



# Basic Rights in Special Education



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# SPAN Webinars are a Public Forum

- The chat log is downloaded automatically
  - Please **do not** share personal details, such as your child's name, your school district or the names of teachers and administrators
  - If you need individual assistance, contact SPAN's Warmline:
    - 1-800-654-SPAN(7726)
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# Workshop Overview

- Describe the special education process
  - Explain the importance of parent involvement in the special education process.
  - List and describe strategies to foster effective communication and parent involvement in the process
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# Basic Rights of IDEA

- Provision of a free, appropriate public education (FAPE) in the least restrictive environment (LRE)
- Development of an individualized education program (IEP)

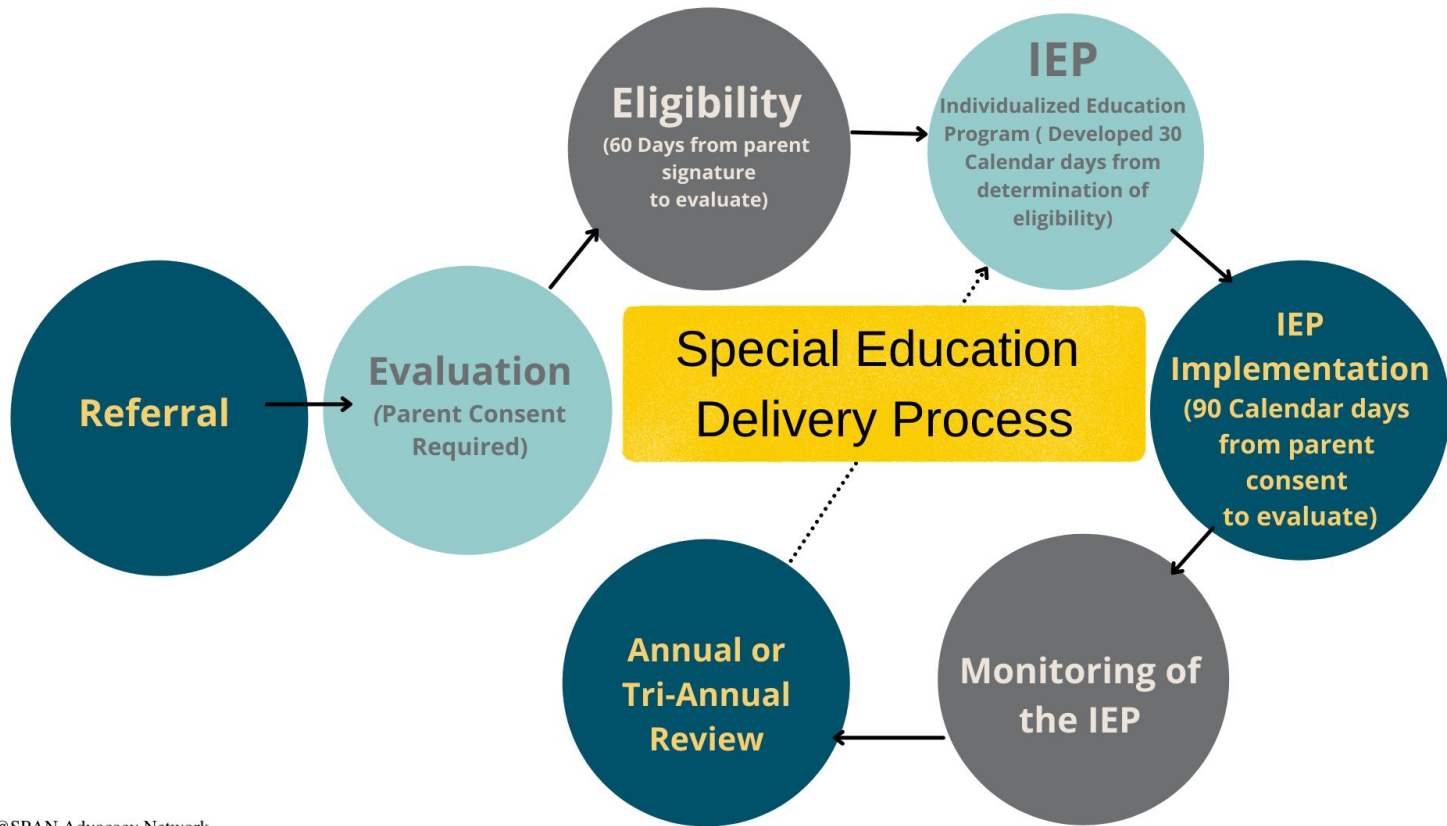


# Parent's Role



- An equal partner in decision-making, with the right to give or withhold consent for each evaluation and for initial services
- To be at every decision-making meeting
- To share your concerns for enhancing your child's education

# Special Education Delivery Cycle







# Step 1: IDENTIFICATION



## Step 2: EVALUATION

- At least two, but can be more, evaluations must be conducted.
- The evaluations should be conducted in your child's language and conducted in all areas of "**suspected**" disability
- If your child has challenging behaviors, a functional behavior assessment (FBA) should be part of the evaluation.





