

**What is Special
About
SPECIAL EDUCATION
In
Pleasantville?**

Updated: May, 2009

Dear Parents,

The steps in the Special Education process are formally established in law and regulation to ensure appropriate programs for students. The very laws which provide guidelines for these programs and services sometimes seem to get in the way of straightforward, sensitive and simple explanations.

With this in mind, Pleasantville SEPTA has set out to write a simple, sensitive and straightforward handbook. We have tried to make this document accurate and informative. It reflects the spirit of the Special Education process which is an individualized, supportive and cooperative effort between the home and the school.

We hope this booklet will serve as a valuable introduction to the Special Education process in Pleasantville. Please visit our website for member information and support at www.pvillesepta.com.

SEPTA Co-Presidents
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What are the options in Special Education?

Many students have some difficulty academically, developmentally or socially during their educational years. In response, at the building level, teachers may adjust curriculum or provide additional instruction, remedial work or support services. By making these adjustments, many students are able to demonstrate progress within the regular education classroom. When this intervention fails, the special education continuum of services can provide a child with the support required to meet their unique and individual needs in the least restrictive environment.

Special Education “Continuum of Services”

- Program’s available to students.
- Section 504 Plan
- Response to Intervention (RtI)
- Academic Intervention Services (AIS)
- Classification under IDEA as a child with a disability

Within the last year, VESID established new policy requiring all school districts across NYS to adopt consistent language to describe special education programs and services available to students. (see the VESID link below) Here is a brief description of some of the major programs in the district: **ISP** (Individualized Support Program), **TSP** (Therapeutic Support Program), **MSP** (Modified Support Program), Integrated Teaching Program, Resource Room (both general & non-cat), **ELL** (English Language Learners) and Related Services (OT, PT, Speech, etc). Every spring, SEPTA sponsors a district presentation on our programs. The power point is posted on our web site.

504 Plan; Historically, Section 504 of the Rehabilitation Act of 1973 was enacted by congress to provide students who are “**qualified disabled**” with the “**reasonable accommodations and modifications**” necessary to ensure *access to education*. Generally, this law applies to students who have physical or emotion disabilities and do not require a special education curriculum. Although 504 plans can be effective in providing a child with accommodations or emotional support, it *does not provide access to special education programs*. 504 Plans are about providing a student who is disabled with *access* to the same curriculum as a non-disabled student.

In our district, the Assistant Principal of each school (BRS, PMS & PHS) has been trained in this law and acts as the 504 Administrator, and is overseen by the Director of Education Services. Generally, drafting a 504 plan does not require extensive evaluations or a ‘committee’ meeting, although documentation of a medical diagnosis may be helpful. In the Pleasantville school district, an annual review meeting is always offered, but may be declined by the parents. A link to accommodations that are available is listed at the end of this document.

Response to Intervention (RtI): this academic intervention services is actually not special education at all, but comes to us under **No Child Left Behind**. “Response to Intervention” (or RtI) are *services provided to children in the general education setting who are identified to be at risk of academic failure*. (see link below for NYS policy) These children are referred to the child study team who must implement researched based intervention. Careful "monitoring and

assessment" data will be collected to determine whether the child has responded to the interventions provided, and whether or not referral to the CSE is warranted. If the interventions fail to support the child, or the child does not make progress, the CSE must then evaluate the child for classification under IDEA or for a Section 504 plan.

Academic Intervention Services (AIS): Traditionally, these services are required if a student receives poor grades on NYS standardized testing. School districts can now provide a range of AIS general education support services to address the learning and behavioral needs of students. In Pleasantville, these are sometimes referred to as “building level services.” They can range from teacher consult or “push in,” support to counseling, speech, occupational therapy as well as additional support in the areas of reading, writing and math.

In Pleasantville, at each building level, children can be referred to the Child Study Team (CST) by a parent or a teacher for an assessment. The CST meets weekly to review referrals and make recommendations for services. When academic intervention is recommended, AIS services are tracked and graphed using three (3) parameters; fluency, decoding and reading comprehension. These results are often referred to as “Dibbles.” The results are reviewed by the CST to determine if the interventions are effective as well as if ongoing intervention or additional assessments are required or a referral to the CSE is required.

Note; as of January, 2008, the Pleasantville School District has implemented a new computer tracking system to monitor and document a child’s progress receiving RtI, AIS and 504 services. It’s called AimsWeb. Quarterly progress reports will be sent home with report cards. If you don’t get one, as for it@

IDEA: In 2005, the Individuals with Disabilities Education Act (or IDEA) was reauthorized by Congress. One of the most significant changes to come from that is that now school districts no longer rely on the IQ discrepancy model in determining a learning disability. To be classified under IDEA, a child must be referred for an initial evaluation to the Committee on Special Education (CSE). This referral procedure as well as the *13 classifications under IDEA* is listed below. It is important to note that special education **is a service, not a place**. All children are entitled to a “**free and appropriate public education**” in the **least restrictive environment (LRE)** whenever appropriate where they will receive education benefit.

