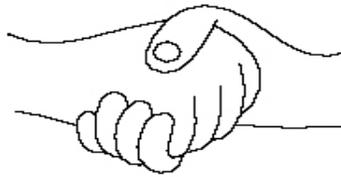


# **A Parent's Guide to Partnership in Special Education**



**Developed by:**

**The Special Education Advisory Council,  
The Special Parent Information Network &  
The Special Education Services Branch of  
the Department of Education**

**December, 2006**

# TABLE OF CONTENTS

HOW TO USE THIS GUIDE .....	1
INTRODUCTION .....	1
OVERVIEW OF SPECIAL EDUCATION LAW .....	2
CHILD FIND AND REFERRAL .....	3
PARENTAL CONSENT & NOTICE .....	4-5
EVALUATIONS & REEVALUATIONS .....	5-7
DETERMINING ELIGIBILITY .....	7-8
PROGRAM/IEP .....	9-12
PLANNING FOR TRANSITION .....	13-14
PLACEMENT .....	15-16
DISCIPLINE .....	17-18
SCHOOL RECORDS .....	19-20
HANDLING DISAGREEMENTS/DUE PROCESS ..	21-23
ACRONYMS .....	24-26
WORDS TO KNOW .....	27-32
CONTACT INFORMATION .....	33

## HOW TO USE THIS GUIDE

A **Parent Guide to Partnership in Special Education** is divided into sections that include the steps of the special education process and your rights and responsibilities under the law. As you go through each section, look for words and acronyms that are in *italics*. You can find a definition for each of them in the last section, **Words to Know**.

NOTE: The Guide has been recently updated to include the changes to special education required by the final regulations of the 2004 Amendments to the Individuals with Disabilities Education Act (IDEA). When Hawaii revises our special education rules, known as Chapter 56, to be in accordance with IDEA 2004, the information in this Guide may change. For the most current version go to: <http://www.spinhawaii.org/SAP/sap.html>

## INTRODUCTION

This **Guide** was developed by the Special Education Advisory Council (SEAC), the Special Parent Information Network (SPIN) and the Special Education Services Branch of the Department of Education. It gives basic information about the *special education* process and encourages *parents* to be true partners in their child's total education.

We believe that children benefit most when our educational system forms a partnership with parents, students, teachers, related services professionals and school administrators. A parent's expertise about their child's unique needs, strengths and future goals is key to ensuring that his or her educational program is individualized for success.

In this partnership, students are also valued as experts about their own concerns, goals and dreams for the future. With support and encouragement from their parents and teachers, they will grow to be happy and productive adults who will be able to advocate for themselves.

# OVERVIEW OF SPECIAL EDUCATION LAW

*Special education* is specially designed instruction, at no cost to the parent, to meet the unique needs of a student with a disability. Special education services may be delivered in a variety of settings, provide changes to what or how instruction is provided, and may include *related services* such as physical therapy, or other supports and services to enable your child to be educated with students without a disability to the maximum extent appropriate.



The *Individuals with Disabilities Education Act*, passed by Congress in 1975, is the federal law that first defined special education and spelled out what schools must provide to students with disabilities. The law has been amended several times--most recently in 2004 (Public Law 108-446). Public Law 108-446 went into effect on July 1, 2005.

IDEA provides a free appropriate public education (FAPE) to children who have a disability and who, because of that disability, need special education. IDEA and *Chapter 56*, our state regulations that implement IDEA, include six basic principles:

- Zero Reject** A student with a disability who is found eligible under IDEA cannot be denied a free appropriate public education (FAPE), regardless of the severity of her/his disability or behavior.
- Nondiscriminatory Evaluation** Schools are required to evaluate students fairly (be sure that a student's race, culture or native language do not affect the results) to determine if they have a disability.
- Appropriate Education** Schools are required to provide an individually designed educational program for each student based on his/her evaluation and supported by related and supplementary services, as appropriate..
- Least Restrictive Environment (LRE)** Schools must educate students with disabilities with students without disabilities to the maximum extent appropriate.
- Procedural Due Process** *Parents* and students are provided safeguards to ensure that their rights are protected. The safeguards include the right to file a due process complaint in the case of a disagreement about their child's identification, evaluation, program or placement.
- Parental & Student Participation** Schools are required to work together with parents--and students, when appropriate--in designing and carrying out special education programs.

## CHILD FIND & REFERRAL

### Operation SEARCH

seeks out children who might need special education.

