



# **Committee on Special Education**

## ***A Family Guide to Special Education Services***

*Updated June 2021*

## What is the purpose of this guide?

*The Family Guide to Special Education Services* was created to provide parents/guardians with more information about procedures and policies related to Special Education Services.

## What is Special Education?

Special Education includes services, programs, and specially designed instruction to meet the individual needs of a student with a disability. Students with Disabilities who require special education services have **Individualized Education Programs (IEP)**. The IEP is created by a team that includes the parent/guardian. It will contain information about your child's interests, strengths, needs, and goals. It is a map that explains the special education process, which includes instruction, supports, and services that your child will need to make progress and succeed in school. The IEP is a legal document that describes how our district will provide your child with a **Free Appropriate Public Education (FAPE)** in the **Least Restrictive Learning Environment (LRE)** in order to meet your child's needs. **LRE** means that your child will be in classrooms with peers without disabilities for as much of the day as possible.

## How do I use this guide?

This guide provides detailed information about the special education process. It includes the following information:

- More about the special education process (Section One)
- How to make a referral for an initial evaluation (Section Two)
- How to participate in the evaluation process (Section Three)
- How GVCS will arrange services for your child if your child is eligible (Section Four)
- How the IEP is developed and what special education supports and services your child may receive (Section Five)
- How the Annual Review/Reevaluation is conducted (Section Six)
- Your general rights as a parent/guardian (Section Seven)
- Your Due Process rights (Section Eight)
- Disciplinary Procedures for Students with Disabilities (Section Nine)

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# Section One: The Special Education Process

## **What is Special Education?**

Special Education refers to specially designed individualized/group instruction or special services or programs to meet the unique needs of students with disabilities. Special education services and programs are provided at no cost to the parent.

## **What are the steps in the Special Education Process?**

### **Step 1: Initial Referral for Special Education Services**

Students suspected of having a disability are referred to a multidisciplinary team called the Committee on Special Education or the Committee on Preschool Special Education. The school official may start the process with an **initial referral**, or another individual may make a **request for referral**.

### **Step 2: Individual Evaluation Process**

The Committee arranges for an evaluation of the student's abilities and needs.

### **Step 3: IEP Meeting**

Based on evaluation results, the Committee decides if the student is eligible to receive special education services and programs. If your child is eligible to receive special education services, the Committee develops and implements an appropriate **Individualized Education Program (IEP)** based on evaluation results to meet the needs of the student. Based on the IEP, the Committee must determine the student's placement, ensuring that services are provided in the **Least Restrictive Environment (LRE)**. You will attend this meeting with teachers and other professionals who know your child. You are a legally mandated member of the IEP Team, and your input is important!

### **Step 4: Arranging for Special Education Services**

After the IEP is created, the CSE Office will ask for your written consent to provide special education services. After reviewing your consent, the CSE/CPSE Office will arrange the programs and services listed on your child's IEP.

### **Step 5: Annual Review/Reevaluation**

The IEP is reviewed or modified/revised by the Committee at least once a year. This is called an **annual review**. A **reevaluation** must be completed once every three years. The purpose of this is to review the student's need for special education programs and services and to revise the IEP (as appropriate). A reevaluation may also occur when conditions are warranted or when requested by a parent or teacher. During this process, parents can determine if their child's education placement aligns with their needs. Parents are an important part of this process, and your involvement is encouraged.

## Section Two: Initial Referral for Special Education Services

### **What should you do if you feel your child needs special education?**

If you have a preschool child and have noticed that your child is not developing skills such as walking, talking, or playing like other young children, you may want to talk to your family doctor. He or she may be able to reassure you that children develop at different rates and your child is within normal developmental scales. However, if the doctor is concerned or you are still not comfortable with your child's progress, you may make a referral to the GVCS Committee on Preschool Special Education (CPSE).

If your three-year-old child received services from the Early Intervention Program and is in need of special education services, he or she will need to move from the Early Intervention Program into the preschool special education program. The Early Intervention Official from your county must give written notice to the CPSE in your local school district that your child may be transitioning from the Early Intervention Program. With your consent, a transition plan must be developed no later than three months before your child's third birthday.

