

101 ANSWERS

Getting Help at School for Your Child with a Disability

A Guide for New York Parents

By Carole Boccumini, Esq. and Lisa Syron

A publication of Parents CAN: Communicate and Advocate Now!

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A Note of Caution

Reading this book is not the same as getting the help from an independent attorney. An attorney will give you advice based on the facts in your child's situation.

Every situation is different, and a good assessment of your particular situation can only be determined by consulting with an attorney and providing him or her with all of the relevant factual data.

Sometimes just one "minor" detail can make a big difference in the outcome of a case.

To find free or reduced cost legal services for educational issues, look at the referral list in Appendix E.

When looking for an attorney, look for a licensed attorney who is experienced in the field of special education.

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Thanks!

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Introduction

Student Advocacy has been helping children who have problems at school since 1982. In our work, advocacy means:

- Learning about the child's problems at school by collecting and analyzing facts and then identifying the core problem;
- Helping parents and schools to better understand the child's needs and educational rights; and
- Negotiating for the help that each child needs from the school.

The advice in this booklet is based on our long-standing and successful representation of students with disabilities. Our goal is to get children on track to school success. We hope that this booklet will help you to advocate for your child.

You can learn about the process for getting help for your child, information about discipline and advice about advocacy. You may want to read only the sections that fit your child. However we encourage everyone to read the first section, "The Education of Students with Disabilities: Overview," and the last section, "Advocating for Your Child." Then feel free to go to the sections that will help with your child's needs.

The information in this booklet presents children's educational rights under federal and New York State laws.¹ If your child does not live in New York State, please note that although all states must follow the federal laws, there are still some differences among the states.

We try to state the information so that it is easy to understand. However, there are many terms that you will see in other publications or that will be used at school meetings. You should learn the meaning of these words so that you feel comfortable using them yourself. They are listed in bold print throughout the booklet. Appendix A at the end of the booklet is a glossary where you can look up these words.

Throughout the book, there are short descriptions of some of the students with disabilities that we have helped. Take a moment to read their stories because they will remind you that students with disabilities can overcome obstacles and be successful.

1. The legal information in this book is based on United States laws (also called federal laws) and New York State education law. The federal laws are the Individuals with Disabilities Education Act (IDEA) of 2004 [IDEA, 20 U.S.C. § 1400 et. seq] and the Rehabilitation Act of 1973 [Rehabilitation Act of 1973, 29 U.S.C § 794]. The N.Y.S. law is N.Y. Comp. Codes R. & Regs. Tit. 8 § 1, et. seq.

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1

The Education of Students with Disabilities

1. What is a disability?

Researchers, doctors and child development experts have identified a pattern that describes how children typically develop. Of course, all children grow in their own way. No child follows this pattern exactly. But when a child's development is very different from the typical pattern, that difference may be caused by a disability.

Children with disabilities may have different ways of moving, relating to other people, learning, or other difficulties. Many people make the mistake of assuming that every child with a disability is not smart. In fact, children with disabilities can be very smart. Some children's disabilities will limit how much they can learn. But most children with disabilities can earn a high school diploma. Children with disabilities can lead productive lives.

A child cannot be identified as disabled just because he or she speaks a language other than English or does not speak or understand English well.

When a child's development is very different from the typical pattern, that difference may be caused by a disability.

2. What is an educational disability?

Some disabilities don't affect learning. For example, a child who can see clearly with glasses would not meet any legal definition for an educational disability. If there is proof that a child's disability makes it difficult to learn, then the child has an educational disability. Typically, this will be described as the disability **adversely affecting educational performance**. An adverse affect on educational performance does not mean that the child has to be failing in order to receive special education.

If a child's disability makes it difficult to learn, he or she may need special instruction which is provided under a national law called the **Individuals with Disabilities Education Act (IDEA)**. IDEA is a law that establishes the process that schools must follow to educate students with disabilities. It is sometimes referred to as I-D-E-A and sometimes referred to like the word "idea".

If a child has a mental or physical condition which does not affect learning but may require additional support in order for the child to attend school, he or she may receive help under a national law called **Section 504 of the Federal Rehabilitation Act**. For example, a child with asthma may not need any special instruction but may require other help during the day. The Rehabilitation Act is very broad covering many institutions other than schools. Section 504 is the section that covers education. The Rehabilitation Act is a civil rights law which guarantees equality for U.S. citizens with disabilities. Most commonly, it is referred to as '504'.

3. How are students with disabilities educated?

Many of us remember when all children with disabilities were sent to special programs away from regular schools. Fortunately, there have been many changes in the way that children with disabilities are educated. Educational services are much broader, extending from birth to when a child earns a high school diploma or to the end of the school year in which he or she turns 21 years old.

Special education is a service, not a place. Planning for the education of children with disabilities begins with figuring out what services the child needs and then figuring out where those services can be provided. The law tells schools that they must educate children with disabilities and children without disabilities together in the same classes as much as possible. This standard is called the **least restrictive environment or LRE**.

Now many children with disabilities get the services that they need within a regular class at school or at least in the same school building. Special education is not a place. Special education is a service that must be provided in the least restrictive environment.

4. Who educates children with disabilities?

Under **IDEA**, educational services for children with disabilities are provided through three different programs, each with its own set of rules, its own administration and its own procedures. Each program serves children of different ages. Parents can seek services at any time.

BIRTH – 2

The Early Intervention Program, or EI, serves children with developmental delays and/or disabilities who are under age 3. EI is administered through the local county Health Department.

3 AND 4 YEAR-OLDS

The Committee on Preschool Special Education, or the CPSE, serves children with disabilities who are three and four years old. The CPSE is part of your local public school district.

5 AND OVER

The Committee on Special Education, or the CSE, serves children with disabilities between the ages of five and twenty-one. The CSE is part of your local public school district.

Education Programs Available for Children with Disabilities

	Early Intervention	Preschool Special Education	Special Education
Age of Child	Birth through age 2	3 and 4 year olds	5 to 21 year olds
Administrator	Health Department, EI	Public School District, CPSE	Public School District, CSE
Contact	Early Intervention in Westchester at 813-5094	Call the central office in your school district to register your child and then send a letter to the CPSE Chair	Send a letter to the CSE Chair in your school district.

5. Will Special Education services really help my child?

You may have heard stories on the news that criticize Special Education. Do not let those stories keep you from seeking help for your child.

If your child has problems in school, problems may continue or even grow worse. You can allow those problems to continue or get help for your child. Getting the right special education services is an important way to get help for your child during the school day. The remainder of this booklet will advise you on strategies to get the right special education services for your child which can help prevent:

- behavior problems at school,
- academic failure,
- a drop in self-esteem,
- difficulties at home due to school stress, or
- the development of negative attitudes towards school.

6. What services are required by law for children under 3?

Under IDEA, infants and toddlers under age 3 who qualify for help must be given free or low-cost services. These services are based on each child's needs. They are designed to help your child develop.

7. What services are required by law for children 3 and older?

Under IDEA, children with disabilities who qualify for help must be given a **Free and Appropriate Public Education** or FAPE [pronounced as if it rhymes with tape]. This is the basic legal standard for special education services. This means that all services provided under IDEA are free. Services must be appropriate for the child. Appropriate means that the services address the child's educational needs and result in reasonable educational progress. It does not mean that the services must maximize his or her potential.

The services provided must match the child's needs. A plan is created for each child, called an **Individualized Education Plan** or **IEP**, which describes the child's educational needs and identifies the services that will be provided to address those needs. Services are never automatically given because of a child's age or disability.

Creating a plan of service for each child is not easy. It can be difficult to figure out what the right services are. But a plan of services designed to meet your child's needs offers the best chance for success.

8. Who can advocate for my child?

As a parent or legal guardian, you have a unique role in your child's education. Other people may be involved in different ways but under the law, there are certain steps that can only be done by a parent or legal guardian.

9. Advocacy Tips

Get involved! If you think your child needs help, do not wait. Read this book and follow the steps to ask for help for your child. Advocacy for your child can make a difference.

Stay calm. Education is so important for your child and trying to get the help that your child needs can bring up a lot of emotions for you. Try to stay calm. School staff will accept you as a partner that they want to work with if you stay calm.

Be prepared. Learn as much as you can about the special education process. Learn the key words and phrases that schools will use. If you are bringing information, label it and



Please read the last section of this book "Advocating for Your Child." In many ways, it is the most important piece of information. Until you read that section, here are some tips to keep in mind.

put it in order so that you can easily find what you need at a meeting. The Worksheets in Appendix B will help you organize your thoughts and information before a meeting.

Focus on the future not on past complaints. There are bound to be some bumps in the road. But

don't get stuck in the past! Often, you have to let past issues go so that you and the school staff can focus on what your child needs now.

Focus on your child. You want to help your child. Teachers want to help your child. Focusing on your child is the best way to build a strong partnership with school staff. If you focus on how someone treated you then you will lose focus on your child.

You know your child best but that does not always mean that you know what is best for your child. You have valuable information. You know where your child is having difficulty. You have experience helping your child work through problems. Teachers also have valuable information. They

have experience teaching. Let the teachers offer help. Ask many questions so that you understand what is being offered and why. Once you understand the services, imagine your child in that situation. Talk about how you think that service will work for your child.

When you disagree with school staff, explore your concerns. If you get upset or angry, find out the facts. Explain your concerns and allow school staff time to talk about your concerns. Some disagreements are really misunderstandings.

Trust yourself. If you are still worried about your child's education, keep exploring. Get more information. Ask more questions. Parents are often the first to sense that something is wrong. So if you sense a problem, trust yourself and work on it.

2

Services for Infants and Toddlers Ages Birth to 2

10. What is the Early Intervention Program (EI)?

The **Early Intervention Program (EI)** provides services to help children from birth to 2 years grow and develop to reach the appropriate developmental level in:

- Speech and language
- Physical movement including both **gross** and **fine motor skills**
 - **Gross motor skills** are activities that use large muscles like crawling, standing and walking.
 - **Fine motor skills** are activities that use small muscles like grasping small and large objects, holding a pencil, using a scissor or buttoning a jacket.
- Hearing and vision
- Socialization activities, talking and playing with others

EI is administered through the local county Health Department.

11. How will I know if my infant, 1 or 2 year-old needs EI services?

Typically, infants and toddlers learn skills at certain times. For example, most babies learn to walk between their first and second birthday. This is called a **developmental milestone**.

There are many developmental milestones that children may reach by the time they are five. Your child may reach milestones for

- physical development,
- emotional development,
- social development,
- thinking skills and
- communication skills.

There are also lists of typical milestones by the child's age which you can use to understand your child's development. One website that gives information about developmental milestones is http://www.health.state.ny.us/community/infants_children/early_intervention/earlydif.htm

You should talk to your child's doctor to learn if your child has met the milestones expected for his or her age. A child who is not meeting the typical developmental milestones may have a **developmental delay**. If your child has a developmental delay then talk to your doctor to discuss getting help from EI.

12. How do I ask for EI services for my child?

Your child must be referred to the **Early Intervention Official (EIO)** in the county where you live. This is a county employee who runs the county's EI Program. In New York State, this employee is part of each county's Health Department. The referral can be made by you or by a professional working with your child such as a pediatrician or day care worker. To contact EI in the Westchester County Health Department, call 914 813-5094. For a list of EI Officials in other

counties throughout New York State, go to:

http://www.health.state.ny.us/community/infants_children/early_intervention/county_eip.htm

You may also call the New York State “Growing Up Healthy” 24 hour hotline at 1-800-522-5006.

Once your child is referred, the EIO will assign a person to work with you and your family. This person is called an **Initial Service Coordinator (ISC)**. The job of your ISC is to guide you through all the steps in getting EI services.

13. Who decides if my child qualifies for service?

The ISC will give you a list of evaluators in your area. With your permission, the ISC will make an appointment for your child and family to be evaluated. The evaluation is free. It will show if your child has a disability as defined in IDEA. It will also show the areas where your child needs help. If your child qualifies for help, it is also used to plan the services for your child.

The agency which does the evaluation will put together a team. The team will include a professional who will assess your child’s overall development including:

- physical or motor skills,
- thinking or **cognitive ability**,
- speech or communication skills,
- adaptive or self-help skills, and
- social-emotional growth.

Cognitive ability refers to remembering, reasoning, understanding and making decisions. During the evaluation, the professional will also look at your child’s strengths and needs. This professional may be an educator who works with students with disabilities or a psychologist. The team will also include a specialist who will assess your particular concern about your child. For example, if you are concerned about your child’s speech or communication, the specialist would be a speech pathologist. If you are concerned about

your child's motor development, the specialist would be a physical therapist. (Appendix D has a list of specialists.)

The evaluation team may use several tests to look at your child's development. They will play with your child or ask you to play with your child, spend time observing your child, and ask you questions about what your child can or cannot do. The team must use the results from the tests, observation and parent interview to determine if your child meets state eligibility requirements. Remember, EI provides services to help children who have developmental delays or a physical or mental condition which has been diagnosed by a professional and that is likely to cause a developmental delay. The focus of EI is to help infants and toddlers to develop and to educate families so that they can help with their child's development.

If your child has a diagnosed disability, he or she will be eligible for services. Even if your child does not have a diagnosed disability, he or she may still be eligible for services. If your child is not eligible, your service coordinator will assist you in finding other supports and services that can help.

The evaluation team must discuss the results of the evaluation with you and answer any questions you may have. Don't be afraid to ask them questions. Keep asking questions until you understand everything that they are saying. You should receive a copy of the summary of the evaluation. You can also request the full evaluation report. If you don't agree with the evaluation or feel that they did not address all of your concerns, you may ask for a second evaluation from the EIO or their designee (Early Intervention Official Designee/EIOD). The EIOD is a person chosen by the EIO to help you when the EIO is busy.

You can also exercise your **due process** rights. Due Process defines the steps required by law that must be followed to make sure that the process is fair and that your rights are

upheld. This means that **you** can make a request for **mediation** to meet with the EIOD and a person who may act as an impartial mediator to work out an agreement that satisfies both of you.

14. What programs or services will my child receive?

If your child is found eligible, then the next step is to make an **Individualized Family Service Plan (IFSP)**. The IFSP is a written plan that lists early intervention services for your child and your family. Your ISC will schedule the IFSP team meeting. That meeting will include you, a representative from the evaluation team, the ISC, and the EIOD. You may also invite any one who will be an active participant in the delivery of services on the IFSP.

The IFSP team meeting should:

- review all information that has been gathered about your child
- allow you to talk about your family's priorities, resources and concerns
- develop outcomes or goals that early intervention services will address
- spell out examples of activities and strategies that you hope to accomplish together with the early intervention specialist
- agree about the type of services and the frequency and location of services that will be listed on the IFSP

The IFSP may include services in your home, in a day care center, or in a community setting such as your local library. Services are given by a special educator, speech pathologist, physical or occupational therapist, social worker, or other early intervention specialists. A special educator who does this work is called **special education itinerant teacher** or **SEIT** [pronounced 'see-at']. EI services should be given in a place where young children are usually cared for such as your home, day care, or a playground. These are called **natural settings**.

