

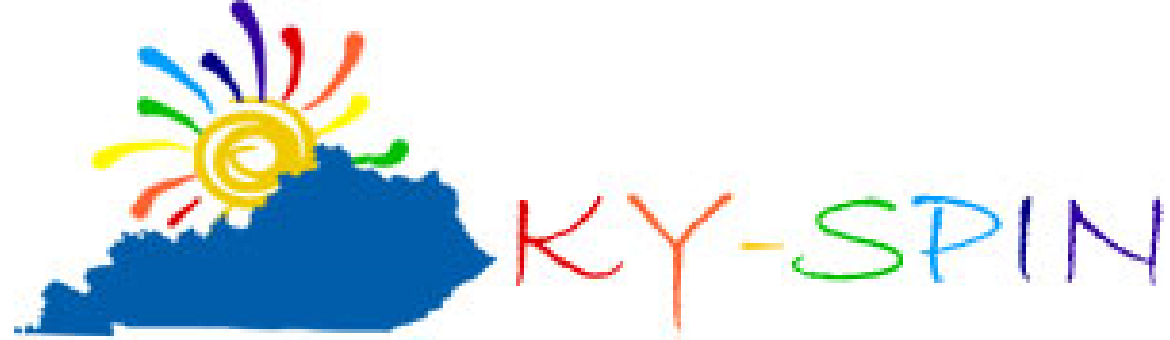


## **Lunch & Learn**

# **Overview of the Special Education Process**

# Kentucky Special Parent Involvement Network (KY-SPIN ) Parent Training & Information (PTI) Center

Funded by the U.S. Dept. of Education under IDEA since 1988 when Kentucky first received a PTI. KY-SPIN Parent Center provides training, information and support for children and youth with all types of disabilities (birth through 26 years old), their parents, families and professionals.




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We do NOT:  
Act as Attorneys

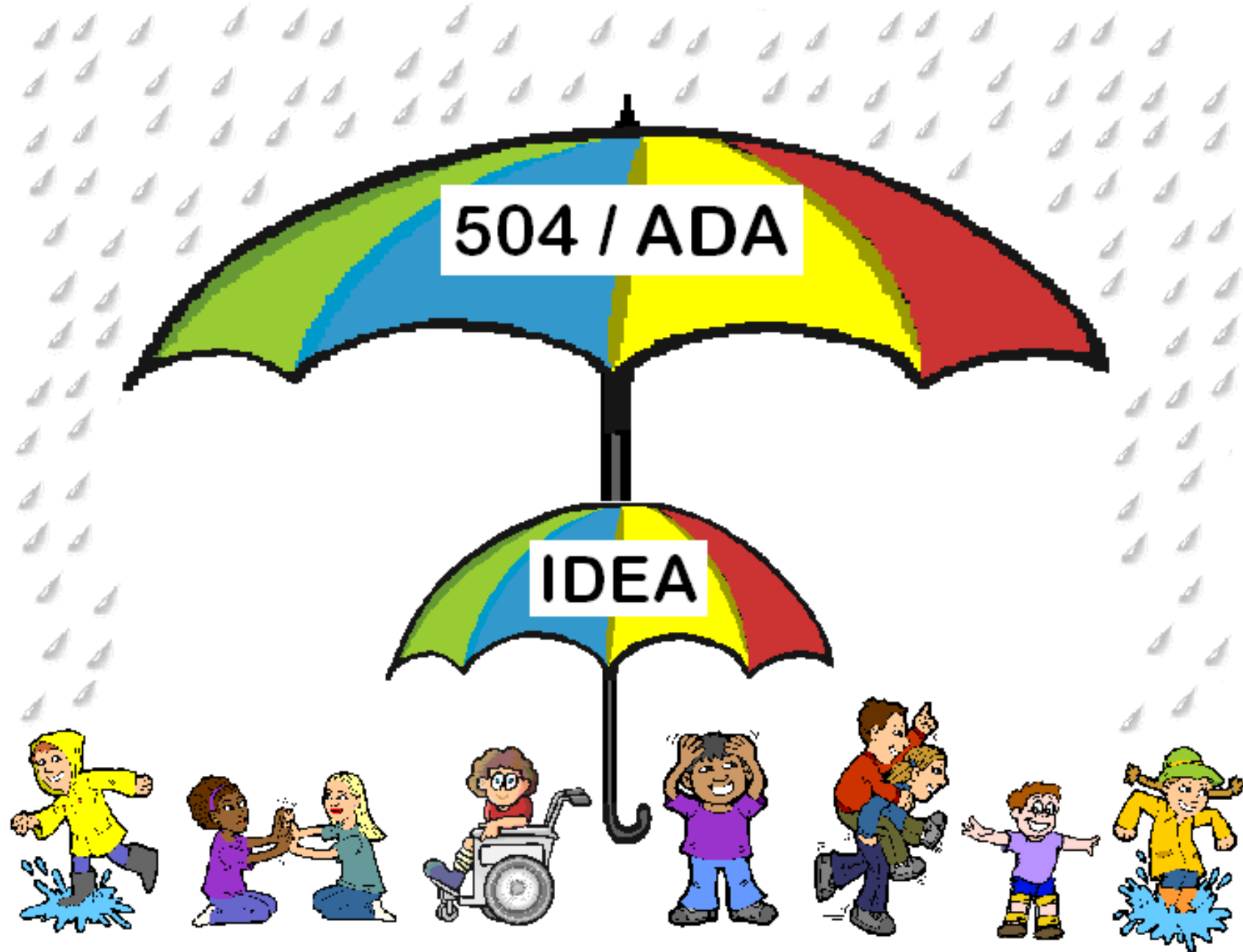
We DO:

- ♥ Empower Families to Effectively Advocate for their Children
- ♥ Provide “peer to peer” support to help families access needed information and resources





Students with  
disabilities receive  
appropriate educational  
services as a result of  
three primary laws.



**Individuals with Disabilities Education**

**Act (IDEA) /**  
**Section 504 of the**  
**Rehabilitation Act / ADA**



**Federal**  
**Law**



**Kentucky Administrative**  
**Regulations (KAR)**



**State Law**



**Local Policies and**  
**Procedures**



**Public School**  
**District**

**For Children  
Who Attend  
KY Public  
Schools**

# Section 504 of the Rehabilitation Act of 1973

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## Civil Rights Law:

### **Section 504 prohibits discrimination on the basis of disability**

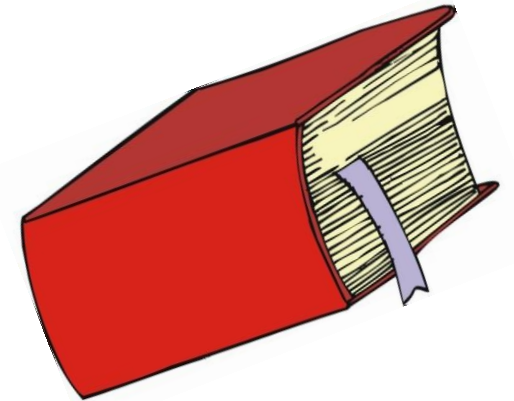
- Applies to any agency receiving federal funds
- No additional source of federal funding
- Provides procedural safeguards



# 504 & ADA Definition of Disability

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- **Physical or Mental Impairment that substantially limits one major life activity**
- **Record/History of disability**
- **Perceived as a disability**





# Major Life Activities:

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**The list of major life activities under Section 504 includes, but is not limited to, the activities listed below:**

- Caring for oneself
- Communicating
- Concentrating
- Bending
- Breathing
- Eating
- Hearing
- Learning
- Lifting
- Reading
- Seeing
- Sleeping
- Performing manual tasks
- Speaking
- Standing
- Thinking
- Walking
- Working

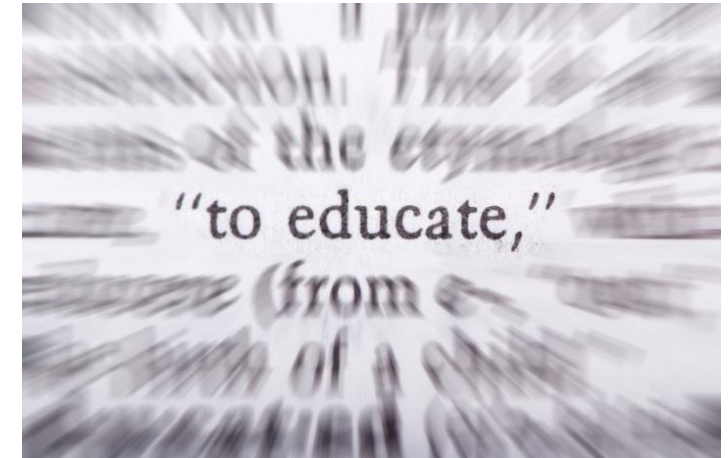
# Individuals with Disabilities Education Act (IDEA)