If you believe that your child may require special education services, it is important to talk to your child's current teacher(s). During this meeting, you may both share information about your child's progress and determine what supports can be provided within the classroom. It may be possible to adapt your child's general education program without special education services. These supports could include **Response to Intervention (RTI)**, which is an approach that GVCS uses to match individual students with the teaching practices and level of support that work best for them. While you may make a referral for a special education evaluation at any time, GVCS will implement RTI before making a referral.

If you continue to suspect that your child may have a disability, you or a member of the RTI Committee may make a referral for an evaluation for special education services.

### **What is a referral for special education?**

A referral is a written statement asking that the school district evaluate your child to determine if he or she needs special education services. This written statement should be addressed to the Chairperson of the GVCS Committee on Special Education or the school principal. The referral may result in a request to have your child tested to see if he or she needs special education services.

### **Who else can make a referral for special education?**

You can always make a referral for your child. The RTI or 504 Committee may also make a referral to the committee. Additional people who may make a referral include doctors, judicial officers, or a designated person in a public agency. For a preschool child, a referral may be made by someone from an Early Intervention Program or Early Childhood Direction Center that serves children with disabilities to age three.

## **What are the Committee on Preschool Special Education (CPSE) and the Committee on Special Education (CSE)?**

Every school district has a CPSE and a CSE that determines a child's special education needs and services. The CPSE is responsible for children with disabilities, ages 3-5. The CSE is responsible for children with disabilities, ages 5-21. GVCS also contains subcommittees on Special Education.

You know your child better than anyone else and you have valuable knowledge to bring to the Committee discussions. Other members of the Committee are people who have a broad range of experience planning for and/or working with students with disabilities. Together you will work to make sure that special education programs and services are provided to meet your child's needs.

## **Section Three: Individual Evaluation Process**

### **What is an individual evaluation?**

After your child is referred for an evaluation for special education, you will be asked to give your written consent to have your son or daughter evaluated. The results of an evaluation help to determine if special education services or programs are needed. An evaluation includes various assessment tools and strategies. These tests determine your child's potential learning difficulties and how those difficulties affect his or her participation and progress in the general education curriculum. This evaluation is at no cost to you. After you provide your written consent, the Office of CSE/CPSE must complete an initial evaluation within 60 calendar days.

### **What is your role in the individual evaluation process?**

As a parent, you have input as to the tests and assessments to be conducted on your child. Before an evaluation is conducted, you will be asked for your suggestions about evaluating your child and be given information about the kinds of tests that will be used. If you have questions about the purpose or type of evaluation proposed, you should discuss them with the Chairperson of the Committee.

### **What is included in an individual evaluation?**

Evaluations must be comprehensive and provide information about your child's unique abilities and needs. Evaluations include information from parents and a group of evaluators, including at least one special education teacher or other person with knowledge of your child's (suspected) disability. An evaluation will provide information that relates to your child in his or her classroom. It will tell what your child needs to be involved in to participate and progress in general education curriculum.

Tests and assessments given as part of an evaluation must be given in your child's language by people who are trained, knowledgeable, and/or certified to give tests. The test must be fair and not discriminate racially or culturally.

**An initial evaluation to determine your child's needs must include:**

- A physical examination
- A psychological evaluation (if determined appropriate for school-age students, but mandatory for preschool children)
- A social history
- Observation of your child in his or her current education setting
- Other tests or assessments that are appropriate for your child (such as a speech and language assessment or a functional behavioral assessment)
- Vocational assessments (required at age 12)

The results of the evaluation must be provided to you. This may involve a meeting with the Committee in which the technical language and scoring of individual tests and assessments are explained to you, usually by the professionals who administered the tests or assessments. In addition, you must be given a copy of the evaluation report. You may also bring in evaluation information, which the Committee must consider. If you feel that an evaluation conducted by the Committee is not appropriate or if you disagree with the results, you can obtain, and request that the school district pay for, an **Independent Educational Evaluation (IEE)**. If you are the parent of a preschool child, the CPSE must also give you a copy of the summary report of the findings of the evaluation.