During the IFSP meeting, you will also choose an **Ongoing Service Coordinator (OSC)** who will help you find services listed on your IFSP and other services and supports you may need in the community.

This IFSP must be finished within 45 days from the time your child was referred to EI. During that time, all of the steps that have just been described must be completed. If you interrupt the process such as by delaying the evaluation because your child is sick, then the IFSP does not have to be completed within 45 days.

15. How will I know if my child is making progress?

Each time your child receives services, you should discuss his or her progress with your child's therapist. This is the person providing the service. You will participate with your child during the sessions. This will help you learn activities that you and your family can do with your child. These are called **carryover activities** because they carry over into your everyday activities. These activities can help you at bath and meal times or when you play with your child.

16. If services are provided outside my home, how will my child get to the services?

If your child attends a program, bus service may be provided. If your child is receiving services in other locations, you must provide transportation but you can request reimbursement. Ask your Ongoing Service Coordinator about this.

17. What happens when my child becomes too old to be in an EI program?

EI services must end when your child turns 3. Children with disabilities who are ages 3 or 4 may get help from the **Committee on Preschool Special Education (CPSE)**, which is a service provided by your local school district. In your school district, the person who is responsible for preschool special education is called the CPSE Chairperson. This move

from receiving EI services to receiving CPSE services is called **transition**.

Six months before your child's third birthday, your EIOD and OSC will schedule a **Transition meeting** with you to start the transition process. The CPSE Chairperson from your school district will be invited to attend. This meeting may be done on the phone or in person. Your child's progress will be discussed and, if you consent, a **referral** will be made to your local school district. With your written consent, copies of your child's last IFSP, and the latest evaluation and progress notes will be sent to the CPSE chairperson. The CPSE chairperson will send you a packet of important information and then begin the process of deciding if your child is eligible for CPSE services. In the next section, the process for getting help from the CPSE is described.

Remember, when your child turns 3, he or she will be too old to receive EI services. So EI services will end the day before your child's third birthday. Your child may be progressing so well that your therapist and you agree that your child will not need the preschool special education services that are available to 3 and 4 year olds.

If your child needs preschool special education services then you must sign a consent for your child's EI packet to be sent to your school district. This starts the process of getting help from the CPSE. It should be done at least 6 months before your child's third birthday to avoid a gap in services. If you don't sign the consent, EI services will end the day before your child's third birthday and preschool special education services will not start.

It is extremely important to pay attention to these dates and deadlines. Transition is an important process that needs your active participation!

18. How is Preschool Special Education different from EI?

EI provides services to help children who have developmental delays or a physical or mental condition, which has been diagnosed by a professional, and that is likely to cause a developmental delay. The focus is to help infants and toddlers to develop. It is also to educate families so that they can help with their child's development.

In Preschool Special Education, the focus shifts from addressing delays in the child's development to meeting the child's educational needs. The CPSE helps preschool children, who qualify, to learn.

Another difference is that EI services are offered year round but CPSE services are typically offered on a school schedule. This is usually from September through June. Check with your school district to get district calendar which will list the dates that school is in session.

Student Advocacy Success Story



Chris has Fragile X Syndrome which causes mental retardation. At first, school expectations for Chris were low. But with help from Student Advocacy, Chris was placed in a program that really helped him to grow.

He started a volunteer job delivering mail. He developed stronger friendships and took his girlfriend to the prom. He earned his IEP diploma. Today, he has a part-time job and continues to enjoy his love of Broadway musicals.

3

Services for Children Ages 3 and 4

19. How will I know if my 3 or 4 year-old needs special education?

If your child received services through the Early Intervention Program (EI), your Service Coordinator will help plan a transition meeting for your child. If your child was not in EI but has physical problems, behavioral problems or some delays in development such as difficulty in talking, moving around, thinking, or learning, then you should ask for help from your school district's Committee on Preschool Special Education (CPSE).

Asking for help from the CPSE is called making a **referral**. A referral can also be made by a professional who knows your child such as your doctor or day care provider. The referral must be in writing. You can call the central office or administration in your school district to find the name and address of the CPSE chair.

Trust yourself. If you have a concern, it is better to explore it.

20. What is the Committee on Preschool Special Education (CPSE)?

The **Committee on Preschool Special Education** or **CPSE** is responsible for the education of children who are 3 or

4 years-old and who need help so that they are ready for Kindergarten. This committee must make sure that children who need help receive a **free and appropriate public education** or **FAPE**.

21. Do I have to wait until my child turns 3 to get services?

If your child's birthday is between January 1 and June 30, then your child's need for services can be considered by the CPSE as of January 2 in the year of your child's third birthday. For example, if your child's third birthday is on May 1, 2012, your child becomes eligible for CPSE services on January 2, 2012. At that time, your child will still be 2 years old.

If your child's birthday is between July 1 and December 31, then your child becomes **eligible** on July 1 in the year of your child's third birthday.

Eligible means that your child is in the age range that the CPSE is allowed to serve. Your child must still qualify for CPSE programs and services.

22. Who is on the CPSE?

The people on the committee are staff from the school district, another parent from your child's school district who has a disabled child (called a parent member) and YOU! If your child received Early Intervention services, a representative of the Early Intervention Program will also be invited. The leader of the committee is called the CPSE Chair. The CPSE Chair is a staff member from the school district.

You may also bring other people who have knowledge of your child such as a family member, neighbor or an advocate. If the CPSE meets again, a notice will be sent to you. You must invite any people that you wish to bring to the meeting. You must notify the CPSE of anyone you wish to invite.

23. How do I ask for special education services for my preschool child?

First, you must register your child in school – you cannot get help before you register. Call the main number for your school district. If you do not know the number for your school district, ask at your local library. You can also find this information on the Internet at <http://www.emsc.nysed.gov/repocrd>. When you call your school district, ask how you can register your child in school. Each school district has different procedures. In some districts, you must make an appointment so call before you go to the office.

When you go to register your child for school for the first time, you will be asked for certain kinds of information before the school will allow your child to enter the district. You must be able to show that:

1. You are the parent or legal guardian of the child.
2. You live in the school district.
3. Your child has been examined by a doctor and is healthy enough to go to school.

You can't just answer these questions. You must have papers to show proof.

After your child is registered, you can request special education services for your child. A request for special education services is called a **referral**.

The referral must be made in writing to the Chairperson of the CPSE in the school district where you live. You can call the district office where you registered your child to get the name and address of the CPSE Chairperson.

In the referral, give your child's name and date of birth. Then tell why you think your child needs help. For example, write "my child has difficulty with his speech." Other examples would be "My child has trouble taking turns when playing with other children." "My child isn't very coordinated.

She can't skip. She has trouble stacking blocks. She has difficulty walking up and down stairs."

Referrals can also be made by a professional who knows your child such as your doctor or day care provider.

24. How does the CPSE decide if my child qualifies for help?

In order to make this decision, the CPSE must first learn more about your child's needs. An evaluation of your child will be paid for by the school district in order to get more information about your child. The evaluation is free to you. The district will give you a list of agencies that do evaluations.

After the school district receives the referral, they will send you important information about preschool special education and a consent form. This information explains your due process rights. **Due Process** are the steps required by law to make the process fair and to uphold your rights. You must sign and return the consent form before any evaluations can be done.

The CPSE will look at your child's development in the social, educational and physical areas. The committee can authorize evaluations to determine whether your child might need speech and language services, occupational therapy or other services to help your child gain skills that will be needed in school.

Permission for the school district to evaluate your child must be given in writing and is called **written consent**. Any time evaluations are going to be done, you must give permission for the evaluation. Even if someone else makes the referral for your child, you must give written consent. Only a parent or guardian can give consent. No further steps can be taken until a parent gives written consent for evaluation.

Information from the evaluations will then be reviewed at a meeting of the CPSE. A decision will be made about whether

or not your child qualifies for help. Decisions are made by consensus. Remember, you are a member of the CPSE and should be an active participant. Even if a professional is helping you and will attend the meeting, you must still attend because you have valuable information.

If your child qualifies for help and a plan is developed, you must consent to the plan. Only a parent or guardian can give consent to the plan.

25. What kinds of evaluations are done?

The district will conduct an intelligence test, which is also referred to as an I.Q. test or as a **psychological evaluation**. Depending on your child's issues, specialized tests that measure a child's reading, math and spelling skills may also be given. These are **standardized tests** which are also called **educational tests**.

I.Q. tests measure your child's intelligence and give information about areas where your child has difficulty. A score of 100 means your child has average intelligence. If your child's score is 65 or lower, it may indicate mental retardation. You should be concerned about your child's development and discuss this at the CPSE meeting.

In addition to the overall score, the psychologist who conducts the test will look at how your child performed on different parts of the test. Different parts of the test help the psychologist identify cognitive areas where your child has difficulty. This analysis of how your child performed on the different parts of the test is usually more important than the overall I.Q. score. Some I.Q. tests that are often used are the Wechsler Preschool and Primary Scale of Intelligence III (WPPSI-III), Stanford-Binet or the Peabody Picture Vocabulary.

Standardized Tests or **Educational Tests** measure a child's achievement in reading, math and spelling. These tests are given to one child at a time. The results show you how your

child's performance compares to other children in the same grade or same age.

The results of the intelligence test and the educational tests might suggest other issues that need to be explored. If needed, the district may also use visual motor tests or a speech and language test. Sometimes, the need for more information about your child becomes clear later on when the results are discussed at the CPSE meeting. (See Appendix C.)

Once the tests are completed, the results will be explained to you by the evaluator who did the testing. The evaluator should meet with you before the CPSE meeting. If this does not happen, ask to have the CPSE meeting moved to a later date so that you can meet with the evaluator to understand your child's test results. Afterwards, think about the test results and other information you have about your child and then organize your concerns before you go to the CPSE meeting. A worksheet in Appendix B can help you organize your concerns and the information that supports your concerns.

The district will notify you of the date and time when the Committee on Preschool Special Education will be meeting to discuss your child. You will meet with staff from the school district. You may bring anyone who knows your child to the meeting such as a caregiver, therapist, family member or an advocate. You should call the person who sent you the letter to tell them whom you are inviting to the meeting.

If your child suffers from diabetes, seizures or has a serious medical condition, then you might want to bring your child's doctor. If you decide to bring your doctor to your meeting, you must send a note to the CPSE chair. You should send the note at least 7 days before the CPSE meeting. This gives the district time to arrange for the school doctor to also attend the meeting. The law requires you to inform them in writing that you are bringing your doctor 72 hours before the meeting. If your doctor can't attend, the doctor can send a letter with information or join the meeting on a speaker phone.

26. What other information will the CPSE consider?

A **Social History** is reported by the parent to a school social worker. The social worker at your child's school will meet with you to find out about your child's development. The social worker will ask questions about your child's history such as questions about your child's delivery and birth and questions about your child's growth and development. The social workers will write a report based on the information that you gave. The report is called a **Social History**. If your child is in a school program, there must be a classroom observation. Teacher reports must be considered.

Any other information that you present can also be considered. This includes your comments about your child and reports from your doctor or another professional. For example, you may want to comment on your child's participation in a child care program to give information about how your child acts in another environment and with other children. Also, if your child is making progress because of a therapist or other program, you should provide information about that program.

27. What happens at the CPSE meeting?

The committee, which includes you, as parent or guardian, will review the evaluation results and discuss your child's educational needs. The committee will decide if your child qualifies to receive services and then determine what services will meet your child's needs.

28. How does the committee decide if my child should receive services?

The committee must first decide if your child has enough skills to be successful in school. If your child has enough skills, then your child will not qualify for help. Under the law, the committee is not required to help your child do his or her very best. Schools may call this **maximizing your child's potential**. The committee also does not have

to address all developmental delays. The committee must only determine if your child needs help to be successful in school.

If your child does not have enough skills to be successful in school, then he or she will qualify for help. Next, the committee uses the evaluations to decide what kind of help needs to be provided.

Listen to the explanations of the evaluations. Add information from what you know about your child. Ask questions if you don't understand what the professionals are saying. If you don't understand their explanation, ask them to explain it in another way. While you are listening to this discussion, ask yourself: does this sound like my child? If it doesn't, explain your point of view. Remember that you are a very important member of this committee.

29. Why do some children get EI services but not CPSE services?

When children move from EI to CPSE, they may lose some or all services. This happens because EI and the CPSE have different purposes.

EI services are interventions. Federal law allows the Early Intervention program to address the needs of children who are not developing typically. Children can be helped even before there is any evidence that their problems might interfere with learning.

But the law requires the CPSE to focus on the needs of children who cannot be successful in school. The CPSE looks at the skills and abilities your child has and compares them to what is expected of typical children of the same age group. It is not focused on your child's general development. Instead, the CPSE must identify problems that your child has which will make it very difficult for your child to learn at school. Help is provided to address those specific problems.

The CPSE uses a *reactive* approach based on facts. This means: if we can find the facts that show a problem which affects learning, then we can make a plan to address the problem.

30. What programs or services will my child receive?

If your child is qualified for services, your child might receive educational services or **related services**. Educational services might be provided by a special education teacher who works with your child at your child's preschool or at home. This teacher is called a **Special Education Itinerant Teacher (SEIT)**. The CPSE decides where the SEIT will work with your child. Education might also be provided through special classes or preschool programs. Preschool programs are sometimes called site-based programs. **Related Services** are services that are not provided by a classroom teacher. They include:

- Speech and language services,
- Occupational therapy,
- Physical therapy,
- Counseling to assist your child to make friends, listen to directions and to handle disappointment in the school setting
- Parent Education (so that parents can help their child practice skills at home), or
- Assistive Technology (the use of equipment to help address your child's needs).

The CPSE creates an **Individualized Education Plan**, commonly referred to as an **IEP**. The plan describes your child's educational needs and the help that will be provided to address those needs so that your child can progress at school. The IEP is a one year plan. Remember, this plan is designed to offer your child a **free and appropriate public education** or **FAPE**.

PLEASE NOTE: The IEP is not a guarantee that a student will succeed. No one can predict the success of a plan. Even

good plans sometimes fail. Keep in mind that this plan will be updated and changed throughout the years that your child receives special education services. The plan must be updated at least once a year at a meeting called an **annual review**. When needed, it can be updated more often. This type of meeting is called a **program review**.

Services are not one size fits all. Children with the same disability may need different services because of age, different strengths, or because of the different ways disabilities affect different people.

When looking at your child's needs, it is important to understand what problems he or she is having and what is causing the problem. For example, at Jane's preschool, they often play games. Jane looks clumsy while playing the games. Jane might have a hearing problem that makes it difficult for her to follow instructions. She might also have a problem paying attention for a long period of time. As it turned out, Jane had an entirely different problem. She has a physical disability. Understanding the problem and why it happens will help the CPSE create a plan that meets Jane's needs.

31. Where are these services provided?

Services may be provided in a preschool, Head Start program, child care setting, at home or in a hospital. Whenever possible, the CPSE must provide the services near your home and in a place where there are other children of the same age who do not have disabilities. This is called the **least restrictive environment** or **LRE**.