**Anyone can refer a child for evaluation.**

**Within 20 days the school must let you know if your child will be referred for an evaluation.**



**Parents must give consent for any assessments.**

**If the school decides not to evaluate your child, other options are available.**

The Department of Education (DOE) must make an effort to locate children with disabilities who are in need of *special education* and *related services*. This *child find* campaign, called **Operation Search**, must include students who are in private school and students who are highly mobile or homeless. Children under three years of age are referred to the Department of Health for *evaluation*.

If you suspect that your child may need special education services because of learning difficulties, physical disabilities or behavior problems, you can request an evaluation by the DOE. Your child does not have to fail or be retained in a course or grade to be considered for special education and related services. A request for evaluation may be made to your child's home school either:

1) verbally, in person or on the phone, 2) in a written letter, faxed or e-mailed, or 3) on the State of Hawaii Request for Evaluation Form.

Once the school receives your request, it will gather important information to help in deciding whether an evaluation is needed. Examples would be report cards, class work, test results, teacher observations, medical records, and any reports that you have to offer from a previous program or a medical professional.

In most cases you will be invited to a **Student Support Team (SST)** meeting to review the information, discuss your child's needs and determine whether an evaluation, including additional information or *assessments*, is needed.

When the SST recommends an evaluation to determine *eligibility* for special education, it will describe what tests will be used and the other ways it will collect information about your child. You will be asked to give your informed written permission on the **Consent for Initial Assessment** form.

Other options the team may consider include:

- Addressing your child's needs through general education classroom interventions, or through additional supports, such as counseling or referral to a community program, as part of the school's Comprehensive Student Support System (CSSS),
- Using existing information (if sufficient) to determine your child's eligibility for special education,
- Referring your child for a *Chapter 53* evaluation.

If you disagree with the decision not to evaluate or do further assessments, you may request a *due process hearing*. (See HANDLING DISAGREEMENTS/DUE PROCESS).

## PARENTAL CONSENT & NOTICE



**Your consent or permission is required to begin many of the steps in the special education process.**

Parental *consent* must be obtained before an initial *evaluation* or a *reevaluation* involving tests, and before the development of your child's first *Individualized Education Program (IEP)*. Once your child is receiving services, any change in his/her services or placement should be discussed and decided at an IEP meeting. Consent means you have been fully informed in your native language or other means of communication (such as sign language or Braille) of all information about the action that the school is proposing, and you understand and agree to that action in writing. Your consent is voluntary and can be taken back at any time.

**You have the right to be informed.**



As the *parent* of a child with a disability or suspected disability, the school must inform you about proposed special education services, meetings, and your rights under the law. There are three kinds of notices that you will receive at various times throughout the special education process:

- Ⓞ Notice of meetings
- Ⓞ Prior Written Notice
- Ⓞ *Procedural safeguards* notice.

**You must be informed when meetings are planned to discuss your child's special education.**

The notice will inform you of the purpose of the meeting and the people who will be in attendance. You are welcome to invite anyone you feel could assist you and has knowledge about your child. You should receive notice early enough to give you an opportunity to attend. The proposed meeting time must be at a time and place that is convenient for both you and school personnel. If you cannot make the meeting, the school must try to call or write to you to get your input.

**A Prior Written Notice (PWN) gives you advance information about what the school is proposing or refusing to do.**

The PWN must be given to you a reasonable time before the school 1) proposes to begin or change the *identification, evaluation* or *placement* of your child or to revise his/her *Individualized Education Program*, or 2) refuses to do any of the above at the parent's request. This notice must be written in a language understandable to you and contain:

- ◆ A description of the action proposed or refused,
- ◆ An explanation of why the school proposes or refuses the action,
- ◆ A description of what other options were considered and why they were not chosen,
- ◆ A description of each evaluation procedure, record, test or report that was used to make the decision to initiate or refuse the action,
- ◆ Agencies which parents may contact for help in understanding special education law

## PARENT CONSENT & NOTICE (cont.)

A *procedural safeguards notice* explains all of your legal rights under the law.

This notice is in the form of a brochure called **Procedural Safeguards Notice for Parents and Students**. It should be provided at least once a school year and in a language or form of communication that you understand. You must be given a copy of this brochure when you request it and:

- ✓ when you ask to have your child evaluated or your child is referred for evaluation,
- ✓ before each IEP meeting,
- ✓ each time a Prior Written Notice is given,
- ✓ when the school decides to change your child's placement as part of a disciplinary action, and
- ✓ the first time you file a State *complaint* or due process complaint in a school year.

