



**Welcome Parents**

**A Parent's Guide to  
Understanding the  
IEP Process**

# Parents, Students, and Schools as Partners

# **Rights and Responsibilities in Special Education**

# Goal of this Presentation

The goal of this presentation is to provide information so that:

- parents will understand their rights regarding special education; and
- collaboration between family and school personnel will be enhanced; and
- parents and school personnel will participate in special education matters as knowledgeable partners

**Instructional Outcomes  
for Students  
with Disabilities**

**Services for  
Students  
in their LRE**

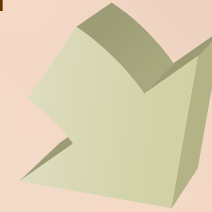
**IDEA**

**High Standards  
for All  
Students**

**Access to  
General Education  
Curriculum**

Central/  
Schools/  
Comprehensive  
Planning

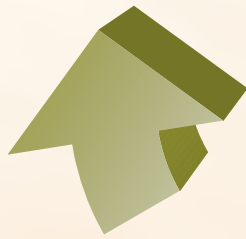
Ongoing PD  
Activities to  
Support  
Instruction



IEP  
Team

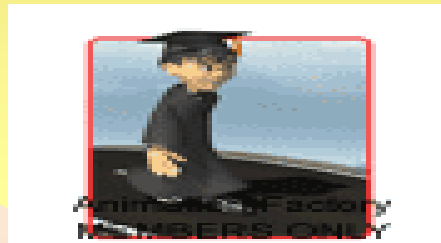
Parental  
Involvement

Improved  
Instructional Outcomes  
for all students,  
including those  
with disabilities

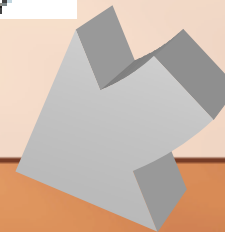
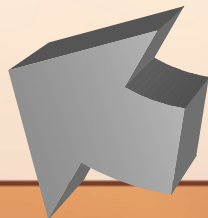


Pupil  
Personnel  
Team

School  
Leadership  
Team



Least  
Restrictive  
Environment  
Committee



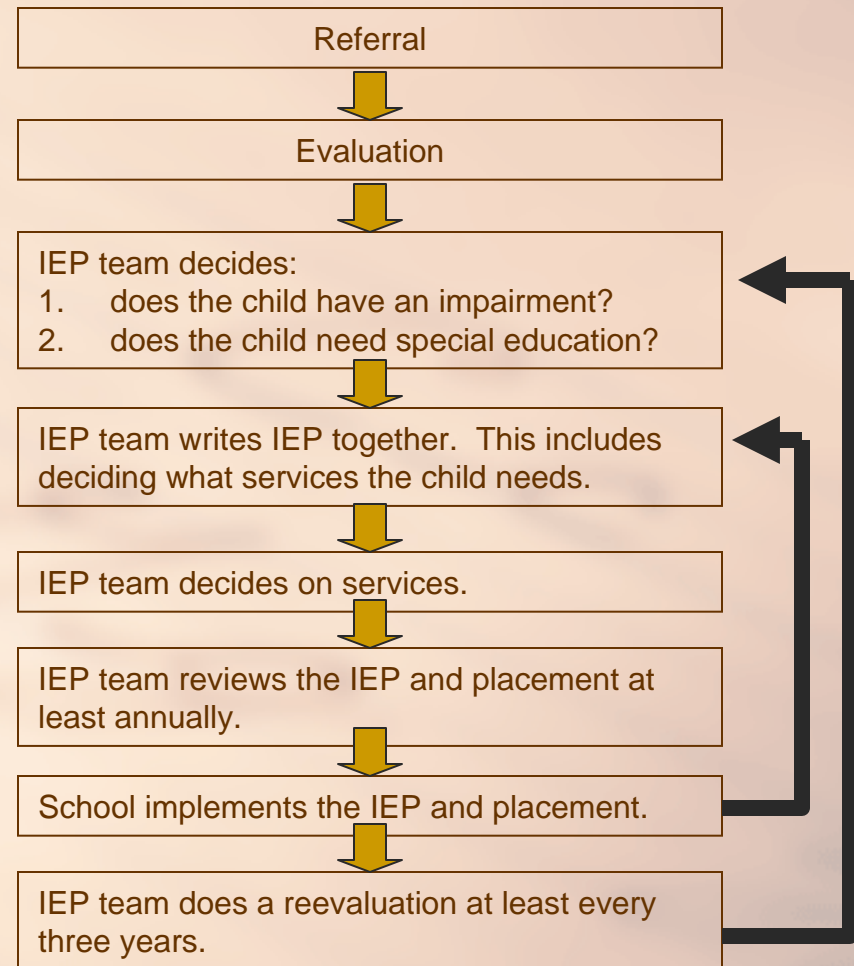
# What Does the Continuum of Services Do?