If your child is being evaluated for the first time to decide whether he or she has a disability, the Board of Education must arrange for appropriate special education programs and services within 60 school days of receiving your consent to evaluate your school-age child. If your child is in preschool, the CPSE must provide a recommendation to the Board of Education within 30 school days of the date the district received your consent for evaluation.

## **Section Four: Eligibility for Special Education**

### **What happens after the individualized evaluation?**

After the evaluation is completed, you will be invited to a meeting with the Committee to talk about the results. You should attend this meeting because you have important information to share about your child. If you cannot attend, you have the right to ask the district to change the time or place of the meeting. During this meeting, the Committee will review the evaluation results and determine if your child is eligible or ineligible to receive special education programs and/or services.

A child must have a disability that affects his or her ability to learn in order to be eligible to receive services. A child (ages 3-5) may be identified as a “preschool student with a disability” if the CPSE identifies the child as having a disability because of mental, physical, or emotional reasons. Some preschool children may be identified as having autism, deafness, deaf-blindness, hearing impairment, orthopedic impairment, other health impairment, traumatic brain injury, or visual impairment. Preschool students must meet one of the eligibility criteria to be determined as a child with a disability who requires special education.

A student with a disability means a child with a disability who is entitled to attend public school. A student with a disability has been identified as having a disability and who requires special services or programs. Students (ages 5-21) who are identified as having a disability may have autism, deafness, deaf-blindness, emotional disturbance, hearing impairment, learning disability, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, speech or language impairment, traumatic brain injury, or visual impairment (including blindness).

### **What happens if your child is ineligible for special education services?**

If the Committee decides that your child does not require special education services or programs, the Committee will provide you with information indicating why the child is ineligible. If your child is of school-age, the Committee will complete the following:

- Send information to your child’s principal or RTI Coordinator. The principal will be able to work with professionals in the school or with your child’s current teacher, the reading teacher, the guidance counselor, or another specialist to help your son and daughter; **and**
- May make a referral under Section 504 of the Rehabilitation Act of 1973 (a Federal Civil Rights Law) to another multidisciplinary team within the school.

You will receive a written notice that explains the Committee’s decision. If you disagree with the decision of the Committee, you may request **mediation** and/or an **impartial hearing** to resolve the disagreement.

### **What happens if your child is eligible for special education services?**

If the Committee decides your child is eligible for special education services, the Committee must identify the disability that appropriately describes your child. The determination of a disability category is used solely for eligibility purposes and does not prescribe the program or services your child will receive. The Committee will develop and implement an **Individualized Education Program (IEP)** to meet your child’s needs.

You will receive a written notice that explains the Committee’s decision, and the information on which that decision was based. If you disagree with the decision of the Committee, you may request mediation and/or an impartial hearing to resolve the disagreement.

### **What special education services may my child receive?**

For school-age students, special education services and programs may include specially designed instruction and supplementary services provided in the regular class, consultant teacher services,

related services, resource room programs, special classes, home and hospital instruction, placement in an approved private school, and/or 12-month special service/program.

For preschool students, special education services and programs may include related services, special education itinerant services, a half-day preschool program, a full-day program, 12-month special service and/or program, or a residential special education program.

## Section Five: Individualized Education Program (IEP)

If your child is eligible for special education services and/or programs, the Committee must meet to develop a plan to meet your child's unique needs. This plan is called an **Individualized Education Program (IEP)**.

### **How is an IEP developed?**

The Committee must consider the following:

- Your child's strengths
- Your concerns for your child's education
- The results of your child's individual evaluation
- The results of any State or districtwide tests or assessments; **and**
- Any unique needs related to your child's disability (such as communication needs, behavior, etc.)

The IEP evolves from a discussion that begins with how your child is doing in school. Next, the Committee agrees on the goals your child should be working toward. The Committee then discusses the supports, services, and modifications that the child needs to reach those goals. Finally, the Committee determines where those special education services will be provided (location and placement). The location and placement must be in the **Least Restrictive Environment (LRE)**. For preschool children with disabilities, special education services can be delivered in day care, a regular preschool program, or another early childhood program in which you have enrolled your child.