## EVALUATIONS & REEVALUATIONS

An *evaluation* helps decide if a child needs *special education*.



Evaluations look at children's individual strengths and needs.

Evaluation is the process of collecting information about a student's learning needs, strengths and interests. This information is used to determine *eligibility* for special education and to help determine what your child needs to be successful in school.

A complete evaluation will cover all areas related to your child's learning or behavior that may get in the way of her/his learning and/or the learning of others. This may include looking at your child's health, vision, hearing, social and emotional well-being, general intelligence, academic performance, communication skills and motor skills.

The evaluation should also look for your child's strengths—special interests, talents and abilities that can contribute to her or his educational success.

The first step of evaluation is to look at all current information about your child.



Assessment is one part of the evaluation process.

This information can include information from your child's doctor, your observations, feedback from your child's teachers, and any tests taken prior to the evaluation. It should also include how your child performed on statewide assessments. *Parents* are part of the evaluation team. Once the team looks at this information, it decides if any additional testing, or assessments are needed.

*Assessment* means the specific tests, instruments, tools, strategies and other materials used, while evaluation refers to the process of determining whether a student has a disability and the nature and extent of the special education and *related services* needed. A variety of assessment tools and strategies should be used to gather functional, developmental and academic information about your child, including information from you.

## EVALUATIONS & RE-EVALUATIONS (cont.)

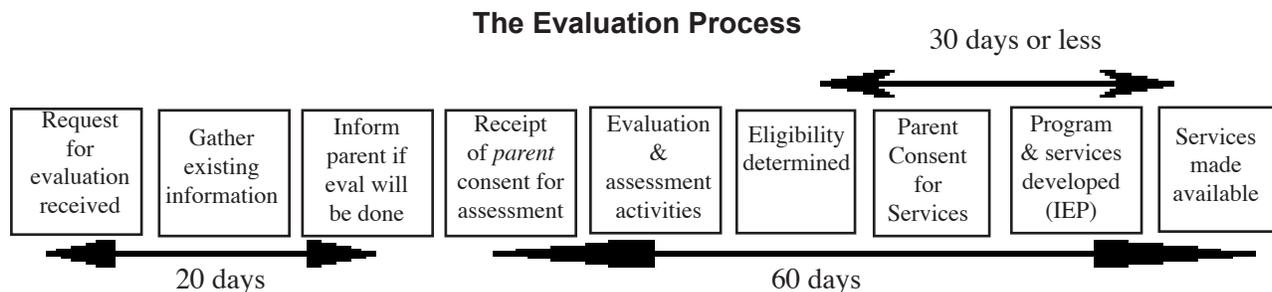
**Assessment is one part of the evaluation process (cont.).**

These tests and tools must be given in the language and form most likely to give accurate information about what your child knows and can do, by people who are trained and knowledgeable about how to give the test. The tests must be fair and not discriminate on the basis of race or culture. If your child has impaired *sensory*, manual or speaking skills, tests must be selected and given to accurately reflect his or her natural ability or achievement level.

**The timeline to conduct the evaluation, develop a plan and offer services is 60 days.**

After you have given your written *consent* to an assessment, or a determination is made that no additional assessment data is needed, the school has up to 60 calendar days to: 1) complete your child's evaluation, 2) determine *eligibility* and, if eligible, 3) hold an *Individualized Education Program (IEP)* meeting, and 4) make services available to your child.

If there is enough information available early in the process to meet eligibility requirements, the timeline may be shorter, because the IEP meeting must be held within 30 days of finding a student eligible for services. If, due to exceptional circumstances, the whole process will take longer than 60 days, the school must inform you in writing of the expected date of completion and the reason for the delay.



**The results of the evaluation must be provided to you.**

The school should provide evaluation results to you before the eligibility meeting. These results consist of evaluation summaries or reports and not the individual test protocols. It is the school's responsibility to explain what these results mean. If you don't understand something in the evaluation summary, ask questions. And if the results don't seem to match your understanding of your child's abilities and needs, share your special insights with team members.

**You have the right to an independent educational evaluation.**

If you disagree with the results of the evaluation, you may request an independent educational evaluation (IEE). An IEE is an evaluation conducted by a qualified examiner who is not employed by the Department of Education. If you obtain the IEE at your own expense, the results of the evaluation (if it meets the criteria for an IEE) must be considered by the school in any decision relating to the provision of *FAPE* to your child.

