

Parent Involvement in Special Education: Overview of Your Rights

Presented by Myriam Alizo



The START Project is a collaboration of the
New Jersey Department of Education Office of Special Education (NJOSE)
and Statewide Parent Advocacy Network (SPAN)
Funded by IDEA Part B funds



What SPAN Provides

- TRAINING
- TECHNICAL ASSISTANCE
- INFORMATION
- SUPPORT

...to parents of children with disabilities and special health and emotional needs, or who are at risk of inappropriate classification.



START Project

TOGETHER!

Families Can Make A Difference

Improve Special Education Programs & Services

Improve Student Outcomes

Assistance is available for schools and districts and for parents and parent leaders to enhance family engagement to improve outcomes for students with disabilities.



Workshop Objectives

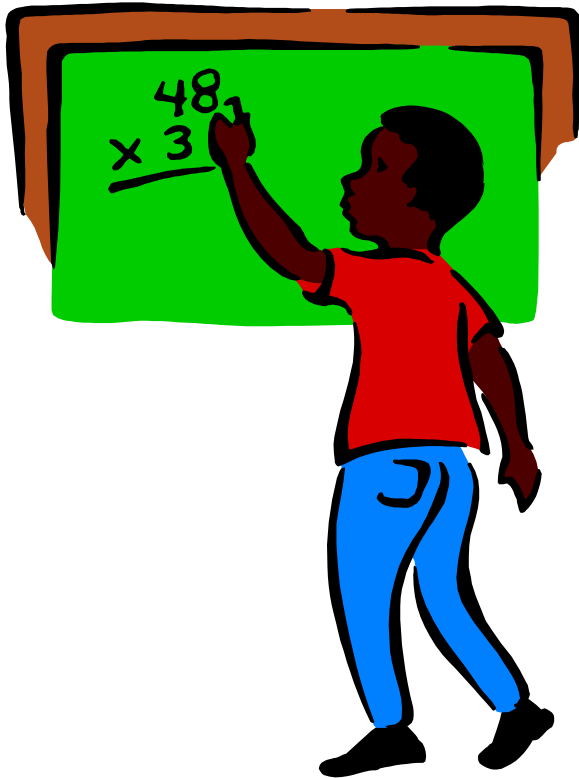


As a result of this workshop, you will:

- Have increased knowledge of the special education process
- Learn strategies to foster parent involvement in the special education process



Basic Rights of IDEA



- Provision of a free, appropriate public education (FAPE) in the least restrictive environment (LRE)
- Development of an individualized education program (IEP)



Purpose of the Law



- To ensure that children with disabilities receive educational benefit that allows them to progress from grade to grade, learning the knowledge and skills of their non-disabled peers
- To provide the services and supports needed for your child with disabilities to become a productive adult, contributing to the community



Your Role and Responsibilities

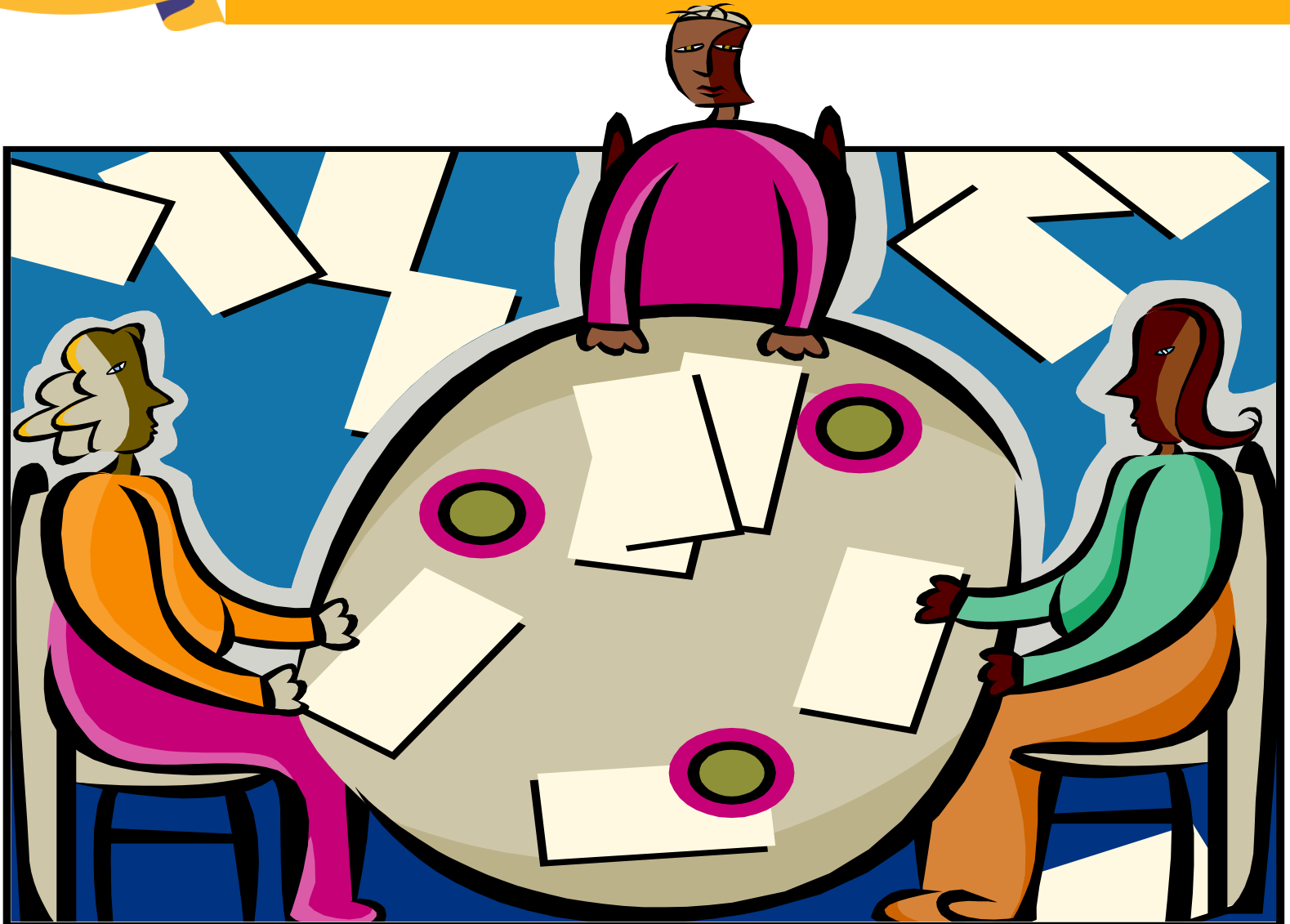
- An equal partner in decision-making, with the right to give or withhold consent for each evaluation and for initial services
- To be at every decision-making meeting
- To share your concerns for enhancing your child's education