### **What planning should occur for preschool children as they transition to school-age programs and services?**

If your child has been receiving preschool special education programs or services, you and the Committee will need to discuss your child's school program before he or she enters Kindergarten. Before your child is eligible to enter school, the committee will decide if your child continues to have a disability and/or if he or she continues to require special education programs or services. If so, the CPSE will make a referral to the CSE. If eligible, at age five, your child may be recommended to receive special education services or programs in the district's Kindergarten program.

## What planning should occur for young adults?

It is also important to plan ahead so that your son or daughter can prepare for a high school diploma, learn skills necessary for employment, receive postsecondary education, or gain skills to become an independent adult. When your child turns twelve, he or she will receive an assessment to determine vocational skills, aptitudes, and interests. By age 14, the Committee will begin discussing your child's goals as an adult, and how he or she can learn the important skills to meet these goals. From this point forward, the IEP will include programs and services to prepare for adult life (transition services) to address your child's hopes and dreams for the future. Transition planning will involve you, your child, and the school. They will discuss the following questions:

- What can your child do now to prepare for being an adult? What can you do to help him or her prepare?
- What will your child do after he or she graduates from school (or when he or she turns 21 and is no longer eligible to attend school)?
- Will your child go to college? If so, what high school courses should he or she take? What tests will your child take?
- Will your child look for a job right after high school? Will your child need job training while still in school?
- Where will your child live? Does he or she need to learn new skills to live independently?

## What is included within the IEP?

If your child is eligible for special education services and/or programs, the Committee (of which you are a member) must meet to develop a plan to meet your child's unique needs. This plan is called an **Individualized Education Program (IEP)**. Some of the requirements of the IEP are listed below.

- Your child's name and his or her disability
- Your child's current abilities, needs, and evaluation results
- Goals and objectives for your child to meet this school year (**Annual Goals**)
- Special equipment your child may need in school
- Information about the special education programs or services your child will receive (services and frequency) to help your child meet his or her goals and support the following:
  - Your preschool child's participation in appropriate activities; **or**
  - Your school-age child's involvement and progress in the general education curriculum
- Accommodations for completing tests
- Program modifications for your child
- Supports for your child's teachers to help implement your child's IEP
- How and when you will receive reports on your child's progress
- Transition Planning and Services (Teenagers)

- Where services will be provided to ensure that programs reflect the least restrictive environment.

After the consideration of all other IEP components, the Committee determines the recommended placement. Placement may be in a public school, Board of Cooperative Educational Services (BOCES), approved private school, state operated school, state supported school, or a Special Act School District. Placement decisions must be based on the child's strengths and needs and reflect consideration of whether the child can achieve his or her IEP goals in a regular class with the use of supplementary aids and services and/or modifications to the curriculum.

### **What happens after the IEP is developed?**

The Board of Education is responsible to arrange for appropriate special education programs and services to provide to your child. There may be no delay in implementing the IEP while deciding who pays for the special education services. You will receive a copy of the IEP at no cost to you. Each teacher and service provider will be informed about his or her specific responsibilities to implement the IEP, which includes specific accommodations, modifications, and supports that must be provided to your child.

## **Section Six: Annual Review/Reevaluation**

### **How can we be sure my child's program is meeting his or her needs?**

You and other members of the Committee will review your child's IEP at least once a year; however, you may request a meeting before that. You will make decisions about any necessary changes to your child's program. This is called an **annual review**.

Your school district will reevaluate your child at least once every three years. This is called a **reevaluation**. A reevaluation may also occur if conditions warrant one. The district will ask for your written consent prior to conducting these tests if additional data is needed as part of this reevaluation. A reevaluation must be sufficient to determine your child's individual needs, educational progress and achievement, your child's ability to participate in regular education classes, and your child's continuing eligibility for special education services. This could potentially result in **Declassification** if the Committee has determined that your child no longer needs special education services.

