

## Special Education FAQs

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### 1. What is special education?

Special education means specially designed instruction, services or programs, provided at no cost to the parent, to meet the unique needs of students with disabilities. Special education services and programs may be provided individually to a student or in a group with other students with similar educational needs. Each student's Special Education TEAM makes recommendations about appropriate special education services and programs, which are described in detail in a written plan for each child, known as the Individualized Education Program (IEP).

Special education may include specially designed instruction or supplementary instruction and services provided in the general education class, consultation services from a special education professional, resource room programs, special classes, home and/or hospital instruction or programs and services provided in other public or private schools.

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### 2. Who are the members of the student's Special Education TEAM?

If a child is referred for special education, the parents are automatically members of the TEAM as it addresses the child's needs. A special education TEAM Chairperson leads the team and is responsible for reviewing referrals, arranging for evaluations and recommending programs and services for children with disabilities. TEAMS must ensure that students' Individualized Education Programs enable them to progress in the general (regular) curriculum. Parents and teachers provide valuable information to assist the TEAM in making decisions about a child's strengths, appropriate programs and services, and placement to meet the child's unique needs.

Each child's Special Education TEAM must include the following:

- the parent(s) of the child;
  - at least one regular education teacher of the student, if the child is, or may be, participating in the regular education environment;
  - at least one special education teacher, or if appropriate, at least one special education provider (i.e. related service provider) of the student- typically the liaison;
  - a representative of the school district who is qualified to provide, or supervise the provision of specially designed instruction to meet the student's unique needs, and who is knowledgeable about the general education curriculum and district resources- the TEAM Chairperson;
  - an individual who can interpret the instructional implications of evaluation results;
  - at the discretion of the parent or school district, any other individuals who have knowledge or special expertise regarding the student, including related service personnel as appropriate;
  - the student, when appropriate (transition goals begin for students age 14 and older);
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### **3. What is the role of the regular education teacher?**

When a child is, or may be, participating in a general education setting, the TEAM must include at least one regular education teacher to help develop, review and revise the student's IEP. The regular education teacher likely to be implementing the IEP and/or accommodations should participate in discussions about best strategies to help the child learn. If the student has more than one teacher, the school district may designate which teacher or teachers will participate in the IEP meeting.

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### **4. What is included in a student's Individualized Education Program (IEP)?**

Here is some of the information typically included in an IEP:

- A statement of the child's present levels of educational performance,
  - A statement of measurable annual goals, including benchmarks or short-term objectives,
  - A statement of how the student's progress toward the annual goals will be measured and how the parents will be regularly informed (progress reports, report cards).
  - A statement of the special education programs and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications (if appropriate) or accommodations or supports for school personnel that will be provided for the student,
  - An explanation of the extent, if any to which the child will not participate with non-disabled children in the regular class,
  - The projected date for the beginning of the services and the anticipated frequency , location, and the duration of the services, modifications and accommodations stated in the IEP
  - A statement of any individual accommodations in the administration of MCAS
  - The student's recommended placement.
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## 5. What are the steps in developing a student's IEP?

### Step 1:

#### Referral for Special Education Services

A referral is a written statement that goes to the TEAM Chairperson at the building where the student is enrolled (or would be enrolled if attending Ashland Public Schools). The referral indicates that a parent, teacher or other professional believes that a student may have a disability that adversely affects educational performance.

#### Parents and Teacher Assistance Teams should:

- Describe in writing the specific reason for the referral, including any behaviors that may impede learning of the child or others.
- Clearly support each reason, using test results, observation and anecdotal information.
- Describe how the suspected disability affects the child's ability to be involved in the general education curriculum.
- Describe attempts to remediate the learning problem or state why such attempts have not been tried (teachers only).
- Teachers are required to review the DCAP (District Curriculum Accommodation Plan) checklist and document interventions.

### Step 2:

#### Student Evaluation

An evaluation is an assessment of a student, using a variety of tests and techniques, to determine whether a student has a disability that requires special education services.

#### Parents and teachers should:

- Provide specific examples as evidence of the child's learning problem.
- Provide information on behaviors of the student that may be related to the suspected disability.

### Step 3:

#### Individualized Education Program

If the student is eligible for special education, the student's Special Education TEAM develops an IEP to meet the unique educational needs of the child.