- IDEA guides how states and school districts provide specially designed instruction and related services to children with disabilities.
- Funded in part with federal dollars
- Part C – Early Intervention / Birth-3  
[Kentucky Early Intervention System](#) (formerly known as First Steps)
- **Part B – Public school / 3-21**



# IDEA Definition of Disability

- The child's disability must show an "adverse effect" that impedes progress where educational performance is significantly and consistently below the level of children of similar age.
- Must meet criteria of one or more disability categories
  - Must need specially designed instruction & related services



**Overview of Special  
Education Process  
(IDEA Part B: ages 3-21)**

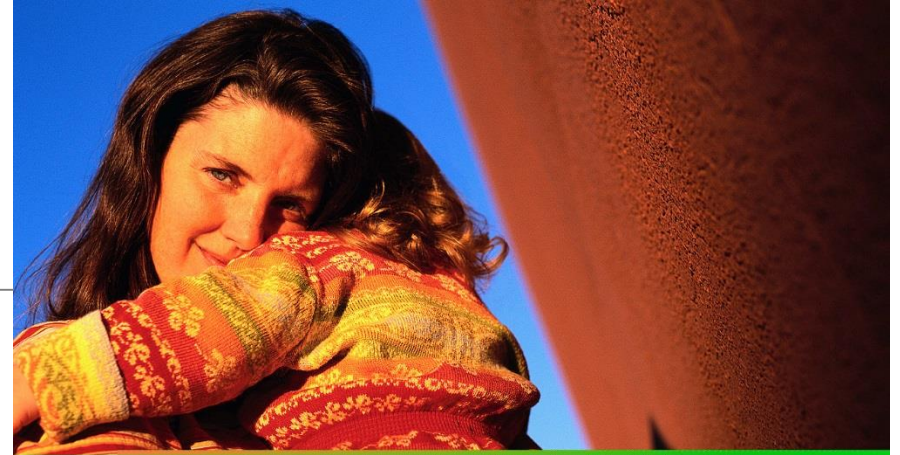
# Special Education Process



# Referral

Anyone who has knowledge of the child and suspects that the child may have a disability may make a referral. parents sign consent. The evaluation takes place once parental consent has been signed. The school has 60 school days from date

707 KAR 1:320 Section 2. (3)



For DoDEA Schools they have 45 school days from the date that you sign the “Parent Permission to Assess” form.

# How to request a referral

## In writing!!

### IN Writing

[https://www.parentcenterhub.org/wp-content/uploads/repo items/model-letter-requesting-initial-evaluation.pdf](https://www.parentcenterhub.org/wp-content/uploads/repository/model-letter-requesting-initial-evaluation.pdf)

#### Model Letter

Today's Date (include month, day, and year)

Your Name  
Street Address  
City, State, Zip Code  
Daytime telephone number

Name of person to whom you're writing  
Title  
Street Address  
City, State, Zip Code

Dear *(Person's name)*,

I am writing to request that my son/daughter, *(child's name)*, be evaluated for special education services. I am worried that *(child's name)* is not doing well in school and believe he/she may need special services in order to learn. *(Child's name)* is in the (    ) grade at *(name of school)*. *(Teacher's name)* is his/her teacher.

Specifically, I am worried, because *(child's name)* does/does not *(give a few direct examples of your child's problems at school)*.

We have tried the following to help *(child's name)*: *(If you or the school have done anything extra to help your child, briefly state it here)*.

I understand that I have to give written permission in order for *(child's name)* to be evaluated. Before the evaluation begins, I have some questions about the process that I need to have answered *(list any questions you may have)*.

I would be happy to talk with you about *(child's name)*. You can send me information or call me during the day at *(daytime telephone number)*. Thank you for your prompt attention to my request.

Sincerely,  
*(Your name)*

cc: the principal, supervisor, or special education administrator  
other members of the meeting

\*Note: The "cc:" at the bottom of the letter means you are sending a copy of your letter to the people listed after the cc.

# What if the Referral is Denied?

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- *District must provide Prior Written Notice*
- IDEA. Part B 300.111 **Child find**.
  - (a) (1)** The **State** must have in effect policies and procedures to **ensure** that—
    - (i)** All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, **are identified, located, and evaluated**; .....
- **Parental Rights**



# Prior Written Notice

Notice Your school district must give you written notice (provide you certain information in writing), whenever it:

1. Proposes to initiate or to change the identification, evaluation or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child; or
2. Refuses to initiate or to change the identification, evaluation or educational placement of your child, or the provision of FAPE to your child.