32. How will my child get to these programs or services?

If your child will be attending a program, then the school district will provide transportation on a bus. If a related service is being provided, you have to bring your child to the service. You can ask the CPSE to reimburse you for transportation costs.

33. How will I know if my child is making progress?

You should talk to your child's teacher and to other people who are giving services to find out if your child is making progress. You should also receive progress reports. All of this information will also be discussed at your child's annual review meeting.

34. What should I do if my child has behavioral issues?

You can ask for a **functional behavioral assessment**. The best person to talk to is the school social worker or school psychologist. You should also make the request in writing to the district's Director of Special Education.

In a functional behavioral assessment, a trained staff person watches your child in the classroom. This person is trying to figure out the purpose of your child's behavior. For example, if a child has difficulty following the teacher's directions when one activity is ending and a new one is beginning, the person observing your child could ask:

Is he having difficulty

- because he doesn't hear or doesn't understand the teacher's directions?
- because he feels uncomfortable when activities are changing?
- because he has trouble interrupting his own work?

Once the purpose of your child's difficult behavior is understood, then a **behavioral intervention plan** is created to *avoid* the problem that causes the behavior and teach a new, acceptable behavior in its place. The behavioral intervention plan is *not* a discipline plan or steps for punishing difficult behavior.

35. What can I do if I don't agree with the CPSE?

If a parent doesn't agree with the IEP plan, there is a procedure to challenge the decision. This process is explained in the Due Process notice. The district must send you this notice when your child is referred to the CPSE for the first time and whenever you request a Program Review. Remember, you can request a Program Review at any time if you feel that the IEP is not benefiting your child. If you have not received the Due Process notice, you can request it from your school district's special education office. Read this document carefully.

36. CPSE serves 3 and 4-year-olds, so what happens when my child turns 5?

Before your child reaches the age of 5, there will be a meeting of the CPSE. At this meeting, the committee, which includes you, will look at your child's progress and decide whether help will still be needed when your child starts Kindergarten. This is called a Transition meeting. It will also include members of the Committee on Special Education (CSE). The CSE is responsible for the education of children ages 5 and older who qualify for special education services. If evaluations are needed for this meeting, you must give written consent so that the evaluations can be done.

At the transition meeting, progress reports from teachers or people who have been providing services to your child will be reviewed. In some districts, the CPSE and CSE then decide together if your child will still need supports and special services when he or she enters Kindergarten. If so, then the CSE chairperson takes over the meeting. It becomes a CSE meeting. In other districts, the CSE chair leads the entire meeting. To understand how this committee works, read the next section called "Services for Children ages 5 and Older".

37. How is special education (CSE) different from EI and CPSE?

Under EI and CPSE, children qualify for help if they have a disability. For services provided under the CSE, a child qualifies for help if she or he has a disability that matches the description in one of thirteen categories listed in the Individuals with Disabilities Education Act (IDEA). When your child is found eligible under one of these categories, this means that your child's needs are a good match to the description of that disability. This is called your child's **classification**. (See Appendix C.)

Student Advocacy Success Story



Anthony has had a tough time. When he was young, he saw his younger brother get killed by a car. Later, he was bullied at school. These events and others took an emotional toll: Anthony stopped going to school.

With help from the Committee on Special Education and Student Advocacy, he returned to school. He became a Westchester scholar and a recipient of Student Advocacy's Overcoming the Odds Award. He is now doing well in college.

4

Services for Children Ages 5 to 21 [and Older]

38. What is the Committee on Special Education (CSE)?

The Committee on Special Education is responsible for the education of children ages 5 and older who qualify for special education services. This committee must make sure that these children receive a **free and appropriate public education** or **FAPE**.

39. Who is on the CSE?

The CSE is made up of staff from your school district, another parent from the school district who has a disabled child (called a parent member) and YOU! You may also bring other people who have knowledge of your child. You may bring an advocate or an attorney. (See the last page for help on finding services in your community.) When a meeting is scheduled, you will receive a letter telling you the time and place of the meeting. Call the person who sent the letter to tell them who you have invited to the meeting.

The head of the committee is called the CSE Chair, who is a staff member from the school district. The committee should include:

- an administrator who knows the special education services in your district and can make decisions;

- a psychologist who can explain the evaluations of your child done at school;
- any other specialist who evaluated your child;
- a regular teacher who knows your child;
- a special education teacher who may or may not know your child; and
- a parent member who is another parent in your school district who has a child receiving special education services.

Later on, when the CSE has an annual meeting to update your child's IEP called an **Annual Review**, the CSE can be smaller with just an administrator, a regular education teacher if your child has one and a Special Education teacher.

40. How will I know if my child needs special education services?

If your school-age child is having a difficult time in school, he or she may need special education services. For example your child may struggle with the learning process but show no improvement even though he works hard and does his school work. Or your child may do well in her first school years then suddenly begins to have problems keeping up with her work.

Some children begin receiving special education services when they are in elementary school. Others only begin to receive special education services when in middle or high school. You can request help at any time.

If you think your child has a problem in school, talk to your child's teacher. Schools have other supports they can give students besides special education. Ask about **Educationally Related Support Services (ERSS)**, **Academic Intervention Services (AIS)** and **Response to Intervention (RTI)** services. Your school may have different names for these services. You can also ask for a school-based team to consider your concerns about your child. These are often called **Child**

Study Teams or **In-School Support Teams**. When the team meets, your child’s teacher talks to other school staff about your child. The group can suggest other school services that may help your child. Parents are not usually invited to meetings of the Child Study Team. If your attempts to get help are not successful or your child continues to struggle, then you can request services from the Committee on Special Education.

41. How do I ask for special education services for my child?

A request for services may be made by a parent or a guardian. Referrals can also be made by a professional who knows your child such as your doctor or day care provider. But the CSE cannot take action until a parent or guardian gives written permission for evaluation, called **written consent**.

The request or referral must be made in writing to the Director of Special Education in the school district where you live. The letter must include your child’s name and date of birth, and why you believe your child will need help to be successful in school.

42. Can my child receive Special Education services if he or she attends a private or parochial school?

Your child may be able to get some special education services even though your child does not attend a public school. You should make a request or referral in writing to the Director of Special Education in the public school district that serves the area where your child’s private school is located. This is called the **district of location**. Any issues regarding Special Education should be directed to the special education office in the **district of location**.

43. If I make a request or referral, can I change my mind?

Yes. You may withdraw your initial request before any evaluations are done. You can also refuse services when the district asks for your consent for the plan.

44. Can the school district evaluate my child for special education without my consent?

Yes, the district can evaluate your child without your consent. The district must follow specific steps set in the law to evaluate your child without your consent. Even when these evaluations are completed you still are not required by law to accept the services.

Special education law (IDEA) requires a school district to identify children who might be having difficulty learning. For example, a child may be having difficulty learning because of a learning disability or an emotional problem that has not yet been diagnosed. The district *must* help any child who struggles with learning.

This is called **Child Find**.

Remember, your child will not receive the specialized instruction or related services that would be provided if you don't provide your consent once services are offered.

45. How does the Committee on Special Education (CSE) decide if my child qualifies for help?

In order to make this decision, the CSE must learn more about your child's needs. The school district will conduct an evaluation of your child to get more information. The information about your child will be compared to the descriptions of different disabilities in the 13 federal categories used to classify your child. (See # 50.) This information will then be reviewed at an initial CSE meeting. You will be invited to the meeting and the district must make sure that you fully participate at this meeting. The decision about whether or not your child qualifies for help will be made at this meeting.

After the school district receives the request or referral for your child, you will be asked to sign a consent form that gives your permission for the district to evaluate your child. You must sign and return the consent form before any evaluations can be done. If you refuse to sign the consent, the district cannot evaluate your child unless it follows specific legal steps.

Only the parent or legal guardian can give consent for evaluation and it must be in writing. Every time a new evaluation is requested, the parent or legal guardian must give written consent.

After the evaluations are completed, the CSE will meet to decide if your child qualifies for help, which is often referred to as **determining eligibility**. If your child is eligible, the CSE will create an **Individualized Education Plan (IEP)**. You have the right to be an active member of this process and the school must provide this opportunity for you each time an IEP is created. You should attend all meetings about your child's IEP. Your participation will help create the best IEP for your child.

46. What kinds of evaluations are done?

The district will conduct an intelligence test, which is also referred to as an I.Q. test or as a **psychological evaluation**. Depending on your child's issues, specialized tests that measure a child's reading, math and spelling skills may also be given. These are **standardized tests** which are also called **educational tests**.

I.Q. tests measure your child's intelligence and give information about areas where your child has difficulty. A score of 100 means your child has average intelligence. A score of 65 or lower may indicate mental retardation. You should be concerned about your child's development and discuss this at the CSE meeting.

In addition to the overall score, the psychologist who conducts the test will look at how your child performed on different parts of the test. Different parts of the test help the psychologist identify other cognitive areas where your child has difficulty. This analysis of how your child performed on the different parts of the test is usually more important than the overall I.Q. score. An I.Q. test that is often used is the Wechsler Intelligence Scale for Children—Fourth Edition (WISC IV).

Standardized Tests or **Educational Tests** measure a child's achievement in reading, math and spelling. Tests are given to one child at a time. The results show you how your child's performance compares to other children in the same grade or same age.

The results of the intelligence test and the educational tests might suggest other issues that need to be explored. If needed, the district may also use visual motor tests or a speech and language test. Sometimes, the need for more information about your child becomes clear later on when the results are discussed at the CSE meeting. (See Appendix D.)

Once the tests are completed, the results will be explained to you by the evaluator who did the testing. The evaluator should talk to you—before the CSE meeting—to explain the test results. If this does not happen, ask to have the CSE meeting moved to a later date so that you can meet with the evaluator to understand your child's test results. Ask for a copy of the report.

Afterwards, think about the test results and other information you have about your child and then organize your concerns before you go to the CSE meeting. A worksheet in Appendix B can help you organize your concerns and the information that supports them.

The district will notify you of the date and time when the CSE will meet to discuss your child. Staff from the school district will be at the meeting. You can bring anyone who

knows your child to the meeting as well, such as a caregiver, therapist or an advocate.

If your child suffers from diabetes, seizures or has a serious medical condition, you can bring your child's doctor to the meeting. If your doctor can't attend the meeting you can ask him or her to participate by phone.

If you want your doctor to participate, you must send a note to the CSE chair. You should send a written note to the CSE chair seven days before the CSE meeting. This gives the district time to arrange for the school doctor to also attend the meeting. The law requires you to tell them in writing that you are bringing your doctor 72 hours before the meeting.

47. What other information will the CSE consider?

A social worker from the school district will meet with you to find out about your child's development. The social worker will ask questions about your child's history such as questions about your child's delivery and birth and questions about your child's growth and development. The social worker will write a report based on your answers. The report is called a **Social History**.

If your child is already in school, there must be a **classroom observation**. This will be done by the principal, the school social worker or psychologist. That person must send the CSE information about the child's performance in class. Your child's teachers will send reports about your child's progress in their class.

In some districts, the teacher will report on the different teaching methods that work well for your child. These are called **Interventions**. Your child's progress as the result of an intervention will be referred to as his or her **response to intervention**.

If your child is responding well to the interventions, then the district will continue them and your child will not be eli-

gible for Special Education services. If the interventions are not helping your child to progress, then the Special Education process will continue.

Sometimes the teacher's description of your child in class focuses on your child's behavior. If the teacher describes your child as unmotivated or lazy, then you need to ask questions to find out why your child is acting this way. Often, a child looks lazy when there is a problem. Ask questions like these: Could it be that my child doesn't understand the work? Could it be that my child is missing basic skills? Is my child confused? Describe how your child does his or her homework to help the CSE members better understand your child.

Any outside information that you present can be considered. This includes your comments about your child and reports from your doctor or other professionals. For example, you may want to comment on your child's participation in an after-school program or another community activity to give information about how your child acts in another environment.

48. What should I do if I want a private evaluation?

By law, the school district is responsible for doing evaluations. You may bring evaluations done by a private evaluator. The school district can choose to use your evaluations or it can use its own evaluations. Evaluations done by a private evaluator are called **independent educational evaluations** or **IEE**.

The CSE has to consider a private evaluation, but it does not have to accept the results of a private evaluation. If they do not accept the results, then the CSE must explain why.

The district should complete its evaluations before you have your child privately evaluated. If you have a concern about the district's evaluation after you read it, write to the Director of Special Education and ask the district to pay for an

independent educational evaluation. In the letter, explain why you disagree with the district's evaluation. You cannot ask for payment for an independent educational evaluation until after the district completes its own evaluation.

You may want an independent evaluation when you disagree with any of the district's evaluations. You may also want an independent evaluation if you need a specialized test that cannot be done by the district such as a **neuropsychological test**.

If you want a specialized test, you must send a letter to the Director of Special Education requesting the specific type of evaluation to be paid for by the district. If the district agrees to your request, it will give you a list of evaluators. The district must pay evaluators up to a maximum amount set by the district. If you choose someone who is not on the district's list, the district will only pay the maximum amount. You will have to pay the difference. The district will also give you a list of the qualifications an outside evaluator must have. If you want the district to pay for an IEE, be sure to get the district's approval in writing before you have your child evaluated by a private evaluator. If you do not have written approval in advance, the district does not have to pay for it.

If the district doesn't agree to your request for an independent evaluation, it must prove that the district's evaluations meet legal requirements. This process is described in papers that the district must give you called **due process notice**. This is a notice from the New York State Education Department that gives information about your rights including information on independent evaluations.

Parents can pay for their own independent evaluation at any time.

49. What happens at the CSE meeting?

At the CSE meeting the committee (which includes you—as the parent or guardian) will review the test results and discuss your child’s educational issues. The committee will decide if your child is eligible to receive services. Then it will choose the services that will meet your child’s needs. The parent or guardian is part of this committee, and the school district must make an effort to include the parent or guardian.

50. How does the CSE decide if my child can receive services?

The CSE will decide if your child qualifies for help, also called **determining eligibility**. Under the special education law (IDEA), a child must be found eligible for services under one of thirteen categories. When your child is found eligible under one of these categories, this means that your child’s needs are a good match to the description of that disability. The thirteen categories are:

- Autistic
- Deaf
- Deaf-blindness
- Emotionally disabled (ED)
- Hearing Impaired
- Learning disabled (LD)
- Mentally Retarded (MR)
- Multiply Disabled
- Orthopedic Impairment
- Other Health Impaired (OHI)
- Speech or Language Impaired (SI)
- Traumatic brain injured
- Visually Impaired including blindness

The legal definition of and additional information about each disability can be found in fact sheets published by the National Dissemination Center for Children with Disabilities at <http://www.nichcy.org/disabinf.asp#fs19> Each one is also

defined in New York State law and described in state policy. State policy tells schools how to follow the law. These policies are called **Commissioner’s Regulations Part 200**. The definitions from the **Part 200 Regulations** are given in Appendix C.

