

Intro to Special Education



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Advocates for Children of New York
Protecting every child's right to learn



Today's Training

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- Introduction
- Special Education Law
- The Special Education Process
- Continuum of programs and services
- Know Your Rights





What is Advocates for Children (AFC)?

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AFC is an independent agency that protects the rights of all NYC students

Our Services:

- Helpline: **1-866-427-6033** (Mon-Thurs, 10am – 4pm)
- Guides and resources: www.advocatesforchildren.org
- Workshops and trainings
- Free legal services to low-income families

The Law for Students with Disabilities

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The Rules

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- Individuals with Disabilities Education Act (IDEA)
- Section 504
- NYS Education Law and Regulations [“Part 200’s”](#)
- [NYC Chancellor’s Regulations](#)
- NYC DOE Standard Operating Procedures Manual ([“SOPM”](#)) for Special Education





Section 504 of the Rehabilitation Act

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Prohibits discrimination based on disability

Schools must make reasonable accommodations

Rights apply to parents, too

Examples of 504 Plan accommodations:

- Classroom accommodations
- Testing accommodations
- Nursing services
- Physical modifications



Individuals with Disabilities Education Act

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IDEA: All children (through age 22) with a disability...

Have the right to a

Free

Appropriate

Public

Education

FAPE

In the

Least

Restrictive

Environment

LRE



Free Appropriate Public Education (FAPE)

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- FAPE = programs and services designed for the student's unique needs
- Must provide a meaningful benefit
- Helps the student progress

“A Chevy, not a Cadillac”





Least Restrictive Environment (LRE)

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- Goal is inclusion
- As much as possible, students with disabilities learn with students who do not have disabilities





Language Access Rights: Translation & Interpretation

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Arabic, Bengali, Chinese, French, Haitian-Creole, Korean,
Russian, Spanish, Urdu

NEW! Albanian, Uzbek and Ukrainian

Translation:

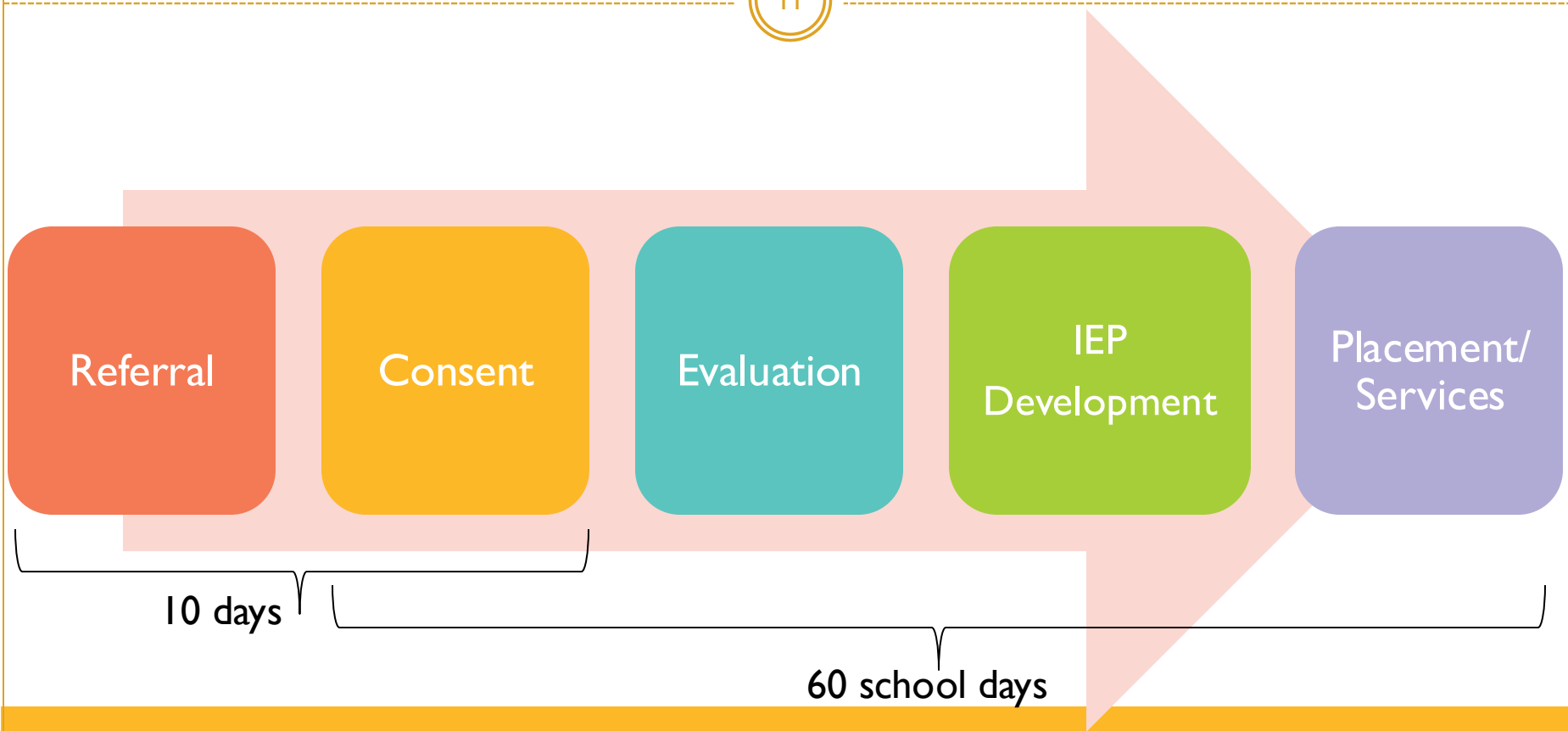
- letters
- forms
- meeting notices
- report cards
- special education documents