## EVALUATIONS & REEVALUATIONS (cont.)

**You have the right to an independent educational evaluation (cont.)**

If you request that the school pay for the IEE, it must either pay for an independent evaluation, or initiate a *due process hearing* to defend the appropriateness of its own evaluation. If the decision of the hearing officer is that the school's evaluation is appropriate, you still have the right to an IEE, but not at public expense.

**Reevaluations take place at least every three years.**



### -REEVALUATIONS

Once your child receives *special education* services, a reevaluation must be conducted at least once every three years. If conditions warrant, *parents* and teachers may request that an evaluation take place sooner.

The reevaluation typically begins with a review of existing data, including state assessment data, by IEP team members, including you as parent. The team decides whether additional information is needed to determine if the student continues to be “a student with a disability” and to need special education and *related services*. If additional *assessments* are needed, you must give written *consent* for the school to administer tests or gather additional information.

**Additional testing is not always necessary.**

After looking at the existing information, the *IEP* team may decide that no additional tests are needed. If you as the parent feel more information is needed, however, you may request an assessment and the school will conduct one.

**A reevaluation is needed before a student loses special education services.**

If a student progresses to the point that it seems he or she no longer needs special education services, a team of qualified professionals and the parent must reevaluate the student to determine that he or she is no longer a “student with a disability” under IDEA before services and supports are terminated. However, a reevaluation is not required, if the student has graduated with a regular diploma or is beyond the age of *eligibility* for special education.

## DETERMINING ELIGIBILITY

**An *eligibility* meeting is held when the *evaluation* process is complete.**

The purpose of this meeting is to discuss the results of the evaluation process, including test results and state assessment data, and decide if your child is eligible to receive *special education* and *related services*.

**In order to be determined eligible, your child must meet three requirements.**

First, s/he must meet the definition of a “child with a disability” under one of IDEA’s disability categories (see box on page 8). S/he must also need special education and related services in order to learn because of this disability. Finally, s/he must live in Hawaii and be between the ages of three to twenty.

## DETERMINING ELIGIBILITY (cont.)



**Some two-year olds can receive special education services.**

If your child will turn three years old between September 1 and December 31, s/he may start school on the first day of the new school year as a two-year old. If sh/he turns three after December, then s/he may enter school on her/his 3rd birthday.

**A student must be no more than 19 on the first day of school.**

A student who is 19 on the first instructional day of the school year, and reaches 20 during the year is eligible for the full school year, including *extended school year (ESY)* when needed.

**A lack of schooling or difficulties with English do not necessarily qualify a child for special education.**

If a child is doing poorly in school just because he or she does not speak or understand English well, s/he may not be identified as having a disability. Likewise, a child who has not had appropriate instruction in math or reading will not be seen as a child with a disability, if s/he does not otherwise meet the *eligibility* requirements.



**If your child is found eligible, your consent is required before an IEP is developed.**

By consenting to the initial provision of services, you are agreeing to continue the process of finding the appropriate services to meet your child's needs. You must provide consent within 5 calendar days, or the special education process will be halted. A meeting to develop an *Individualized Education Program* must be held within 30 days of determining that your child is eligible to receive special education and related services (see PROGRAM/IEP). However, if you do not consent to services, the IEP will not be developed and your child will not receive special education and/or *related services*.

**If your child is not found eligible, you may consider other options.**

If you disagree with the determination that your child is not eligible, you can request an *Independent Educational Evaluation* (as discussed under EVALUATION). You may also request *mediation* or a *due process hearing* (see HANDLING DISAGREEMENTS/DUE PROCESS). The team should discuss how the school plans to help your child with his or her learning

### DISABILITY CATEGORIES UNDER IDEA

The fourteen disability categories Hawaii uses for determining eligibility for special education are taken from the **Individuals with Disabilities Education Act**. These categories are not used to determine the type or extent of services provided to your child. Educational supports and services are based on your child's unique needs and must be decided upon by the IEP team.

- *autism*
- *deaf-blindness*
- *deafness*
- *developmental delay*
- *emotional disturbance*
- *hearing impairment*
- *mental retardation*
- *multiple disability*
- *orthopedic impairment*
- *other health impairment*
- *specific learning disability*
- *speech-language impairment*
- *traumatic brain injury*
- *visual impairment including blindness*

For definitions of each category see **WORDS TO KNOW**.

