

# Introduction to Special Education

Welcome  
to the  
Introduction  
to Special  
Education

Developed by  
the Child  
Protection  
Accountability  
Commission's  
Education  
Subcommittee



Designed for Employees of the  
Department of Services for Children,  
Youth, and Their Families

1

This power point is intended to provide employees of the Department of Services for Children, Youth, and their Families (DSCYF), or Children's Department, with basic information regarding the special education process. It addresses evaluation, eligibility, and the Individual Education Program (IEP).

## What is Special Education?

### Special Education:

Specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability



### Related Services:

Transportation and such developmental, corrective and other supportive services as are required to assist child with a disability to benefit from special education



The Individuals with Education Act (IDEA) mandates that eligible children with disabilities have available to them a free appropriate public education (FAPE). This Act was reauthorized on December 3, 2004.

## Who is a Child with a Disability?

A child with a disability is one:

- who has been evaluated in accordance with IDEA
- who has been determined to have a disability that adversely affects their educational performance



## Basic Steps to Special Education - IDEA

### EVALUATION – Request or Referral

Parent requests educational evaluation; or  
school refers child for an educational evaluation.  
Informed written parental request required



### ELIGIBILITY – “Child with a Disability”

Meeting to determine eligibility within 45 school days or 90 calendar days  
after informed written parental consent received.

Child who has been determined to have a disability, and who, by  
reason thereof, needs special education and related services  
AND whose disability adversely  
affects their educational performance



### Individualized Education Program (IEP)

Parental consent for Initial Evaluation, Services & Re-evaluation  
parent participation in the IEP process



4

This slide shows the process that occurs as part of determining a child’s eligibility for special education services. To begin the process the school needs informed written consent by an IDEA parent prior to proceeding. The school also must provide Prior Written Notice ten business days before proposing to OR refusing to initiate or change the identification, evaluation, or educational placement of the child.

## Who is an IDEA Parent?

### “Parent” for purposes of special education means:

- A biological or adoptive parent of a child;
- A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);
- An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives (ask the school about having a Relative Caregiver's School Authorization form on file); OR
- A **surrogate parent** who has been appointed in accordance with 14 **DE Admin. Code** 926.19.0 or section 639(a)(5) of the IDEA



5

IDEA defines a parent as one of the above. For children in the custody of DSCYF, the case worker determines the referral for an educational surrogate parent based on the case plan with the family. IDEA mandates that parents be given a 10 day notice of meetings. Although often these can be waived, schools must give 10 day notice and also try to arrange the meeting at a time that is mutually agreeable to the parent and the school team.

## **Educational Evaluation**

Use variety of assessment tools & strategies to gather relevant functional, developmental and academic information about the child

Assessment & evaluation material must:

- include information provided by the parent(s)
- assess in all areas related to the suspected disability
- assess specific areas of educational need
- teacher observations and classroom data



6

This is some of what must be included and considered in an educational evaluation. Assessment instruments should not discriminate on a racial or cultural basis. Outside evaluations and medical information provided by the parent are also considered as part of the eligibility discussion.

## Eligibility: Educational Categories of Disability

- Autism
- Deaf-Blind
- Developmental Delay
- Emotional Disturbance
- Hearing Impairment
- Intellectual Disability  
*(Mild, Moderate, Severe)*
- Orthopedic Impairment
- Other Health Impairment  
*(may see Physical Impairment)*
- Preschool Speech Delay  
*(3 & 4 year olds only)*
- Speech/Language Impairment
- Specific Learning Disability
- Traumatic Brain Injury
- Visual Impairment



These are the educational disability classifications as defined by IDEA and Delaware regulations. A more descriptive definition of each can be found on the Department of Education website.