Interpretation:

- parent-teacher conferences
- parent association meetings
- suspension hearings
- meetings with school staff
- special education meetings

DOE language access complaints: (718) 935-2013 or [Hello@schools.nyc.gov](mailto>Hello@schools.nyc.gov)

The Special Education Process





Pre-Referral Interventions

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- Help students with academic and behavioral needs
- Also called Academic Intervention Services (AIS) or Response to Intervention (RTI)
- Required if promotion-in-doubt
- Not a special education evaluation
- Should **NOT** delay the special education process





Referral

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- Who can make a referral for special education?
 - **Parent/legal guardian** or the **school**
- How to refer?
 - In writing (keep a copy!)
 - Send a letter to the principal, school-based support team and/or committee on special education
- Child Find
 - The school *must* refer a child for evaluation if it thinks the child has a disability





Consent

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- Within **10 school days** of referral, the school must ask the parent for consent to evaluate
 - Watch for delays here!
- Consent must be **written, voluntary, and informed**
- The parent can withdraw consent at any time





After Consent to Evaluate

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The following must happen within 60 **school** days:

- Evaluation(s)
- IEP Meeting
- Placement/Services

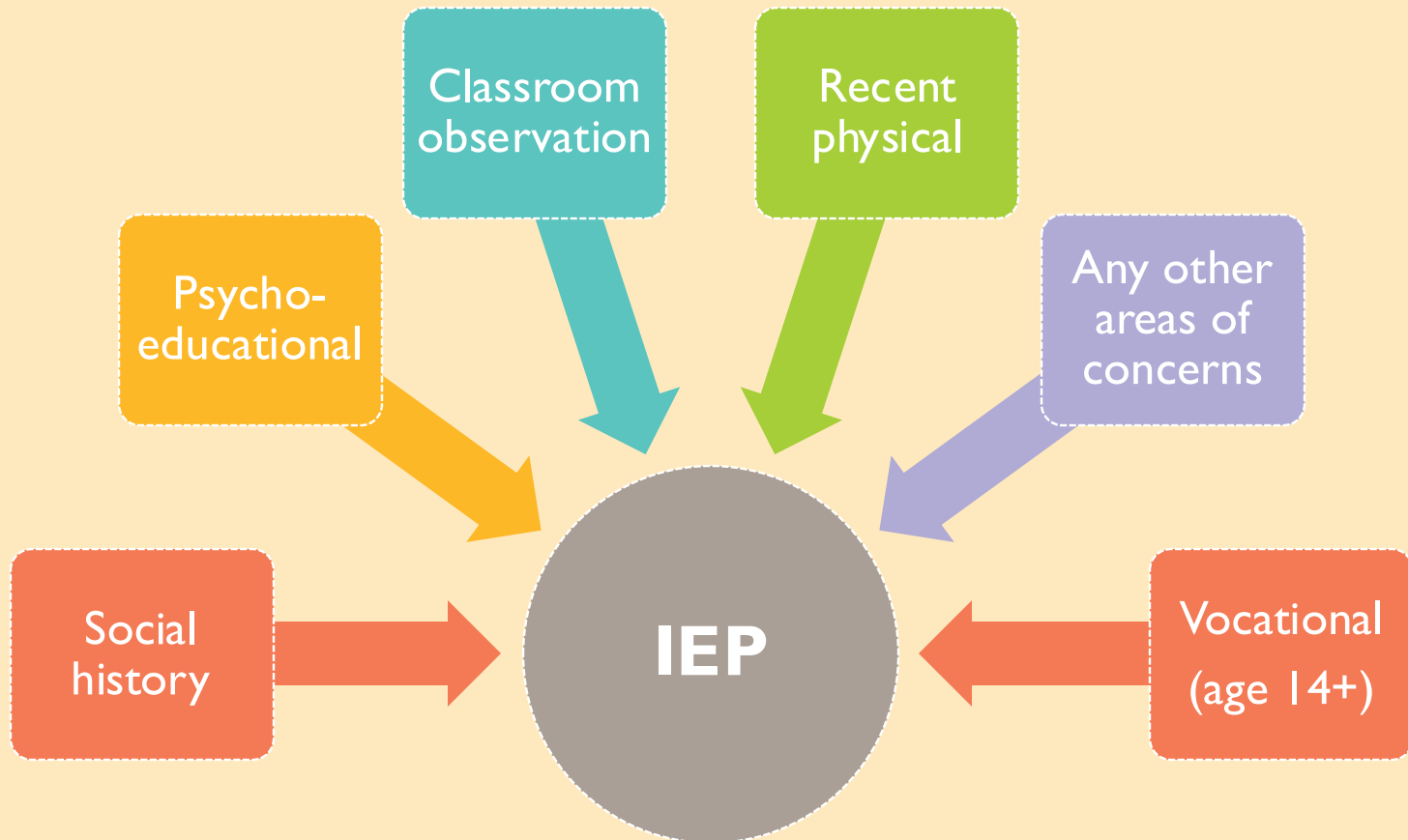




What Should an Evaluation Include?

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Students must be tested in all areas of suspected disability





Additional Evaluations

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Occupational
Therapy

Physical
Therapy

Speech
Language
Therapy

Assistive
Technology

Functional
Behavior
Assessment

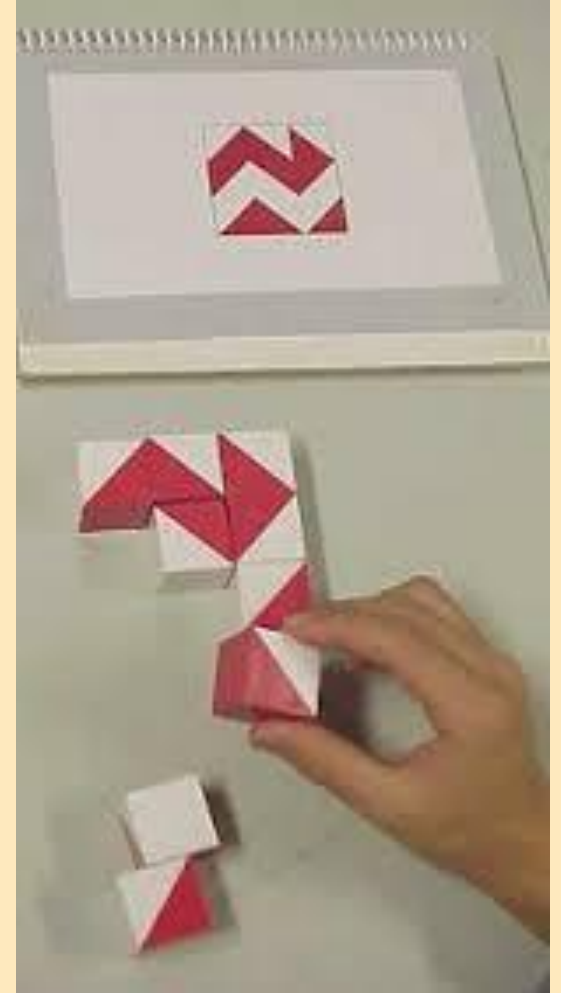
Vocational
(Level 2 or
Level 3)



