



**Utah Parent Center**  
Special needs, extraordinary potential

## Special Education

## Basic Information for Parents

As a parent of a child who is or who may be receiving special education, you have certain rights which are guaranteed by a federal law called the Individuals with Disabilities Education Act (IDEA). This law outlines a process which ensures that you have the opportunity and right to be involved as an equal member of the team that makes decisions about your child.

One of your rights is to be informed (in writing, in your native language) of the procedural safeguards (legal rights) that are available to you. Copies of these rights must be given to you by the school at certain points in the process. If you would like more information about your rights or about how you can be an effective partner with the school, please contact the Utah Parent Center at 801-272-1051 or visit us on the web at [www.utahparentcenter.org](http://www.utahparentcenter.org)

### What is Special Education?

*Quoted Directly from IDEA*

**'Special Education'** means specifically designed instruction, at no cost to the parent, to meet the unique needs of a child with a disability, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions.

The term includes speech pathology, or any other related service...

The term also includes **vocational education** if it consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.

**'Related Services'** means transportation and such developmental, corrective and other supportive services (including speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

### A Summary of the Special Education Process

The special education process is designed to make sure that each child with a disability will have an education that is individualized to meet his or her needs. The IEP (Individualized Education Program) is a written plan developed by the IEP team. You as a parent are part of the team that makes decisions about the child's educational program.



### Utah Parent Center

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It is important for parents to become real partners in the process of making the decisions about their children. The information that a parent has to share is very important to the school.

It is also important for the parent to understand and respect the point of view of the school personnel. By treating each other with mutual respect and working together, parents and school personnel can more effectively develop an appropriate program for the child.

## **Child Find/Referral**

The school district must have a procedure for finding children that have disabilities. Either a parent or school personnel may refer a child to be evaluated to see if special education services are needed. Parents may submit a request to the Special Education department at the school. The possible outcomes of a referral are:

- The school will provide a complete evaluation.
- The school will decide an evaluation is not needed.

## **Evaluation (Assessment)**

Evaluation to determine eligibility for special education is a process of gathering information about the child that will be used in making decisions about whether the child is eligible for services and which disability category the child should be served under. This information also helps to determine the strengths and needs of the child that will be considered in making decisions about the services the child needs. Parents must give permission for the evaluation to take place.

The evaluation should be appropriate for the child and conform to a number of legal requirements that are listed in the law. Parents will be better able to participate in the IEP process if they understand the results of the evaluation. If parents disagree with the results of the evaluation, they may request an independent evaluation (testing given by someone outside the school district) at the school district's expense within certain guidelines.

Some children who do not qualify for special education may be eligible for services under Section 504 of the Rehabilitation Act of 1973 which protects the rights of persons with disabilities. A Section 504 plan is developed by a team which includes the parents and can provide the student with accommodations or services that are needed.

## **Eligibility (Classification)**

The team (including the parents) reviews the data from the evaluation and decides if the child qualifies in one of the categories that are served in special education. The requirements for each category are determined by federal and state law.

## **IEP Meeting**

The team (including the parents) meets to develop an appropriate program for serving the child. In the team meeting, the student's educational needs are discussed. Measurable annual goals and short-term objectives are agreed upon. Based on the goals, decisions are made about how to meet the child's educational needs, including what special education and related services and supplementary aids and services are to be provided. A number of other factors related to the child's education must also be considered. The IEP sets forth in writing a commitment of the resources necessary to serve the child. The IEP also serves as an evaluation device and can be modified at any time, or the team can reconvene at any time.

## **Transition**

No later than age 14, the team must include a statement of transition service needs to help the student move from school to post-school activities. Transition services must be provided starting by age sixteen.

## Placement

The team (including the parents) decides upon the placement of the child based upon the program agreed upon in the IEP meeting. The team asks, "Where can these services be delivered?" The student must be served in the Least Restrictive Environment (LRE) appropriate for that child.

## Annual Review

The team (including the parents) meets at least annually to evaluate the child's total program and update the IEP. If it is determined that the child no longer qualifies for special education, the child will not continue with the IEP process and will exit the program.



## Due Process Rights

You have a right to disagree with the team at any point in the process. In the event that you do, you have a number of due process (legal) rights, including mediation, that are outlined in the law. These rights are explained in detail in your parents' rights statement that the school provides you.

This is a very basic overview of the special education process, and does not cover all of your rights. For more detailed information on the IEP Process, please visit our website at [www.utahparentcenter.org](http://www.utahparentcenter.org). There you can view 'Parents as Partners in the IEP Process' Video Training or download 'Parents as Partners in the IEP Process – Parent Handbook'.

## If you need help...

If you have concerns or questions or want more detailed information about your rights and responsibilities, you should first ask the special education department at your child's school. If you have problems that you cannot solve within the school, you may call your school district's special education department. (You may also contact your school or district Section 504 coordinator for assistance with Section 504 concerns or questions.)

## Utah Parent Center

For 31 years, the staff of the Utah Parent Center have helped change the lives of children with disabilities. We are parents offering other parents support. We understand what it looks and feels like to have a child with a disability. We have walked in your shoes. We have cried tears of both joy and frustration, and we are here to help you through it. By providing free workshops, individual assistance and comprehensive information in both English and Spanish across the State of Utah – we help families and their children with special needs – get the support they need.

### Utah Parent Center

**For parents of children, youth and young adults with disabilities and special needs**

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