What determines eligibility for Special Education under IDEA?

The CSE is responsible for determining whether or not a student is eligible for special education services according to the guidelines set forth by the State Education Department and Federal law. A child must meet the criteria of one of the **13 classifications** outlined in New York State regulations. That determination is based on the comprehensive district evaluation. The suspected disability must “**adversely affect the child’s educational performance and functional performance.**”

If this is determined to be the case, the CSE makes a recommendation to the Board of Education to classify the student as a child with a disability (under IDEA.) The CSE identifies and recommends the appropriate special education supports, programs, accommodations and services

to meet the student's individual needs. You will be requested to give consent for this program. You may accepted or reject *any part* of this recommendation, *in writing*, to the CSE.

What are the specified 13 classifications for eligibility under IDEA?

There are 13 official classifications (or “doors”) in special education.

(NOTE: If your child has more than one of these disabilities, they are considered “multiply disabled.”)

1. Learning Disabled
2. Speech Impaired
3. Emotionally Disabled
4. Mentally Retarded
5. Autistic (also referred to as PDD/NOS)
6. Deaf
7. Hearing
8. Multiply Disabled
9. Orthopedically Impaired
10. Other Health Impaired (OHI)
11. Traumatic Brain Injury
12. Visually Impaired
13. Deaf/Blind

What is the Special Education classification process under IDEA?

All school districts must follow a set of state and federal laws and regulations (NYS Part 200 regulations) that provide a standardized classification process for special education. These required procedures and parent protections are clearly outlined in the “**Procedural Safeguards Notice**” document that the district attaches to either the consent form for Annual Review or Individual Education Plan (IEP) meeting notices (see link below). The basic steps involved in determining your child's need for special education are outlined below.

- Students who are thought to be in need of special education are **referred** to the Committee on Special Education (CSE) by their **teacher or parent**. This multi-disciplinary team then evaluates your child's educational strengths and weaknesses through a series of standardized tests. Progress reporting can also be used. This initial referral should be done in writing to the CSE.
- Within **60 school days**, the Committee on Special Education (CSE) must complete all the necessary evaluations, hold a meeting and **determine** if your child needs special education. An IEP is developed, detailing the program and/or services the committee recommends for your child. The IEP is **reviewed annually**, usually at a meeting held every spring. (Note: The IEP can be reviewed and/or amended at any point in the year if necessary.)
- If you **disagree** with the CSE's recommendations, or if your child is found by the CSE not to be eligible or in need of special education services, you are entitled to request an

independent evaluation at school district expense or have an evaluation performed by a private therapist, who's report *must* now be accepted by the CSE.

- At least once every **three** years, the CSE is mandated to conduct a **triennial evaluation** to reassess your child's global needs and educational progress. A triennial review can be requested prior to the anniversary date if you or your child's teacher's feel it is necessary.

What happens at a CSE meeting?

The objective of the CSE meeting is to evaluate your child's psychological, academic, physical and management needs to determine if a special education disability exists. A complete profile of your child will be discussed, identifying specific strengths and weaknesses. The information gathered during the evaluation process will be reviewed. The CSE will make a determination of services or program changes based upon the evaluations, classroom observations and your input.

The CSE Meeting can be a very intimidating experience. SEPTA encourages you to invite someone to attend your meeting that can offer you support.

Who are the members of the CSE?

Many professionals in the school district may be involved in this review process. The Committee on Special Education (or CSE) **must** consist of each of the following members unless you have waived their participation *prior* to the meeting;

- CSE chairperson
- school psychologist
- general education teacher
- special education teacher
- parent member (can be waived *prior* to the meeting)
- representative of any of the related services providers your child has (or may) receive services for, i.e.: speech therapist, occupational therapist, physical therapist, etc. These representatives may participate by phone.
- A parent may invite *anyone* to attend the meeting whom they feel would provide support or insight into the child's disability.
- The student, when appropriate

It is important to note that a parent member is not a parent advocate. A parent member is a parent volunteer from your community who is identified and trained by the CSE. A Parent Advocate is a professional you would hire to advocate on behalf of your child for appropriate services and supports at a CSE meeting.

Additionally, it is worthy to note that a child's parent is an **equal member** of the CSE. The parent has the right to reject the committee's recommendations, classification or placement, in whole or in part. In NYS, **an IEP is assumed accepted in 10 days** unless the parent rejects the IEP *in writing* to the CSE. ******PLEASE read the IEP!******

What is the purpose of evaluating your child?

The purpose of testing is to help you and the CSE answer relevant questions about your child. Information gathered will address:

- Your child's current academic skills
- Present levels of performance across different areas
- Your child's strengths and specific deficiencies
- The most effective ways in which your child learns
- How your child's progress will be measured.

What is included in your child's evaluation?