## Step 2: EVALUATION

- You have a right to an **independent evaluation** at the district's expense if you disagree with the evaluation.
- An independent evaluation is done by a qualified person outside of your school district.
- Needed if evaluations do not accurately reflect your child's strengths and needs.
- Your request must be in writing!



## Step 3: ELIGIBILITY



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<b>Auditory Impairment</b>	<b>Multiple Disabilities</b>	<b>Specific Learning Disability</b>
<b>Autism</b>	<b>Deaf/Blindness</b>	<b>Traumatic Brain Injury</b>
<b>Cognitively impaired</b>	<b>Orthopedic Impairment</b>	<b>Visually Impairment</b>
<b>Communication Impairment</b>	<b>Other Health Impaired</b>	<b>Preschool Child with a Disability</b>
<b>Emotional regulation Impairment</b>	<b>Social Maladjustment</b>	<b>Eligible for Speech/Language Services Only**</b>



## Step 4: The IEP

**My child  
has an  
I.E.P.**

**Involved  
Educated  
Parent**

### **THE IEP TEAM:**

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- Parent
  - At least one general education teacher
  - Someone qualified to provide or supervise special education
  - Someone who can interpret evaluation results
  - Someone who can make commitments on behalf of the district
  - Student, when appropriate
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## Step 4: The IEP

### COMPONENTS:

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- Present levels of academic achievement and functional performance (PLAAFP)
  - Measurable annual goals tied to general curriculum
  - Special education & related services
  - Placement in the least restrictive environment (LRE) with opportunities to interact with non-disabled peers
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## Step 4: The IEP

### COMPONENTS:

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- Parental concerns
  - Transition Plan
  - Participation in assessment
  - Student Needs
    - Behavior
    - Language
    - Communication
    - Assistive Technology
    - Extended School Year (ESY)
    - Participation in non-academic activities
    - Needs of students who have visual or hearing impairments
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Step 5:  
IEP  
IMPLEMENTATION

**PLACEMENT:**

Your child has the right to be educated in the “least restrictive environment” (LRE) where their IEP can be implemented and they can make progress toward their annual goals.



## Step 5: IEP IMPLEMENTATION



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### **PARENTAL CONSENT:**



- You must consent to the initial IEP before it can be implemented
- If you do not consent to the IEP, the district no longer has the obligation to provide FAPE
- Parents can “withdraw” consent for services



## Step 6: PROGRESS MONITORING



Parents have the right to be regularly informed of how their child is progressing towards mastering the goals in the IEP.

