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Love, equity, and access for young people with disabilities

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The Top Five Rights in Special Education

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WHAT WE DO

- **LEARNING & SCHOOL**
- **FAMILY SUPPORT SYSTEMS**
- **PARENTING & ADVOCACY**
- **WORKING & ADULT LIFE**
- **FRIENDSHIP & SOCIAL SKILLS**

include nyc is...

a provider of one-on-one support, training, and practical information to young people with disabilities, their families, and the professionals who work with them.

a family-founded, independent nonprofit

a Parent Center serving NYC children and young people with disabilities, birth through 26, and their families

here to help you make informed decisions

Individuals with Disabilities Education Act

- Free and Appropriate Public Education
 - Prepare for further education, employment, and independent living
- Protect the rights of children with disabilities and their parents
- Assist agencies in providing for the education of all children with disabilities
- Ensures the effectiveness of efforts to educate children with disabilities.

Core definition of Special Education as referred to in IDEA

“Special Education is specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability”

What is Special Education?

- It is a collection of services individualized to address the unique needs of eligible students with disabilities.
- It is designed to enable a child to make progress.
- It should be provided to the greatest extent possible alongside children who do not have disabilities.
- All eligible children with disabilities are entitled to Special Education services, including students with disabilities who are exceptionally talented.

There is much to learn about IDEA

As your child's BEST advocate,
here are the top 5 things you should know!

1. **Knowledge is Power**

The right to evaluations

2. **It's the Law**

Right to a Free Appropriate Public Education (FAPE)
in the Least Restrictive Environment (LRE)

3. **YOU are Key**

The right to parental involvement

4. **Prepare NOW for Later**

The right to Transition Services

5. **You Can Work it Out**

The right to due process

Evaluations – Knowledge is Power

Evaluations and assessments are conducted to identify a child's strengths and needs

Right to FREE evaluations in ALL areas of SUSPECTED disability!

Evaluations are important!

- Used to determine eligibility and create Individualized Education Programs (IEP)
- Used to identify student's level of performance, set goals, and recommend services that will enable student to obtain educational benefit.
- Parents are entitled to request evaluation results prior to IEP meeting in order to understand, reflect, and assess their child's needs.

Right to a Free Appropriate Public Education (FAPE) It's the Law

What is FAPE?

- It is a child's entitlement to appropriate services that provide meaningful educational benefit and enable the child with disabilities to **make progress**.
- There are no “good” services or “bad” services, but “**appropriate**” services that address a student's unique needs.

It is a CHEVY and not a CADILLAC.

Right to the Least Restrictive Environment (LRE) It's the Law

What is LRE?

- The requirement that, to the maximum extent appropriate, children with disabilities are educated with children who are not disabled

You may see it as

- **Inclusion:** The integration of students with disabilities through the use of instructional supports, aids, and individualized instruction

The Continuum of Special Education Programs and Services

- The general education classroom, with supplementary aids and services (such as special education teacher support)
- An education plan that specifies periods of special education and general education for a student in a community school
- A full-time, self-contained special ed class in a community school
- A self-contained full-time, special education class in a separate, specialized school
- A self-contained, full-time special education class in state supported/operated and Special Education Department approved non-public schools
- Home and hospital instruction

Right to Parental Involvement – You are Key

A Parent

- Is part of the team (IEP Team) that determines eligibility and services
- Is an expert on the child's needs
- Has the right to authorize services, or to refuse them
- Is the central part of planning for life after high school
- Can document concerns on IEP
- Must be notified of accomplishments and progress
- Can provide input on how to define “progress” and how it will be reported

Parent Participation is Your Right!

It is your right to:

- be notified of and participate in all meetings concerning your child's education
- to give, refuse, or withdraw consent
- be provided with all evaluations, IEPs and other special education documents that concern your child
- to challenge decisions made about your child

Right to TRANSITION Services

Prepare NOW for Later

What are “Transition Services”?

- The plan for transitioning adolescents into adulthood.
- A coordinated set of activities that are:
 - Results oriented
 - Based on the individual student’s needs, considering the child’s preferences and interests
 - **Includes:**
 - Self determination and self advocacy
 - Acquisition of daily living skills and adult living objectives
 - Instruction and related services
 - Community experiences

Transition- Prepare NOW for Later

Middle School

- Level 1 Assessment
- Increase in self-awareness
- Develop self-advocacy skills
- Identify long term interests

Early High School Years

- Attend own IEP Meeting
- Transition goals on IEP
- Travel training
- Cultivate long term interests
- Develop college resume

High School

- Identify and apply to college/ vocational programs
- Identify living options
- Explore internship, pre-college programs, work experience

Age 18 and older

- Identify and apply to adult agencies (ACCES-VR, OMH, OPWDD, CBVH)
- Guardianship, SSI, Medicaid
- \$\$\$

Right to Due Process You Can Work It Out

What is due process under the
Individuals with Disabilities Education Act (IDEA)?

- Due process is a set of specific procedures designed to resolve disagreements with the school concerning any of the decisions made about the child's identification, evaluation, educational placement, or provision of FAPE.

Right to Procedural Safeguards – Due Process

You Can Work It Out

Mediation

- Mediation allows the parties to discuss issues and work together to find a mutually agreeable solution.
- A neutral third party (the trained mediator) helps to facilitate the discussion.
- Parties control the outcome.
- Parties may still use the Impartial Hearing option.

Impartial Hearing

- Is a legal proceeding.
- An Impartial Hearing Officer (IHO) presides, and provides parties the opportunity to present testimony and witnesses.
- The IHO provides written findings of fact and decision based on evidence.
- Can appeal the decision.

Your Top 5 Rights in SPECIAL EDUCATION

- ✓ Evaluations
- ✓ FAPE in the LRE
- ✓ Parental Involvement
- ✓ Transition Services
- ✓ Due Process

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RESOURCE LINE

Free 1-on-1 help



- Learning and School
- Parenting and Advocacy
- Family Support
- Working and Adult Life
- Friendship and Social

Call: 212.677.4660

Text: 646.693.3175

MON – THURS
9 AM – 3 PM

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