



Special Education Fact Sheet

SPECIAL EDUCATION CLINIC HELPLINE 1-866-KIDS-046

If your child has a disability and needs special education because of the disability, the Individuals with Disabilities Education Act (“IDEA”) provides you and your child with certain rights:

- Your child has the right to a free appropriate public education (FAPE).
- You do not have to pay any more for the education of your child with a disability than a parent would pay for the education of a non-disabled child.
- The school cannot use your private insurance to pay for your child’s education and related services unless you agree.
- If your child receives special education services, you must be given written notice within a reasonable time before any meetings, and before any service your child receives is changed or denied. This notice must explain the procedures, the meeting, or the proposed changes, and inform you of your rights.

The IDEA has several steps, and each step is explained in this chart:

Step	Action	Explanation
1	Referral	<ul style="list-style-type: none"> • A referral means sending a written request to the school district asking that a child be evaluated to determine if the child is eligible for special education services. • You have the right to request that the school district evaluate your child and give them permission to do a <i>case study evaluation</i> of your child. Keep a copy of the written request and consent to evaluate. • Also, your child’s teacher, a community service agency or any professional can make the referral but your consent will still be needed. • Making a referral does not mean your child has a disability. The goal of a referral is to find out if your child has a disability and needs special education services.
2	Case Study Evaluation (CSE)	<ul style="list-style-type: none"> • After the referral is made and consent signed, if the district agrees to evaluate, tests and evaluations are done on your child to see if your child has a disability and requires assistance in school. These tests and evaluations are called a case study evaluation (CSE). • Once the referral is made and the consent is signed the school district has 60 school days to complete the CSE. • The CSE must not be biased against your child’s race or culture. • The CSE must be done in the language most likely to yield accurate results for your child.

All resource materials from Equip for Equality are intended only as guides and are NOT to be understood as legal advice. The training material included in this manual refers mainly to the Individuals with Disabilities Education Improvement Act 2004. For specific legal advice, please consult an attorney.

3	Multidisciplinary Conference (MDC)	<ul style="list-style-type: none"> • After the CSE is finished, there must be a meeting with the parents, school district, and all the people who did the CSE on the child. • This meeting is called the multidisciplinary conference (MDC), eligibility conference, or even eligibility determination conference. All of the names mean the same thing. • At the MDC, everyone will look at the CSE results and decide if your child needs special education. • If you do not agree with the CSE, you have the right to ask for an independent evaluation at no cost to you. A professional who does not work for the school district will do the independent evaluation. The school can say no to your request by filing due process against you within five days of your request. If the school says no to your request and files for due process, the school district has the burden to prove that the district's evaluation was appropriate. If the school does not prove this, the hearing officer should order the independent educational evaluation, at the district's expense. • Even if your child does not qualify for special education services under the IDEA, your child may be able to get help under another federal law called Section 504 of the Rehabilitation Act of 1973.
4	Individualized Education Program (IEP)	<ul style="list-style-type: none"> • If your child needs special education services, the school district must write an Individualized Education Program (IEP) for your child. • The IEP is a written document that: <ul style="list-style-type: none"> ○ Sets reasonable learning and/or behavioral goals for your child. ○ Lists and describes the services the school district will provide for your child. • The IEP must include: <ul style="list-style-type: none"> ○ Present Levels of Performance – What your child can do now and what your child needs help with now. ○ Goals – Goals are what your child needs to learn and should be able to learn over the next year; these should be specific, measurable, action-oriented, realistic, and time sensitive. ○ Objectives or Benchmarks - Objectives are the steps your child needs to accomplish to reach the Goals; and Benchmarks are ways to show that your child is making progress toward each Goal. ○ Progress Reports–Reports by school staff that let you know how your child is doing with the IEP goals. These reports should be given as often as report cards are provided to non-disabled students. ○ Special Education Services – This describes what services your child will receive, when they will begin, how often, how long they will last, where they will be provided, and what <i>related services</i> are included. ○ Related Services – These are services that your child needs to benefit from special education. ○ Placement – This section will explain where your child will be receiving special education services. Some children receive special education services in the regular education classroom, while other children with disabilities attend a classroom only with other students with disabilities.

5	Implementation	<ul style="list-style-type: none"> • The school district should begin doing everything listed in the IEP on the date scheduled. • It is important for all of the teachers, professionals, and for the parent(s) or guardian to have a copy of the IEP so they can make sure that each program and service is provided. • If you disagree with the IEP or believe that the school is not following the IEP: <ul style="list-style-type: none"> ○ Always try to work with your child’s teachers and the school district first and put everything in writing. Document everything. ○ You can contact an attorney or advocacy organization, like Equip for Equality, to discuss your options. ○ If that does not work, you can file a state complaint, request mediation, or request a due process hearing.
6	Monitoring	<ul style="list-style-type: none"> • The IEP team should pick one person to make sure that all services and programs are done on time for your child. • This one person can also answer your questions and make sure that your child gets all the services and programs identified in the IEP.
7	IEP Review	<ul style="list-style-type: none"> • Your child’s IEP must be checked every year. • You also have the right to request an IEP meeting at any time – you do not have to wait a year. You can ask for the IEP meeting if there is a problem with your child’s services or program. • To request an IEP meeting, write a letter asking for the meeting and send it to your school case manager or special education director.
8	Reevaluation	<ul style="list-style-type: none"> • A new CSE (reevaluation) of your child must happen at least once every 3 years unless you and the school agree it is not needed. The reevaluations are critical for determining whether progress is being made. • However, you or your child’s teacher have the right to request a reevaluation at any time up to one time per year.

EQUIP FOR EQUALITY

SPECIAL EDUCATION CLINIC HELPLINE

1-866-KIDS-046

Contact Equip for Equality’s Special Education Clinic Helpline
1-866-KIDS-046 (voice) or 800-610-02779 (TTY)
SpecialED@equipforequality.org
www.equipforequality.org

This resource material is intended as a guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, an attorney should be consulted.

Equip for Equality, an independent nonprofit organization, is the Illinois state Protection & Advocacy System whose mission is to advance the human and civil rights of children and adults with disabilities. The Special Education Helpline seeks to empower parents to advocate effectively. The Special Education Clinic, Helpline, and these publications were made possible by grants from the Chicago Bar Foundation, The Field Foundation, Illinois Bar Foundation, Illinois Equal Justice Foundation, Polk Bros Foundation, and the State of Illinois Department of Human Services. The contents of this publication are the sole responsibility of the authors and do not represent the official views of the grantors.

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