



OVERVIEW OF THE SPECIAL EDUCATION PROCESS

IMPORTANT: ELC's publications are intended to give you a general idea of the law. However, each situation is different. If, after reading our publications, you have questions about how the law applies to your particular situation, contact us for a referral, or contact an attorney of your choice.

THE INITIAL EVALUATION

If you think your child needs special education, write to your principal and request an evaluation. The evaluation should determine whether your child has a disability and requires special supports to learn, and what kind of programs and supports are needed. To speed up the process, tell your District that you want to sign the "Permission to Evaluate" form. The District must complete the evaluation, and give you a written report, within **60 school days of the date you sign the Permission to Evaluate**. Keep a copy of all papers you send or sign!

TEAM EVALUATION AND REPORT

A Team (which includes you, usually a certified school psychologist, the child's regular teacher, and other IEP Team members) must use a variety of assessment tools or strategies to evaluate your child. The child should be assessed in the language most likely to give accurate information. All evaluations must be free to the family. The evaluation must determine whether the child is eligible for special services and identify the child's programming needs. Parents must receive copies of the Evaluation Report at least **10 school days** before the IEP Team Meeting (unless the family waives the 10-day period).

RE-EVALUATIONS

You can also ask for a re-evaluation at any time, but the School District may not be forced to conduct more than one re-evaluation during a school year. The re-evaluation must be completed, and the report given to you, within **60 school days of the School District's receipt of your written request (60 calendar days for public charter schools)**. Re-evaluations must be done every **3 years (2 years for children with retardation)**. Unless the student has retardation, the

parents can agree to waive the 3-year re-evaluation. The re-evaluation should determine whether the child still has a disability and the child's educational needs. This should include a review of whether the child has been making progress in the IEP goals, and which activities and strategies worked - and which didn't.

INDEPENDENT EVALUATIONS

Results of private evaluations submitted by parents must be "considered" by the Team (although the Team doesn't have to agree with the independent evaluator). If you believe the School District's evaluation was badly flawed (for example, more or different tests or evaluations are necessary, or the evaluation did not provide enough information to develop a good IEP) you can ask the District to pay for an independent evaluation. If the School District refuses this request, it must ask that a special education hearing be scheduled to determine whether its refusal is justified.

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Within **30 calendar days** of the completion of the Evaluation Report, a meeting must be held to write the IEP. IEP meetings must be held at least annually while the child continues to receive special education services. The IEP Team must include the parents, the child, if appropriate (especially if transition planning is being discussed), a current special education teacher (and a regular education teacher if the child is or may be participating in a regular education program), a representative of the School District who is qualified to provide or supervise the provision of special instruction, is knowledgeable about the general curriculum and knows what resources are available, and someone who can interpret the instructional implications of the evaluation. More people can be invited by the parents or the School District.

The IEP describes the special program and the type and amount of related services your child needs. The IEP must include measurable annual goals, short-term objectives for children whose program is geared to alternate achievement standards (in Pennsylvania, the PASA), the type of special help your child will receive in the classroom, how your child's progress will be measured, the extent to which your child can participate in the general school curriculum, and whether the child can participate in state or district-wide assessments, with supports if needed, or an explanation of the alternate method of assessing the child. Your child must start receiving the services in the IEP within 10 school days of your approval of the IEP. The IEP should also include the location (that is the school) at which the services will be delivered. You can ask for an IEP meeting at any time - you do not have to wait until the next yearly meeting.

PLACEMENT

Your child should receive special education services in regular education classes unless your child cannot make reasonable progress even with supports. Even if the child cannot attend regular classes full-time, the child can be assigned to special classes solely for students with disabilities

only to the extent necessary for the child to succeed. So if the child can succeed with help in a short-term resource room, the School District cannot assign the child to a full-time pullout program. Unless the student's needs require another placement, the child should attend the same school he or she would have attended if the student did not need special services.

NOTICE AND THE RIGHT TO CHALLENGE A SCHOOL DISTRICT DECISION

Whenever the school district proposes or refuses to evaluate or re-evaluate your child; identifies your child as being eligible for special education (or refuses to agree that your child needs special services); offers an IEP to your child (or refuses to include services that you think are necessary); or offers or refuses to offer a placement you think is necessary (including a regular classroom or a less segregated program), the School District should give you written notice (called a Notice of Recommended Educational Placement or NOREP). The NOREP explains the School District's proposal or refusal and gives you the opportunity to agree or to disagree and to ask for further review through mediation or a hearing. If you think the School District is not following the law, you can file a complaint with the State. For more information on these options, check ELC's website or contact our office at the numbers listed below.

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