## PROGRAM/IEP



**The IEP is designed to meet your child's special needs and prepare her or him for future success.**

**The IEP tells you how your child is doing and sets a plan to help him/her learn for the next year.**



The *Individualized Education Program* (IEP) is the heart of the *special education* process. Its goal is to help prepare your child for a successful life after high school. To achieve this goal, s/he must have opportunities to be involved and make progress in the same curriculum set for all children. That is why the IEP process emphasizes access to the *general education curriculum*. It also emphasizes shared decision making by you, your child, her or his teachers and administrators, and other key individuals to support your child's educational success. Together you set reasonable learning goals for your child and spell out the services that will be committed to help her or him meet his/her unique learning needs.

Information required in the IEP includes:

- ◆ Your child's present level of academic achievement and functional performance (referred to as the PLEP) in each area of need identified in the evaluation such as reading, math, self-help skills, language and communication skills, *sensory* and motor skills, social skills, vocational skills and behavior. PLEP also states how your child's disability affects his or her involvement and progress in the general curriculum;
- ◆ Goals addressing academic and functional needs for your child to meet within a year (annual goals), including short-term instructional objectives or *benchmarks*;
- ◆ The standard, methods and timelines that will be used to evaluate progress toward each goal.
- ◆ The special education and *related services* and *supplementary aids and services* to be provided (what services, how often, the location and how long they will be provided);
- ◆ An explanation of the extent that your child will participate with children without disabilities in regular education classes, in the general education curriculum and in extracurricular and other nonacademic activities;
- ◆ *Accommodations* or *modifications* needed for regular education participation;
- ◆ Positive ways to address your child's behavior, if it affects his/her learning or the learning of other students;
- ◆ Special ways, if any, your child will take the standardized *assessments* given to all students, or how your child will be assessed for mastery of state standards, and, if an alternate assessment is needed, why that assessment is appropriate;
- ◆ How your child's progress toward IEP goals will be reported;
- ◆ Transition planning and service needs beginning at age 14, or younger, if appropriate, and appropriate, measurable *post-secondary* goals beginning not later than the IEP in effect when your child is 16 (see PLANNING FOR TRANSITION).

## PROGRAM/IEP (cont.)

**The IEP lists all the services that your child needs.**



The IEP must spell out the special education and related services that your child needs to be able to benefit from his or her education. Included may be *related services* like *speech therapy, audiology services, interpreting services, transportation, recreation* (including therapeutic recreation), *early identification & assessment of disabilities in children, counseling services, psychological services, physical therapy, medical services* for diagnostic and evaluation purposes, *occupational therapy, orientation and mobility services, social work services, rehabilitation counseling services, parent counseling and training, and school health and school nurse services* designed to enable a child with a disability to receive *FAPE*. The IEP should also list, if needed, any *accommodations* (for example, more time to complete an exam, special seating arrangements), program modifications, supports for school personnel, and *assistive technology devices and services*.

**The first IEP meeting follows the initial determination of eligibility.**

If your child has had an initial *evaluation*, and you have given your consent for special education services to be provided, the IEP meeting will be held within 30 days after your child is determined eligible for special education.

**IEP meetings are held at least once a year.**



If your child already has an IEP, then the annual IEP meeting is held on or before the anniversary date of his/her last meeting. Your school will notify you of a date, time, purpose and location for the meeting, as well as who will attend. The meeting should be convenient to both you and the people at school who will be attending the meeting. If the date or time set is not convenient for you, let the school know as soon as possible, so that other arrangements can be made.

**You can request an IEP meeting at any time during the year or you can change the IEP without a meeting.**

If you are concerned about your child's program, *placement* or progress, you don't have to wait until the school sets up an annual IEP. You can ask the principal to reconvene the IEP team in order to make changes to your child's program, or you and the principal may agree not to convene a meeting and choose to develop a written document to amend or modify the IEP

**IEP amendments without a meeting should only be used to make minor changes to the IEP.**

IEP changes without a meeting can only be made with your written consent. All IEP team members must be informed of the changes and provide their input when it is appropriate. Once the IEP is revised, you will be given a copy of the new IEP that includes the changes that were made. Amendments without a meeting should not take the place of a full IEP team discussion when you are deciding on placement or when members of the team do not agree on the suggested changes.

