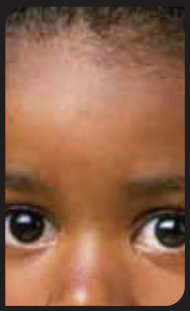
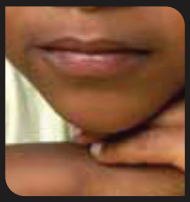
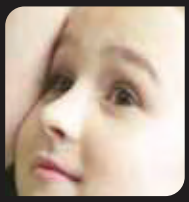
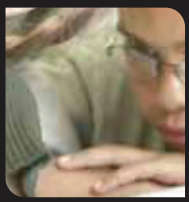
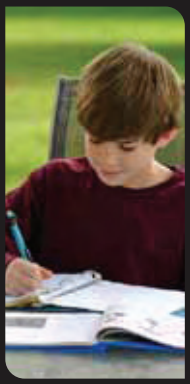
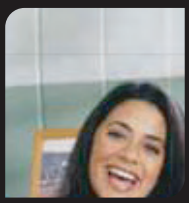





A FAMILY GUIDE to

Special Education in New Hampshire



PARENT INFORMATION Center

Guiding & Encouraging Families

Parents play an important role in their children's education. When a child has a disability and needs special education, parents are their most important advocates. If you believe that your child has a disability and needs special education one of the most important things for you to do is learn more about the special education process.

This booklet provides a brief overview of the NH special education process. By gaining knowledge and skills you will be able to participate more effectively in meetings and make better informed decisions for your child. This guide includes questions you can ask your child's school about special education. At the end of this booklet, there is a listing of resources where you can find more information.

The Parent Information Center on Special Education provides information and support to parents and others so that they may participate effectively as team members in the special education process. We believe that all children can succeed with the right support. Our vision is that children with disabilities have successful educational experiences that prepare them to be actively involved in the community as adults.

What is special education?

Schools are for all children, helping them to develop socially, emotionally, physically, and academically. For some children with disabilities, school can be very challenging. However, with specially designed programs they too can succeed.

Special education is specially designed instruction and related services to meet the unique needs of a child with a disability. The purpose of special education is to ensure that children with disabilities receive a Free and Appropriate Public Education (FAPE).

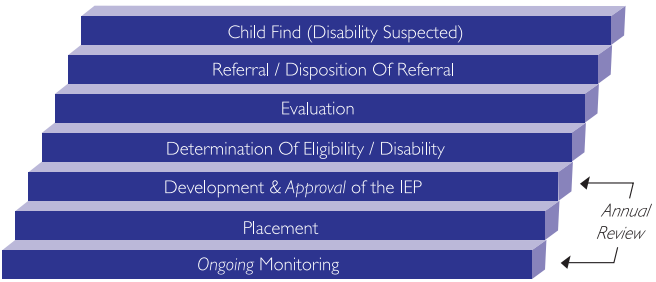
If a child is tested and found to need special education it must be provided at no cost to the parents.

Who is entitled to receive special education?

Not all children who have a disability are entitled to special education. Children who have an educational disability (meaning that the disability affects their academic and functional performance) and are between 3 and 21 years of age and have not received a regular high school diploma, are eligible for special education. Children younger than age 3 may be eligible for Family Centered Early Supports and Services (ESS). For more information on ESS, contact the PIC on Special Education.

A child must be found eligible for special education using the special education process. This process must be followed to determine not only whether a child is eligible for special education but also to design a program that meets the child's unique needs. It is important for families to know what to expect so that they can be effective team members. Below is a visual of the steps in the NH special education process.

Steps in the NH Special Education Process



How does the special education process begin?

If your child is struggling academically, socially, emotionally, having behavioral problems or difficulty communicating, you may make a referral for special education. A referral is a formal request asking that your child be evaluated to see if they are eligible for special education.

PIC on Special Education recommends that you make the referral in writing, send a copy to the principal and special education director or coordinator, and keep a copy for your records.