- Provides access to the general education curriculum
- Students are more alike than they are different
- Special education is a service and not a place
- Provides a broad range of services addressing the needs of students with disabilities
- Emphasizes instructional strategies and student supports rather than the labeling of students
- Services considered first in the home-zoned/home-district school in the general education classroom alongside non-disabled peers with appropriate aids and services
- Assures parents full access to procedural and substantive rights and ensures their informed participation in the decision-making process



# Special Education Referral Process

- The chart shows a basic overview of the special education referral process. It is not designed to show all the steps or the specific details. It shows what happens at the time a child is referred for evaluation and is identified as having a disability, through the development of an Individualized Education Program (IEP) and Placement





## Areas of Education Where Parent and Student Participation is Guaranteed

- Referral
- Evaluation
- Eligibility Determination
- IEP Development
- Placement Decisions
- Disciplinary Actions



# Parents

**Parents are key members of the IEP Team. They know their child very well and can talk about their child's strengths and needs as well as their ideas for enhancing their child's education. As a member of the IEP Team, the parents:**

- offer insight into how their child learns, what his or her interests are and other aspects of the child that only a parent can know.
- listen to what the other team members think their child needs to work on at school and share their suggestions.
- report on whether the skills the child is learning at school are being used at home.

# Teachers (General Education)

Teachers are vital participants in the IEP meeting as well. At least one of your child's general education teachers must be on the IEP team if your child is (or may be) participating in the general education environment. The general education teacher has a great deal to share with the team. She/he is expected to present information about your child's performance in the general education class and to help the IEP Team make decisions about participation in the general education curriculum and other school activities. As a member of the IEP team, the general education teacher:

- describes the general education curriculum in the general education classroom;
- determines appropriate supplementary aids and services or changes to the educational program that would help your child learn and achieve;
- helps to develop appropriate behavioral interventions if behavior is an issue.

# Teachers (Special Education)

Your child's special education teacher or his/her special education provider contributes important information and experience about how to educate children with disabilities. Because of his or her training in special education, they can talk about such issues as:

- how to modify the general education curriculum to help your child learn;
- the supplementary aids and services needed so that your child may be successful in the general education classroom and elsewhere;
- how to provide accommodations during testing so that your child can show what he or she has learned; and
- other aspects of individualizing instruction to meet your child's unique needs.

# Individualized Education Program

**The IEP summarizes your child's current skills and abilities and establishes education goals for a twelve-month period. The IEP is prepared at the IEP Team meeting.**

The purpose of the IEP is twofold:

- It documents your child's eligibility for special education services; and
- It formalizes, in writing, the school system's plan for providing a free appropriate public education that will meet your child's unique needs in the least restrictive environment, that is, to the maximum extent appropriate, alongside his or her non-disabled peers.

No document has greater importance to a student with a disability and his or her parents than the IEP.