51. Why do some children who received preschool special education services lose services when they enter Kindergarten?

In preschool special education, the focus is on developing skills that will help your child to be ready to learn, such as listening skills, following directions, or communicating his or her needs. Starting in Kindergarten, the focus shifts from general skills to applying those skills to learn reading, writing, spelling, and math. Special education is the delivery of specialized instruction to allow a child to learn these subjects.

There are two steps to determine if your child qualifies for Special Education services. First, your child must qualify as a child with a disability using one of the 13 categories listed above. To qualify there must be documentation or evidence of the disability, often provided in your child’s evaluation by the school district. Second, the disability must have a negative impact on your child’s ability to learn in school. Together these two steps are often called **determining eligibility**.

Your child may not qualify for special education services when entering Kindergarten because the CPSE services were successful in improving your child’s skills. Or your child may lose services because he or she met the eligibility standards for CPSE but does not meet the eligibility standards for CSE.

52. What programs or services will my child receive?

The **Individualized Education Plan** or **IEP** must be designed to address your child’s needs and enable your child to make educational progress. The IEP lists:

- the services needed,
- who will provide the services,
- where the services will be provided, and
- goals for your child.

Your child's goals can be academic, communication and/or social/behavioral goals.

Academic Goals	relate to reading, writing, study skills, focusing, and test-taking.
Communication Goals	relate to the ability to understand directions and the ability to communicate needs in written and spoken form.
Social/Behavioral Goals	relate to the ability to get along with other students in the classroom, on the bus and the playground, following classroom rules, staying focused and directed, and learning how to ask questions.

You should participate in developing the goals on your child's IEP. As each goal is being discussed, contribute information that you have. The evaluations and reports should be helpful in determining your child's goals so it is important that you understand what the evaluations say about your child. Make sure that you meet with the evaluator to discuss the test results before the CSE meeting. If you cannot meet with the evaluator in person, you should schedule a discussion on the phone so that you can understand the results.

YOUR CHILD'S IEP IS NOT A GUARANTEE THAT A HE OR SHE WILL SUCCEED. No one can predict the success of a plan. Even good plans sometimes fail. However, keep in mind that this plan will be updated and changed several times while your child receives special education services. By law, every student's IEP must be updated annually. The annual meeting of the CSE is called the **Annual Review**.

But if the IEP does not seem to be working, you can request a CSE meeting at any time. You don't have to wait for the annual review. This meeting of the CSE is called a **Program Review**.

Services are not one size fits all. Children with the same disability may have different services because of age, different strengths, or because of the different ways disabilities affect people. It is important to understand what problems your child is having and what is causing the problem. A variety of issues can cause a problem.

For example, Sam often looks out the window when he is in class. Sometimes, he puts his head down on his desk. He often looks like he is not paying attention. Sam might have a hearing problem that makes it difficult for him to follow conversations in class. Sam might also have a problem paying attention for a long period of time. As it turned out, Sam had an entirely different problem. His favorite grandmother recently died and Sam has a difficult time dealing with this loss. Understanding the problem and why it happens will help the CSE create a plan that supports Sam's needs.

53. When will the programs or services start?

The first time that your child is referred to the Committee on Special Education, the school district must follow a specific schedule. Starting from the date that the district receives the signed consent that allows the school district to evaluate your child, the district has 60 school days to complete all of these tasks:

- The evaluation of your child.
- A meeting of the CSE to decide if your child is eligible for services.
- If eligible/qualified, the IEP must be created.
- IEP Services must begin.

Make sure you have proof that you sent the consent form since this is also a record of the start of the process. Keep a copy of the signed consent and the date that you sent it.

If your child already receives special education services and you request a program review, the school district must meet this schedule. Counting from the date that the district receives your written request for a program review, the district has 60 school days to complete all of these tasks:

- Gather data and complete any required evaluations.
- The CSE must meet to develop the IEP.
- Services must begin.

54. Where will special education services be provided?

By federal law children must be educated with their non-disabled peers whenever possible. This requirement is called the **Least Restrictive Environment** or **LRE**. This is an educational decision made by the educators not the parent. At the CSE meeting, the district is required to discuss the range of possible learning environments. Then the district determines which one is the least restrictive environment in which they can provide everything that is listed on your child's IEP. As a parent, you can discuss the placement options but the final decision is made by the educators.

The range of learning environments is wide. The least restrictive environment is a regular education class. The most restrictive environment is home instruction. The district must be able to offer different learning environments starting with the least restrictive and ending with the most restrictive. Each service on the IEP can be delivered in a different place. Here is the range of learning environments which are referred to as **placements**. They are listed from least to most restrictive:

- Regular education class.
- Regular education class with **Related Services** in the classroom such as **Assistive Technology**.
- Regular class with a teacher consultant. The **teacher consultant** is a special education teacher who helps the regular classroom teacher meet the needs of students who have disabilities.

- **Direct Consultation**, which means that a special education teacher works with a child either in the classroom or in a separate location.
- Regular class with time out of the classroom to receive specialized help such as speech and language services. This model is called **pullout services**.
- Regular class with resource room. A resource room is a class of no more than 5 students with a special education teacher.
- **Inclusion** or **collaborative class** where the class is taught by a regular education teacher and a special education teacher working together. The special education teacher may not be in the classroom at all times.
- **Self-contained classroom** where the child remains in the same classroom with the same teacher. The other students in the class are peers who have similar needs. Typical class sizes are 15 students with 1 teacher referred to as a 15:1 class. There are also classes that are 12:1 (12 students with 1 teacher) and 8:1 (8 students with 1 teacher) . Some classes also have a teacher's aide. **A teacher's aide** provides help to students as directed by the teacher. A teacher's aide does not have the qualifications of a teacher. A class with 8 students, 1 teacher and 2 aides would be referred to as an 8:1:2 class.
- **Departmental special education classes** are usually available only in middle or high school. Students are in small classes such as a 15:1, 12:1 or 8:1. The class moves to different teachers for different subjects like the program for any typical student in the school. Class size is smaller than a typical class and students in the class have similar needs.

- Out of District Programs located on a different school campus. If your school district doesn't have a program that will meet your child's needs, the district may send your child to a program outside of the district. Programs outside of your school district may be run by another public school district or by the Board of Cooperative Educational Services (BOCES). These are referred to as **school-based or center-based programs**.

NOTE: Placements listed above are all on a school campus. In these environments, it is possible for your child to have contact with non-disabled students. The placements are called mainstreaming or an integrated setting. Placements listed below are not on a school campus and your child will not have opportunity to be educated with students who are not disabled. Mainstreaming can not occur in the following placements.

- Out of District Programs that are not located at a public school. Out-of-district programs may be run by BOCES and located on a BOCES campus. They may also be run by other state-approved programs. These are referred to as **Center-based programs**. Some of these programs are called Day Treatment programs.
- Residential placements are schools where students live on the school campus; and
- **Home Instruction:** This is the most restrictive placement and is reserved for students who are so medically-fragile that they cannot be moved. A Home Instructor comes to the child's home to teach the child. Sometimes this is also called Home and Hospital.

The services on your child's IEP may be delivered in one or more of these environments. At the CSE meeting, the district is required to discuss the range of possible learning environments. For example, a child might spend most of the day in a regular classroom that has a teacher consultant.

That child might also receive services with a speech therapist outside the classroom a few times per week, which is a pullout service. The district must provide the services on your child's IEP in the **least restrictive environment** where the child can benefit from the instruction. The CSE should discuss less restrictive placements and explain why these are not appropriate for your child.

55. How can I tell if the placement is right for my child?

Ask questions about the different learning environments discussed for your child during the CSE meeting. You can ask:

- Will my child receive services in an integrated or a non-integrated setting? An integrated setting means that all of the children in the class are not special needs students. A non-integrated setting means that all of the children in the class have special needs.
- Do the other children in the class have needs like my child's? (The district can group children from three consecutive grade levels in one class, but the students should have similar academic, behavioral and social needs.) For example, you can ask if the other children are on a similar reading level.
- How will the classroom environment support my child's learning progress?

You can participate in the discussion about the least restrictive environment but the district makes the final decision. If you disagree with their decision, review the information at #57.

56. Where will special education services be provided if my school district can't provide what my child needs?

When a district determines that it is not able to offer a **free, appropriate public education** or **FAPE** within any district program, the CSE will discuss placing your child in an out-of-district program. These may be referred to as out-of-district programs or as out-of-district placements.

If your district decides that your child needs to be placed in an out-of-district program, your district must identify out-of-district programs that offer the services that your child needs. Your school district can only consider out-of-district programs that are on a list that has been approved by the New York State Education Department. You may hear about a program from someone other than district staff. You can suggest it if it is on the state approved list.

Once your district identifies possible out-of-district programs, an information packet about your child is sent to each program. To consider educating your child in their program, program administrators must review the same information presented to the CSE. The CSE will ask for your permission to send out information packets. No packets may be sent until you give written consent.

Once the packets are sent out, you will be invited by the out-of-district program to bring your child in for an interview. The interview is also your chance to see if the program is a good fit for your child. You will not be called unless the program is interested in seeing your child. The out-of-district program may not have an opening or could decide that your child's needs could not be met in their program.

Once your child is accepted by a program, you and the CSE will be notified. If more than one program agrees to take your child, the CSE will usually follow your choice. But if only one program accepts your child, you do not get more choices.

57. What can I do if I disagree with the CSE?

If you don't agree with the IEP plan, there are procedures to challenge the decision. These include mediation, an impartial hearing, a complaint, an appeal or civil action. Keep in mind that these will take time. The Due Process notice, also called Procedural Safeguards notice, describes these rights. The district must send you this notice when your

child is referred to the CSE for the first time and whenever you request a Program Review. Remember that you can request a Program Review at any time if you feel that the IEP is not benefiting your child.

If you have not received this notice, you can request it from your school district's special education office or get it online at <http://www.vesid.nysed.gov/specialed/publications/policy/psgn807.doc>. Read this document carefully.

58. Can I request an emergency special education meeting?

Once your child is receiving special education services, there are only two types of CSE meetings that you can request—a Program Review or an Annual Review. There are no meetings called emergency meetings. So if your child is not succeeding in school, you can request a Program Review.

When you request the meeting, you can ask to meet as soon as possible. But the CSE only has to meet within a reasonable amount of time, not immediately.

Even if the district can meet quickly, it is supposed to give you 5 day notification which means it should send a letter at least 5 days before a meeting to tell you the date and time of a meeting. To meet earlier, you must agree to skip the 5 day notification.

59. How will my child get to school?

If your child is sent to a program in the district, transportation will be provided in the same way that other children in the district are transported. If the CSE decides that your child needs special transportation, it will be included on the IEP in the section on related services.

If your child is attending an out-of-district placement, transportation will be arranged by your district according to the transportation plan on your child's IEP.

60. How will I know if my child is making progress?

To find out if your child is making progress, you can ask for a meeting with your child's teacher(s) at any time. You should also receive a report card. Every school district has its own schedule for sending out report cards. Report cards are usually sent four times each year.

When you receive the report card, you should also receive a progress report showing your child's progress towards the goals on his or her IEP. Each year, there will also be a CSE meeting called an Annual Review. Your child's progress during the past year will be reviewed at this meeting.

61. Can I observe my child at school?

Your child's school district makes its own rules about parent observations. Check with your district's office of Pupil Personnel to find out the district's policy.

62. How long will my child receive special education services?

Your child should continue to receive special education services as long as services are needed. This is decided by the CSE. Remember, you are a member of this committee.

Your child's eligibility for special education services is reviewed every year at a CSE meeting called an Annual Review. Once it is agreed that your child remains eligible for special education services, the IEP is updated at this meeting.

If your child was already receiving services and you refuse to give consent for new services, then the school district will continue to give the services listed on the last plan.

An IEP does not apply to education after high school. However, your child can apply for a 504 plan in college. (See #65.)

63. Will the CSE help my child prepare to leave high school?

Your child's IEP includes a transition plan. This plan covers instruction, related services, and development of employment, college planning, planning for other types of education, and planning for adult living. The plan will also list who will give each of these services.

The transition plan should be added to your child's IEP by the time your child turns age 15. You can begin planning earlier. If your child will continue to need a guardian when he or she reaches 18, you should contact an attorney to discuss guardianship. If you do not establish guardianship, then your child becomes the decision maker at age 18. Your district should send you a letter telling you that your child becomes the decision maker at age 18 unless you get guardianship. You should receive this letter before your child's 18th birthday. You and your child should also think about where your child will live as an adult, additional education, employment options and his or her social life.

People with disabilities can get help after high school. In fact, you should contact the following agencies at least a year before you will need help to find out how to register your child for services.

VESID This is the N.Y.S. Education Department's Office of **Vocational and Educational Services for Individuals with Disabilities**. VESID offers Vocational Rehabilitation Services to help people with disabilities prepare for and find a job. VESID also supports Independent Living Centers which help people with disabilities to live more independently in their communities. There are two independent living centers in Westchester: Westchester Independent Living Center can be reached at (914) 682-3926. Westchester Disabled on the Move can be reached at (914) 968-4717. For a list of other Independent Living Centers in New York State, go to: <http://www.vesid.nysed.gov/lsn/ilc/locations.htm>.

OMRDD This is the N.Y.S. **Office of Mental Retardation and Developmental Disabilities**. If your child has a developmental disability (mental retardation, cerebral palsy, epilepsy, autism, familial dysautonomia or other neurological impairment) he or she may be eligible for services from OMRDD. This office plans, administers and provides services for N.Y. citizens with developmental disabilities and their families. Family Support Services, such as **respite**, and recreation are available to children under 21. [Respite services offer a short rest for either a child or a family such as an after school recreation program or a weekend care program that gives caregivers a rest.]

After age 21, your child may also be eligible for day programs, supported work and/or residential programs. To use OMRDD services, you must go through the eligibility process. You will need copies of your child's IEP and psychological evaluations. To learn more, call (866) 946-9733 or go to <http://www.omr.state.ny.us>.

64. Can my child get a regular high school diploma even if she or he received special education services?

Your child can earn a high school diploma even if she or he received special education services. This could be a local diploma or a Regents diploma. These have different requirements which are set in state law. Some special education students, who are unable to earn a high school diploma, are given an IEP diploma. An IEP diploma is not equal to a high school diploma. Your child's IEP will list the diploma that your child will earn.

Your child's right to attend school ends when your child earns a Regents or Local diploma. A student can continue to work towards a high school diploma through the school year in which he or she turns 21 even after receiving an IEP diploma. Here are some examples of ways students can get a diploma and further education:

Amy earned an IEP diploma when she was 18. She participated in the graduation ceremony but she does not have a regular high school diploma. Amy still needed more education to get the skills she needs to get a job. She has the right to go back to public school until the end of the school year in which she turns 21 to improve her skills.

Raul is almost 18. The school asked if he wants to graduate. Since Raul will earn an IEP diploma, he can graduate with an IEP diploma but continue going to school through the end of the year in which he turns 21.

George is a special education student who has completed all of the requirements for a high school diploma. George can no longer stay in school; he must graduate.