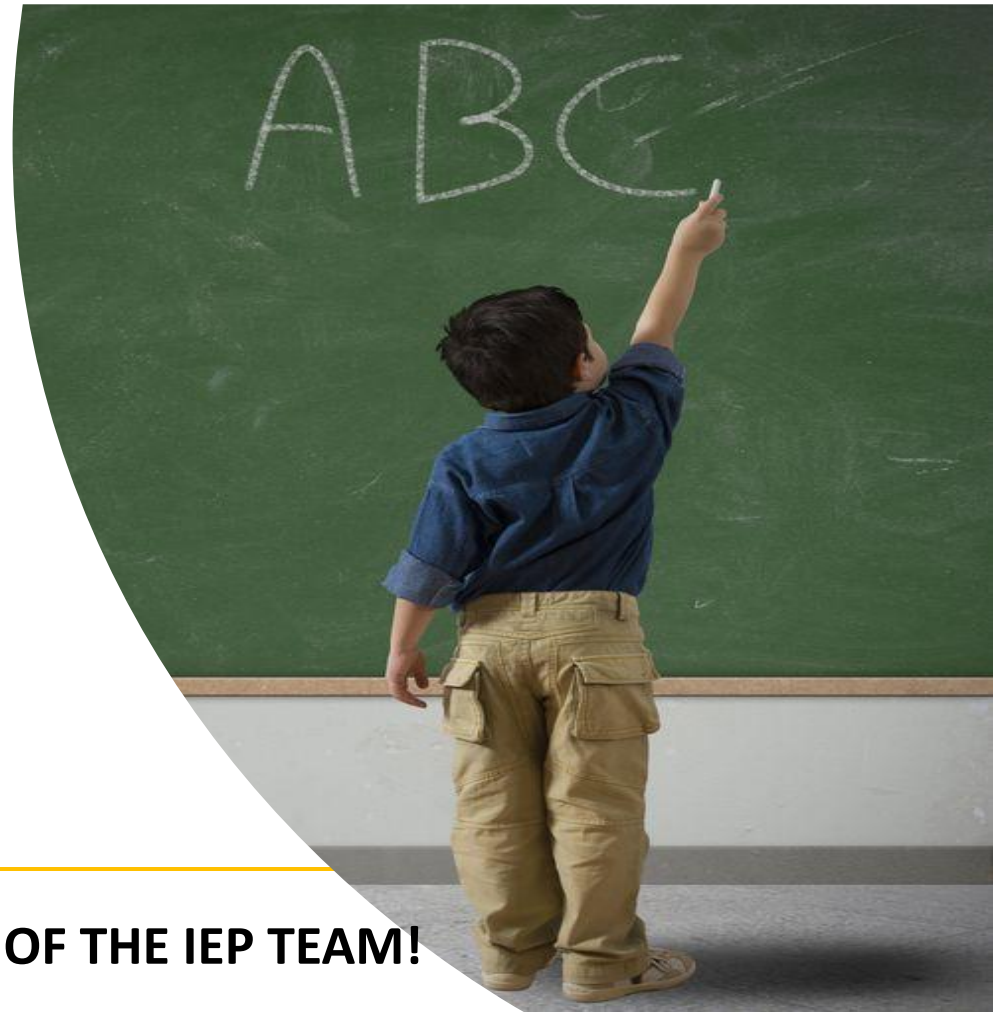
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# Step 7: ANNUAL REVIEW RE-EVALUATION

- Every year the IEP Team meets to review the past year and develop an IEP for the upcoming school year
- Every three years the IEP Team meets to determine whether the student continues to be eligible for special education services



**REMEMBER-THE STUDENT IS PART OF THE IEP TEAM!**

## Families Have The Right To



- An IEP meeting upon request.
- Advance written notice of any proposed meeting.
- Meetings conducted in your language.
- Access the information you need to participate in decision making
- Bring someone with you

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Let's talk about some other rights...



# The Right To: PROGRAM ACCESS



- Access to same variety of education & support services as non-disabled peers
  - Art, music
  - Industrial arts & vocational education
  - Consumer & homemaking education
  - Honors & gifted & talented programs



# The Right To: EXTRA CURRICULAR ACTIVITIES



Equal opportunity to participate in non-academic & extracurricular activities:

- Counseling
- Athletics/recreation
- Transportation
- Health services
- Special interest clubs
- Referrals to employment

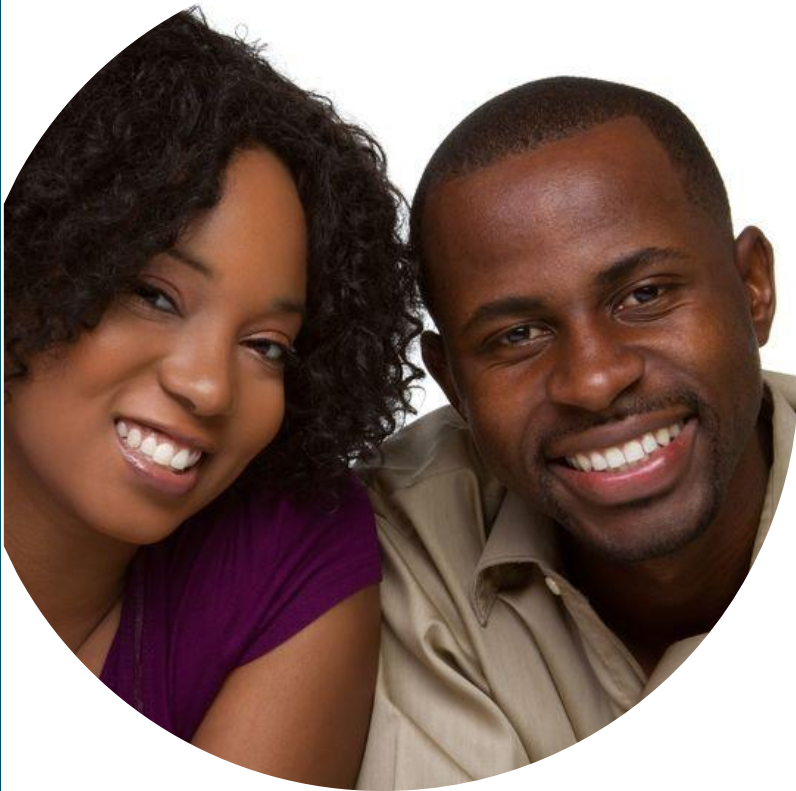




# The Right To: ACCESS RECORDS

You have the right to:

- Review and get copies of your child's records before any meetings
- Keep your child's records confidential
- Request removal of inaccurate or inappropriate information from your child's records
- Attach your explanatory or disagreeing statement to your child's records







# The Right To: NOTICE and RESPONSE



- Notice of your rights in your language.
- Written responses to written requests.
- Written notice of any proposed actions



# The Right To: DISPUTE RESOLUTION



- If you disagree with the school/district, you may request:
  - Mediation
  - Due process/impartial hearing
  - Complaint investigation
- If you request an impartial hearing, you must first give the district the chance to resolve your disagreement by participating in a “resolution session” held by the district



# The Right To: PROCEDURAL SAFEGUARDS



- Safeguards ensure:
  - That the rights of children with disabilities and their parents are protected
  - That students with disabilities and their parents are provided with the information they need to make decisions about the provision of FAPE, an
  - That procedures and mechanisms are in place to resolve disagreements between parties.

# HELPFUL HINTS

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- Teach your child self-advocacy from the start.
  - Explain each step of the process to your child.
  - Help your child understand their strengths and needs.
  - Bring your child to IEP meetings.
  - Encourage your child to express their hopes, dreams, visions, and goals.
  - Have high, but realistic, expectations for your child.
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# HELPFUL HINTS

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- Get it in writing!
  - Ask for what you want, in writing.
  - Keep logs & copies of everything.
  - Bring someone with you.
  - Don't be afraid to ask, or speak up.
  - Stay on top of your child's progress.
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# Want to know more?

- Parental Rights in Special Education (PRISE) Book  
[www.nj.gov/education/specialed/form/prise/prise.pdf](http://www.nj.gov/education/specialed/form/prise/prise.pdf)
- Special Education Frequently Asked Questions video clips.  
<https://spanadvocacy.org/video-webinar-archive/faq-special-education/>
- SPAN website [www.spanadvocacy.org](http://www.spanadvocacy.org)
- Center for Parent Information & Resources [www.parentcenterhub.org](http://www.parentcenterhub.org)

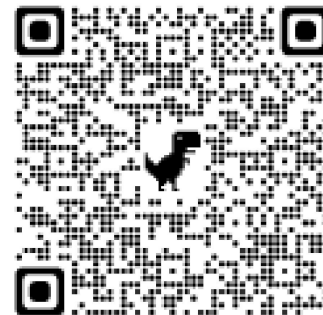




# Join us for the next two workshops

## Register Now - Use your phone to scan the QR code for each session

- October 12, 2022
- Noon – 1:00 pm via Zoom
- Key Components of the IEP
- October 26, 2022
- Noon – 1:00 pm via Zoom
- From Measurable Goals to Making Progress





# ACA Open Enrollment and NJ Paid Leave Options



**9 in 10 enrollees qualify for financial assistance!**

**Do you have health insurance?**

Open Enrollment is Nov. 1 - Jan. 31 • [GetCovered.NJ.gov](http://GetCovered.NJ.gov) or 1-888-654-3893

## Wage Replacement

### Temporary Disability Insurance (TDI)

Up to 26 weeks of partial wages\* to recover from one's own illness or disability, including a pregnancy related disability.



### Family Leave Insurance (FLI)

12 weeks of partial wages\* to bond with a new child (both parents) or care for loved one with a serious health condition. Often referred to as paid family leave.

*\*both provide 85% of workers' average wage up to \$993/week for 2022*

## Job Protections

### Federal Medical Leave Act (FMLA)

12 weeks of unpaid, job protected leave for one's own serious health condition, to bond with a new child or care for an immediate family member with a serious health condition.



### NJ Family Leave Act (NJFLA)

12 weeks of unpaid, job protected leave to bond with a new child or care for a loved one with a serious health condition.

*The 2 job protection laws do not usually run concurrent for the birthing parent (but may for other uses)*





Stay connected with SPAN for the latest information and resources for families and youth



[www.spanadvocacy.org](http://www.spanadvocacy.org)

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The SPAN Youth Hub  
*\*Blog: <https://thespanyouthhub.blogspot.com/>*