# Contents of the IEP

By law, the IEP must include certain information about your child and the educational program designed to meet his or her unique needs. This information includes:

- **Current performance** - The IEP must state how your child is currently doing in school (known as present levels of educational performance). This information usually comes from the evaluation results such as classroom tests and assignments, individual tests given to decide eligibility for services or during a re-evaluation, and observations made by parents, teachers, related service providers, and other school staff. The statement about "current performance" includes how the child's disability affects his or her involvement and progress in the general education curriculum.
- **Annual goals** - These are goals that your child can reasonably accomplish in a year. For students participating in alternate assessment the goals are broken down into short-term objectives or benchmarks. Goals may be academic, address social or behavioral needs, relate to physical needs, or address other educational needs. The goals must be "measurable", that is it must be possible to measure whether the student has achieved the goals.
- **Special education and related services** - The IEP must list the special education and related services to be provided to your child or on behalf of your child. This includes supplementary aids and services that your child needs.

# Contents of the IEP

- **Participation with non-disabled children** - The IEP must explain the extent (if any) to which your child will not participate with non-disabled children in the general education class and other school activities.
- **Participation in state and citywide tests** – Virtually all states and districts give achievement tests to children in certain grades or age groups. The IEP must state whether your child will participate in state and citywide assessments and what accommodations, if any, in the administration of these tests your child will need. If your child will not participate in state and citywide assessment, the IEP must state how your child's progress will be measured including participation in the State alternate assessment program.
- **Promotion Criteria** – The IEP must specify for children who participate in State and citywide assessments whether your child will be held to the same promotion standard as all students or whether your child will have modified promotion criteria. If modified promotion criteria are recommended, the IEP must describe the criteria.



# Contents of the IEP

- **Diploma Objective** - Students with disabilities receiving special education services are eligible to receive a Regents diploma or a local diploma. They are awarded to students who successfully complete the educational requirements for either the Regents diploma or the local diploma. An IEP diploma may also be awarded to students who have reached the age of 21 and have successfully achieved the educational goals specified on the IEP but have not completed the requirements for a Regents/local diploma. Upon parental request, a student may be awarded an IEP diploma prior to the age of 21.
- Parent must receive written notice prior to their child with a disability graduating from high school with a Regents endorsed or local diploma. This prior written notice is intended to inform parents that the student is no longer eligible to receive a free appropriate public education after graduation with the receipt of a Regents endorsed or local diploma. This regulation does not apply to students with disabilities who exit high school with an IEP diploma.
- **Dates and places** - The IEP must state when services will begin, how often they will be provided, where they will be provided, and how long they will last.
- **Transition service needs** - Beginning when your child is age 15 (or younger, if appropriate), the IEP must address (within the applicable parts of the IEP) the courses he or she needs to take to reach his or her post-school goals. A statement of transition services needs must also be included in each of the child's subsequent IEPs.

# Contents of the IEP

- **Needed transition services** - Beginning when your child is age 15 the IEP must state what transition services are needed to help the child prepare for leaving school.
- **Measuring progress** - The IEP must state how your child's progress will be measured and how you will be informed of that progress.
- **Language of Instruction** - If your child is an English Language Learner and requires English as a Second Language (ESL) and/or bilingual services, a recommendation will be made regarding his/her language of instruction. The language of the service will be specified in the IEP.
- **Mainstreaming** - Children who receive full-time special education instruction in a special class should have opportunities for attending general education classes and activities for part of the school day. This is known as "Mainstreaming." A child may be mainstreamed into an academic program such as math, language arts, science or social studies. This is known as academic mainstreaming. Academic mainstreaming activities must be indicated in your child's IEP. Children in special classes should also participate in general education physical education, music, lunch and other non-academic mainstreaming activities unless otherwise noted in their IEPs.

