

# Ten Steps to Understanding the Special Education Process

Once a child is identified as having a disability and needing special education and related services, the school district is required to develop an Individualized Educational Program, called an IEP. The writing of the student's IEP takes place within the larger picture of the school district's special education "process." A federal law entitled: The Individuals with Disabilities Education Act (IDEA) combined with our state administrative rules guides the school district's special education "process." This "process" is summarized below for parents and teachers in Ten Steps.

## **Step 1. Child is identified as possibly needing special education and related services.**

"Child Find." All school districts must identify, locate, and evaluate all children with disabilities within the boundaries of the district that may need special education and related services. To meet this requirement, the school district conducts "Child Find" activities. If the "Child Find" activities identify a child, the parents/guardian will be asked if the school district can evaluate their child. For all initial evaluations, school personnel must obtain parental/guardian consent prior to conducting the evaluation. Parents/guardian may also contact the child's teacher or other school professional to ask that their child be evaluated. This request may be verbal or in writing. All evaluations need to be completed within a reasonable time after the parent gives consent.

## **Step 2. Child is evaluated.**

The evaluation must assess the child in all areas related to the child's suspected disability. The evaluation results are used to decide the child's eligibility for special education and related services and to make decisions about an appropriate educational program for the child. If the parents/guardian disagree with the evaluation obtained by the school district, they have the right to take their child for an Independent Educational Evaluation (IEE) at public expense. However, if the district initiates a hearing and is successful in demonstrating its evaluation is appropriate or the evaluation obtained by the parents did not meet the criteria, the cost of the IEE will not be at public expense. If the parents/guardian obtain an independent evaluation at private expense, the district must consider the results of the evaluation.

## **Step 3. Eligibility is decided.**

An IEP team consisting of a group of qualified professionals and the parents/guardian look at the child's evaluation results. Together, as a team, they decide if the child is a "child with a disability," as defined in the criteria established by the South Dakota Department of Education. Parents/guardian have a right to request a hearing to challenge the team's eligibility decision. The district is required to provide the parents/guardian with copies of their child's evaluation results and eligibility determination.

#### **Step 4. Child is found eligible for services.**

If the child is found to be a "child with a disability," as defined in the criteria established by the South Dakota Department of Education, the student is eligible for special education and related services. Within 30 calendar days after a child is determined eligible, the IEP team must meet to write an Individualized Educational Program for the child.

#### **Step 5. IEP team meeting is scheduled.**

The school district schedules and conducts the IEP team meeting. School staff must

- contact the participants, including the parents/guardian;
- notify parents/guardian early enough to make sure they have an opportunity to attend;
- schedule the meeting at a time and place agreeable to parents/guardian and the school;
- tell the parents/guardian the purpose, time, and location of the meeting;
- tell the parents/guardian who will be attending; and
- tell the parents/guardian that they may invite people to the meeting who have knowledge or special expertise about the child.

#### **Step 6. IEP team meeting is held and the IEP is written.**

The student's IEP team gathers to talk about the student's educational needs and write the student's IEP. Parents/guardian and the student (when appropriate) are part of the team. If a different group decides the student's placement, the parents/guardian must be part of that group as well.

Before the school district can provide special education and related services to the child for the first time, the parents/guardian must give consent. The student receives services as soon as possible after the meeting.

If the parents/guardian do not agree with the IEP and/or the student's placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. If no agreement is reached, the parents can ask for mediation, or the school may offer mediation. The parents/guardian may also file a complaint with the state department of education and request a due process hearing. Within 15 days of the complaint the district must convene a resolution Session prior to a due process hearing.

#### **Step 7. Services are provided.**

The school district is responsible for ensuring that the child's IEP is being carried out as it was written. Parents/guardian are provided a copy of their child's IEP. Each of the child's general education teachers and service providers must also have access to the student's IEP and know their specific responsibilities for carrying out the IEP appropriately. This includes the

accommodations, modifications, and supports that must be provided to the student, according to the IEP.

### **Step 8. Progress is measured and reported to parents/Guardian.**

The student's progress toward each annual goal listed on the IEP is measured according to the time-lines stated in the IEP. The student's parents/guardian are regularly informed of their child's progress and whether that progress is adequate for the child to achieve the goals by the end of the school term. The progress reports must be given to parents/guardian as often as parents/guardian of students in the general education program are informed of their child's progress in school.

### **Step 9. IEP is reviewed.**

The IEP team at least once a year, or as often as necessary, must review the student's IEP. Additionally, the IEP team must also review the student's IEP upon request by the student's parents/guardian or if a school official asks for a review. If necessary, the IEP is revised. Parents/guardian, as team members, must be invited to attend all IEP meetings. Parents/guardian may make suggestions for changes, may agree or disagree with the IEP goals, and/or agree or disagree with the student's placement.

If parents/guardian do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. There are several options, including additional testing, an independent evaluation, or asking for mediation. Parents/guardian may also file a complaint with the state department of education.

### **Step 10. Child is reevaluated.**

At least every three years the child must be reevaluated. This evaluation is often called a "triennial." Its purpose is to find out if the child continues to be a "child with a disability," as defined in the criteria established by the South Dakota Department of Education, and to assess what the child's educational needs are. The child may be re-evaluated more often if conditions warrant or if the child's parent/guardian or teacher makes a request for a new evaluation. The school district may also recommend to the parents/guardian that their exists sufficient educational evaluation data for the student to be determined as a "child with a disability without proceeding to a formal re-evaluation.