Content of notice The written notice must:

1. Describe the action that your school district proposes or refuses to take;
2. Explain why your school district is proposing or refusing to take the action;
3. Describe each evaluation procedure, assessment, record, or report your school district used in deciding to propose or refuse the action;
4. Include a statement that you have protections under the procedural safeguards provisions in Part B of the IDEA;
5. Tell you how you can obtain a description of the procedural safeguards if the action that your school district is proposing or refusing is not an initial referral for evaluation;
6. Include resources for you to contact for help in understanding Part B of the IDEA;
7. Describe any other choices that your child's Admissions and Release Committee (ARC) considered and the reasons why those choices were rejected; and 8. Provide a description of other reasons why your school district proposed or refused the action.

[KDE Procedural Safeguards Notice](https://education.ky.gov/specialed/excep/distres/Documents/Procedural_Safeguards_Notice.pdf)

[https://education.ky.gov/specialed/excep/distres/Documents/Procedural\\_Safeguards\\_Notice.pdf](https://education.ky.gov/specialed/excep/distres/Documents/Procedural_Safeguards_Notice.pdf)

[IDEA Regulations Doc. https://sites.ed.gov/idea/regs/c/e/303.421](https://sites.ed.gov/idea/regs/c/e/303.421)

# Evaluation

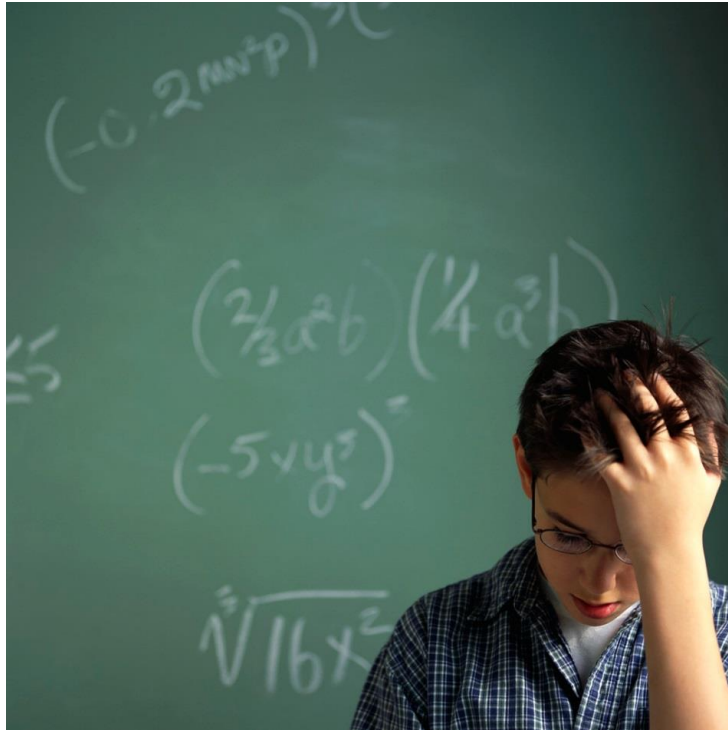
Requires consent and the results help the team to determine...

- Category of disability
- Does the disability show an “adverse effect” that impedes progress where educational performance is significantly and consistently below the level of children of similar age.
- Whether the child needs specially designed instruction and related services
- The present levels of academic achievement and related developmental needs of the child
- Whether any accommodations or modifications are needed