# Contents of the IEP

- You will be asked to sign the IEP to indicate your attendance at the meeting. You will receive a copy of the IEP. If you are unable to attend the meeting the IEP will be sent to your home.
- There are times when you may not agree with the school's recommendation about your child's education as described in the IEP. Under the law, parents have the right to challenge decisions about their child's eligibility, evaluation, services, and the placement that the school provides to the child. If you disagree with the school's actions-or refusal to take action-in these matters, you have the right to pursue a number of options. They include:
- ***Try to reach an agreement*** - You can talk with the Team about your concerns and try to reach an agreement. Sometimes the agreement can be temporary. For example, the parents and school can agree to try a plan of instruction or a placement for a certain period of time and see how the student does.
- ***Ask for mediation*** - During mediation, you and the representative of the DOE sit down with someone who is not involved in the disagreement and try to reach an agreement. Mediation is available as an option for resolving disputes prior to due process.
- ***Ask for due process (Impartial Hearing)*** - During a due process hearing you will have an opportunity to appear, along with the CSE and school personnel, before an Impartial Hearing Officer and present your side of the story. The Hearing Officer will listen to both sides and decide how to solve the dispute.

# Annual IEP Meetings

**After your child's initial placement in special education services or programs, there will be annual meetings to review your child's progress and to review the special education services he/she has been receiving.**

**The IEP team, of which you are a member may decide to make changes to the IEP or may decide that changes are not necessary. Here are some questions you may want to ask during these meetings:**

- How has the teacher accommodated my child's learning and behavioral needs in the classroom?
- Are there things I can do at home to support the IEP goals?
- What type of learner is my child? Does the teacher attempt to use his/her strengths while teaching him/her?
- How frequently is my child's progress monitored? What are the best ways for me to stay in touch with my child's teachers to be informed of academic or behavioral progress?
- Is my child making progress towards his/her IEP goals?
- If a service is not working, how can I work within my child's IEP team to explore more effective services?
- What are the promotion criteria for my child?
- In high school, what are the graduation requirements for my child?



# Your Parental Due Process Rights

In New York City, a parent's due process rights include but are not limited to:

- The right to consent to all initial evaluations and re-evaluations. However, if the CSE makes documented efforts to obtain your consent for a re-evaluation and you do not respond to their request, they may conduct the re-evaluation without your consent.
- The right to participate meaningfully in decision-making through attendance at all IEP meetings. This includes IEP meetings held at your child's school and at the Committee on Special Education. This includes your right to bring other individuals with special knowledge or expertise about your child to meetings to help in the decision-making process.
- The right to copies of evaluations and your child's IEP.
- The right to conflict resolution (a new IEP Team meeting), mediation, and an Impartial Hearing if you disagree with any decision made about your child.
- The right to an independent evaluation paid for by the New York City Department of Education if the Department does not evaluate your child within 60 calendar days of your signing of the consent to evaluate.

# Your Parental Due Process Rights

- The right to an independent evaluation if you do not agree with the CSE's evaluation. You must notify the CSE of this request in writing. The CSE may either agree to pay for an independent evaluation or they must initiate an Impartial Hearing to show that its evaluations are appropriate.
- If you challenge the CSE's recommendation the right to "pendency" or "stay-put" in your child's current placement for the duration of any due process proceedings until the matter is resolved or you have reached agreement with the CSE.

Your consent is not required:

- before reviewing existing data (information) as part of an evaluation or a re-evaluation of your child.
- before administering (giving) a test or other evaluation that is given to all students (unless parents of all students must give consent before the test is given).
- to conduct a re-evaluation if the CSE made documented efforts to get your consent, and you did not respond.
- to conduct a functional behavioral assessment in the case of a student with a disability being suspended.

These rights and others are described in greater detail in the [Procedural Safeguards Notice](#).

# Contact Information

Linda Wernikoff

Executive Director

NYC Department of Education

Office of Special Education Initiatives

52 Chambers Street – Room 220

New York, New York 10007

Email Address: [Lwernik@schools.nyc.gov](mailto:Lwernik@schools.nyc.gov)

NYC DOE Website: <http://schools.nyc.gov/default.aspx>