Tool for Parent Involvement

Positive Student Profile





Special Education Delivery Cycle

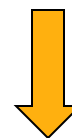
Step 1:
Identification



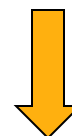
Step 2:
Evaluation-Parent
consent needed



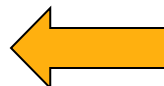
Step 3: Determination
of Eligibility(60 days
from signature to
evaluate)



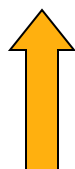
Step 4: Individualized
Education Program (IEP)
Developed - 30 calendar days
from determination of
eligibility



Step 5: Implementation
of IEP (90 calendar days
from parent signature to
evaluate)



Step 6:
Monitoring of the IEP



Step 7: Annual
Review and/or 3-year
reevaluation*

*RETURN TO STEP 3



Step 1: IDENTIFICATION

Also called a “referral”

Once a referral is made:

1. Meeting held within **20 days** to determine need for evaluation
2. If evaluating- discuss testing needs
3. If not evaluating- discuss other services & interventions available to student





Step 1: IDENTIFICATION



- You must provide written consent to the initial evaluation and all future **evaluations**.
- If you do not consent, the district cannot evaluate but **may** request an impartial hearing.



Step 2: EVALUATION

- At least two, but can be more, evaluations **must** be conducted.
- Evaluations may not discriminate against child and should be conducted in the child's language.
- Evaluations must be conducted in all areas of "**suspected**" disability.
- Reports should be sent to parents at least 10 days before eligibility conference
- A functional behavior assessment (FBA) should be conducted for children with challenging behaviors.





Step 2: EVALUATION



- You have a right to an **independent evaluation** at the district's expense if you disagree with the evaluation.
- You do not need to explain your disagreement.
- The district cannot deny your request for an independent evaluation. It must grant it or request a hearing to prove its evaluation is appropriate.
- Your request must be in writing!



Step 3: ELIGIBILITY

- Your child has an identified, covered disability
- The disability affects his/her ability to learn
- Your child requires special education &/or related services to benefit from education





Step 4: The IEP

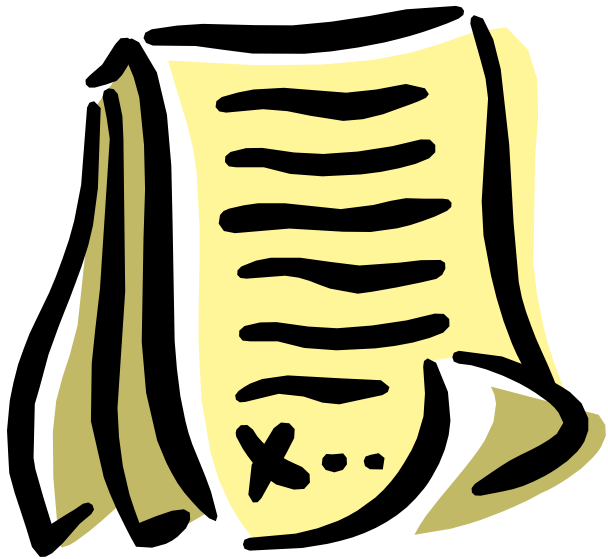
THE IEP TEAM:

- Parent
- At least one general education teacher
- Someone qualified to provide or supervise special education
- Someone who can interpret evaluation results
- Someone who can make commitments on behalf of the district
- Student, when appropriate





Step 4: The IEP

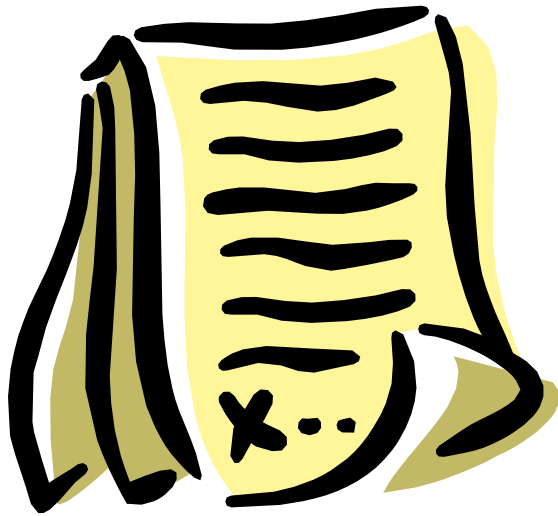


COMPONENTS:

- Present levels of academic achievement and functional performance (PLAAFP)
- Measurable annual goals tied to general curriculum
- Special education & related services
- Placement in the least restrictive environment (LRE) with opportunities to interact with non-disabled peers



Step 4: The IEP



COMPONENTS:

- Parental concerns
- Transition Plan
- Participation in assessment
- Student Needs
 - Behavior
 - Language
 - Communication
 - Assistive Technology
 - Extended School Year (ESY)
 - Participation in non-academic activities
 - Needs of students who have visual or hearing impairments



Step 5: IEP Implementation

PLACEMENT:

- Your child has the right to be educated in the “least restrictive environment” (LRE) where their IEP can be implemented and they can make progress toward their annual goals.

CONTINUUM OF PLACEMENT:

- General education class, full time
- General education class with pull-out
- Self-contained class
- Out-of-district public or private placement
- Home or hospital instruction
- Residential placement





Step 5: IEP Implementation

PARENTAL CONSENT:

- You must consent to the **initial** IEP before it can be implemented
- If you do not consent to the IEP, the district no longer has the obligation to provide FAPE
- Parents can “withdraw” consent for services
- Not signing the IEP at the annual review meeting does not stop it’s implementation!





Step 6: PROGRESS MONITORING

- Parents have the right to be regularly informed of how their child is progressing towards mastering the goals in the IEP.
- Progress reports should reflect how the is progressing towards **EACH** goal in the IEP.





Step 7: ANNUAL REVIEW RE-EVALUATION

- Every year the IEP Team meets to review the past year and develop an IEP for the upcoming school year
- Every three years the IEP Team meets to determine whether the student continues to be eligible for special education services
- REMEMBER- THE STUDENT IS PART OF THE IEP TEAM!





Additional Rights

THE RIGHT TO PROGRAM ACCESS

Access to same variety of education & support services as non-disabled peers

PROCEDURAL SAFEGUARDS

Safeguards ensure that the rights of children with disabilities and their parents are protected





Questions?

Let's stop and take
5 minutes for
questions.





Positions & Interests

- **Position:**
 - ❖ Specific solution proposed to resolve problem
– the “What”
- **Interest:**
 - ❖ Underlying real need/ desire that gives position its life (beliefs, values, expectations, fears, priorities, hopes, concerns) – the “Why”
- **Depositioning:**
 - ❖ Why is that solution so important to you?



Positions_and_Interests.exe



Positions & Interests





Explain your interests

Communicate and explain your interests.

Make your interests come alive.

Acknowledge the other party's interests.

Share your interests and reasoning first and proposals later.

Adapted from Roger Fisher and William Ury (1981), ***Getting to Yes, Negotiation Agreement without Giving In***



Interest-Based Negotiation

- Aims not to change the other person, but to change negotiation behavior
- Shifts from "your position versus mine" to "you and I versus the problem"
- Involves a mutual exploration of interests to yield more creative options.
- Uses objective criteria

Adapted from Highnam, K. (2001). Interest-based negotiation, *CSSEA 2001 Fall Conference and AGM*. Surry B.C, Canada. CSSEA; Fisher and Ury, *Getting to Yes*.



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Parent Involvement In Special Education

- Share your child's strengths.
- Gather and review information
- List goals you would like your child to achieve.
- Advocate for your child
- Keep the discussion child-focused
- Work collaboratively
- Maintain contact throughout the year
- Know what is in your child's IEP
- Stay involved

Thank You

for joining us for this presentation

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