



This document provides parents and guardians with general information that is helpful to know for any child receiving Special Education services.

GENERAL INFORMATION

Virginia and IDEA Special education law states that all identified children with a disability have the right to a **free appropriate public education (FAPE)**.

The age eligibility for special education is 2-21 years old. Any child age 21 at the start of a school year is eligible for that full academic year.

Special education services are provided through an **Individualized Education Program (IEP)**. The **IEP team** includes:

- the parent/guardian;
- general education teacher,
- special education teacher/related service provider;
- a school supervisor of special education services;
- other people invited by the parent or school who have expertise regarding the child;
- the child, if appropriate.

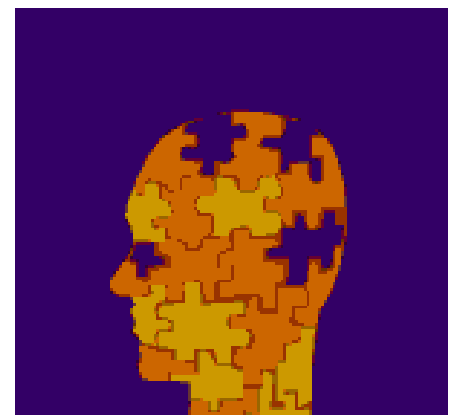
The IEP must be reviewed **at least once per year**. A parent may request a meeting to review the IEP at any time. Parents must be notified of any meetings to discuss the child's special education, including eligibility determination and IEP meetings. If an IEP member cannot attend a meeting it must be rescheduled unless the member provides written input into development of

the IEP or the member's specialty area will not be discussed at the meeting, and the parent provides written consent that the member is excused from the meeting.

An IEP is implemented until a new IEP is written with the parent's consent given. Consent should be provided by signature. If there is a disagreement regarding the IEP, the parent can refuse to sign it, at which point the school would use the previous IEP until the disagreement is resolved and/or the team comes to an agreement.

By age 14, a child's IEP must include post-secondary goals related to training, education, employment, and (if appropriate) independent living skills. By age 16, the IEP must include transition services. One year before the child turns 18, the IEP must include a statement regarding the child's "rights at the age of majority."

Section 504 of the federal Rehabilitation Act of 1973 provides accommodations for a child with any disability, regardless of the nature or severity of the disability.





Schools are responsible for providing **FAPE** services at no cost to parents, regardless of insurance coverage.



Special education services can be provided in general, or special education classrooms, the home, separate school, or other settings.

A "**related service**" must be necessary for the child to benefit from special education. The type and amount of related service is determined by the IEP team.

Related services include: counseling services, rehabilitation services, early identification & assessment, interpreting, medical services required for diagnostic and evaluation purposes, orientation and mobility services, parent counseling and training, physical and occupational therapy, psychological services, recreation, including therapeutic recreation, school health services, school nurse services, social work services in schools, speech-language pathology and audiology services, transportation.

Additional factors for the IEP team to consider under FAPE include:

- Assistive technology,
- charter schools,
- disability harassment,
- extended school year (ESY) services,
- hearing aids & other assistive technology devices,
- length of school day,
- non-academic and extracurricular services & activities,
- physical education,
- program options,
- residential placement, and
- transportation.

Parent/Guardian Rights

Parent/guardian rights include the right to:

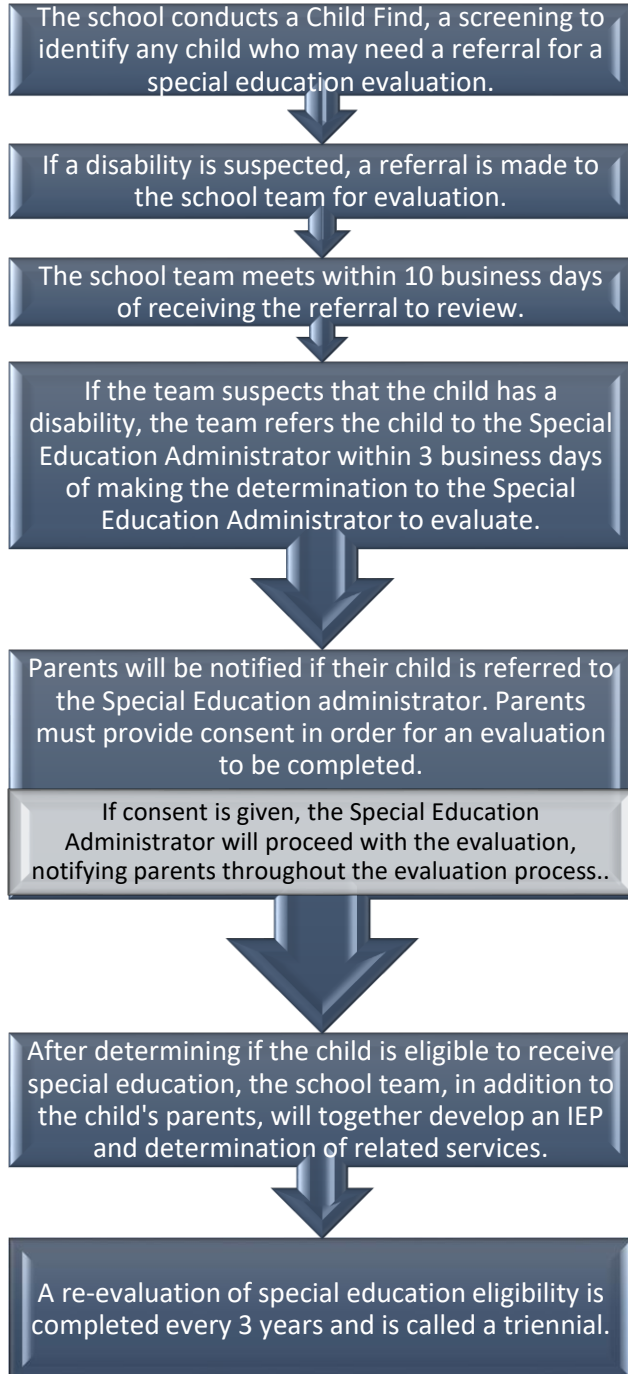
- review school records related to their child. The school must respond to the request within 45 calendar days.
- request that the school change, or amend, a child's record (this includes wording on an IEP) if they believe the information is inaccurate, misleading, or violates the child's right to privacy or other rights.

