

A FAMILY GUIDE to Special Education in New Hampshire



PARENT INFORMATION
 *Center*



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 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 Appropriate Public Education (FAPE).

If a child is tested and found to need special education it must be made available 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 a disability (meaning that the disability affects their academic or functional performance) and are between 3 and 22 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 (FCESS). For more information on FCESS, please visit the Parent Information Center’s website, picnh.org.

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.



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 recommends that you make the referral in writing, date it, and 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's website, picnh.org/sample-letters/.

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 business days. This initial meeting to address the referral is 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 IEP Team meeting. As with any IEP meeting, if you are unable to attend the meeting at the scheduled date and time, you can 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 determining the educational 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 them
- ❖ 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

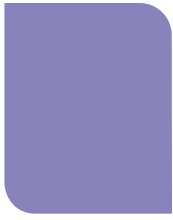
Having this information will help the other members of the IEP Team get to know your child and make appropriate decisions.

What happens at the Disposition of Referral meeting?

At this meeting, the IEP Team, which includes you, the parent(s), will 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. It is helpful if you 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.
- ❖ An evaluation for special education 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.

You have 14 calendar days to make a 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 provide consent (agree) to the proposal, provide partial consent or refuse consent (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; or
- ❖ Use the informal and formal dispute resolution options available in NH. For more information contact PIC.



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 **60 calendar days to complete the initial evaluations** and hold a meeting to discuss the test results and determine eligibility for special education.

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.

The school must send you written copies of each examiner's evaluation and assessment reports by US mail or other agreed upon method at least 5 days prior to the IEP Team meeting where they will be discussed.



Who will test your child?

The *NH Standards for the Education of Children with Disabilities*, NH's special education regulations, lists who is qualified to evaluate children who are being considered for specific categories of disabilities. An on-line version of the *Guide to the NH Standards for the Education of Children with Disabilities* may be found on PIC's website, picnh.org, under brochures and toolkits.

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 any questions you have 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 a 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 Standards 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,
contact PIC.*



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/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 provide consent, partial consent or refuse consent.** This is also true for other documents requiring your signature. If you disagree with the IEP, you may ask for another meeting, or use the informal and formal dispute resolution options available in NH. *For more information on alternative dispute resolution options, contact PIC.*

The first 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 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 the 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 their typical peers in the regular education classroom in the school your child would attend if

they did not have a disability. Your child will be removed from the regular education classroom 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 their teacher. If your child needs a different setting, the IEP Team may choose a placement from a range of options. The *NH Standards for the Education of Children with Disabilities* lists the types of educational settings in which children with disabilities ages 3 - 6 and 6 - 22 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 at least 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, they 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 sooner if there are any concerns.

Your child must also be reevaluated if the IEP Team is considering ending your child's eligibility for special education.

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 and hold 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 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 Team meeting, make a list of any questions you have or things that you want to share. Be prepared to share information you have about your child and their 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 their 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 visit the brochures and toolkits section of our website at PICnh.org or contact us for a free copy of the *Steps in the NH Special Education Process*.

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

Parent Information Center (PIC)

603-224-7005 or toll-free at 1-800-947-7005

or visit our website at picnh.org

PIC offers:

- ❖ Telephone/email support
- ❖ Free trainings and workshops for parents
- ❖ Handouts, articles, resources and other information

NH Department of Education - Bureau of Student Support

603-271-3741 • education.nh.gov

Disability Rights Center NH

603-228-0432 or 800-834-1721 • <http://www.drcnh.org/>

CADRE – Center for Appropriate Dispute Resolution in Special Education

541- 686-5060 • www.cadeworks.org

Developed by:



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