When you write the referral letter it should contain the reasons why you believe your child may have a disability and need special education. Be sure to include your child's name, grade, and school they attend. You may also want to send copies of any input from your child's doctor or specialist that supports your belief that your child needs special education. The letter should also contain a statement that says, "I am requesting that you evaluate my child for special education." For a sample letter, go to PIC on Special Education's website www.nhspecialed.org.

It is important to know that anyone can make a referral for special education. If someone else refers your child, you are to be immediately informed in writing so that you can be involved in the process from the beginning.

What happens after the school receives my referral letter?

Once the school district receives a referral, you will receive a written invitation to attend an Individualized Education Program (IEP) Team meeting to discuss the referral. The law says that the school district must respond to all referrals that are made about a child by holding a meeting of the IEP Team within 15 calendar days. This initial meeting to address the referral is a called a **Disposition of Referral meeting**.

The written meeting invitation will include the date, time and place of the meeting, the purpose as well as who else is invited to the meeting. As with any IEP meeting, if you are unable to attend the meeting at the scheduled date and time, you should contact the school and reschedule, providing a few dates and times that work for you.

Who is the IEP Team?

The IEP (Individualized Education Program) Team is a group of individuals, primarily school personnel, service providers, and you, the parent(s), that are responsible for making all special education decisions. The IEP Team is responsible for determining eligibility for special education, developing, reviewing, or revising the IEP, and placement. When you attend a Disposition of Referral meeting (and any other meeting), you are participating as a member of the IEP Team. Your voice is important.

You are an important IEP Team member because you play a crucial role in the education of your child. You will be with your child throughout the education process. You know:

- ❖ Your child's unique characteristics, strengths, needs, learning style and what motivates him/her
- ❖ Important historical information about your child, including family, medical and developmental history
- ❖ What has and has not worked in the past to help your child

Having this information will help the other members of the IEP Team get to know your child and make appropriate decisions.

What happens at the Disposition of Referral meeting?

At this meeting, the IEP Team, which includes you, the parent(s), will meet to review all available information about your child. This includes report cards, any standardized tests that your child may have taken and input from you and your child's teacher. You should bring samples of your child's schoolwork or reports, including any medical information that supports your concerns.

At this meeting, the IEP Team will make a decision about what to do with the referral for special education. To do this, the IEP Team will first discuss whether your child's needs can be met through regular education services available to all children.

At the Disposition of Referral meeting, the IEP Team may decide:

- They need further information (additional testing) to determine whether your child is eligible for special education. To do this testing the IEP Team needs your written permission

- Your child has a disability, but does not need special education and instead propose that a plan under Section 504 plan be written for your child to provide needed accommodations. *Contact PIC on Special Education for more information on Section 504*

- An evaluation is not necessary because the IEP Team does not suspect that your child has a disability and requires special education

Whatever decision the IEP Team makes, the school must provide you with Written Prior Notice (specific information in writing) that explains why they propose to conduct an evaluation or are refusing the request. Written Prior Notice (WPN) will also explain how the IEP Team came to that decision and what information they used as a basis for making that choice.

Remember, IEP Team decisions are based on facts presented at the meeting and the feedback from you and the other IEP Team members. If an agreement cannot be reached about the need for further educational testing to determine eligibility for special education, or about whether your child is eligible based on the information that has just been discussed, the school district may make a proposal (WPN) to which you can agree or disagree.

You have 14 calendar days to make any decision and sign any documents. This means that you can tell the school that you would like to think about what was given to you before you sign anything. You may choose to agree with the proposal, agree with specific exceptions, or disagree. Feel free to use some or all of the 14 days to make a decision. You should never feel pressured to sign anything right away.

If you disagree with an IEP Team decision there are steps you can take. You can:

- ❖ Ask for another meeting to discuss the issues further
- ❖ Request mediation or one of the other dispute resolution processes. For more information contact PIC on Special Education

What happens if the IEP Team decides to evaluate?

When an IEP Team determines that more testing is necessary to determine if your child is eligible for special education and to understand the educational needs of your child, you will be asked for your written consent to evaluate. The consent form will include the kinds of tests that your child will be given.