5

Help for Students Who Do Not Need Special Instruction: 504 Plans

65. What is a 504 Plan?

Section 504 of the Rehabilitation Act of 1973 is part of a national civil rights law. Its purpose is to make sure that students with physical or mental disabilities will receive specific supports and services that will help them fully participate at school. Students who qualify receive accommodations that are described in a plan called a **504 plan**. Students who receive special education services do not qualify for a 504 Plan.

66. What is an accommodation?

An **accommodation** is a change in the school environment which allows the child to fully participate in all aspects of the school experience. Accommodations should allow your child to receive a **Free Appropriate Public Education (FAPE)**.

There are simple accommodations like receiving text books in large print, taking a test in a separate place or getting extended time for tests. There are accommodations that involve technology or equipment. There is no limit to what the accommodation can be. But an accommodation is not specialized instruction provided by a specially trained teacher.

67. Who gets help under 504?

A student qualifies for help under 504 if the student meets all three of these criteria:

1. The student is between the ages of 3 and 22;
2. The student has a disability, long-term illness or disorder; and
3. The disability, long-term illness or disorder substantially limits a major life activity such as breathing, walking, seeing, speaking, thinking, learning, concentrating, interacting with others, manual tasks or self-care.

A student may qualify for a 504 plan even if the condition does not affect learning. For example, a child with Cerebral Palsy who uses arm braces may need a plan that will make sure that she can move through the building safely. Another example is a child who needs to receive medication during the school day.

There is no list of disabilities or impairments that are covered by Section 504. The disability or impairment could be visible or hidden such as diabetes, attention problems, epilepsy, allergies, auditory processing problems, bi-polar disorder or heart disease. A student who is actively using drugs or alcohol will not qualify. A student with a disability or impairment does not automatically qualify for a 504 plan.

The disability or impairment must “substantially limit one or more major life activities.” If the “substantial limitation” can be corrected, say if a child wears glasses, then the child does not qualify under Section 504. The law does not define “substantial limitation.” The school district will determine if your child’s disability qualifies as a substantial limitation.

A temporary impairment – such as a broken leg or Lyme’s disease – that results in a substantial limitation of a major life activity can qualify a student for services under Section 504. Services should continue as long as the impairment exists.

68. What is a 504 Coordinator?

Each school district is required to have a person who is responsible for helping students who need a 504 plan. This person is called the **504 Coordinator**. In some school districts, the same staff person serves as both the 504 Coordinator and the director of Special Education. In others, they have different people for each position. Your school district should give you information about the 504 process including the name of the 504 Coordinator.

69. How will I know if my child needs a 504 plan?

Here are some examples of behaviors that you may want to discuss with your child's teacher:

- Your child takes hours to complete homework that the teacher says should be completed in 20 minutes.
- Your child has a pattern of missed school days due to sore throats, headaches, or stomach aches that may be caused by a chronic condition such as allergies, asthma or chronic fatigue syndrome.
- Your child knows the material but keeps failing tests because he or she cannot focus.
- Your child has a pattern of forgetting homework assignments, failing to write down assignments or leaving books needed for homework at school.
- Your child is struggling at school.

If the problem continues after you talk to the teacher, you can ask to meet with your school's **child study team**. If the problem still continues and it is due to a physical or mental condition, then you can refer your child to the 504 Coordinator.

70. How do I ask for a 504 plan for my child?

To ask for a 504 plan, you make a request in writing, called a referral, to the 504 Coordinator. You can find the name of the 504 Coordinator by calling your central school district

office or school administration. The letter can be short. Give a short description of your child's problems and ask for a review by the 504 Committee. The 504 Coordinator will then arrange a meeting with a group of people from the school who know your child.

71. What is the 504 Committee?

The **504 Committee** is a group of people from the school. The committee is run by the 504 Coordinator. This committee determines if your child qualifies for help under Section 504 and then creates a 504 Plan. In some districts, the 504 Committee and Committee on Special Education have the same members. You are a member of the 504 Committee.

72. How does the 504 Committee decide if my child qualifies for help?

To decide if your child qualifies for help, the 504 Committee reviews information about your child:

- The committee may want to have your child evaluated to get this information. You must sign a consent form before the evaluation will be conducted. The evaluation could be done before the first 504 Committee meeting or after the first meeting where your concerns are discussed.
- You can bring medical reports on your child's problem.
- You can present your own observations about your child's struggles with schoolwork. Stay focused on your child's school work and lack of success.
- The committee will review your child's school records to get information from his teachers.

After the evaluations are completed, a 504 Meeting will be held to decide if the child qualifies for help. If your child qualifies, the 504 Committee decides what accommodations are reasonable. You should be part of this meeting.

73. What kinds of evaluations are done for the 504 meeting?

The law does not require specific evaluations but it does require schools to consider several different sources of information about your child. The 504 Committee can look at many different sources of information such as your child's grades, your child's performance on state tests, teacher's reports, attendance records, health records, information from other agencies or from your child's doctor. The 504 Committee may or may not need additional evaluations. No evaluations can take place without your written consent.

74. What happens at a 504 meeting?

All the people at the meeting will discuss what they know about your child. You can also give information. They will discuss issues that you are concerned about and can also discuss issues that school staff is concerned about.

75. How does the 504 committee decide if my child gets help?

At the meeting, the 504 committee will decide if your child qualifies for a 504 plan by answering these questions:

- Does your child have a physical or mental impairment?
- Does it have a big impact on your child's participation in school? In the law, this is called a **substantial impact**.
- Does the child's problem require more than accommodations? An accommodation is a change in the school environment which allows the child to fully participate in all aspects of the school experience. An accommodation is not specialized instruction provided by a specially trained teacher.

If your child's problem requires specialized instruction by a specially trained teacher, then your child will be referred to the Committee on Special Education. If the information presented shows that your child has a physical or mental

impairment AND that the impairment is having a big impact on your child's participation in school, then your child may get a 504 plan.

76. What accommodations will my child receive?

The accommodations that your child receives depend on your child's needs. Each 504 plan provides reasonable accommodations for a specific child. Depending on your child's needs, your child could receive accommodations like special transportation, help moving through the school building, special treatment in a physical education class, medical services during the school day, or extra time to complete tasks.

The accommodations given depend on the needs that are documented in the evaluations of your child. The accommodations do not need to be high-tech equipment. If a simple adjustment works, this is a reasonable **accommodation**.

77. How long will 504 accommodations be available to my child?

The 504 Plan for your child is reviewed each year. Each time the 504 Committee meets, they will review your child's eligibility for the next school year. If your child still has an impairment that has a big impact on your child's participation in school, your child will continue to receive the 504 accommodations.

A 504 Plan is not a guarantee of success. A 504 plan should provide your child with an equal opportunity to succeed in school as compared to students who are not disabled.

504 protections can continue if your child attends college. Your child must apply for a 504 plan at his or her college. A student who has never had a 504 plan can also apply for a 504 plan for the first time in college if a physical or mental impairment develops.

78. Can a student have a 504 Plan and an IEP?

No, your child cannot have both.

6

Special Needs Students and School Discipline

79. How do schools expect students to behave?

Your school district has a code of conduct which describes how your child is expected to behave. All school districts have codes of conduct which must be printed and given to every student each year. If your child has not received a copy of the code of conduct, request one from the principal and review it with your child immediately. You should sit down with your child and read the code of conduct together. You should also try to explain it using terms and examples that your child will understand.

Be aware that all students are expected to follow the code of conduct. Schools can respond to problems that occur off-campus that might cause a problem when students are at school. For example, if the school bans fighting, a student who gets into a fight with another student on or off-campus may be disciplined at school, especially if the incident occurred at a school-sponsored event. Bullying or harassing other students is prohibited including harassment that occurs through email, text messaging, phone messages, or mail even if it was sent outside of school.

80. How are students disciplined?

Schools discipline students in many ways. When students break less serious rules, a student might be called to the principal's office for a discussion or a student might receive an in-school suspension. An in-school suspension means that the student goes to a room in the school for students who are on in-school suspension instead of going to class.

When students break more serious rules, the student may be suspended which means that the student is not allowed to attend any classes and that the student cannot go on school grounds. Under New York State Education Law, schools can suspend a student "who is insubordinate or disorderly or violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others."

The law has rules about suspensions that last from 1 to 5 days, called a short-term or **Principal's Suspension**. As the name suggests, a short-term suspension can only be given by a school principal.

The law also has rules about suspensions that last for more than five days called a long-term or **Superintendent's Suspension**. As the name suggests, a long-term suspension can only be given by the school district's superintendent. A Superintendent's suspension can last from six days to more than a year.

81. What is a Principal's Suspension?

Any child may be suspended for one to five days by a principal. If this happens, the school must follow these rules:

- By law, the principal has 24 hours after the decision is made to tell the parent. The principal should call the parent, if possible, on the day of the suspension. On the day of the suspension, parents should also receive a letter from the principal explaining why their child was suspended. The letter should also give the date when the suspension starts and the date when the child can return

to school. The letter should also explain that you have a right to meet with the principal to discuss what happened.

- During the suspension, the student is not allowed to attend school or be on school grounds unless accompanied by a parent. If the student plans to come on campus with a parent, it is best to call ahead and alert the school principal to avoid any problems.
- Parents and their child can meet with the principal to discuss what happened. The child can give his or her side of the story. Parents can question if the suspension is the best way to handle the problem.
- Parents can also write a note about the problem and send it to the principal to be kept in your child's school records. Your point of view about the problem will now be part of your child's school records.
- During the suspension, the school district must provide instruction every day for your child in a local place such as the library or in the child's home if your child is of compulsory school age. This is called **Home Instruction**.
- Your child is of compulsory school age between the time your child turns 6 through the school year in which your child turns 16. [Each school district has the choice to set the compulsory school age to age 17. Check your school district's policy.]
- Any time that the school principal suggests that a child stay out of school even for part of a day, this is considered a suspension. All of the rules listed here about suspension must be followed.

82. What is a Superintendent's Suspension?

If a school is considering suspending your child for more than five days, then the Superintendent must be in charge of the process. If your child is found guilty, the suspension can last from six days to a year.

Because there is the risk of such a long suspension from school, you should read this entire section carefully and get legal representation when your child faces a superintendent's suspension.

The Superintendent must follow these steps:

- A letter from the Superintendent must be sent to you which explains the charge(s) against your child. It will also tell you the time and date when the Superintendent will hold a hearing about this problem. You should receive this letter before the date that the hearing is scheduled. The letter must also explain your rights.
- The school district must explain your right to legal representation, which means that you can ask an attorney to represent your child at the Superintendent's Hearing. The district must also provide you with a list of free legal services.
- Since the Superintendent can suspend your child for more than a year, Student Advocacy recommends that you find an attorney who can go with you and represent your child at the Superintendent's Hearing.
- You can request a meeting with the principal which must occur before the Superintendent's Hearing. A principal can withdraw the suspension.
- The Superintendent, or someone chosen by the Superintendent, will hold a hearing called a Superintendent's Hearing. The Superintendent or the designated person is called the Hearing Officer. At this hearing, witnesses testify under oath and the hearing is recorded.
- You and your child must attend the Superintendent's Hearing.
- In some cases, the problem at school could result in a suspension from school and a juvenile delinquency charge to court. Testimony under oath at the Superintendent's hearing can be used in court against your child. If your

child testifies at the hearing, anything he says can be used against him in a court of law. For this reason, it may not be a good idea for your child to testify at the hearing. Your lawyer can give you advice about this.

- At the Superintendent's hearing, the school district will present witnesses and you have the right to question them. You can also bring witnesses to support your child. The school district has a right to question your witnesses. You can also present other evidence to support your child.
- At the end of the hearing, the Hearing Officer decides if your child is guilty or not. If your child is guilty and the Hearing Officer is the Superintendent, then he or she will decide your child's penalty. If your child is guilty and the Hearing Officer is not the Superintendent, he or she will recommend a penalty to the Superintendent. The Superintendent makes the final decision.
- The Superintendent's decision must be stated in a letter that is sent to the parents after the hearing.
- Please be aware that your child's entire school history can be considered by the Superintendent when setting the penalty. A first offense may be treated lightly while a repeat offender will probably get a more serious penalty. To avoid these problems, you should help your child to understand and follow school rules.

83. Can I postpone a Superintendent's Hearing so that I have time to get an attorney?

Yes. You can call the Superintendent's office and ask to have the hearing postponed so that you have time to find an attorney. However, be aware that the school district can keep your child out of school until the hearing if you request a delay.

84. What happens to a special education student who has a Superintendent's suspension?

The district should follow all of the procedures listed under question 82. If your special education child is found guilty, then the school district must follow these additional steps:

- Immediately if possible, but no later than 10 days, a meeting with the CSE should be held. The meeting should include you. You can bring your attorney. You must notify the CSE that your attorney will participate. At the meeting, it will be determined if the behavior that caused the suspension is a manifestation of your child's disability. This means that the behavior is directly caused by your child's disability. This is called a **Manifestation Determination**.
- The CSE meeting to determine manifestation must be held before the Superintendent decides your child's penalty.
- At a Manifestation Determination, there is discussion of the incident, what could have led to that behavior and if this is connected to your child's disability. It is decided on a case-by-case basis.
- If it is decided that your child's behavior is a manifestation of his or her disability, then the CSE can make changes to your child's IEP, create a new Behavioral Intervention Plan, or change your child's school placement. Usually, your child has already been suspended for a few days by the time this meeting occurs. If the incident is directly connected to your child's disability, then there will be no further days of suspension.
- If the incident involved weapons or drugs, the Superintendent can override the decision of the CSE and give the student a suspension of up to 45 school days in an interim alternative educational setting. This is another place where your child can continue to receive services on your child's IEP and continue his or her education. Your child

does not have to receive all of the services on his or her IEP, only those determined to be necessary by the Superintendent and special education staff.

- If it is decided that your child's behavior is not a manifestation of the disability, then the Superintendent decides a penalty in the same way that it is decided for students who are not disabled. The Superintendent's decision must be stated in a letter that is sent to you after the CSE's manifestation determination.

85. What is Home Instruction?

During a suspension, students are not allowed to attend school. However, between the age of 6 and through the school year in which your child turns 16, schools must educate your child. This is referred to as being of **compulsory school age**. If your child is of compulsory school age and is suspended, the school district must provide **Home Instruction**. If your child is a special education student of any age and is suspended, the district must provide Home Instruction.

Home Instruction is provided by an instructor. The district may send an instructor to your home or identify a place in the community, such as a library, where your child can meet with the instructor. The school district is not allowed to just send work home for your child. The law requires your school district to provide one hour of Home Instruction each day for a student in grades 1 through 6 and for two hours of Home Instruction each day for students in grades 7 through 12.

Home Instruction should be provided as soon as possible. If it is not offered right away, you should ask for it. If Home Instruction does not begin right away, you can ask the district to make up the time. You would write to the Superintendent and ask for **compensatory time**.

Home Instruction counts as school attendance. If you refuse home instruction or your child does not attend, then your child is considered illegally absent from school.

