

Laws and Regulations





Special Education Laws

- The Individuals with Disabilities Education Act -- IDEA -- Federal Special Education Law
- Chapter 71B -- Massachusetts Special Education Law
 - 603 CMR 28.00 Massachusetts Special Education Regulations



Related Laws

- The Massachusetts Education Reform Act
- Section 504 of the Rehabilitation Act
- Chapter 688 of the Acts of 1983
- The Americans with Disabilities Act - ADA

Six Basic Principles

The federal and state
special education laws
are grounded in
six basic principles.



Parent and Student Participation

Parent and Student Participation

Parent and student participation is the first of the six principles. Parents have the right and are encouraged to be involved as full partners in multiple ways with the school in all planning and decision-making related to their child. Parental involvement continues in all aspects up to the time the student becomes an adult.

Students are the focus of special education and, as they grow older, are expected to participate in planning for their own future as much as possible.

It is the obligation of the school district to make strong efforts, in multiple ways, to ensure parental and student participation.

Participation is not just attendance at a meeting. Schools must make and document multiple efforts to ensure that parental participation and input is sought and to ensure that the needs and interests of the student are central to the process of considering appropriate services. If necessary to ensure parent participation, schools must provide information in the parent's native language. When a student is 14 years of age, or younger if appropriate, he or she must be invited to participate as an active member of the Team.

The opportunities provided for parent participation are intended to promote a dialogue between parents and school personnel on behalf of their child and to ensure that the parent has full knowledge of the information used to plan or propose services. Parent's rights do not stop with participation, they start there. Parents have ultimate decision-making authority on most aspects of their child's school program.



Parent and Student Participation, Con't

- **Specific Participation Rights**
- School districts must make multiple efforts to facilitate parental attendance at Team meetings. If parents cannot attend, schools must seek parent input through other means.
- Students at age 14, or younger if appropriate, are entitled to participate in all Team meetings.
- Students at age 18 are adults under Massachusetts law and assume all the rights formerly held by their parents for participation and decision-making.



Free and Appropriate Public Education



Free and Appropriate Public Education.

Free = At no cost to the parent.

Appropriate = Services sufficient to enable the student to appropriately progress in education and advance toward achieving the IEP goals.

Public = Provided by the public school district or under the direction of the public school district.

Education = Preschool, elementary and secondary education, including extra-curricular and non-academic school activities.

The law ensures that students with disabilities have the right to go to school and to experience all of the benefits that school has to offer to students without disabilities. In other words, school is for every student. FAPE in special education ensures that when an eligible student receives special education, his or her special education program must be developed in such a way that it is reasonable to expect the student to receive measurable educational benefit. It would not be acceptable, for instance, for a school district to accept or propose a program for a student that results in little or no progress from year to year.

Note that “education” includes both academic and non-academic activities and specifically includes extra-curricular activities. This is referred to as “life of the school” and speaks to the right of students to be full participants in the life of the school.

Free and Appropriate Public Education, Con't

- **What is the General Curriculum?** The same curriculum as students without disabilities receive, including all Massachusetts Curriculum Frameworks - in particular, English Language Arts, Math, Science & Technology, and History and Social Science.
- One particular aspect of FAPE is ensuring that students with disabilities have access to the same academic curriculum and standards as students without disabilities. This is referred to as the “general curriculum.”
- This means that receiving special education services doesn't require the development of a special or different academic curriculum, but rather provision of the types of services and supports that make it possible for the student to be successful with the **same** curriculum that is provided to students without disabilities.
- The curriculum frameworks in Massachusetts provide a general format and specific grade level standards in each academic subject area. This is the general curriculum in Massachusetts and the student's right to access that curriculum protects his or her right to also demonstrate learning, just like any other student in Massachusetts' schools.



Appropriate Evaluation



Before a student can be found eligible for special education an individualized appropriate evaluation is required, including evaluation of the student in all areas related to the suspected disability(ies) and the student's educational status. (Initial Evaluation)

The Team uses the evaluation information to determine if the student has an educational disability --- that is, a disability that negatively affects the students ability to make progress in education and requires Special Education. (Specially Designed Instruction and/or Related Services)

Every three years, the student must be individually reevaluated to determine if he or she remains eligible for special education. (Three-Year Evaluation)

Evaluation must be tailored to the individual student.

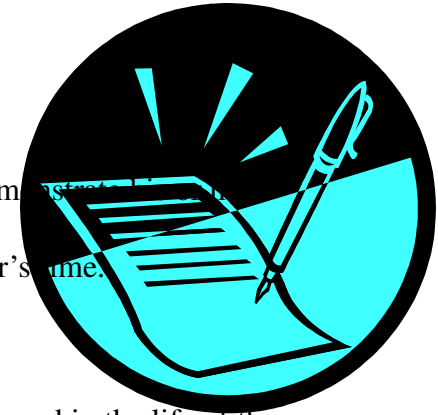
No single assessment should be used as the sole basis for finding a student eligible or ineligible for special education. Sound comprehensive evaluations use a variety of assessment techniques, formal and informal, and may include observations (including parents' observations), surveys, interviews, as well as diagnostic and standardized tests.

Individualized Education Program

IEP

The IEP contains:

- Written information on the parent's concerns and the student's skills.
- A written explanation of how the disability affects the student's ability to learn and to demonstrate learning.
- An identification of specific, measurable goals which can be reached in a year's time.
- A listing of the services to be provided to the student.



The IEP's purpose is to outline:

- What will be done to assist the student to make effective progress in the general curriculum and in the life of the school.
- How the student will participate in state and local assessment. State assessment in Massachusetts means the MCAS.
- The goals the student is expected to reach by the end of the IEP period.

A student who is found eligible for special education has the right to receive, in written format, information on how the disability affects the student's learning and the special education services that the student will receive from the school district in order to meet his/her unique educational needs arising from the disability. The IEP is a legal document. It must be:

- written in generally understandable language and provided to the parent in the parent's native language.
- developed by a Team of people familiar with the student and supported by the assessment information (the Team always includes the parent).

Least Restrictive Environment

•LRE means that to the maximum extent appropriate, students with disabilities have the right to be educated in the general education environment in the classroom they would have attended if they did not have disabilities.



Procedural Safeguards

Procedural Safeguards include the:

Right to written notice

Right to consent/refuse

Right to “stay put”

Problem Resolution System

Mediation and Due Process

Timelines

Confidential records

Right to receive evaluations 2 days in advance of Team meeting, if requested

Procedural safeguards are a part of each of the five proceeding principles. Procedural safeguards protect the rights of parents and students with disabilities and we have identified some key safeguards throughout this presentation.

One major safeguard is written notice (first on the list). The right to receive written notice occurs throughout the process of special education and requires the school district to provide written notice to parents at many major junctures. For example, the district must provide written detail anytime it either proposes to do something (like conduct an evaluation, or begin IEP services, or move a student from one placement to another) or anytime it refuses to do something (like saying “no” to a parental request for additional services). The written notice should help to inform the parent why the district is or is not taking a certain action and if other possibilities were considered. This particular safeguard is yet another way that parental participation and knowledge is woven throughout the law.

The Six Principles



1. Parent and Student Participation
2. Free and Appropriate Public Education
(FAPE)
3. Appropriate Evaluation
4. Individualized Education Program (IEP)
5. Least Restrictive Environment (LRE)
6. Procedural Safeguards