#### Parents and teachers should:

- Participate in all meetings to develop, review and/or revise a child's IEP.
- Help determine positive behavioral strategies for the child.
- Help determine annual goals and objectives and how they will be measured.
- Help determine specific programs, services, accommodations, modifications and supports to help the child meet his or her goals and objectives and be involved in the general education curriculum.
- Help determine how parents will be informed about their child's progress during the school year.

- Help determine test accommodations.
- Help determine where programs and services will be provided.

**Step 4:**

Implementation of the IEP

Implementation means providing the programs and services included in the Individualized Education Program immediately following parental consent to the IEP.

Parents and teachers should:

- Review the IEP and ask questions if it includes information you do not understand.
- Implement program modifications and instructional accommodations, if required to do so.
- Contact the TEAM Chairperson ASAP whenever a student is not progressing toward meeting the goals and benchmarks as stated in his/her IEP. A TEAM meeting will be scheduled to discuss the student's progress and redevelop more appropriate goals and benchmarks.

**Step 5:**

Annual Review of the IEP

At least annually, the TEAM must review, and revise, each student's IEP.

Parents and teachers should:

- Prior to the review, thoroughly review the child's current IEP.
- Provide any information about the child that will help the TEAM understand the current needs of the child.
- Help determine changes to programs, services, accommodations, modifications and supports in the IEP to reflect the unique needs of the child and to help the child meet his or her annual goals and to progress in the general education curriculum.

**Step 6:**

Re-evaluation

At least once every three years, the committee must re-evaluate the student to determine if the student continues to have a disability and continues to need special education.

Parents and teachers should:

- Review the child's performance since the last evaluation.
- Make recommendations on what tests, if any, should be administered.
- Ask questions about evaluation information that is unclear.

**6. Where are special education services provided?**

Each student must be placed in the least restrictive environment, or LRE, in which he or she can learn. For most students with disabilities, that means the general education classroom. Special classes or separate schools will be considered only when the nature or severity of the disability means that a student cannot learn in a general education setting even with supplementary aides and services (which could include teacher aides, assistive technology and other supports). Some special education classes and other programs may be provided through the ACCEPT Collaborative or other public school collaboratives. In all cases, special education programs and services must be provided in the least restrictive environment. Unless a child's IEP requires another setting, the child should be educated in the school he or she would attend if he or she did not have a disability.

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## **7. What are the timelines for receiving special education services?**

Within 45 school working days after receipt of a parent's written consent to an initial evaluation or reevaluation, Ashland Public Schools shall: provide an evaluation; convene a TEAM meeting to review the evaluation data, determine whether the student requires special education, and, if required, develop an IEP, provide the parents with two copies of the proposed IEP and proposed placement.

The evaluation assessments shall be completed within 30 school working days after receipt of parental consent for the evaluation. Summaries of each assessment shall be completed so as to ensure their availability to parents at least two days prior to the TEAM meeting.

Upon receipt of the signed consent, the special education office will forward a letter notifying you of the thirty (30) day limit and the forty-five (45) day limit.

## **8. Are student records confidential?**

Yes. While parents may access all school records concerning their children, a Ashland's policy on the confidentiality of student records limits access to certain documents by school personnel. Only parents, teachers and school personnel who are involved in the education of children with disabilities have the right to access a child's educational records (Family Education Rights and Privacy Act of 1974). All general education, special education and other school personnel who have students with disabilities in their classes or caseloads have the right under federal law to access the student's Individualized Education Program. It makes sense: To meet a student's individual needs, school staff need to know what services and supports are required in the IEP.

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## **9. Are students with disabilities expected to meet the same standards and take the same tests as general education students?**

Ashland must ensure that each student with a disability has equal access to the full range of programs, services and assessments available to all students in order to achieve desired learning results, as appropriate to the unique needs of the student. Most students with disabilities have the ability to pass state tests and achieve the requirements for a high school diploma, if they are afforded access to the general education curriculum and provided the necessary supports. Some students with disabilities will not be able to achieve a high school diploma. These students will earn Certificate of Attainment, based on achieving the goals specified in their IEP. Parents, teachers and other members of the TEAM have an important role in ensuring students with disabilities receive the special education supports and services, as well as test accommodations and program modifications they need to help them attain the standards identified within the Massachusetts Curriculum Frameworks.

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## **10. What are test accommodations and how are they implemented?**

Test accommodations are changes in testing procedures or formats that enable students with disabilities to participate in state and district testing programs. The individual student's Special Education TEAM determines if a student's disability needs to be accommodated during testing and indicates the accommodations on the student's IEP. Examples of accommodations include more time to complete tests; administering tests in separate locations; large print editions of tests; reading directions aloud to students; permitting use of a calculator, and others. If an IEP calls for a test accommodation, it should be provided for all tests, quizzes and examinations. The building principal has direct responsibility for ensuring that test accommodations on the student's IEP are fully and consistently implemented.