Special Education Process

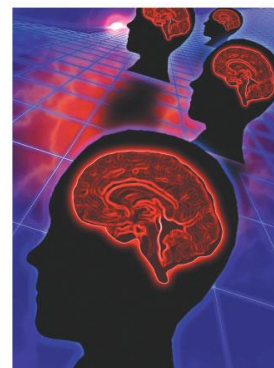
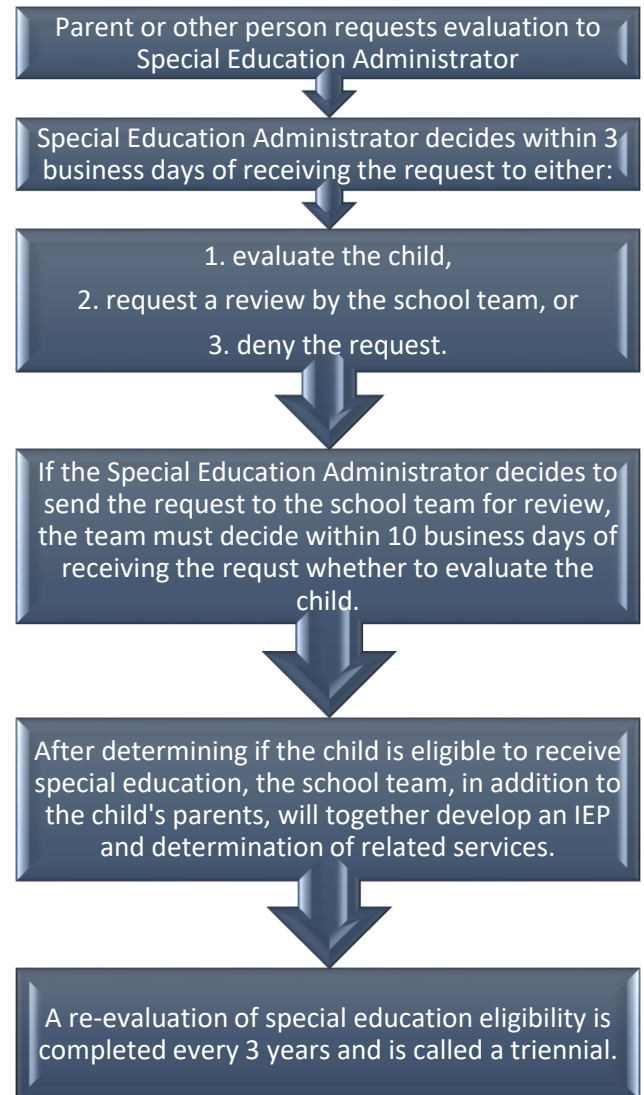
Total process (from the date the referral was received to the date of eligibility determination) must not exceed 65 business days. There are two ways to make a referral: a school referral and an individual referral.



School Referral



Individual Referral





Disciplining Students with Disabilities

The IEP team will consider using positive behavioral interventions, strategies, and supports to address problem behaviors. This can include adding goals and services to the IEP specific to the child's behavior, and/or conducting a **Functional Behavioral Assessment** (FBA) to determine if a **Behavioral Intervention Plan** (BIP) is needed. An FBA is conducted by a **Board Certified Behavior Analyst** (BCBA). A BIP is developed by the IEP team.

A **Manifestation Determination Review** is a process, required by the Individuals With Disabilities Education Act (IDEA 2004), which is conducted when considering the removal of a student with a disability that constitutes a change of placement.

Before a school removes a child with a disability to a different placement as a result of discipline, the IEP team must complete a Manifestation Determination review to decide whether the child's disability directly caused the misconduct. If the behavior subject to disciplinary action was caused by, or had a direct or substantial relationship to the child's disability, and if the child's behavior was a direct result of the school's failure to implement the child's IEP, the school must correct the error immediately by either: conducting an FBA and developing and implementing a BIP, or, if a BIP already

exists, reviewing and changing the BIP accordingly.

Procedures in resolving disagreements with IEP team or school personnel include:

1. Mediation
2. Due Process Hearing
3. Complaint (see page 48-54 of "Parent's Guide to Special Education")

References and Resources

Information provided was taken from: Virginia Department of Education: Parent's Guide to Special Education, 2010 edition.

For more information also visit the VA Department of Education website:
<http://www.doe.virginia.gov>

Contact the VA Department of Education's Parent Ombudsman- 1-800-422-2083

Call your Case Manager at Brain Injury Connections of the Shenandoah Valley if you have questions.

Brain Injury Connections of the Shenandoah Valley, Inc.

755 Martin Luther King Jr. Way
MSC 9020

Harrisonburg, VA 22801

Phone: 540-568-8923

Fax: 540-568-8864

www.bicsv.org

info@bicsv.org

