of 21. The reevaluation will address all areas related to his/her suspected disability. After a child is reevaluated, his/her individualized education program must also be reviewed and revised, if necessary, to reflect current programming needs.

If your child has been receiving special education services, but you believe that his/her program needs to be changed, it is sometimes useful to obtain a reevaluation before the three year reevaluation is due. Your request for a reevaluation should be made in writing and given to your building principal or your child's teacher as discussed in Making a Referral in *Section 2*. Be sure to keep a copy of your request for your own records. If the district decides not to conduct the reevaluation, they must notify you in writing of their decision not to conduct the reevaluation and advise you of your right to a due process hearing.

Speech and/or Language Impairment

A child with a speech impairment has problems with the mechanics of speech production when speech is the primary way of communicating. Speech problems may occur with voice (pitch, intensity or quality), fluency (the flow of speech) or articulation (the way sounds are made). The disorder affects how others understand your child's speech.

A child with a language impairment has difficulty in understanding or expressing gestural (signs/mannerisms that express ideas), spoken, or written ideas. The disability may involve sounds or sound combinations, forming words, or putting words together in sentences. It may involve the meaning of words and combination of words. It may involve the function of language in communication. The disorder can affect school functioning through listening, speaking, reading, and/or writing activities.

Traumatic Brain Injury

A child with a traumatic brain injury has had a sudden injury to the brain. This injury has been caused by an external event resulting in total or partial functional disability or psychological and social problems that affect educational performance. The term includes open or closed head injuries.

A child with traumatic brain injury may experience problems with vision (blurred or doubled), hearing, health or motor skills, thinking or functional living skills, learning, speech or language functions, or inappropriate or impulsive behaviors. Parents are encouraged to contact their local school district as soon as possible after a head injury occurs so the district can begin planning for the child's return to school.

Visual Impairment and Blindness

Visual impairment includes any type of sight problem which, even with glasses/contacts, adversely affects school performance. Children with visual impairments can be further described as partially sighted or blind based on the degree of visual impairment and their educational needs.