Your child's evaluation will include:

- A physical examination
- A psychological & educational evaluation
- A social history
- A written observation of your child in the classroom
- Appropriate educational evaluations and assessments relating to the areas of suspected disabilities, like Speech, OT, PT, etc.
- Information about how the child has responded to building level interventions

What other assessments or evaluations may be performed?

If a specific disability is suspected, your child may require additional evaluations related to health, vision, hearing, social-emotional development, general intelligence, communication skills, motor abilities, assistive technology and academic performance. If your child is experiencing inappropriate behaviors in the classroom, a Functional Behavior Plan (or FBA) must be performed by the district to identify any interfering behaviors. The district will develop a Behavior Intervention Plan (or BIP) which target remediation of the behaviors.

Additionally, **prior to the year a student turns 15, the district is *mandated* to provide a "transition services plan"** to assist in identifying possible areas of secondary education, future employment, work-related skills and career interests. Programs or services *must* be planned to help a student achieve their post secondary goals. The child's goals and objectives on their IEP must incorporate these skills. A Level I assessment should be completed *by 8th grade*.

Can your child be evaluated without parental consent?

For school age children, if a parent does not give consent for an initial evaluation within 30 calendar days, the school district must provide the parent with the opportunity to discuss the need for an evaluation. If a parent still does not give consent, the school district may use mediation or due process to be permitted to conduct the evaluations.

Once the progress is started, can it be stopped?

The evaluation process can be stopped at any point provided that there is a written agreement between the parents and the district. An alternative plan is developed and implemented. After and agreed upon amount of time, the student's progress is reviewed.

It is important to note that after an evaluation is conducted, a parent can opt out a recommended classification and decline special education services for their child; however, in doing so they are giving up their legal right to a 'free and appropriate education'.

Who will analyze and explain the evaluations results?

The school professionals involved in your child's evaluation process will analyze and review the test results with you. If you have additional questions, the resource room teachers and members of the evaluation team are always available, by appointment, to meet with you.

The CSE reviews all the evaluation materials that have been gathered concerning your child. After reviewing the data, the CSE determines if your child is eligible for special education services and if so, will develop an Individualized Educational Program (IEP).

Are the evaluations kept with the child's regular school file?

Your child's test results are placed in a confidential file in the Educational Services office and in a locked file in your child's school. Under the federal Family Education Rights and Privacy Act, or FERPA, only parents, teachers and school personnel who are involved in educating your child have access to school records. You are welcome to make an appointment to look through you child's folder by contacting the CSE office.

What happens if your child is determined to be ineligible?

If the CSE decides that your child is not eligible for special education, it means they do not think your child's educational difficulties are the result of a disability that "adversely affects educational performance." The CSE formally notifies you, the building principal and the Board of Education of its recommendation in writing. Alternatives, such as educationally-related support services, RtI, a 504 plan or AIS building level educational, speech and language services may be recommended to assist your child.

What is included in the Individualized Education Plan (IEP)?

The IEP documents are a listing of all the special education services to be provided to your child. The IEP is extremely important because it is a *legal document* and the basis for instruction and services. It summarizes your child's current skills and abilities, establishes educational goals and objectives for the school year, curriculum modifications, test accommodations and describes programs designed to meet these goals and lists ways to periodically check your child's progress. ***It is imperative that you read this document when you receive it!***

What should I do if my child's IEP is not being implemented?

In order to answer this question, it is important for all parents to understand the distribution of responsibility within the school district. Although the Director of Educational Services and the CSE determine programs and services, **the building level principal is responsible for implementing the IEP**. If problems arise with any aspect of your child's IEP, you should first discuss this with the classroom or resource room teacher. (In most cases, the resource room teacher is the "team leader" and communicates daily with the general education teachers) If the situation does not improve, a letter should be written to the building principal, informing him/her of the issue and your efforts to correct the problems. The Director of Educational Services should be copied on this letter. A team meeting should be held to discuss the problem asap.

What if I have questions or need additional information?

If you feel overwhelmed by this process, have questions or need additional information, please contact SEPTA and attend our meetings. Many SEPTA members are comprised of parents who have been through this process before and can offer support, guidance, and advice. Educate yourself on the law and the CSE process! Join SEPTA! Go to our website for contact information at www.pvillesepta.com.

RESOURCES AND LINKS:

VESID Continuum of Services Policy Letter:

<http://www.vesid.nysed.gov/specialed/publications/policy/schoolagecontinuum.html>

Section 504 Plan Amendment & Accommodations List:

<http://www.come-over.to/FAS/IDEA504.htm>

http://en.wikipedia.org/wiki/ADA_Amendments_Act_of_2008

NYS Response to Intervention Guidelines:

<http://www.vesid.nysed.gov/specialed/publications/policy/RTI.htm>

PLEASE NOTE: This handbook is written "by parents-for parents" and should in no way be interpreted as legal advice. If you have any questions about the laws or feel you need legal guidance, please contact an attorney who is highly qualified in special education law.