Once the IEP Team has your written consent to test your child, they have **45 calendar days to complete the evaluations** and hold a meeting to discuss the test results and determine eligibility for special education. You and the school may agree (in writing) to one 15-calendar day extension to this timeline.

What does an evaluation include?

The purpose of an evaluation is to:

- ❖ Determine eligibility for special education
- ❖ Gather information to determine your child's educational needs
- ❖ Guide the decisions to be made about how to meet your child's educational needs

Your child's evaluation must be individualized and assess all areas of suspected disability. The evaluation must gather information about your child's functional, developmental, and academic performance, and include information provided by you, the parent.

When conducting an evaluation it is necessary to examine all areas that are impacted by your child's suspected disability including social and emotional development and behavior. Evaluations are used to establish baseline information on your child and to recognize areas of strengths and concern. This may include health, hearing, vision, social and emotional status (including behavioral needs), general intelligence, academic performance, communication and motor abilities, daily living skills, vocational needs, and the need for assistive technology.

Who will test your child?

The *NH Rules for the Education of Children with Disabilities*, NH's special education regulations, lists who is qualified to diagnose and evaluate children who are being considered for specific categories of disabilities. An on-line version of the *NH Rules for the Education of Children with Disabilities* may be found at the NH Department of Education's website at http://www.ed.state.nh.us/education/doe/organization/instruction/documents/NHRulesBoxesJuly172008.pdf

What happens after the evaluation?

Once the evaluation is complete, the IEP Team must meet to review the evaluation results. An individual who can interpret the instructional implications of the evaluation and what those mean for your child's education is a required member of the IEP Team.

The IEP Team will use the information from the evaluations as well as any other available information to determine whether your child is eligible for special education services. This is your opportunity to ask as many questions as you want about what your child was asked to do on each test, how your child learns and how the disability impacts your child in the classroom.

To be eligible for special education your child must have an educational disability and because of that disability, require special education and/or related services such as speech and language therapy, physical therapy etc. Your child will be indentified in one or more of the disability categories defined in the *NH Rules for the Education of Children with Disabilities.*

If you disagree with the school's evaluations, you may request an independent educational evaluation (IEE) at public expense or you may pay for one yourself. *For more information on IEEs contact PIC on Special Education.*

If you request it, the school must give you access to test results and other relevant educational records 5 days prior to the IEP Team meeting. For a sample letter asking for access to these records go to www.nhspecialed.org.

What happens if my child is found eligible for special education?

Once your child is determined eligible for special education, the IEP Team meets to develop a plan to address your child's educational needs. This plan is called an Individualized Educational Program (IEP). The IEP Team must meet to develop your child's IEP within 30 days after your child is found eligible for special education. The school district may combine meetings and want to start drafting the IEP when your child is found eligible for special education. If you do not feel comfortable starting to draft the IEP at this meeting, you can ask to schedule another meeting to draft the IEP.

What is the IEP?

The Individualized Educational Program (IEP) is the written document that describes the special educational services that your child will receive. The IEP should be written clearly so that you and your child's teachers/service providers understand the goals and services to be provided to your child.

The IEP includes measurable annual goals and short-term objectives or benchmarks. You may find these objectives helpful in understanding and monitoring your child's progress. The IEP also states how your child's progress will be measured and how and when you will be informed of your child's progress.

You have up to 14 calendar days after the school district sends Written Prior Notice with the proposed IEP to review and sign the IEP. This is also true for other documents requiring your signature. If you disagree with the IEP, you may ask for another meeting, agree with exceptions, request mediation, a neutral conference or a due process hearing. Asking the NH Department of Education to provide an IEP Facilitator is another way for the IEP Team to continue working together when there are disagreements or difficulty completing the work of the IEP Team. *For more information on alternative dispute resolution options, contact PIC on Special Education.*

THE FIRST/INITIAL IEP DOES NOT BECOME EFFECTIVE UNTIL IT IS AGREED UPON AND SIGNED BY YOU (THE PARENT) AND A SCHOOL DISTRICT REPRESENTATIVE.