## Section Seven: Your General Rights as a Parent

### **Steps to resolving concerns:**

No one knows more about your child than you do. By working together, you and the staff of the school can help your child have a successful school year. If you become concerned about your child's educational programs or special education services, contact your child's teacher immediately and share information about what you see. Informal meetings and phone conferences help you build a partnership with the teacher and school. You may also ask for a meeting with school administrators or the CSE/CPSE Chairperson to discuss your concerns about your child's education. During a meeting or phone conference, share your questions, concerns, or information about your child. It is important to ask for specific examples of classroom behavior and ways to help your child at home. If you do not understand something, ask for an explanation. Try to arrive at a mutually agreed-upon solution to any problems or concerns.

We encourage you to be an active member of your child's education planning. We know that children benefit more from their education if their parents are involved and well informed. As a team member, you need to understand the special education process, your rights, and how to become involved in your child's program. You must be given opportunities to participate in the discussion and decision-making process about your child's need for special education. You will receive notice at least a week before meetings of the CSE/CPSE inviting you to participate in the development of the recommendations for your child's educational program.

You have legal **due process** rights under Federal and State Laws to be involved and make sure that your child receives an appropriate education. These include the following:

- You must receive **written notice** several times during the process of identifying, evaluating, and providing your child with special education services and/or programs. If your district refuses to do any of these things, you must be notified.
- Certain actions may not be carried out without your written **consent**. This includes the initial evaluation, a recommendation for your child to receive special education programs and services, a recommendation for your child to receive special education services during the **Extended School Year (ESY) Program**, reevaluation, or if another agency requests to have access to your child's records.
- If you **disagree with decisions** made by the Committee, you may ask for meetings, mediation, or impartial hearings to resolve (settle) disagreements between you and your school district about your child's evaluations, identification (classification), placement, or educational program.

## **Procedural Safeguards Notice:**

Procedural safeguards notice provides a full explanation of all your legal rights under law. The school must make sure that the notice is provided to you in a language you speak or other kind of communication that you understand. The school district must keep written records that these steps have been taken.

Procedural Safeguards Notice is provided:

- Upon initial referral for evaluation of your child
- With each notice of a CSE or CPSE meeting
- Upon reevaluation of your child
- When the district receives a letter from you requesting an impartial hearing.
- When a decision is made to suspend or remove your child for discipline reasons that would result in a disciplinary change of placement.

## **Section Eight: Due Process Rights**

### **A. Informal Discussions**

If you have concerns about your child's educational program, discuss the concerns with appropriate staff at the school district. If you disagree with evaluation results or other proposed actions of the Committee, you should express your disagreement and dissatisfaction. By clearly stating your concerns and the reasons for your concerns, you are making sure that you and other members of the Committee understand your point of view. Try to work out differences informally with your school district as soon as they happen. If it is not possible to resolve disagreements informally, mediation is a good method to work differences out in a timely way. You also have the right to request an impartial meeting.

### **B. Special Education Mediation**

Special Education Mediation is a voluntary process for you and the school district to work through disagreements about the recommendations of CSE or CPSE. You and the person chosen by the Board of Education meet with a qualified and impartial mediator from the Community Dispute Resolution Center (CDRC) in your county who helps in reaching an agreement about the recommendation of your child. If you decide to use mediation, you must ask for it by writing to the Board of Education. Any agreement reached by the parties is set forth in a written mediation agreement. The CSE or CPSE must immediately meet to amend your child's IEP to be consistent with the mediation agreement. Mediation is at no cost to you or the school district. This process must be completely confidential.

### **C. Impartial Due Process Hearings:**

An impartial hearing is a formal proceeding in which disagreements between you and the school district are decided by an impartial hearing officer appointed by the Board of

Education. An impartial hearing officer must be an individual certified by the Commissioner of Education to conduct impartial hearings. A parent or a school district may initiate a hearing on matters relating to the identification, evaluation, or educational placement of a student with a disability, or the provision of a free appropriate public education to the child.