Evaluations

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- Must be bilingual, if the student uses a language other than English
- Free
- School must evaluate every three years, but up to once a year
- Parents have a right to copies





What is an IEP?

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- Individualized
- Legally binding (like a contract)
 - Everything on the IEP must be given to the student
- Good for one year
- Created at a meeting
- Parent is a team member!

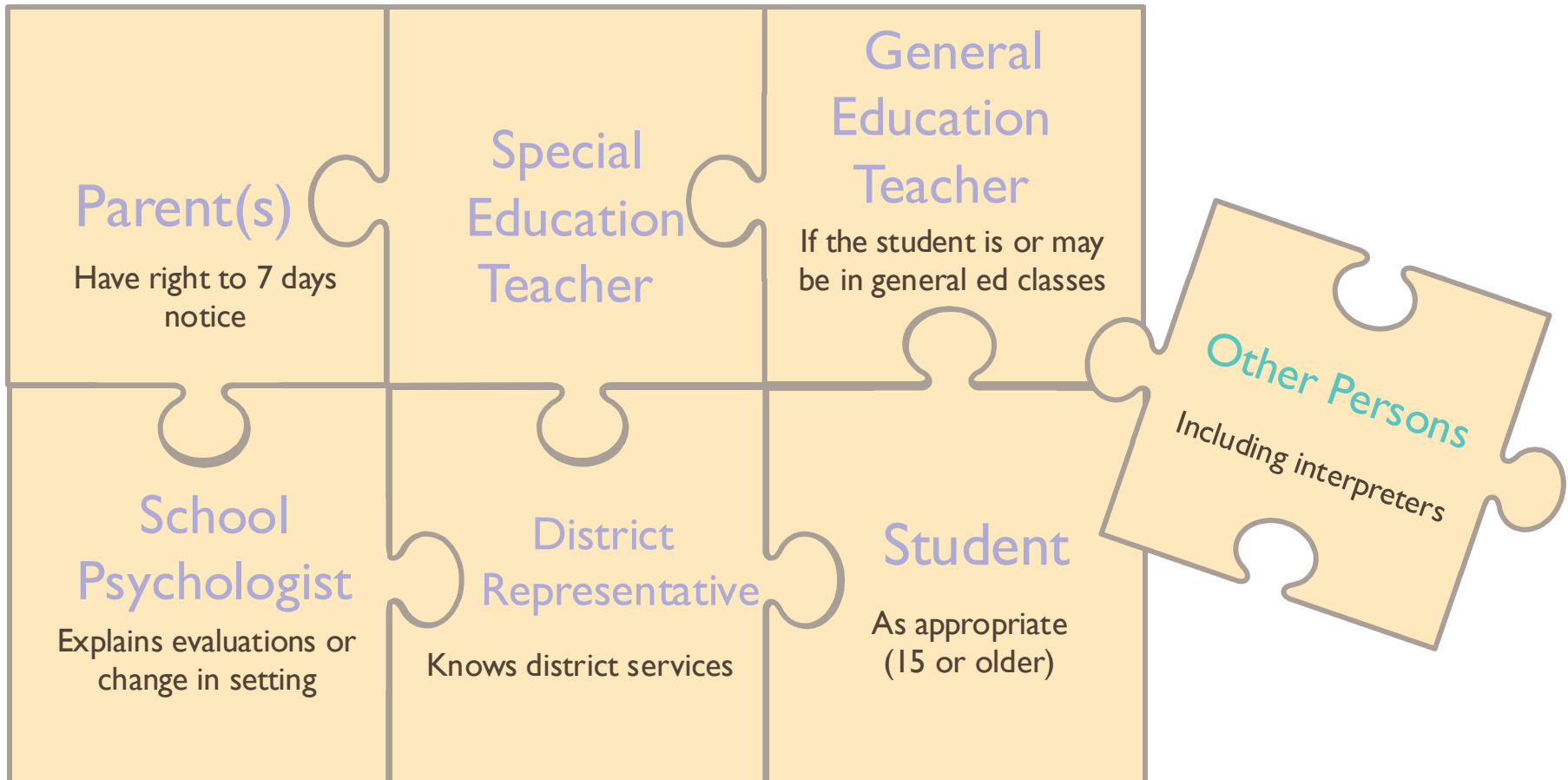




The IEP Meeting

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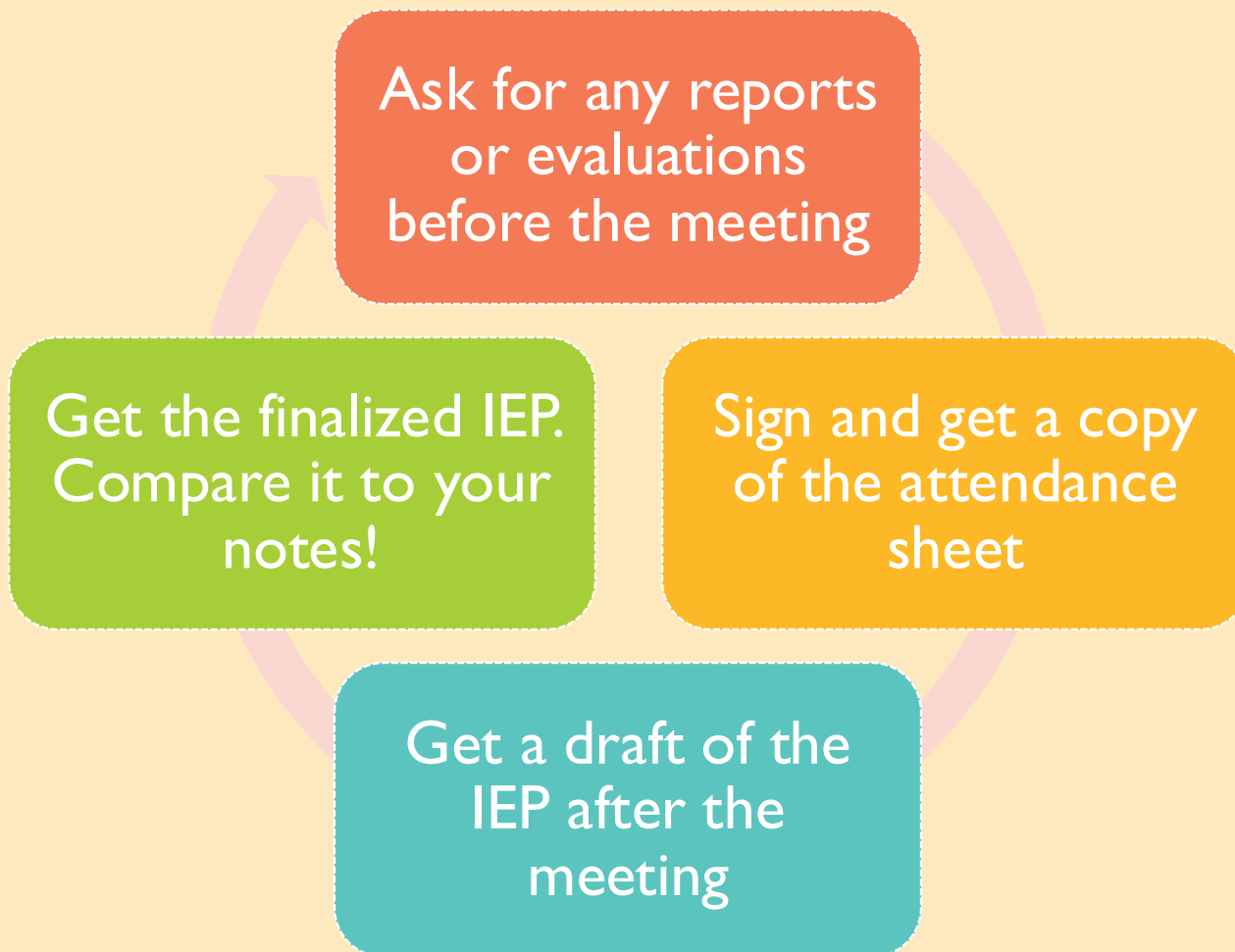
Who is at the meeting?