# Evaluation

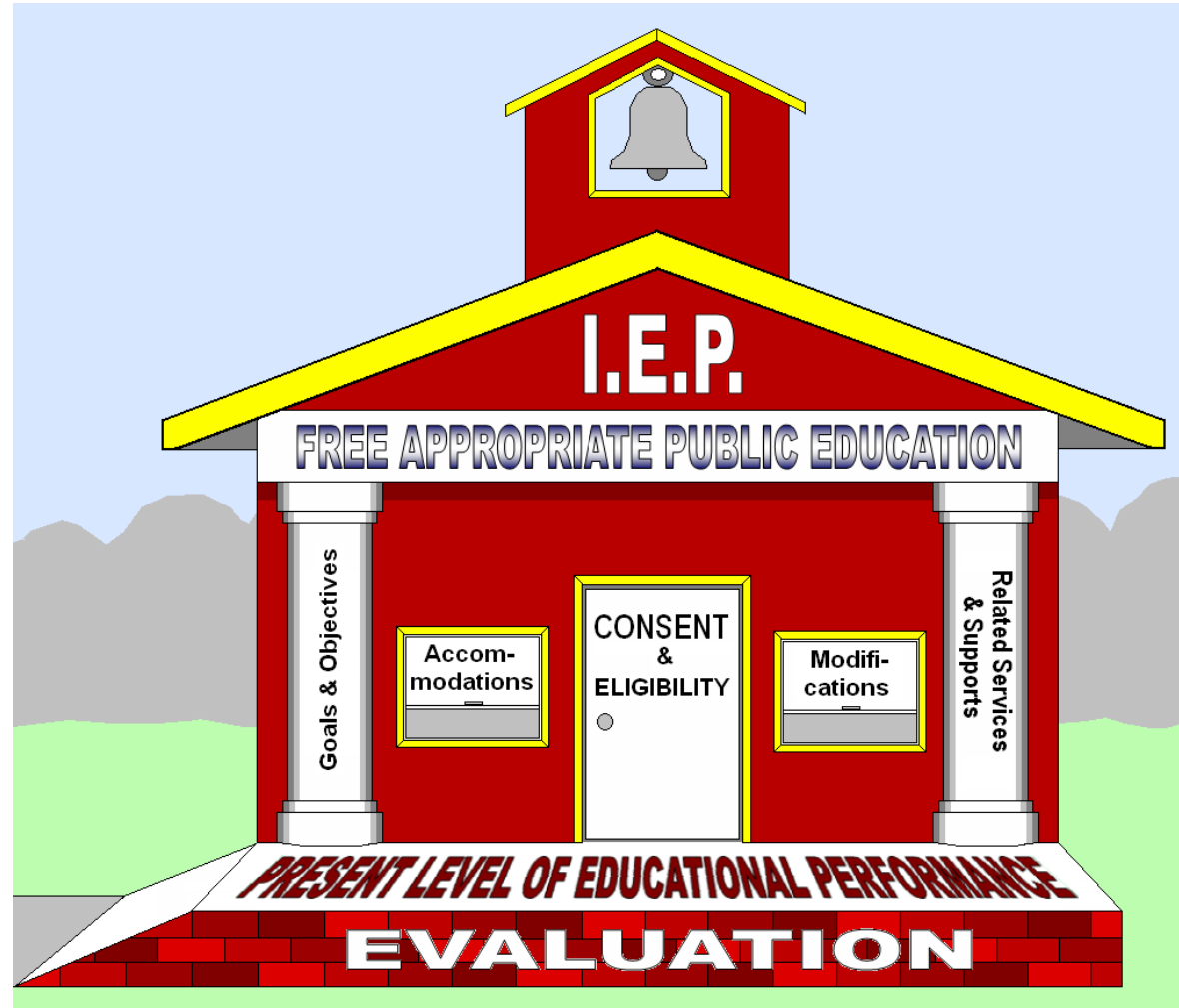
If you do not agree with evaluation results you have the right to request an Independent Education Evaluation (IEE) at no cost to the family.

# Eligibility Disability Categories



Federal IDEA	KAR Categories
Autism Spectrum Disorder (ASD)	Autism
Deaf-Blindness	Deaf-Blindness
Development Delay (Ages 3 through 9)	Developmental Delay (Student is three (3) through eight (8) years of age. <i>(Note: Eligibility for DD ends on the child's 9<sup>th</sup> birthday.)</i> )
Emotional Disturbance	Emotional-Behavioral Disability
Hearing Impairment (including deafness)	Hearing Impairment
Intellectual Disability	Mental Disability: Mild Mental Disability (MMD) or Functional Mental Disability (FMD)
Multiple Disabilities	Multiple Disabilities
Orthopedic Impairment	Orthopedic Impairment
Other health Impairment	Other Health Impairment
Specific Learning Disability	Specific Learning Disability
Speech or Language Impairment	Speech Language Impairment
Traumatic Brain Injury	Traumatic Brian Injury
Visual Impairment including Blindness	Visual Impairment

# IDEA



# IDEA requires that an IEP include:

A statement of the child's present levels of academic achievement and functional performance

**IDEA 2004  
614(d)(1)(A)**

## Present Level of Academic Achievement and Functional Performance:

How the disability affects the child's involvement and progress in the general curriculum.