86. Can Special Education students be suspended for more than 10 days?

Your child's IEP is a plan describing how the district will educate your child. The IEP is a plan to provide educational benefits to your child. If your child is suspended for 10 or more days within a month, this may suggest that the IEP is not meeting your child's needs.

Short term suspensions that add up to 10 or more days and which occur within a short period of time or a Superintendent's suspension of more than 10 days triggers the need for a CSE meeting. The CSE must meet because the suspension could be considered a change of placement, which can only be done by the CSE.

In order to give the CSE time to meet and develop a new IEP for your child, a referral to the CSE should be made well before he or she gets close to reaching 10 days of suspension. The 10 days do not have to be in a row but they do have to occur within a short period of time.

87. What if I want to challenge the Superintendent's decision?

Once you receive the Superintendent's decision in writing, you have a right to appeal the decision. You can get information about how to do an appeal at <http://www.vesid.nysed.gov/specialed/quality/qaresolv.htm>.

You can also seek the advice of an attorney. The appeal must be completed within 30 days and you should begin the process immediately.

7

Advocating for Your Child

88. How can I help my child succeed in school?

You should be involved in your child's school throughout his or her education. There are many ways to get to know your school better:

- attend parent-teacher conferences,
- chaperone class trips,
- attend 'Back-to-School' programs or other programs for parents, and
- participate in the **Parent-Teacher Association (PTA)** or the **Special Education Parent-Teacher Association (SEPTA)**.

As you participate in these activities, you gain a better understanding of the way things work in your school and you get to know key administrators who will be responsible for implementing your child's IEP.

You can meet with your child's teacher upon request to discuss particular concerns. Don't wait if your child's special education services are not working. Request a **Program Review** to discuss your concerns. Your request must be in writing and is sent to the chairperson of the CSE.

89. I'm not an expert so why should I be involved?

You are an expert about your child. You know your child better than anyone else. The school needs your help because the most important factor in getting the right services for your child is to have really good information about your child. Also, it is valuable for your child's teachers to see that you are making an effort to help your child. When you don't attend meetings, teachers may assume you don't care about your child or that a problem your child has at school is caused by a problem at home. Just being at the meeting will let teachers know that you care about your child and that your child has support at home.

You can get involved slowly. First, make sure to attend all CSE, CPSE, EI and/or 504 meetings. You can just listen. You will learn what is being discussed about your child. Ask questions. Don't be afraid to ask school staff to explain a term or an idea. Your question can help the discussion.

As you listen to discussions about your child, ask yourself if the comments and reports are a good description of your child. When you have a different picture of your child, say so gently. For example, if someone comments that your child isn't motivated but you think your child is well motivated, you could say: "I'm surprised to hear you say that. That doesn't sound like Linda. At home, she really makes an effort to help and do her chores. Sometimes, she has difficulty following my directions but she always wants to help." School staff are trying to understand your child's needs so you have very important information to contribute.

90. How can I be an effective advocate for my child?

Effective advocacy comes from:

- Understanding the special education system;
- Keeping organized and clear documentation of your child's needs and strengths;

- Staying focused on your child's needs rather than past problems;
- Listening carefully with an open mind;
- Assuming the staff wants to work with you to help your child succeed in school; and
- Making sure that you are talking about your concern to the person who has responsibility and authority to deal with it.

Here are some general guidelines about who to talk to when you have concerns.

- If your concern is about the implementation of the IEP, you should first talk to your child's teacher or the person providing the service. If you don't get satisfaction and still have a concern, then you should talk to your child's principal.
- Changes to the IEP must be made by the Committee on Special Education. Write a letter to the CSE chairperson to request a **Program Review**.
- If your concern is about transportation services that are listed on your child's IEP, write a letter to the CSE chairperson to request a meeting. For other transportation problems, contact the transportation office in your school district.

The earlier parts of this book gave information to help you gain a better understanding of the special education system. This section will help you focus on your role.

91. How can I make sure that my child gets the right services?

Your job is to make sure that your child gets the services and supports that your child needs to be successful in school. As you have learned, this depends on a plan that truly meets your child's needs. Good planning happens

when people work together, sharing and building on each other's ideas. So the first step in helping to create a good plan for your child is to set a positive tone for good planning.

You can help people understand your child better or see your child's behavior in a new way. To be an effective partner, you also need to learn about school policies and practices. Ask as many questions as you need to so that you can understand information that is being presented or decisions that are being made. Try to participate in discussions to make the picture of your child clearer without attacking another person's point of view. You don't have to be angry or demanding to get the right services for your child. In fact, being an angry, demanding parent shifts the focus away from your child and undermines the teamwork needed for good planning.

92. How can I help create a clearer picture of my child's needs?

Plan on keeping track of your child's participation in special education by creating a book about your child. Keep good records including your child's report cards, progress reports, IEPs, copies of evaluations, letters to and from the school district and notes of conversations. You can also include teacher's notes about your child's successes or teacher's concerns. You can include your own observations and samples of your child's school work.

At school meetings, listen carefully and take notes. Ask for explanations of any comments that you don't understand. At the end of the meeting, summarize what was decided.

After meetings, send a polite letter to thank the person for helping you and to note the decisions that were made. List who will be responsible, what will happen and the deadline. Follow-up letters are very important. They document what happened and give everyone a chance to correct misunderstandings or address issues that were forgotten or missed.

You can record meetings but you will probably undermine trust if you do so. If you decide to use a tape recorder, you should tell the CSE chair before the meeting.

93. Should I include my own observations about my child?

Adding your own observations is very helpful. Your observations will be more valuable if you describe problems rather than name a problem. Provide information, not emotion. For example, instead of saying 'Anita and I are so frustrated with her homework,' offer a more detailed description:

'Anita usually spends three or more hours on homework even though she is only in the fourth grade. She doesn't waste time; she really tries to focus on the work. Reading and writing assignments are not hard for her but math assignments take a very long time.'

This description provides much more information about what needs to be addressed.

When other people are discussing your child at meetings, think about what you can add to make a more complete picture of your child. If a behavior at school reminds you of a behavior at home, add your experience to the discussion. If a description of your child doesn't sound like your child, add your thoughts to the discussion.

94. How can I contribute to the creation of the IEP or 504 plan for my child?

Make sure that the plan builds on strengths and addresses needs. Keeping this balance can be challenging when new services are being added to your child's school day. But it is important to balance services so that your child has:

- A. time during the day to build on his or her strengths and feel successful; and
- B. time during the day to get help with areas where he or she is struggling.

For example, if your child is struggling and the one highlight of the day is gym, don't take away gym class to provide remedial services.

Make sure the plan is likely to have your child's cooperation. Placement in a program that the child fears is not a good idea.

Involve older children in the creation of the plan. Anyone over 12 years of age should be able to take part in at least some of a CSE or 504 meeting.

95. Can a meeting be held without me?

A meeting of the CSE, the 504 Committee or a Superintendent's suspension hearing should include you. The district must make a good effort to give you the chance to attend. If a meeting is scheduled and the district tells you about the meeting in a letter or phone call, then you should either attend or call to request that the meeting be postponed. Otherwise the district can hold the meeting without you.

96. Should I bring anyone to my meetings?

If there is a Superintendent's suspension hearing for your child, you should have an attorney who knows education law. Since your child could be suspended for a long time, it is important to have an attorney.

If you bring another person to other school meetings, choose that person carefully. A person who can help you to stay calm or who has information about your child can be helpful. A person who will be angry or threatening will probably not be helpful.

97. How will I know that the services are being provided?

If you have questions about the services being provided, you can ask the principal in your child's school or the special education coordinator in the child's building. Particularly when new services are scheduled to begin, you should keep track of the day when services start. There can always be delays when a new staff member is being hired or interruptions due to staff illness. But if a new service has not started according to the schedule discussed at the CSE meeting, you may want to check in with the CSE chair.

If a service is interrupted by a long-term staff absence or leave, you should contact the CSE chair to find out how this service will be provided to your child.

98. What should I do if my child is not making progress?

First, meet with your child's teacher or the person providing a service to your child to discuss your concerns. Ask the teacher if he or she sees your child making progress. Ask for some specific examples.

If you are still concerned about your child's progress, write a letter to the CSE chair asking for a **Program Review**.

99. How do I prepare for meetings?

A written meeting notice will be sent to you. The meeting notice must state the purpose of the meeting. In addition, always make sure that you have all of the following information before you go to a meeting about your child:

- Time, date and place of the meeting;
- Participants: Who will be attending?;
- Purpose of the meeting;
- Decisions that need to be made at the meeting; and
- Information that will be considered.

Appendix B has worksheets that you can use to organize your thoughts and the information that you have about your child before going to a CSE meeting.

If you would have difficulty following the discussion in English, you can request a translator before the meeting. When you receive a notice that gives the schedule for a meeting, call the person who sent the letter and request a translator.

One very important meeting is your child's **Annual Review**. By law, every student's IEP must be updated annually. This meeting of the CSE is called the Annual Review. The meeting is held for several reasons:

- to review your child's progress over the past year;
- to determine if your child still needs specialized instruction;
- to review if and how your child's needs have changed; and
- to create a plan of service for the coming year.

All of this information is considered in the review so that changes can be changed if needed.

To prepare for the Annual Review meeting, review the goals on your child's IEP. Then check the information that you have received over the course of the past year about your child's progress on these goals. Identify areas where your child has progressed and areas where your child still needs more help. Consider some of the new challenges your child may face in the next year.

For example, after the third grade, elementary students are expected to work more independently. Another challenge begins in middle school when students will have to be much better organized since they will now have a different teacher for each subject. Try to imagine your child in this new setting so that you can help identify what will be challenging for your child. The parent worksheet in Appendix B will help you organize your thoughts and information.

100. When I feel frustrated, how can I be an effective advocate?

It is very important to listen with an open mind to what each party is saying and then ask questions calmly. Listening means much more than waiting for your turn to speak. It means making an effort to understand the other person's point of view.

Keep in mind that the law dictates what the District must do and how it can be done.

Don't jump to conclusions. If you do not understand the reason why things are done a certain way, ask the CSE chair to explain. Explain your expectations for your child and ask if these are realistic. Explain your expectations for special education services and ask if these are realistic.

It is very important to listen with an open mind to what each party is saying and then ask questions calmly. If a decision is made that you disagree with or are uncomfortable with, ask more questions. Ask why this decision is being made. Ask why this decision makes sense for your child.

At any time, if you have a nagging feeling that you didn't get enough information or that the information didn't make sense, then ask to see the supervisor of the person you are talking to. Sometimes school staff give information that they think is right but the information may be wrong. If you have a nagging feeling, check the information with a supervisor.

If you want to check information with someone outside your school district or get additional help, you can contact the STATE REGIONAL ASSOCIATE. These are local representatives of the N.Y.S. Education Department's Vocational and Educational Services for Individuals with Disabilities (VESID).

New York State Education Department also funds the EARLY CHILDHOOD DIRECTION CENTERS throughout New York State which can provide information about Early Intervention and Preschool Special Education.

The Department also supports SPECIAL EDUCATION PARENT CENTERS which provide information and technical assistance. Parents can also file a complaint to the New York State Education Department's VESID office. See <http://www.vesid.nysed.gov/specialed/quality/qaresolv.htm>

You may also be able to get help from local advocacy groups like STUDENT ADVOCACY. Student Advocacy provides services throughout Westchester and Putnam Counties in New York State. To request help from Student Advocacy, call 914.347.3313.

101. Can my special needs child be successful?

Young people with disabilities can be successful students. They can go on to graduate from high school or earn an IEP diploma. They can gain skills that allow them to be successful in college and/or participate in the community more fully. They can be productive and happy adults.

Student Advocacy Success Story

Corey was diagnosed with autism when he was 5 years old. In 2009, he graduated from high school.

He's in college now studying to fight cyber-crimes.



APPENDIX A

Glossary of Terms

Words that are listed in the Glossary are in bold in the text. The Glossary gives the definition of the term.

504 Committee The 504 Committee is a group of people from the school that a) determines if your child qualifies for help under Section 504 and then b) creates a 504 Plan. In some districts, the 504 Committee and Committee on Special Education have the same members.

504 Coordinator Each school district is required to have a person who is responsible for helping students who need a 504 plan. This person is called the 504 Coordinator. The 504 committee is run by the 504 Coordinator.

504 Plan Section 504 of the Rehabilitation Act of 1973 is a national civil rights law. Its purpose is to make sure that students with physical or mental disabilities will receive specific supports and services that will help him or her fully participate at school. Students who qualify receive accommodations that are described in a plan called a 504 plan. Students who have an IEP cannot also have a 504 Plan.

Academic Intervention Services (AIS) These are support services that must be offered to elementary and middle school students who score below grade level on the state assessment tests in English language arts, math, science or social

studies. AIS must also be offered to students who fail a Regents exam required for graduation in English language arts, math, social studies or science and to students receiving bilingual services who do not meet the annual performance assessment.

Accommodation An accommodation is a change in the school environment which allows the child to fully participate in all aspects of the school experience or “receive a free and appropriate education (FAPE).

Adversely Affecting Educational Performance This is the impact of a disability on a child’s education. The child’s disability makes it difficult for him or her to learn, participate in school, behave at school or attend school. A Disability can adversely affect a child’s education even if the child is not failing.

Annual Review This is a meeting of the CPSE or CSE to update your child’s Individualized Education Plan (IEP). The IEP must be updated at least once a year.

Behavioral Intervention Plan This is a plan created for your child to prevent problem behaviors triggered by a disability. It is created to help school staff provide the direction and support your child needs to avoid things that cause him or her to have behavior problems at school and to teach your child behavior that is acceptable at school. This is not a plan for discipline or punishment.

Carryover Activities These are activities that you and your family can do at home with your child that help him or her to use the new skills taught by EI services.

Center-based Programs These are special education programs that are located on a BOCES campus. The Board of Cooperative Educational Services or BOCES [pronounced bo-sees] are specialized school services that are available to many different school districts. Their services may include vocational, technical, alternative and special education programs.

Child Find Special education law (IDEA) requires a school district to identify children who might be having difficulty learning. Child Find are the actions a district takes to identify and help those children.

Child Study Team This is a group of school professionals that meet to help teachers identify school district services that may help a child. In some schools, this is called the In-School Support Team. You can ask your child's teacher or principal to have the Child Study Team consider your concerns about your child.

Classification The Individuals with Disabilities Education Act (IDEA) lists 13 categories that define who is eligible to receive special education. A child, in Kindergarten or older, qualifies for help if she or he has a disability that matches the description in one of the categories. When your child is found eligible under one of these categories, this means that your child's needs are a good match to the description of that disability. This will be your child's classification. See Appendix C, for a list of the 13 categories and their definitions under federal law. Children are not given a classification in the Early Intervention Program or in Preschool Special Education.

Classroom Observation This is a report to the CPSE or CSE about your child's performance in class. It is done by the principal, the school social worker or psychologist.

Cognitive This means the process used for remembering, reasoning, understanding and making decisions.

Collaborative Class This is a class taught by a regular education teacher and a special education teacher working together. The special education teacher may not be in the classroom at all times. This type of class may be called an Inclusion Class or a Collaborative Class.