1. Your request for an impartial hearing must be made in writing to the Board of Education. It must describe the facts relating to your concerns, describe a proposed solution, state your child's name and address, and the name of the school that your child attends. It is at no cost to you; however, you may have to pay your own attorneys' fees.
2. If requested by you, the school district must provide you with information on free or low cost legal and other relevant services.
3. For three-year-old and four-year-old children, the school district may not begin a hearing if you refuse to give consent to the initial evaluation or provision of special education services to your child. If you do not provide consent for the initial evaluation or initial provision of special education services, no further action will be taken by the CPSE until such consent is obtained.
4. The decision of the hearing officer will be based only on recorded information presented at the hearing and will provide the reasons and facts for the decision. The decision will be binding (final) unless you or the school district appeal to the State Review Officer. An appeal must be in writing and be received by the State Review Officer within 30 calendar days after you and the school district receive the decision of the impartial hearing officer.

## Section Nine: Disciplinary Procedures

The procedures for the discipline of students with disabilities must be in accordance with Section 3214 of the Education Law and Part 201 of the Regulations of the Commissioner of Education. While the school has the authority to suspend or remove your child for violating the school's code of conduct, you and your child have certain rights throughout the process:

You have the right:

1. To be notified immediately by telephone and to receive written notice within 24 hours of a proposed suspension of five school days or less. The notice should describe the incident, proposed suspension, and your child's rights. You have a right to request an informal conference with the school principal prior to the suspension unless your child's presence in school poses a danger.
2. To receive written notice of your opportunity for a superintendent's hearing (if the suspension is for more than five consecutive school days), which describes your child's right to counsel and to question and present witnesses.

3. For your child to receive alternate instruction during the first ten days of any suspension or removal.
4. For your child to receive education services necessary to enable your child to progress in the general education curriculum and appropriately advance toward achieving his or her IEP goals (if your child is suspended or removed for more than ten school days in a school year).
5. For your child to have services to address the behavior that resulted in the disciplinary action (if your child is removed to an interim alternative educational setting).
6. To have the CSE develop, review, and implement a behavioral intervention plan for your child that is based on the results of a functional behavioral assessment (if your child is suspended or removed from more than 10 school days in a school year).
7. To a CSE meeting to determine whether your child's behavior is related to his or her disability (**manifestation determination**) when the suspension or removal results in your child being suspended or removed for more than 10 school days in a school year (disciplinary change in placement).
8. For your child not to be suspended or removed for behaviors that are related to your child's disability, except for suspensions or removals that are 10 school days or less in a school year/removal to interim alternative educational settings.
9. To challenge the decision of the CSE in a manifestation determination meeting.
10. To challenge any placement decision related to discipline in a due process meeting.

## Glossary of Terms

**Annual Goals:** Specific, measurable goals that describe what your child is expected to achieve over a one-year period.

**Annual Review:** After your child has received special education services, an IEP meeting is held at least once a year to review your child's progress. This is called an "Annual Review." During the annual review, the team will:

- Discuss your child's progress toward their goals
- Review the special education services provided
- Determine services and goals for the following year

**Confidentiality:** GVCS must maintain the student's special education records in a manner that ensures that only appropriate staff have access.

**Consent:** There are instances when you will be asked to provide your consent during the special education referral, evaluation, and placement process. Providing consent means that you:

- Have been fully informed about the action for which you are giving consent, and
- Understand and agree in writing to that action.

Consent is voluntary on your part, and you may withdraw your consent at any time. Your withdrawal of consent does not undo any action that has occurred after you gave your consent before you withdrew it.

**Declassification:** Students who no longer need special education services are declassified by the IEP team after a reevaluation.

**Declassification Support Services:** Students who no longer need special education services are declassified after a reevaluation. Students who have been declassified will not have an IEP, but may receive the following services to ease the transition to general education:

- Instructional Support
- Instructional Modifications
- Related Services

These services may continue for up to one year after the student has been declassified. In addition, the declassified IEP may list testing accommodations that must be provided to the student after they have been declassified.

**Disability Classification:** This refers to the type of disability that most affects a student's educational performance. There are 13 classifications. The IEP team will determine the appropriate classification.

**Due Process:** Procedures that are used to ensure your child's rights to a FAPE (Free and Appropriate Public Education) and your rights to be involved and have a full understanding of that process.