# Present Level of Academic Achievement and Functional Performance

Domains:

Communication  
Skills

Academic  
Performance

Health,  
Vision,  
Hearing,  
Motor  
Abilities

Transition  
Needs

Social and  
Emotional Status

Functional  
Vision/Learning  
Media Assessment

General  
Intelligence

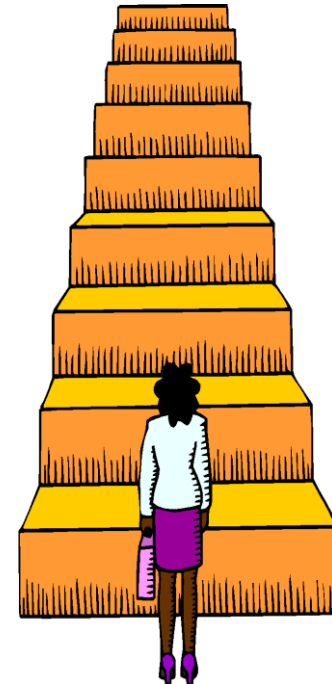
# IDEA requires that an IEP include:

A statement of measurable annual goals, including academic and functional goals

**IDEA 2004  
614(d)(1)(A)**

## Goals should:

- Identify skills the child will gain
- Address all needs identified in the Present Level statement





# IDEA requires that an IEP include:

A description of how the child's progress toward meeting annual goals will be measured and when periodic reports on progress will be provided

**IDEA 2004  
614(d)(1)(A)**

## Arrange skills in a sequence

- Modify the condition (increase difficulty)
- Modify performance criteria (increase expectation)



# Objectives & Benchmarks

- **IDEA 2004 – removed requirement, except for students who take alternate assessments based on alternate achievement standards**
- **Kentucky Administrative Regulations – A LEA's (Local Educational Agency - County or Independent public school system) procedures may determine the use of benchmarks or short-term objectives for a child's IEP. [707 KAR 1:320. Section 5(7)]**

# IDEA requires that an IEP include:

A statement of the special education and related services and supplementary aids and services to be provided to the child and a statement of the program modifications or supports for school personnel

**IDEA 2004  
614(d)(1)(A)**

## Statement of Special Education

- Specially designed instruction
- Provided by a qualified special education teacher

# Statement of Related Services

## Definition under IDEA

“Developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education.”

***A related service is never a stand-alone goal,  
a related service supports a goal.***

# Related Services

Related services include transportation, developmental, corrective, and/or supportive services required to assist a student with a disability to benefit from special education.

Related services may include:

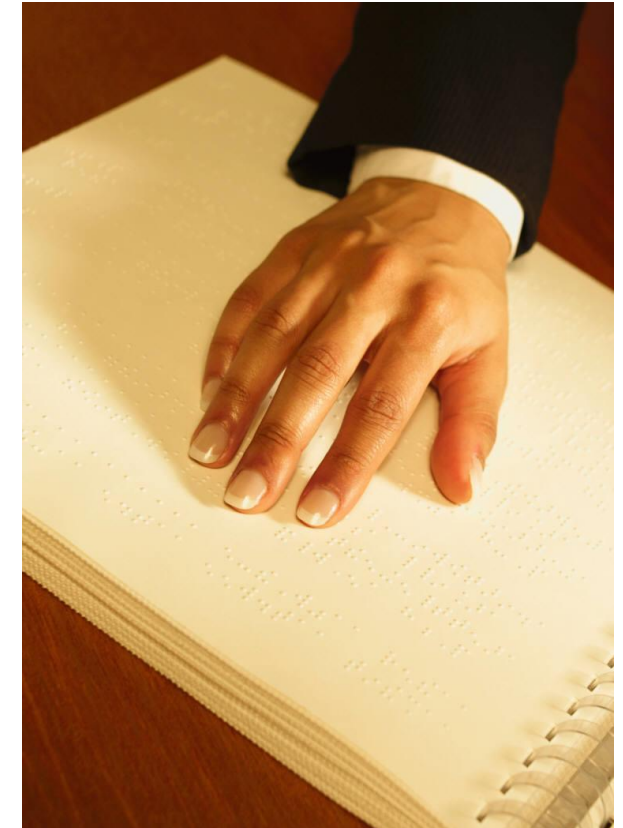
- Speech-language pathology and audiology services
- Interpreting services
- Psychological services
- Physical and occupational therapy
- Recreation, including therapeutic recreation
- Early identification and assessment of disabilities
- Counseling services, including rehabilitation counseling
- Orientation and mobility services
- Medical services for diagnostic or evaluation purposes
- School health services and school nurse services
- Social work services in school
- Parent counseling and training



# Accommodations

Including but not limited to...