## Eligibility: Specific Learning Disability

Must permit the use of RTI or Response to Intervention - RTI is:

- A general education initiative (in DE: Elementary grades reading & math)
- A research-based approach to helping children who are struggling
- A process that focuses on student achievement
- A process that determines whether poor academic progress is due to instruction, curriculum or presence of a specific learning or intellectual disability



8

Eligibility for special education services under the learning disability category shall be contingent on the prior delivery of appropriate instruction and shall consider the child's response to scientific, research based interventions. Assessments of intellectual functioning are not required to determine eligibility for special education services under the learning disability category. [(20 U.S.C. 1221 e-3; 1401 (30)]

## School Team Members

- Parents of the child
- Child when appropriate (must be invited to their IEP meeting by age 14 or for the 8<sup>th</sup> grade IEP)
- General Education Teacher, Special Education Teacher
- Representative of School/District – person with authority to commit agency resources and be able to ensure that whatever services are set out in the IEP will actually be provided
- Individual who can interpret instructional implications of evaluation results
- Others may be invited who have knowledge or special expertise



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9

### **School Team Members . . . continued**

- Educational Diagnostician (ED) – person who may facilitate IEP meeting and might assess academic ability, behavioral factors & ability to process information
- School Psychologist – a person who might assess intellectual ability, learning aptitudes, personality & emotional development
- Social Worker – A person who may be involved with a child and their family and provide social and developmental history
- Specialists - Speech Therapist, Reading Specialist



10

The IDEA mandates that an IDEA parent(s), a general education teacher, a special education teacher, and an educational administrator participate in every IEP team decision unless both the school and the parent agree to excusing a party. Often other people attend the IEP meeting as well. These are some of the other school personnel who may be present. Not all schools have Educational Diagnosticians or they may have a person with a similar role with a different title such as special education coordinator or special education case manager.

## Support Team

- **DFS** – Division of Family Services – (DSCYF) – investigates complaints of child abuse and neglect – provides child and family oriented services
- **PBH** – Division of Prevention and Behavioral Health Services – (DSCYF) – provide mental health and substance abuse treatment programs for children and youth
- **YRS** – Division of Youth & Rehabilitative Services – (DSCYF) youth who have been adjudicated delinquent and ordered by the court system to receive rehabilitative services (NCCDC, Stevenson House, Ferris School/Mowlds Cottage, Grace/Snowden Cottages)
- **Foster Parent** – a person who provides care in their home for a child who has been removed from his/her home due to abuse, neglect, or dependency
- **Guardian Ad Litem** – An individual appointed by the court to represent the best interests of a child who is the subject of a custody, visitation, guardianship, termination of parental rights, adoption or other related proceedings in which the Division of Family Services is a party (an attorney authorized to practice law in DE or a CASA)
- **CASA** – Court Appointed Special Advocate - appointed by Family Court – volunteer represents child's best interest in Family Court



11

This slide is specific to those children who are involved in the services of DSCYF. Representatives of these agencies may be present and participate in IEP meetings. They are not, however, mandatory members under IDEA.

## Eligibility Meeting

- Occurs at the conclusion of the evaluation
- The IEP team reviews the evaluation results and determines whether the child is a child with a disability in need of special education services
- With parental agreement, the team develops an IEP to meet the child's needs



12

The parent must give consent for the child to receive special education services once the child is determined eligible.

## What is Included on the IEP?

- Participants
- Data considerations: includes student strengths, parent education concerns, data sources such as statewide assessments, teacher observations, other information shared by the parent
- Information on how the child's disability affects involvement in general education



13

In addition to the people participating in the IEP development, this section of the IEP contains information to be considered when developing the services and annual goals in the child's IEP. Sample IEP forms are available on the Department of Education website.

## **Unique Educational Needs and Services, Aids and Modifications**

- Specific services provided as part of classroom instruction to meet the child's stated needs
- IEP must address frequency, duration, and location of the services
- Accommodations and modifications are also included



14

As an example, a student with a learning disability in reading, may receive small group instruction in the classroom for 30 minutes per day.

## Annual Goals and Benchmarks

- Statement of child's current level of performance
- Statement of what the team believes the child will be able to learn by the end of the year
- Sets benchmarks based on the progress that is expected at each quarter to reach the goal



15

The benchmarks are a way to evaluate a child's progress toward the annual goal. If a child is struggling, the team can reconvene and discuss whether a different intervention is needed or if the benchmarks should be adjusted.