Tips for IEP Meetings

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Important Sections in an IEP

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Present Levels of
Performance

FBA/BIP

Annual Goals

Recommended
Program

Related Services/
AT

Testing
Accommodations

Transition Plan

Promotion
Criteria

Parent Concerns



Program Recommendation

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- Prior Written Notice
 - Describes program, type of school and services on IEP
- School Location Letter
 - Says which school the student should attend
 - Parents have the right to visit



All community schools **SHOULD** be able to meet the needs of most students!



Placement Recommendation

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District 1- 32: Gen Ed, ICT, Small Class (12:1/15:1 or 12:1:1)

PLACEMENT RECOMMENDATION

NYC DOE School Non-Specialized (District 1-32)

District 75: Small Class (6:1:1, 8:1:1, 12:1:1, 12:1:4)

PLACEMENT RECOMMENDATION

NYC DOE Specialized School

Non-Public School (day, residential)

PLACEMENT RECOMMENDATION

NYSED-Approved Non Public School - Residential



How to change the IEP

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Get proof

What supports the IEP change? Gather all records and give to the school (may need new evals)

Ask

Ask for an IEP meeting in writing, say what you want

Meeting

Bring people who support you, take notes, ask for program pages to be printed out.

Follow up

Get a copy of the finalized IEP.
Go up the chain in you need to.



Makeup services or vouchers

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RSAs

- For related services
- Provider must be licensed with NYS
- Can ask for increased rate

P3/P4s

- For SETSS services
- Provider must be licensed
- Can ask for increased rate

PI

- If didn't receive small class on IEP
- For state approved non-public school
- Must be accepted by NPS school licensed for that classification
- Program should be similar

CHECK EXPIRATION DATES!



What if You Disagree with the DOE?

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Due Process Rights

- Informal Dispute Resolution
- Formal Dispute Resolution





Informal Dispute Resolution

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Start with the School

- Parent Coordinator, Principal

District Superintendent's Office

- Family Support Coordinator or District Family Advocate

Central Offices

- (718) 935-2007 or
specialeducation@schools.nyc.gov



Who to Contact

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Related services

- Relatedservices@schools.nyc.gov

Kindergarten IEP

- KindergartenIEPPProcess@schools.nyc.gov

Special Ed at Charter Schools

- [CSE Chairperson](#)

Specialized Programs

- Specializedprograms@schools.nyc.gov

Call AFC's Helpline! (866) 427-6033



Formal Dispute Resolution

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Mediation

- Voluntary meeting
- Mediator leads meeting
- Can still go to an Impartial Hearing

Impartial Hearing

- Legal proceeding
- An Impartial Hearing Officer (IHO) in charge.
- Written decision, can appeal

State Education Complaint

- Ask the NY SED to investigate
- Can order the DOE to make up services
- Might not order I:I make up



Parents Have the Right to...

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- Consent to or reject special education
- Request new evaluations, including independent evaluations
- Fully participate in all IEP meetings
- Have an interpreter who speaks your language and get documents translated
- Get notice in writing *before* the school changes a child's placement, classification, or services



REMINDERS



Advocates for Children of New York

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Call us with questions!



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