- Visual prompts
- Previewing questions
- Advanced organizers
- Listening guides
- Large print materials
- Braille
- Reader
- Scribe
- Manipulatives
- Extended time (e.g., double time or time and a half)
- Interpreter
- Reinforcement and behavior modification strategies
- Paraphrasing
- Calculator
- Use of technology



# Modifications

Usually a **modification** means *a change in what is being taught to or expected from the student.*

Examples:

- Making an assignment easier so the student is not doing the same level of work as other students is an example of a modification.
- Shortened assignments: Student still has to do same level/skill of work but not as much work as other students.

# Accommodations

An **accommodation** is *a change that helps a student overcome or work around the disability.*

Example:

Allowing a student who has trouble writing to give his answers orally is an example of an accommodation. This student is still expected to know the same material and answer the same questions as fully as the other students, but he doesn't have to write his answers to show that he knows the information.

# IDEA requires that an IEP include:

An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in activities

## Least Restrictive Environment (LRE)

“To the maximum extent appropriate children with disabilities ... are educated with children who are not disabled.”

**IDEA 2004  
614(d)(1)(A)**

*Removal from an inclusive setting with non-disabled peers ONLY when education with the use of supplementary aids and services cannot be achieved satisfactorily.*



# IDEA requires that an IEP include:

The projected date for the beginning of the services described and the anticipated frequency, location, and duration of those services and modifications.

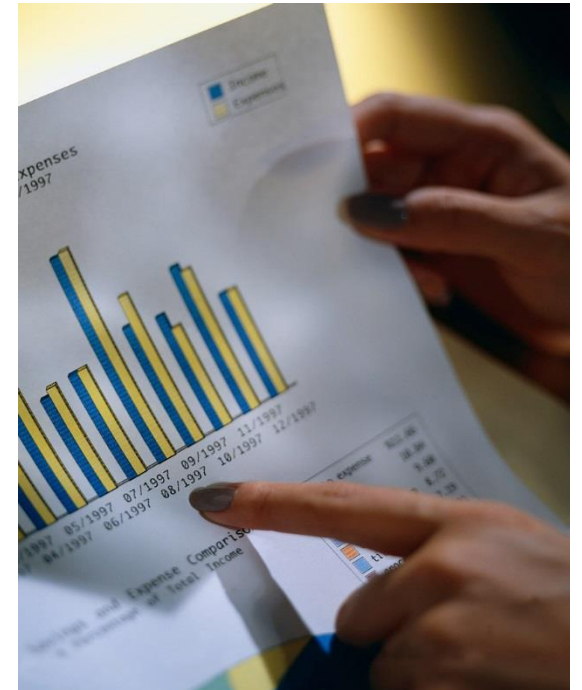


**IDEA 2004  
614(d)(1)(A)**

# Periodic Reports

Progress on each goal and/or objective

- At least concurrent with report cards, but can be more frequent
- Be specific in when you will receive progress reports & what the progress report will cover



# IDEA requires:

Section 300.324 (b)(1)(i) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved;

*An IEP/ARC (Admissions and Release Committee)  
Meeting can be called at anytime by school or parents.*

Section 300.324 (a)(4)

(i) In making changes to a child's IEP after the annual IEP Team meeting for a school year, **the parent of a child with a disability and the public agency may agree** not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP.

(ii) If changes are made to the child's IEP in accordance with paragraph (a)(4)(i) of this section, the public agency must ensure that the child's IEP Team is informed of those changes.

**If it is part of students program it needs to be in writing  
in the IEP!**

**Anyone should be able to look at your child's IEP and  
be able to implement their program.**

The IEP/ARC meeting  
summary needs to be an  
accurate account of what  
occurred in the meeting.



