

Module 1 – Back to Basics: *Introduction to Special Education* Transcript

Welcome to the Virginia Department of Education’s Back to Basics: Introduction to Special Education module. This module is focused on basic compliance with special education laws and regulations. It is aimed at school personnel who work with students with disabilities. This means that it is for EVERYONE who works at a school.

Please note that there is a quiz at the end of each module that will allow you to test your knowledge.

There are lots of students with disabilities in our schools. We call them individuals, children, or students WITH disabilities—not handicapped or disabled kids. This reminds us that they are students first.

These students have special protections and services IF they have been identified and evaluated by the school. Not every child with a disability qualifies.

Almost anyone can ask that a student be evaluated by the school to determine if they need special protections and services. A team at the school will determine whether a student is eligible.

Schools must also actively locate students who might qualify. This is called Child Find. This is done through a variety of activities: public awareness campaigns; screenings; and monitoring of school records.

To be found eligible for special protections and services, a student must meet the conditions of either the Individuals with Disabilities Education Act (IDEA) and the regulations governing special education programs for children with disabilities in Virginia or Section 504 of the Rehabilitation Act of 1973, also referred to as Section 504.

A child who is found eligible under IDEA will be identified under one of the 14 recognized categories of disability and served with special education as shown here. Note that some common disabilities like ADHD or seizure disorder are served under composite categories like Other Health Impairment.

Just one of the unique features of special education is specially designed instruction. Specially designed instruction means adapting the current methodology or delivery of instruction to address the unique needs of the child that result from the child’s disability.

Special education for eligible students is defined in special education laws and regulations. Special education laws and regulations have five key components or rulesets that serve and protect eligible students. The following slides will cover each of these in more detail.

FAPE

A free appropriate public education is:

- Provided at public expense, under public supervision and direction, and without cost to parents;
- meets the standards of the Virginia Board of Education;
- delivered at an appropriate preschool, elementary, middle or secondary school; and
- provided in conformity with an individualized education program or IEP

What is FAPE supposed to achieve?

The case of Andrew F. reminded us that FAPE requires an education reasonably calculated to enable a child to make progress in light of the child's circumstances.

FAPE

The first of the IDEA principles is free appropriate public education or FAPE, as we call it. We are covering it first because every other component of IDEA refers to FAPE.

What this means in the school environment: The student's IEP holds the key to the student's FAPE. We make sure a student has FAPE by writing and following the student's individualized education program or IEP and providing procedural safeguards to the student and parent. We'll discuss the IEP in greater detail later.

Nondiscriminatory Evaluation

Special education laws and regulations say:

Evaluation procedures must:

- Include a variety of assessment tools, including information provided by the parent;
- Use multiple sources of information to determine whether a student is eligible; and
- Use technically sound instruments.

Nondiscriminatory Evaluation

No assessment tool or set of tools is perfect and every child is different, but special education laws and regulations remind us that any assessment tool we choose must be:

- Nondiscriminatory;
- Given in the language that will give the most accurate information about the child;
- Considered, and found to be valid and reliable; and
- Administered by trained personnel using the instructions provided by the producer of the assessment.

What this means in the school environment: If the school decides to evaluate a student to determine whether they are eligible, they will ask the parent's permission, and a team will be convened to complete the evaluation. In your school, this team maybe called the child study team and you may be asked to contribute data to the evaluation.

Individualized Education Program (IEP)

The student's FAPE will be provided in conformity with an IEP.

Individualized Education Program (IEP)

If the nondiscriminatory evaluation shows that a child is eligible for special education, we must have a parent's consent before giving special education services and protections. If the parent consents, an IEP must be completed within 30 days of an eligibility determination by the IEP team. If the parent does not consent, the child will not receive special education.

What is an IEP?

An IEP is a written statement for a child with a disability that is developed, reviewed, and revised in a team, including parents. The IEP specifies the individual education needs of the child and the special education and related services that are necessary for the child's educational needs.

What this means in the school environment: An IEP team, including the parents, will be assembled to write the student's program, spelling out in detail every aspect of the child's specialized program. All of the child's service providers must follow the child's IEP.

What's in the IEP? Remember the term specially designed instruction? The student's IEP services should be unique and individualized to the child's needs. They are not based solely on the child's disability category and may include related services like speech therapy or occupational therapy. The team writes annual goals for the student based on the student's evaluation and provides the services necessary to meet those goals.

Who's on the team? The IEP team includes:

- Parent(s),
- Student,
- Regular education teacher,
- Special education teacher or special education provider,
- School division representative,
- Individual to interpret evaluations, etc.,
- Other individuals who have an educational interest in the child may also attend

Least Restrictive Environment (LRE)

To the maximum extent appropriate children with disabilities, including those in public or private institutions, or other care facilities, are educated with children without disabilities, including nonacademic and extracurricular activities

The IEP team is also tasked with determining the most appropriate placement for a student with a disability and must keep in mind the least restrictive environment requirements as they discuss potential placements. The team starts by discussing placement of the student in a general education setting. If placement of the child in general education will not provide the child a FAPE, the IEP team must justify that the student's disability requires a setting that is more restrictive than a general education setting. Placement may be determined on an academic subject-by-subject basis. School divisions are also required to comply with LRE requirements in nonacademic and extracurricular activities like lunch and school clubs.

What this means in the school environment: Every student with a disability will have access to the same curriculum that students without disabilities have, but they may be placed in different settings than students without disabilities. The school division will have a continuum of alternative placements (self-contained, special classes, inclusion settings, for example) available to meet the needs of students with disabilities. Students may be in multiple settings daily. Because the student's placement is written into the IEP and is a part of the student's FAPE, the school is sensitive to any event that might seem to be a change in the student's placement.

Procedural Safeguards

State department(s) of education must establish and maintain procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards that protect the child's free appropriate public education.

What are procedural safeguards?

Procedural safeguards are rights that are given to the parents of a child with a disability and to the child when he or she reaches the age of majority (age 18). Because we ask parents to be our partners and guides in serving their children, we seek their opinion at many points in their child's special education. Procedural safeguards also ensure that the child is provided a free appropriate public education according to the Federal and State rules. Parents can request help if they do not understand their rights under the procedural safeguards.

What is the procedural safeguards document?

Special education laws and regulations require that the school division provide a copy of the procedural safeguards notice in the parent's native language upon:

- Initial referral for or parent request for evaluation;
- Parent request;
- Receipt of the first state complaint during a school year;
- Receipt of the first due process request in a school year; and
- The date a decision is made for a "change in placement" due to a violation of the student code of conduct.

Here are some of the procedural safeguards you might see in action:

- parents reviewing their child's educational records;
- parents participating in meetings related to their child's special education;
- parents asking for an independent educational evaluation (IEE) of their child;
- parents being asked for their consent before the school takes certain actions regarding their child
- parents requesting to record an IEP meeting with audio or video recorders

Procedural safeguards also cover the discipline of students with disabilities and dispute resolution.

We hope that this overview has reminded you or acquainted you with the basics of special education. We are invested in EVERY student's success!

For further questions, please contact the Office of Dispute Resolution and Administrative Services at (804) 225-2013.