Commissioner's Regulations - Part 200 These are the policies of the N.Y.S. Commissioner of Education that tells schools how to follow the law.

Committee on Preschool Special Education (CPSE) This committee oversees services for children with disabilities who are three and four years old. The CPSE is part of your local public school district.

Committee on Special Education (CSE) This committee oversees services for children with disabilities between the ages of five and twenty-one. The CSE is part of your local public school district.

Compensatory Time When school services including Home Instruction or services on an IEP or 504 Plan are not provided, you can ask for the district to make up the time. To request compensatory time for IEP services, contact the Director of Special Education. To request compensatory time for 504 services, contact the 504 Coordinator. To request compensatory time for Home Instruction, contact the Superintendent of your school district.

Compulsory School Age In New York State, children must attend school and schools must provide an education to children between the age of 6 and through the end of the school year in which the child turns 16.

Departmental This is when classes are taught by different teachers for different subjects. For example, a student attends a science class taught by a science teacher.

Determining Eligibility This is a discussion at the CSE meeting to decide if your child qualifies for help. It includes a review of the facts about your child that could include the psychological evaluation, social history, educational tests, report cards, and teacher observations. After reviewing the facts, the committee will decide if there is evidence that your child's needs match one of the IDEA classifications. If your child is eligible, he or she will receive special education services. If your child is not eligible, the district cannot provide special education services.

Developmental Delay This means the child has not learned the skill according to the typical timeline of child development.

Developmental Milestone These are different skills that your child should meet by a given age. For example, most babies learn to sit by the time the baby is six months old. To see a chart showing key developmental milestones for each age, go to <http://www.cdc.gov/ncbddd/actearly/milestones/index.html>.

Direct Consultation This is when a special education teacher works with your child either in the classroom or in a separate location.

District of Location If your child is attending a private or parochial school and needs special education services, you may request them from the District of Location. The District of Location is the public school district that serves the area where the private school is located.

Due Process These are the steps required by law that must be followed to make sure that the process used by the Committee on Special Education is fair and that your rights are upheld. These steps are described in written materials called Due Process Notice.

Due Process Notice This is a notice from the New York State Education Department that gives information about your rights regarding: confidentiality, reimbursement for placement of a child by a parent in a private school, independent evaluations, discipline procedures for students with disabilities, and other steps you can take when you disagree with the actions of the Committee on Special Education. These other steps include mediation, impartial hearing, state complaint and civil action. For the full text, see <http://www.vesid.nysed.gov/specialed/publications/policy/psgn807.doc>.

Early Intervention Official (EIO) This is a county employee who runs the county's Early Intervention Program. In New

York State, this employee is part of each county's Health Department. To contact the Early Intervention program in the Westchester County Health Department, call 914 813-5094. For a list of Early Intervention Officials in other counties throughout New York State, go to: http://www.health.state.ny.us/community/infants_children/early_intervention/county_eip.htm

Early Intervention (EI) Early Intervention serves children with developmental delays and/or disabilities who are under age 3. It is administered through the local county Health Department.

Educational Disability A disability that makes it difficult for a child to learn or difficult for a child to participate in school. A person can also have a disability that doesn't affect learning. For example, a person who is visually impaired and wears glasses has a disability but does not have an educational disability. A disability that affects a child's ability to attend school, participate in school, or learn is an educational disability.

Educational Tests These are standardized tests that measure a child's achievement in reading, math and spelling. These tests are given to one child at a time.

Educationally Related Support Services (ERSS) These are support services that may be available in your child's school through the general education program. The services that are available can be different in each school district.

Evaluation These are free tests that provide information about your child to EI, CPSE, CSE or 504 Committees. Evaluations can only be done if you provide written consent for your child to be evaluated.

Fine Motor Skills This is your child's ability to use small muscles in his or her hands. It includes skills like holding a pencil, using a scissor, or buttoning a jacket.

Free and Appropriate Public Education (FAPE) [pronounced as if it rhymes with tape] This is the basic legal standard for special education services. Services must be provided free of charge. They must also be appropriate for your child. “Appropriate” means that the services address your child’s educational needs and result in reasonable educational progress.

Functional Behavioral Assessment This is an assessment of your child’s behavior by a trained school staff person. This person watches your child in the classroom to try and figure out the purpose (of function) of your child’s behavior. This assessment provides important information used in creating a Behavioral Intervention Plan.

Gross motor skills This is your child’s ability to use large muscles. It includes skills like walking, running, catching a ball or going up and down stairs.

Home Instruction This is instruction provided by an instructor when a child of compulsory school age has been suspended from school, when a special education student of any age is suspended from school or when a child cannot attend school due to a chronic medical condition.

Inclusion Class This is a class taught by a regular education teacher and a special education teacher working together. The special education teacher may not be in the classroom at all times. This may also be called a Collaborative Class.

Independent Educational Evaluation (IEE) This is an evaluation done by a private evaluator.

Individualized Education Plan (IEP) [pronounced I-E-P] This is a written plan created by the CPSE or the CSE that describes your child’s educational needs and the help that will be provided at school to address those needs. The IEP describes the help that will be provided to enable your child to make educational progress.

Individualized Family Service Plan (IFSP) This is a written plan that lists Early Intervention services for your child and your family.

Individuals with Disabilities Education Act (IDEA) IDEA is one of the two national laws that provide educational rights to children with disabilities. It is a law that establishes the process that schools must follow to educate students with disabilities. It is sometimes referred to as I-D-E-A and sometimes referred to like the word idea.

Initial Service Coordinator (ISC) In the Early Intervention Program, this is the person assigned to work with you and your family to guide you through all the steps in getting help.

In-School Support Team This is a group of school professionals that meet to help the teacher identify school services that may help your child. In some schools, this is called the Child Study Team. You can ask your child's teacher or principal to have the In-School Support Team consider your concerns about your child.

Integrated Setting This is a placement or learning environment for a special education student that provides contact with non-disabled students. A student could be in an integrated setting for different parts of the school day or for the entire school day depending on the student's needs. It is also referred to as Mainstreaming.

Interim Alternative Educational Setting After an incident involving weapons or drugs, the Superintendent can place your child in another school for up to 45 school days. There your child can continue to receive services on his or her IEP and continue his or her education. Your child does not have to receive all of the services on his or her IEP only those determined to be necessary by the Superintendent and special education staff.

Interventions These are teaching methods used in general education to help your child. They must include formal and regular evaluations of your child's progress, sometimes called *response to the intervention*.

Least Restrictive Environment (LRE) [pronounced L-R-E] By federal law children must be educated with their non-disabled peers whenever possible. This requirement is called the Least Restrictive Environment.

Mainstreaming A placement or learning environment for a special education student that provides contact with non-disabled students. A student could be mainstreamed for different parts of the school day or for the entire school day depending on the student's needs. It is also referred to as an Integrated Setting.

Manifestation Determination This is the meeting held by the Committee on Special Education to decide if there is a connection between the child's disability and the behavior that caused a suspension for more than 5 days.

Manifestation of a Disability This is a question that must be answered by the Committee on Special Education when a student with a disability is suspended for more than 5 days. The CSE must determine if there is a connection between the child's disability and the behavior that caused the suspension. The answer is called a Manifestation Determination.

Maximizing Your Child's Potential This is a different way to say helping your child to do his or her very best. Schools are not required by law to help your child to do his or her very best. Schools are only required to help children with disabilities to gain a "reasonable benefit" from their education.

Mediation This is a process in which the Early Intervention program and the parents or the school district and the parents try to reach an agreement that satisfies both of them.

This process is explained in your due process notice, which is also called Procedural Safeguards.

Natural Settings These are places where young children are usually cared for such as your home, day care, or a playground. EI services should be offered in natural settings.

Neuropsychological Evaluation This is an evaluation done by a specialist who has knowledge of the brain and how it affects learning.

Neuropsychological Assessment identifies problems that a person has with:

- reasoning,
- problem solving,
- understanding language,
- using language to share ideas and thoughts,
- memory,
- attention,
- coordinating what a person sees and how the person moves,
- planning,
- organizing and
- the amount of time it takes to do these types of activities.

OMRDD This is the New York State Office of Mental Retardation and Developmental Disabilities.

Ongoing Service Coordinator (OSC) You choose this person at your IFSP meeting. Your OSC will help you find services listed on your IFSP and other services and supports you may need in the community.

Parent Teacher Association (PTA) [pronounced P-T-A] Local and state PTAs are organized under the National Congress of Parents and Teachers (PTA). PTAs are organized by school and include parent members and school staff members. The PTA promotes parent involvement at schools and is a resource for families. See also Special Education Parent-Teacher Association.

Placement These are the learning environments in which special education supports and services can be delivered. They range from a regular education classroom to a residential program. The CSE must consider the legal requirement to serve students with disabilities in the least restrictive environment when deciding the learning environment of placement for your child.

Principal's Suspension This is a suspension for one to five days by the school principal.

Procedural Safeguards See Due Process.

Program Review When needed, your child's Individualized Education Plan can be updated more often than at the Annual Review. This type of meeting of the CPSE or CSE is called a "program review".

Psychological Evaluation This is an intelligence test, also called an I.Q. test. A score of 100 means your child has average intelligence. A score of 65 or lower means your child may be mentally retarded. In addition to the overall score, the psychologist who conducts the test will look at how your child performed on different parts of the test. Different parts of the test help the psychologist identify areas where your child has difficulty. This analysis of how your child performed on the different parts of the test are usually more important than the overall I.Q. score.

Pullout Services These are services provided out of the classroom such as speech and language services.

Referral A request for special education services is called a referral. Referrals can be made by a parent or by a professional who knows your child such as your doctor, day care provider, or a teacher.

Related Services These are school services that are not provided by a classroom teacher. Related services include:

- speech and language services;
- occupational therapy;
- physical therapy;
- counseling to assist your child to make friends, listen to directions and to handle disappointment in the school setting;
- parent education (to help parents learn how to help their child practice skills at home), or
- assistive technology (which is the use of equipment to help address your child's needs).

Resource Room This is a small class with no more than 5 students and a special education teacher. It is only for one period each day and offers academic support to your child.

Respite Respite services offer a short rest for either a child or a family such as an after school recreation program or a weekend care program that gives caregivers a rest.

Response to Intervention Services (RTI) These are teaching methods and/or services that may be available in your child's school through the general education program. They must include formal and regular evaluation of your child's progress also referred to as your child's response to the intervention. Your child's response to intervention can provide important information to the Committee on Special Education.

School-based Programs These are special education programs that are located on the campus of a school in another school district. They may also be located on a BOCES campus.

Section 504 of the Rehabilitation Act It is a federal law that provides educational rights to children with disabilities. The Rehabilitation Act is very broad covering many institutions other than schools. The Rehabilitation Act is a civil rights law which guarantees equality for U.S. citizens with disabilities. Section 504 is the section that covers education. Most commonly, it is referred to as '504'.

Self-Contained Classroom This is a classroom of students with disabilities who have similar needs. They remain in the same classroom with the same teacher. Typical class sizes are 15 students with 1 teacher referred to as a 15:1 class. There are also classes that are 12:1 (12 students with 1 teacher) and 8:1 (8 students with 1 teacher). Some classes also have a teacher's aide. A teacher's aide provides help to students as directed by the teacher. A teacher's aide does not have the qualifications of a teacher. A class with 8 students, 1 teacher and 2 aides would be referred to as an 8:1:2 class.

Social History This is a written history about your child. It is written by a school social worker who will ask you questions about your child's birth, growth and development.

Special Education Itinerant Teacher (SEIT) [referred to as 'see-at'] This is a special education teacher who provides a service(s) on your Individualized Family Service Plan (IFSP)

Special Education Parent-Teacher Association (SEPTA) [pronounced sep-ta] A SEPTA helps parents advocate for special needs children. Many SEPTAs offer workshops, speakers or materials to help families with special needs children. It has regular meetings just like any other PTA. Call the CSE Chair to find out if there is a SEPTA in your school district. Information on SEPTAs in Westchester is available at www.septa914.com.

Standardized Test These are tests that measure a child's achievement in reading, math and spelling. These tests are given to one child at a time. The results tell you how your child's performance compares to other children in the same grade or same age.

Substantial Impact This is the impact of a child's physical or mental impairment on his or her participation in school. A child is only eligible for 504 services if his or her disability has substantial impact.

Superintendent's Suspension This is a suspension from school for more than 5 days. The student's guilt is determined by a Hearing Officer after a hearing. If found guilty, the Hearing Officer recommends a penalty to the Superintendent. The Superintendent determines the penalty.

Teacher's Aide This is a school staff member that provides help to students as directed by the teacher. A Teacher's Aide does not require the qualifications of a teacher or a teaching assistant. A teacher's aide provides physical help to an individual student to keep them safe and able to move through the school. A teacher's aide can assist the child with school work but cannot provide instruction.

Teaching Assistant This is a school staff member that assists the child after the teacher does the lesson. A Teaching Assistant must be certified by the N.Y.S. Education Department.

Teacher Consultant This is a special education teacher who helps the regular classroom teacher meet the needs of students who have disabilities.

Transition This generally refers to the move of a child with a disability from service under one system to service under another system. Children with disabilities may make a transition from the Early Intervention Program into Pre-School Special Education, from Pre-School Special Education to Special Education, and from Special Education into the adult service systems.

Transition Meeting These are meetings to help your child move successfully to the next level of education, such as:

- A meeting of the Committee on Preschool Education to determine if a child, who is getting too old to continue getting help through the Early Intervention Program, can get help through the Committee on Preschool Education.
- A meeting of the Committee on Special Education to determine if a child, who is getting too old to continue getting help through the CPSE, can get help through the CSE.

- A meeting of the Committee on Special Education to discuss how to plan for a student who will complete high school and enter college, work and/or the adult service system.

VESID [pronounced veh-sid] This is the New York State Education Department's office Vocational and Educational Services for Individuals with Disabilities.

Written Consent Permission for an evaluation must be given in writing. Only you, the parent or guardian, can give consent and it must be in writing. No further steps can be taken until a parent gives consent for evaluation.

Student Advocacy Success Story



Doing well in a competitive high school was tough for Steven due to his learning disabilities. But that's all behind him now.

He graduated in 2009 and is now attending college.

APPENDIX B

Parent Worksheet: Preparing to Meet with the CPSE or CSE

At the CPSE or CSE meeting, your child's needs may be discussed in these four broad areas:

MANAGEMENT	This is the area that describes your child's needs in the area of behavior.
ACADEMIC	This area describes your child's progress or lack of progress in the areas of reading, writing, math, social studies, science and any other subject he or she is studying.
PHYSICAL	This area describes physical supports your child may need in order to be successful in school. This includes anything from specialized equipment to special seating in the classroom.
SOCIAL	This area describes how your child behaves with adults and other children.

your child. Before going to a CPSE or CSE meeting, think about your concerns. You may have concerns in just one area, a few areas or all. For each area, answer these questions:

1. What concerns you? This could be a behavior, lack of a skill, poor grades in a subject or other concerns.
2. How does this make it difficult for your child to learn or participate in school? This question is very important. The CPSE and CSE work to help children with school problems so you must tell explain why your concern is a *school problem*.