# The Special Education Cycle

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Consent

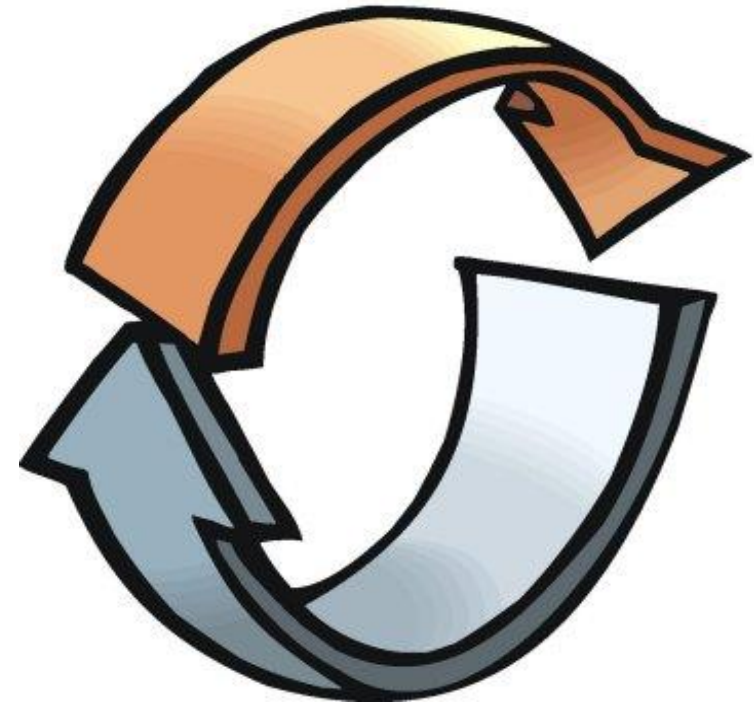
Evaluation

Written IEP

Placement

Annual IEP review

3 year re-evaluation



# What is the purpose of a 504 plan?

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**For children who do not qualify under IDEA, but qualify under Section 504, a 504 plan will be written.**

A 504 plan addresses the unique learning needs of student with a disability and provides reasonable accommodations so that the student has **equal access** to school programs and activities to meet their learning needs.

# Helpful Resources

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- [Individualized Education Program \(IEP\) Video & IEP Infographic \(KY-SPIN & Aetna\)](#)
- [How to Get An Evaluation for Your Child Through School \(ages 3-21\) KY-SPIN, Inc. Information Sheet Series](#)
- [Communicating with your child's school through letter writing \(CPIR\)](#)
- [Evaluation: What Does It Mean for Your Child? \(PACER\)](#)
- [Just for Parents: Learning about Special Education Evaluation \(PACER\)](#)
- [Right to Obtain an Independent Educational Evaluation \(IEE\) \(CPIR\)](#)
- [Guidance Document for Individualized Education Program \(IEP\) Development \(Kentucky Department of Education — KDE\)](#)
- [Kentucky Parent Guide for Special Education \(HDI\)](#)
- [FAQ: Kentucky Specific Regulations as related to IDEA 2004 Part B \(ages 3-21\) Chart \(KY-SPIN, Inc.\)](#)
- [From Needs to Services: Parent Homework Sheet \(PACER\)](#)

# Helpful Resources

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- [Kentucky Department of Education's District and School Directory](#)
- [KDE Special Education Forms - Eligibility Determination](#)
- [KDE Dispute Resolution Process & Forms](#)
- [How to Negotiate in ARC Meetings \(KY P&A\)](#)
- [504 Plans Infographic or Video](#)
- [504 Plan for Public School \(KY P&A\)](#)
- [Sample 504 plan template \(Understood\)](#)
- [School Accommodation Ideas for Students who Receive Section 504 or Special Education Services \(PACER\)](#)
- [Students with Disabilities and Section 504 of the Rehabilitation Act of 1973 \(PACER\)](#)
- [Partners In Advocacy-A Guide to Special Education Planning \(KY P&A\)](#)
- [Part B Procedural Safeguards Notice \(KDE\)](#)
- [Right to Receive a Complete Explanation of IDEA's Procedural Safeguards \(CPIR\)](#)
- [KY-SPIN's Self-Advocacy Tips Infographic or Video](#)
- [KY-SPIN Self-Determination Infographic or Video](#)





YouTube



# If you still have questions...

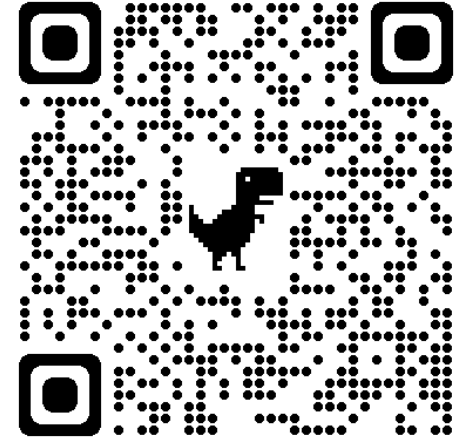
(800) 525-7746

(502) 937-6894

spininc@kyspin.com

[Website www.kyspin.com](http://www.kyspin.com)

Please complete  
our evaluation



Evaluation

<https://forms.gle/pVtBbf9sF44LDzRv6>

Information modified from Family Network on Disabilities of FL with their permission

Sources: OSEP, DoDEA, OCR, PACER, CIPR,  
KY P&A, FND of FL, IDEA, KAR, KDE

