The Basic Special Education Process under IDEA 2004

Here's a brief look at how a student is identified as having a disability and needing special education and related services.

Child is identified as possibly needing special education and related services.

1 *"Child Find."* The state must identify, locate, and evaluate all children with disabilities in the state who need special education and related services. To do so, states conduct "Child Find" activities. A child may be identified by "Child Find," and parents may be asked if the "Child Find" system can evaluate their child. Parents may also call the "Child Find" system and ask that their child be evaluated. Or—

Referral or request for evaluation. A school professional may ask that a child be evaluated to see if he or she has a disability. Parents may also contact the child's teacher or other school professional to ask that their child be evaluated. This request may be verbal or in writing. Parental consent is needed before the child may be evaluated. Evaluation needs to be completed within 60 days of the parent giving consent. (If the state has an established timeframe for completing evaluations, its timeframe is used instead.)

Child is evaluated.

2 The evaluation must assess the child in all areas related to the child's suspected disability. The evaluation results will be used to decide the child's eligibility for special education and related services and to make decisions about an appropriate educational program for the child. If the parents disagree with the evaluation, they have the right to take their child for an Independent Educational Evaluation (IEE). They can ask that the school system pay for this IEE.

Eligibility is decided.

3 A group of qualified professionals and the parents look at the child's evaluation results. Together, they decide if the child is a "child with a disability," as defined by IDEA. Parents may ask for a hearing to challenge the eligibility decision.

Child is found eligible for services.

4 If the child is found to be a "child with a disability," as defined by IDEA, he or she is eligible for special education and related services. Within 30 calendar days after a child is determined eligible, the IEP team must meet to write an IEP for the child.

Excerpted from Küpper, L. (2011). *Communicating with your child's school through letter writing* (Parent's Guide 9). Washington, DC: National Dissemination Center for Children with Disabilities (NICHCY). Available online at: http://www.nichcy.org/schoolage/steps/

The Basic Special Education Process under IDEA 2004 (cont.)

Once the student has been found eligible for services, the IEP must be written. The two steps below ***summarize*** what is involved in writing the IEP.

IEP meeting is scheduled.

5 The school system schedules and conducts the IEP meeting. School staff must:

- contact the participants, including the parents;
- notify parents early enough to make sure they have an opportunity to attend;
- schedule the meeting at a time and place agreeable to parents and the school;
- tell the parents the purpose, time, and location of the meeting;
- tell the parents who will be attending; and
- tell the parents that they may invite people to the meeting who have knowledge or special expertise about the child.

IEP meeting is held and the IEP is written.

6 The IEP team gathers to talk about the child's needs and write the student's IEP. Parents and the student (when appropriate) are part of the team. If the child's placement is decided by a different group, the parents must be part of that group as well.

Before the school system may provide special education and related services to the child for the first time, the parents must give consent. The child begins to receive services as soon as possible after the IEP is written and this consent is given.

If the parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. If they still disagree, parents can ask for mediation, or the school may offer mediation. Parents may file a complaint with the state education agency and may request a due process hearing, at which time mediation must be available.

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Here is a brief summary of what happens *after* the IEP is written.

Services are provided.

7 The school makes sure that the child's IEP is being carried out as it was written. Parents are given a copy of the IEP. Each of the child's teachers and service providers has access to the IEP and knows his or her specific responsibilities for carrying out the IEP. This includes the accommodations, modifications, and supports that must be provided to the child, in keeping with the IEP.

Progress is measured and reported to parents.

8 The child's progress toward the annual goals is measured, as stated in the IEP. His or her parents are periodically informed of their child's progress toward achieving the annual goals (such as through the use of quarterly or other periodic reports, perhaps issued at the same time as report cards).

IEP is reviewed.

9 The child's IEP is reviewed by the IEP team at least once a year, or more often if the parents or school ask for a review. If necessary, the IEP is revised. Parents, as team members, must be invited to attend these meetings. Parents can make suggestions for changes, can agree or disagree with the IEP goals, and agree or disagree with the placement.

If parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. There are several options, including additional testing, an independent evaluation, or asking for mediation or a due process hearing. They may also file a complaint with the state education agency.

Child is reevaluated.

10 At least every three years the child must be reevaluated, unless parents and the school system agree that a reevaluation is not necessary. The purpose of the reevaluation is to find out if the child continues to be a "child with a disability," as defined by IDEA, and what the child's educational needs are. Parents must give their consent for their child's reevaluation.

A child may be reevaluated more often if conditions warrant or if the child's parent or teacher asks for a new evaluation.

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