3. What evidence supports your concern? Evidence could be teacher’s comments, reports from your child, information from your child’s evaluation or your child’s report card.

For each area, answer these questions:	Example
1. What concerns you?	<i>My child doesn't follow my directions.</i>
2. How does this make it difficult for your child to learn or participate in school? Or what does your child need?	<ul style="list-style-type: none"> • <i>My child doesn't follow the teacher's directions. OR</i> • <i>My child needs help to follow the teacher's directions</i>
3. What evidence supports your concern? Look at teacher’s comments, reports from your child, information from your child’s evaluation, and your child’s report card.	<ul style="list-style-type: none"> • <i>Phone calls home from the teacher.</i> • <i>Comments on my child's report card about not following directions.</i> • <i>My child says the teacher is always yelling at him to pay attention.</i>

The following pages shows how a form may be filled out. Then there is a blank form that you can fill out about your child. After you fill out the form, look over your concerns and figure out which ones have the biggest effect on your child’s education. At the meeting, focus on your top four concerns.

Worksheet Examples in the **Management and Academic Areas**

Area	My Concern	How It Effects My Child at School	Evidence	Effect Big=1 Small=5
Management	My child does not complete his school work because he is never in his seat	My child needs to stay in his seat, pay attention and do his work.	<ul style="list-style-type: none"> • Phone calls from teacher • Low marks in the behavior sections on his report card • My child complains that the teacher yells at him a lot. • My child does not listen when I ask him to do something 	
Management	My child gets angry and throws temper tantrums a lot.	My child needs to stay calm so she can learn.	<ul style="list-style-type: none"> • My child gets into trouble at school because of her temper tantrums • I am asked to meet with the teacher about my child's behavior • My child throws temper tantrums at home when she can't learn something new 	
Academic	My son can't read the books his brother could read when he was the same age.	My child has reading problems and needs help with reading.	<ul style="list-style-type: none"> • My son can't read his homework assignment. • The psychologist who evaluated my son said he reads like a child in first grade. My son is in third grade. • His teacher sends home notes saying he should practice at home. 	
Academic	My child received a bad grade on a big project. She worked hard and spent a lot of time on it.	My daughter needs to learn how to work on a big school project by finishing little steps.	<ul style="list-style-type: none"> • Low grades on big class projects. • She spends more time on big projects than other students. • The teacher sent a note. She said my daughter doesn't understand what is going on in class. 	

Worksheet Examples in the **Physical & Social Areas**

Area	My Concern	How It Effects My Child at School	Evidence	Effect Big=1 Small=5
Physical	My child received Occupational Therapy for 2 years because of his poor hand writing. He still can't read his own notes.	My son needs help with writing so that he can read his class notes and hand in work that the teacher can read.	<ul style="list-style-type: none"> • He can't read his own hand writing. • His teacher can't read his hand writing. • His teacher says he does well on written assignments when he uses a computer to write. 	
Physical	My daughter has trouble walking around the house. She's not safe.	My daughter has trouble walking around the house. She's not safe.	<ul style="list-style-type: none"> • Her doctor says her eyes are fine. • The gym teacher sent a note about her problems in gym. • Her teacher says she can't walk with the class to the library or other places in school. 	
Social	My child has no friends.	On many days, my son doesn't want to go to school. At school, he gets into fights.	<ul style="list-style-type: none"> • My son tells me that no one will sit with him at lunch. • The teacher told me that he has no friends. • My son has been sent to the principal's office for fighting at school. 	
Social	My son talks back to me.	My son gets in trouble because of what he says to his teacher and to other students.	<ul style="list-style-type: none"> • My son has been suspended from school for saying things he should not say. • His teacher says he does not play well with other students. • My son gets counseling from the school social worker, but he still gets into trouble. 	

MAPS Worksheet for **My Child**

Area	My Concern	How It Effects My Child at School	Evidence	Effect Big=1 Small=5

APPENDIX C

The 13 Disability Categories Used by CSEs in New York State

The Individuals with Disabilities Education Act (IDEA) only applies to students who have one of the disabilities listed in the law. The law defines the disability categories.

To qualify for special education services:

1. Your child must have one of the disabilities listed in IDEA.
2. The disability must have an adverse affect on your child's education. In other words, the disability must make it difficult for your child to attend school, participate in school, behave at school or learn. AND
3. There must be proof of both the disability and the adverse affect on education.

In New York State, your school district's CSE must follow the federal law and classify a student who will receive special education services under one of the following 13 disabilities. To view the definitions as written in New York State law, go to: www.vesid.nysed.gov/specialed/publications/lawsandregs/sect2001.htm

Here are brief descriptions of the 13 disability categories:

Autism is defined as

1. causing great difficulty with
 - **verbal communication**, like using words to get help, share thoughts and feelings, and
 - **nonverbal communication**, like understanding gestures and facial expressions and
 - **social interaction**, such as playing; and
2. that causes an adverse affect on your child's education.

NOTE: Some children with autism may also

- repeat the same activities or movements over and over;
- have great difficulty when there is a change in the daily routine or a change at home or at school;
- have an unusual reaction to a sight, sound, smell, taste or feeling; and
- have clear signs of these symptoms before age 3.

Deaf-blindness is defined as

1. having problems with hearing and seeing
2. that causes an adverse affect on your child's education and
3. which cannot be helped in a special education program for blind students or a program for deaf students.

Deafness is defined as not hearing language that causes an adverse affect on your child's education.

NOTE: Even if a deaf child can use equipment to hear, such as a hearing aide, this should not affect a child's eligibility for services.

Emotional Disturbance (ED) is defined as

1. having one or more of the following:
 - being unable to learn but not due to intellectual, sensory or health issues;
 - being unable to make or keep satisfactory relationships with other students and teachers;
 - having feelings or behaviors in normal situations that are odd or don't fit the situation;
 - having a depressed or unhappy mood most of the time; or
 - having a tendency to develop physical symptoms or fears associated with personal problems or school problems
2. that causes an adverse affect on your child's education.

NOTE: This category includes schizophrenia. It does not include children who are "socially maladjusted" unless the child is also emotionally disturbed. "Socially maladjusted" means that the problems stem from social situations such as participation in a gang or living in poverty.

Hearing Impairment is defined as

1. hearing loss that could be permanent or could be changing and
2. that causes an adverse affect on your child's education.

NOTE: Hearing impairment is sometimes called hard of hearing. A child who is hard of hearing may have some hearing.

Learning Disability (LD) is defined as

1. a problem with one or more of the psychological processes used to understand, to speak, or to write and
2. which is seen as difficulty with listening, thinking, speaking, reading, writing, spelling or mathematics and
3. that causes an adverse affect on your child's education.

NOTE: This category includes conditions like brain injury and dyslexia. It does not include learning problems that are the result of visual, hearing, or motor disabilities; mental retardation; emotional disturbance; or environmental, cultural, or economic disadvantage.

Mental Retardation (MR) is defined as

1. having intellectual abilities that are below average and
2. having problems with daily living skills called "deficits in adaptive behavior" and
3. that affected the child's development and
4. that causes an adverse affect on your child's education.

NOTE: Mental retardation is typically determined through a test of intellectual skills which will be reported as a child's overall I.Q. score and or through an assessment of problems in daily living skills such as the Vineland. An I.Q. score below 70 may indicate mental retardation.

Multiple Disabilities is defined as

1. the combination of two or more disabilities that exist at the same time and
2. that cause educational needs in many areas which must all be addressed at school.

NOTE: This category does not include deaf-blindness.

Orthopedic Impairment is defined as

1. a severe problem related to the bones, muscles or ligaments including:
 - impairments caused by a congenital anomaly,
 - impairments caused by disease (such as poliomyelitis, bone tuberculosis), and
 - impairments from other causes (such as cerebral palsy or amputations), and
2. that causes an adverse affect on your child's education.

Other Health Impairment (OHI) is defined as

1. having limited strength, vitality, or alertness, or
2. paying so much attention to sights and sounds that it is difficult to pay attention to the teacher or
3. having health problems such as asthma, attention deficit disorder, attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, or Tourette syndrome; and
4. that causes an adverse affect on your child's education.

Speech or Language Impaired (SI) is defined as

1. a significant problem with communication such as stuttering, difficulty speaking clearly, difficulty expressing your ideas, difficulty understanding others or a voice impairment and
2. that causes an adverse affect on your child's education.

Traumatic brain Injury is defined as

1. an injury to the brain or head caused by an accident after birth that causes problems with thinking, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, movement, behavior, use of information or speech and
2. that causes an adverse affect on your child's education.

It does not apply to brain injuries that are caused by genes or problems during birth.

Visual Impairment Including Blindness is defined as

1. a problem with vision including partial sight and blindness that cannot be corrected by wearing glasses and
2. that causes an adverse affect on your child's education.

Student Advocacy Success Story

In high school, Amanda studied ballet, wrote poetry, and performed in plays, despite her Cerebral Palsy. She graduated from high school in 2005 and recently graduated from college. She will now be attending graduate school. Go Amanda!



APPENDIX D

Specialists that May Evaluate Your Child

Audiologists are trained to identify hearing loss. An audiologist will measure the type of hearing loss, the amount or degree of hearing loss, assess how this will effect your child, recommend any therapy that could help your child, fit hearing aids and give you advice and information about how to help your child live with hearing loss. This is the only professional who can diagnose Central Auditory Processing Disorder (CAPD).

Occupational Therapists (OT) are trained to build the basic skills used for everyday tasks. They develop activities which help build skills. They may also create special tools to help a child with a disability. They focus on fine motor activities, especially the use of hand and fingers, coordination of movement, and on skills that allow the child to do everyday tasks without help.

Ophthalmologists are doctors who specialize in the eye. They can diagnose problems with the health of the eye or with the structures related to the eye.

Optometrists are trained and licensed to examine and test eyes and to treat eye defects by giving glasses or contact lenses. They may also develop eye exercises for your child.

Orthopedists are surgeons who specialize in the function of the skeletal system (your bones). They help keep or restore the

skeletal system and muscles, joints, tendons, ligaments, nerves and blood vessels.

Pediatricians are doctors who specialize in treating children. They can explain normal development, how to care for your child and treat your child's diseases.

Physical Therapists (PT) are trained to help restore basic body movements after illness or injury. PTs work under the supervision of a doctor. They focus on large muscle and gross motor activities.

Psychiatrists are doctors who specialize in diagnosing and treating emotional problems and mental disorders. They are trained in psychotherapy.

Psychologists are trained to assess and treat people with emotional, interpersonal or behavior problems. Interpersonal problems are difficulties getting along with others.

School Psychologists are psychologists who specialize in counseling school children and their families and in working with teachers and other school staff to help a child function at school. Psychological testing done in schools is done only by psychologists.

Speech Pathologists are trained in human communication. They evaluate how your child takes in the information when someone else is speaking (reception), how your child adds this information to what he or she already knows (integration) and how your child uses language to express himself (expression). If they find a problem, they can also help treat it.

Speech Teachers are trained in how speech sounds are formed (called articulation), how a person takes in language (called receptive language), and the pattern of spoken language (called expressive language). A speech teacher can evaluate and help correct problems.

APPENDIX E

Finding Help in Your Community or on the Internet

When looking for help, be aware of the way that laws apply to your area. Federal or national laws must be followed by every community in the United States. Federal laws are explained in federal regulations written by the federal department of education. State and local laws must provide the same or more than the rights guaranteed in federal law. They cannot provide less than the federal law. For each federal law, there are federal regulations, a state law that spells out the federal law's application in that state, and state regulations created by each state's department of education. In addition, there may be lawsuits that only affect particular districts. For example, in the New York City public schools, the Nickerson case created specific entitlements in New York City that do not apply to any other school district. In addition, your local school district should have policies that are explained in your student's handbook. A local group is more likely to have thorough knowledge of the legal framework for your area.

National Referrals

For referrals throughout the United States, contact the following:

Council of Parent Attorneys and Advocates

- www.copaa.org

Legal Services Corporation

- www.lsc.gov

This is the single largest provider of civil legal aid for the poor in the U.S. On their home page is a map where you can locate a Legal Service Office in your community. Some offices will help with special education problems.

National Center for Learning Disabilities

- www.NCLD.org

In the left column menu, select Resources. There you can use the Resource Locator to find different types of services in your area.

National Dissemination Center for Children with Disabilities

- www.ninchcy.org

Has many publications including “Developing Your Child’s IEP” which explains the IEP document.

U.S. Department of Education, Office for Civil Rights

- www.ed.gov/about/offices/list/ocr/index.html
- 1-800-421-3481
- **TDD:** 877-521-2172
- **Email:** OCR@ed.gov

To locate the office that serves your state, select Office Contacts on the menu. There you will find a search menu. You enter your state and information on the office that serves your state will be shown.

Wright's Law

- www.wrightslaw.com

A leading national website on special education law and advocacy.

State Referrals

For referrals and resources in your state, contact your state's Education Department. Also go to your state government's website to look for youth services and services for the disabled.

You can also contact the Bar Association for your state to locate an attorney.

For a list of agencies and organizations in your state, visit:

- www.nichcy.org/Pages/StateSpecificInfo.aspx

IN NEW YORK STATE

New York State Education Department has services and publications including:

A guide on preschool transition:

- www.vesid.nysed.gov/specialed/publications/preschool/transitionguide/transitionguidance.pdf

A guide on preschool special education:

- www.vesid.nysed.gov/specialed/publications/preschool/home.html

A guide on special education

- **English:** www.vesid.nysed.gov/specialed/publications/policy/parentguide.htm#InRef
- **Spanish:** www.vesid.nysed.gov/specialed/publications/policy/spanishparentguide.htm

New York State Office of Children and Family Services (OCFS)

- www.ocfs.state.ny.us

This state agency funds the local Youth Bureaus.

For a list of local Youth Bureaus, go to:

- www.ocfs.state.ny.us/main/youth/youthbureaus.asp

New York State Office of Mental Retardation and Developmental Disabilities (OMRDD)

- www.omr.state.ny.us

This office seeks to help people with disabilities to live richer lives. To find your regional services including your local Developmental Disabilities Service Office, select the Services tab.

N.Y.S. Bar Association

- www.nysba.org

Use this site to locate attorneys in your area.

211

This is an information and referral service that is available in some areas. It functions like 911 except that it helps with human service needs that are not emergencies.

(In New York City, call 311)

Free or Low-Cost Legal Services for Education

Student Advocacy, Inc.

- 914-347-3313
- www.studentadvocacy.net

This nonprofit organization helps students in Westchester and Putnam Counties to get special needs services.

Legal Services of the Hudson Valley

- www.lshv.org

Provides free civil legal services to low-income people.

Partnership for Children's Rights

- www.kidslaw.org
- 212-683-7999

A nonprofit law firm dedicated to helping disadvantaged children throughout New York State.

Law Help

- www.lawhelp.org

Law Help helps low and moderate people to find free legal aid programs in their communities.