

Special Education Information

Students, ages 3-21, are identified under the categories below as eligible for special education:

- Pre-school Program for Developmentally Delayed (age 3-5)
- Autism (AUT)
- Emotional Disability (ED)
- Hearing Impairment (HI)
- Intellectual Disability (Mild, Moderate, Severe)
- Learning Disability (LD)
- Orthopedic Impairment (OI)
- Other Health Impairment (OHI)
- Speech or Language Impairment (SI)
- Traumatic Brain Injury (TBI)
- Visual Impairment (VI)

Related Services are services required to assist a child with a disability to benefit from special education.

Included are:

- Audiological Services
- Counseling Services
- Interpreting Services
- Occupational Therapy
- Orientation & Mobility
- Parent Counseling and Training
- Physical Therapy
- Psychological Services
- School Health Services
- School Nurse Services
- Specialized Transportation

What is an Educational Evaluation?

"Evaluation" means procedures used in accordance with federal regulations to determine whether a child is disabled and the nature and extent of the special education and related services that the child needs. The term means procedures used selectively with an individual child and does not include basic tests administered to or procedures used with all children in a school, grade, or class.

After obtaining parent permission for evaluation or following a decision by a hearing officer (subject only to State Educational Agency appeal), the evaluation must be completed. Parents must be notified of the evaluation schedule.

Following evaluation, the school district or other agency shall notify the parents that the evaluation has been completed. The notice shall include the following, with the exception of the items specified herein which are pertinent to both permission for evaluation and placement:

- the results of the evaluation and the educational implications;
- a statement of the parents' rights to attend a meeting of the IEP/staffing committee;
- a statement of the parents' right to refuse permission for placement, with the understanding that the school district or other agency can request a due process hearing to present its reasons and try to obtain approval for placement;
- an explanation of other rights pertaining to the placement process;
- a full description of all procedural safeguards available;
- a declaration that the child's educational status shall not be changed without the knowledge and written approval of the parent, or until the notice and due process procedures have been exhausted;
- a list of the sources whereby a parent may obtain free/low cost legal services; and
- a statement of any other factors relevant to the proposed action.

What is an IEP?

If your child receives special education services, he must have an Individualized Education Program (IEP). An IEP is an important legal document. It spells out your child's learning needs, the services the school will provide and how progress will be measured. Several people, including parents, are involved in creating the document.

A federal law called the Individuals with Disabilities Education Act (IDEA) requires that public schools create an IEP for every child receiving special education services. Kids from age 3 through high school graduation or a maximum age of 22 (whichever comes first) may be eligible for an IEP.

The IEP is meant to address each child's unique learning issues and include specific educational goals. It is a legally binding document.

Here's a quick look at what an IEP must include, by law:

- A statement of your child's present level of performance—this is how your child is doing in school now
- Your child's annual educational goals
- Special education supports and services that the school will provide to help your child reach goals
- Modifications and accommodations the school will provide to help your child make progress
- Accommodations your child will be allowed when taking standardized tests
- How and when the school will measure your child's progress toward annual goals
- Transition planning that prepares teens for life after high school

Two things must happen before a child can get special education services:

1. An evaluation. Parents, teachers, a counselor, a doctor or anyone else who suspects a child is struggling can request an evaluation. The school psychologist and other professionals may give your child various tests. They also may observe your child in the classroom.

Keep in mind that a physician or another medical professional—not the school—diagnose medical conditions, including ADHD. School evaluators don't offer "diagnoses."

2. A decision. The IEP team, which includes parents and school officials, decides whether or not your child needs special education services in order to learn the general education curriculum. IDEA says that having any of 13 disabilities may qualify a child for special education. The school and parents review the evaluation and determine whether the results show that your child needs services and supports.

If the IEP team agrees that your child needs services, then the next step is to create an IEP. If your child is found ineligible, you can still try to get services for your child. For instance, you might pursue a 504 plan.

What is a 504 plan?

If your child has learning and attention issues and is struggling in school, you may be curious about 504 plans. If your child doesn't qualify for an Individualized Education Program (IEP), a 504 plan may be a good alternative. This type of plan falls under Section 504 of the Rehabilitation Act of 1973. This is the part of the federal civil rights law that prohibits discrimination against public school students with disabilities. That includes students with learning and attention issues who meet certain criteria.

Much like an IEP, a 504 plan can help students with learning and attention issues learn and participate in the general education curriculum. A 504 plan outlines how a child's specific needs are met with accommodations, modifications and other services. These measures "remove barriers" to learning.

Keep in mind that a student with a 504 plan usually spends the entire school day in a general education classroom. And typically, children who need modifications would have an IEP, not a 504 plan. 504 plans are for K–12 public school students with disabilities. Section 504 defines “disability” in very broad terms. That’s why children who aren’t eligible for an IEP may qualify for a 504 plan. Section 504 defines a person with a disability as someone who:

- Has a physical or mental impairment that “substantially” limits one or more major life activity (such as reading or concentrating).
- Has a record of the impairment.
- Is regarded as having an impairment, or a significant difficulty that isn’t temporary. For example, a broken leg isn’t an impairment, but a chronic condition, like a food allergy, might be.

This definition covers a wide range of issues, including ADHD and learning disabilities. However, Section 504 doesn’t specifically list disabilities by name. Having a disability doesn’t automatically make a student eligible for a 504 plan. First the school has to do an evaluation to decide if a child’s disability “substantially” limits his ability to learn and participate in the general education classroom.

Special Education Services – Terminology

Preschool Child with a Disability

The term “preschool child with a disability” means a child three, four, or five years old whose developmental progress is delayed to the extent that a program of special education is required in order to ensure his or her adequate preparation for school-age experiences.

Intellectual Disability

The term “intellectual disability” means mental retardation, which is significantly subaverage general intellectual functioning and levels of achievement, existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

Specific Learning Disability

The term “specific learning disability” means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or perform mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not apply to students who have learning problems that are primarily the result of visual, hearing, or motor disabilities, mental retardation, emotional disturbance, or environmental, cultural, or economic disadvantage.

Emotional Disability

The term “emotional disability” means an emotional disturbance exhibited by one or more of the following characteristics over a long period of time and to such a marked degree that it adversely affects the student’s educational performance:

- an inability to learn that cannot be explained by intellectual, sensory, or health factors;
- an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- inappropriate types of behavior or feelings in normal circumstances;
- a general pervasive mood of unhappiness or depression;
- a tendency to develop physical symptoms or fears associated with personal or school problems.

The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have a serious emotional disturbance.

Other Health Impairment

The term “other health impairment” means a limitation in strength and vitality that can include a heightened alertness to environmental stimuli, and that adversely affects a student’s educational performance. This limitation is generally due to such chronic or acute health problems as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia.

Traumatic Brain Injury

The term “traumatic brain injury” means an acquired injury to the brain caused by an external physical force, that results in total or partial functional disability or psychosocial impairment, or both, and that adversely affects a child’s educational performance. The term applies to open or closed head injuries resulting in impairment in one or more functions that are controlled by the brain, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma.

Autism

The term "autism" means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three (3), that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experience.

Multiple Disabilities

The term "multiple disabilities" means concomitant impairments (e.g., mental retardation and blindness, mental retardation and orthopedic impairment), that together cause such severe educational problems that a student cannot be accommodated in a special education program for one impairment only. The term does not include deaf-blindness and there must be two or more impairments, excluding speech.