Short-term objectives or benchmarks must be written for all children unless you, the parent(s), determine they are unnecessary for all or some of your child's annual goals.

Where will my child receive services?

After the IEP has been developed and agreed upon, the IEP Team meets to determine the **Least Restrictive Environment** (LRE) in which your child will receive special education and related services described in their IEP. This is known as your child's placement. LRE means that, generally, your child will be educated with his/her typical peers in the regular education classroom in the school your child would attend if

he/she did not have a disability. Your child will be removed from the regular education classroom in the neighborhood school only if the IEP Team determines that your child's needs cannot be met in that setting, even with added support for your child and/or his/her teacher. If your child needs a different setting, the IEP Team may choose a placement from a range of options. The *NH Rules for the Education of Children with Disabilities* lists the types of educational settings in which children with disabilities ages 3 - 6 and 6 - 21 may be taught.

The IEP Team, which includes the parent(s), determines placement in the Least Restrictive Environment.

How often is an IEP reviewed?

The IEP must be reviewed and revised once a year so that it continues to meet your child's needs. You or any IEP Team member who has concerns about your child's progress or who believes changes are needed to the IEP may request that an IEP Team meeting be held.

If you make a written request for an IEP meeting, a meeting must be held within 21 calendar days or the school must give you Written Prior Notice that states why they are refusing to schedule a meeting.

Once your child begins receiving special education, he or she will be reevaluated at least once every three years to ensure the IEP Team has current information to base their decisions on. Parents (and other IEP Team members) can request testing at anytime if there are any concerns.

Your child must also be reevaluated if the IEP Team is considering removing special education services.

Remember, working together as a team and keeping the lines of communication open between you and the school will help your child succeed in school.

Any time a parent makes a written request for an IEP Team meeting, the school must schedule the meeting within 21 days or provide the parent with Written Prior Notice stating why they are refusing to hold the IEP Team meeting.

How can I best work with my child's IEP Team?

It's important for you to know about the special education process and how to be an effective member of your child's IEP Team. Attending a free PIC on Special Education workshop on the special education process is one way you can become more knowledgeable in your role as an IEP Team member.

Before an IEP meeting, make a list of any questions you may have or things that you want to share. Be prepared to share information you may have about your child and his/her disability. During an IEP meeting, listen carefully and try to be open to hearing what others on the IEP Team have to say.

What questions can you ask to learn more about special education?

- How will I know if my child is making progress?
- Who is responsible to ensure that my child reaches all the goals in his/her IEP?
- If I am concerned with my child's current progress in school, who do I contact?
- What if my child improves and does not need as much help?
- Will my child have to leave the regular classroom to receive services?
- How can we regularly communicate about how my child is doing?
- What can I do at home to help my child succeed in school?

You may have additional questions and should feel comfortable asking anything. This is one way that you can be sure that you are well informed and the school is aware of your concerns.

For a more detailed description of the special education process contact PIC on Special Education and ask for a free copy of the *Steps in the NH Special Education Process*. This booklet can also be found at www.nhspecialed.org.

To learn more about the special education or to ask questions about the process, contact:

PIC on Special Education
603-224-7005 or toll-free at 1-800-947-7005
or visit our website at www.nhspecialed.org.
PIC on Special Education offers:

❖ Telephone/email support

❖ Free trainings and workshops for parents

❖ Handouts, articles, resources and other information

NH Connections: Linking Family, School, and Community
603-224-7005 or 800-947-7005 • www.nhconnections.org

NH Department of Education - Bureau of Special Education
603-271-3741 • http://www.ed.state.nh.us/education/

Disabilities Rights Center
603-228-0432 or 800-834-1721 • http://www.drcnh.org/

CADRE – Center for Appropriate
Dispute Resolution in Special Education
541- 686-5060 • www.directionservice.org/cadre

National Dissemination Center for
Children with Disabilities (NICHCY)
www.nichcy.org/Pages/Home.aspx

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LINKING FAMILY, SCHOOL AND COMMUNITY

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