## Related Services

- This section describes any related services the child may receive. For example, this may include speech, physical therapy, and occupational therapy
- Frequency, duration and location must be specified as well as start and end dates



Related services also have annual goals and benchmarks set as part of the IEP.

## Additional Considerations

- Transportation
- Participation in statewide assessment
- Adherence to school code of conduct
- Participation in 12 month programming
- Extended school year services



17

This section includes other areas the team must consider in meeting the child's needs. For example, some children may need specialized transportation. This would be addressed specifically in this area.

**Statewide assessment:** this section addresses whether the student will participate in regular testing conditions, with accommodations or in an alternate assessment.

**Discipline:** every student is expected to adhere to the school code of conduct. Some students may need behavioral support to do so and this would be addressed in this section.

**Twelve Month Program:** Students with certain educational classifications are entitled to a twelve month program that does not exceed 1282 hours of school attendance which may be extended to 1426 hours for children with autism. Parents must make this choice.

**Extended School Year:** the IEP team must consider a child's need for education that extends beyond the school year considering the following factors: regression/recoupment, vocational skills, degree of impairment, breakthrough skills, extenuating circumstances. Each district develops and delivers their extended hours programs. They are not the same from district to district.

## **Least Restrictive Environment (LRE)**

- A child should be served in the least restrictive setting to meet his/her needs
- This is most often the general education setting
- Setting is determined by the amount of time the child is served in the regular classroom
- An explanation must be provided



18

An explanation must be provided about the extent, if any, to which the child will not participate with nondisabled children in the regular classroom.

## **IEP Review**

- The child's IEP must be reviewed annually
- The parent or teacher may reconvene the team at any time to address specific issues if necessary

## ***Functional Behavioral Assessment (FBA)***

An FBA focuses on identifying biological, social, affective and environmental factors that initiate, sustain or end the behavior in question

### **Behavior Intervention Plan (BIP)**

Positive plans for behavioral intervention will address both the source of the problem and the problem itself

Using data collected from the FBA, IEP teams may want to consider the following when developing a behavior intervention plan:

- Modify antecedents and/or consequences of the behavior
- Teach more acceptable replacement behaviors that serve same function as inappropriate behaviors
- Implement changes in curriculum and instructional strategies
- Modify physical environment



When children are exhibiting behavioral difficulties, the school may convene a team, or use an existing team, to determine if the child might benefit from a functional behavioral assessment and behavior intervention plan. This may occur with a student in general education or a student in special education. Parental consent is required.

## **Prior Written Notice (PWN)**

- Requires the school district to provide the parent with written notice before proposing or refusing to initiate or change the identification, evaluation or educational placement of a child
- No less than 10 business days; 5 days before a change of placement for disciplinary removal



21

Prior Written Notice is separate document that describes and explains what and why the district is proposing or refusing when changing the identification, evaluation, educational placement, and provision of a free appropriate public education.

As an example, the document must be given to the parent before the school implements a new IEP. This notice should not be confused with the Notice of Meeting that is required giving an IDEA parent 10 days notice of an IEP meeting and an opportunity to arrange a different time.

## **Delaware Special Education Regulations**

Information about the special education process, including educational classifications and eligibility criteria, can be found in the State Special Education Regulations

Dept. of Education website:

<http://www.doe.k12.de.us>

[http://www.doe.k12.de.us/infosuites/students\\_family/specialed/default.shtml](http://www.doe.k12.de.us/infosuites/students_family/specialed/default.shtml)



## **Continue Learning ... Check out these RESOURCES!**

### **Parent Information Center of Delaware**

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

(Sign up to receive timely information about events, news & workshops related to special education)

### **US Dept. of Education**

Building the Legacy: IDEA 2004

<http://idea.ed.gov>

(Watch videos & read fact sheets about specific areas of the IDEA)

### **National Dissemination Center for Children with Disabilities**

<http://nichcy.org>

(Find numerous education & disability-related fact sheets, booklets & other material)