**Due Process Complaint:** Also called a Request for Impartial Hearing. This is a written complaint filed by a parent or a school district involving any matter relating to the identification, evaluation, educational placement, or provision of a FAPE to a student with a disability.

**Due Process Hearing (Impartial Hearing):** A due process hearing, or "impartial hearing" is an administrative proceeding before an Impartial Hearing Officer. Both the parents and the school district present arguments, witnesses (if any), and provide evidence.

**Early Intervention (EI):** The EI Program of Allegany County supports families with children ages Birth to 3 years old who have disabilities or developmental delays.

**Evaluation:** The process of collecting information about a student's strengths and weaknesses to improve their educational program. The information collected through assessments, observations, and interviews will assist the team in determining the child's present levels of functioning and educational needs.

**Extended School Year (ESY) Services:** Extended school year services are special education programs and services provided during July and August. They may be recommended for students with disabilities who require special education over summer to prevent substantial regression.

Children with an IEP recommendation for ESY may either:

- Receive the same program and services in July-August as in September-June; **or**
- Receive less intense services in July-August.

If ESY services are recommended, the IEP will specify the program and services that will be provided in July and August.

**Free and Appropriate Public Education (FAPE):** Special education programs and related services that are provided at public expense, under public supervision and direction, and without charge to the parent.

**Impartial Hearing:** An impartial hearing is an administrative proceeding before an Impartial Hearing Officer. Both the parent and the school district present arguments, witnesses, and evidence.

**Independent Assessment:** A parent may request an independent assessment at the expense of the district if they disagree with an assessment conducted by the district. The request must be made in writing to the Office of CSE/CPSE. The district will either agree to pay for the independent assessment or will file a due process complaint to demonstrate that the assessment conducted was appropriate. A parent may also pay for an assessment themselves or obtain an assessment through insurance. If you acquire an independent assessment and would like it to be considered by the Office of the CSE/CPSE, be sure to provide it to the committee in advance of your child's IEP meeting.

**Individuals with Disabilities Education Act (IDEA):** The IDEA is a federal law that gives students with disabilities the right to receive a FAPE in their least restrictive environment from age 3 through the end of the school year in which the student turns 21 years old or graduates with a high school diploma.

**Initial Referral:** The initial referral is a request that begins the special education evaluation process to determine whether the student has a disability and requires special education services. The initial referral can be made by the student's parent, the principal of the school, the RTI/504 Committee, or the CSE/CPSE Chairperson. To make an initial referral, a parent should submit a written request for evaluation to the Office of CSE/CPSE.

**Least Restrictive Environment (LRE):** The IEP team will recommend special education services that provide a student with a disability with a FAPE in their least restrictive environment. This means that your child will be educated alongside their non-disabled peers to the maximum extent appropriate. Placement of students with disabilities in special classes, separate schools, or other removal from general education environment occurs only when the nature or severity of the disability is such that even with the use of supplementary aids and services, education cannot be satisfactorily achieved. The least restrictive environment is therefore different for each child.

**Mediation:** Mediation is a confidential, voluntary process that allows people to resolve disputes without a formal due process hearing. An impartial mediator helps each person or group to:

- Express their views and positions
- Understand the other's views and positions

Mediators help people discuss the issues and reach an agreement. Their role is not to recommend solutions or take positions or sides. In mediation, if an agreement is reached by everyone, it is considered a binding agreement. This means that it cannot be appealed.

**Notice of Referral:** A letter sent to parents (no more than five days after receipt of a referral) for special education services.

**Prior Written Notice:** This is a notification sent by the district to the parent/guardian. This notification will inform the parent(s) that the district is proposing to initiate or change the identification, evaluation, and/or educational placement of the student.

**Reevaluation:** An evaluation conducted for a student with a disability who already receives special education services. A reevaluation will be conducted at least once every three years and upon request. A request for reevaluation can be made by the student's parents/guardians, teacher, or school district. A reevaluation will not be conducted more than once a year unless the school and parent agree otherwise.

**Response to Intervention (RTI):** Response to Intervention is an approach used by schools to match students with the teaching practices and level of support that is matched to their needs.