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## **11. What are the rights of parents in the IEP process?**

Parents must be given the opportunity to participate in the decision-making process about their child's education. School districts are required to provide a written notice in the language the parents speak describing proposed actions the school district will take with their child and the steps a parent can take if the parent disagrees. These actions may include the evaluation, identification and placement of a child. Some actions may require a parent's written permission prior to the school district carrying them out. A parent's consent is required when a child is evaluated and the first time a child receives special education.

Parents are encouraged to review the "[Notice of Procedural Safeguards](#)". This document is mailed to the parent when consent is requested for initial evaluations and annually thereafter for all students on IEPs.

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## **12. What steps can a parent take if there is disagreement with a child's IEP?**

Sometimes a parent will disagree with the TEAM's recommendations on a child's evaluation, eligibility, placement or educational program. If that happens, the parent may ask for additional meetings with the TEAM, mediation, and/or impartial hearings to resolve the disagreements. If a parent requests mediation, the school district must make it available. If the parent decides not to use mediation, this cannot deny or delay the right to an impartial hearing.

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## **13. What happens if a parent or teacher believes the student's program or placement is no longer appropriate?**

Either the student's teacher or parent should contact the special education TEAM Chairperson to schedule a TEAM meeting to review the IEP. The child's special education and regular education teachers are important persons to assist the parent in this collaboration and discussion.

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#### **14. What planning should occur for young adults with disabilities?**

It is important to plan ahead so that teenagers with disabilities can learn skills necessary for employment, post-secondary education, and/or community living as an adult. By the time a student is 14, and thereafter, the TEAM will begin planning for the student's transition to adulthood based on the child's desired long-term goals. When necessary, the IEP will include programs and services to prepare for adult life. Children with disabilities should be encouraged to attend the TEAM meeting when transition planning is discussed.

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#### **15. What help is available for children who may not need special education but may require other accommodations to learn?**

Section 504 of the Rehabilitation Act of 1973 is a federal civil rights law that requires school districts to provide students who are "qualified disabled" "reasonable accommodations" necessary to ensure access to all public school programs and activities. A child would be considered "disabled" under Section 504 if the student has "a physical or mental impairment that substantially limits one or more major life activities such as walking, seeing, speaking and learning." Some children may not require special education services but do need other accommodations or services because of their disability.

For example, a student who has juvenile arthritis may need physical accommodations such as a computer or word processor to participate in school programs and activities, but does not need "special education" provided through an Individualized Education Program. A team of teachers and specialists in each school is responsible for developing and annually reviewing a 504 Accommodation Plan, describing the supports and services for each child. Parents are invited to participate in the meeting to develop this plan.

Questions about Section 504 should be directed to your child's guidance counselor. The school building administrator has direct responsibility to implement 504 accommodations.

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#### **16. What support services are available to children who are not considered to have a disability, but still have problems learning?**

School districts provide a range of general education support services to address the learning and behavioral needs of school-age students. These supports may include remedial classes in small groups, Academic Intervention Services (AIS), speech improvement services, counseling, enrichment skill training classes, reading recovery programs, and occupational therapy and other related services. Any student who scores below the state minimum on a fourth- or eighth-grade test, or below the passing grade on any Regents examination required for graduation, has the right to receive AIS. The building administrator is usually responsible for the implementation of these programs and services.

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#### **17. What can be done if a school district is not complying with federal and state law on special education?**

Parents have the right to submit a written complaint to Program Quality Assurance Services (PQA) at the Massachusetts Department of Education if they believe that their district has violated federal or state special education law or regulations.

Program Quality Assurance Services (PQA) 350 Main Street, Malden, MA 021480-5023

Telephone: 1-781-338-3700 TTY: N.E.T. Relay 1-800-43-2370 FAX: 1-781-338-3710

e-mail: [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu) website: <http://www.doe.mass.edu/pqa>

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## **18. Where can I find more information?**

A number of local, national and statewide organizations provide information to parents and educators. A partial list includes:

ASHPAC (Ashland Parent Advisory Council) <http://www.ashpac.org>

Special Education laws <http://www.doe.mass.edu/sped/laws.html>

Massachusetts Department of Education Special Education <http://www.doe.mass.edu/sped>