## PROGRAM/IEP (cont.)

**The IEP team includes people who know your child and/or who know how to meet his or her needs.**

**IEP team members may be excused from the meeting.**



**Parents may bring someone with them to the IEP meeting.**

**Your information about your child is the key to a great IEP.**

**Every team member's ideas are important, and parents are equal partners on the team.**

In addition to you, the IEP team must include the principal or someone able to act on his/her behalf to commit resources for your child, at least one of your child's regular education teachers, your child's special education teacher, and, if necessary, a person who can interpret the *evaluation* results to identify instructional needs, and related service providers. If your child is entering preschool from an *early intervention program*, you may ask the new school to invite someone from that program to the initial IEP meeting. Once your child is a teenager, and at a younger age if appropriate, your child should also attend the IEP conference. The school must invite your child, if a purpose of the meeting is the consideration of *postsecondary transition* services.

While your child's principal or designee (the individual attending on his/her behalf) must be present at the IEP meeting, other members may be excused for all or part of the meeting with your agreement, if:

- The team member's area of teaching or *related services* is not being changed or discussed, or
- The team member's area of teaching or related services is being changed or discussed, and s/he has given you and IEP members written input for the development of the IEP prior to the meeting.

In either situation, you and the principal must both agree to the excusal in writing before the meeting takes place.

You may invite others to the meeting who might help set goals and objectives for your child (for example, a close family friend, your child's psychologist, an *advocate*, etc.). You should notify the principal that you plan to bring someone along. If you need a translator or a sign language interpreter, you should also notify the principal well before the meeting.

Parents are key partners in the development of an IEP for their child. You are more knowledgeable of your child's strengths and needs at home or in the community. Often a student's behavior differs from what is seen in the classroom. You can also offer important information about what motivates your child, such as any special interests s/he has that can be used in the classroom to encourage learning.

In order to maximize the partnership between home and school, teachers and principals are encouraged to plan ways of increasing your involvement in the IEP process. This is especially important because the IEP meeting can be stressful. Important decisions are being made about a child's future by people who may not know each other and who are coming from very different backgrounds. All IEP members need to be encouraged to share information and ideas about how to address a student's strengths and needs.

## PROGRAM/IEP (cont.)



**If your child needs an extended school year program, it will be included in the IEP.**

The decision on whether your child needs special education and related services during extended breaks (vacations) in his/her program is made at the IEP meeting. Generally, the guideline used to determine whether services during extended school breaks are part of your child's program is based on: 1) the nature and severity of his/her disability, 2) areas of learning that are key to your child becoming independent, 3) the extent that s/he will lose skills if not in school (regression), and 4) the amount time needed to regain those skills (recoupment).

**Beginning at age 14, your child's IEP will include planning for life after high school.**

In intermediate school transition planning means choosing classes needed to prepare him/her to pursue his/her goals after s/he leaves school. At 16, his/her IEP must also goals and information about the services needed to transition successfully out of high school and into college, employment and/or living in the community. (See PLANNING FOR TRANSITION).

**You will receive a copy of the IEP.**

Your child's teachers and other service providers should also have access to a copy of the IEP. Your child's IEP coordinator is generally responsible for informing each teacher about his or her responsibilities to implement the IEP and any *accommodations, modifications* and supports that must be provided to your child.



### KEYS TO PARTNERSHIP IN THE IEP

**Plan ahead.** Sit down with your child and other family members before the IEP meeting and brainstorm. Where would your child like to be in five years? What supports are needed to get there?

**Build relationships.** If there is time before your child's IEP meeting is scheduled, try to spend a little time getting to know her or his teachers. When possible, attend school functions and volunteer for school projects to get to know your child's support team.

**Be prepared.** Write down your ideas and concerns and take these notes to the IEP meeting.

**Ask questions.** Whenever an IEP team member uses a word you don't know, ask them to explain it. If you don't understand your child's test results, ask for clarification.

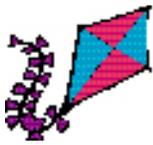
**Share your expertise.** Your special knowledge of your child and his or her disability makes you a valued expert on the team. Share your insights about what has worked in the past and what motivates your child.

**Listen with an open mind.** If you think you might be too nervous or overwhelmed, ask a friend or family member to come along and help you listen.

**Keep focused on your child's needs.** If it is appropriate, have your child attend the meeting with you and encourage his or her participation.

**Accept responsibility.** Your efforts and follow through at home will help to reinforce progress at school. Before asking team members for a specific intervention, ask yourself, "Is this something I am willing to do, too?"

# PLANNING FOR TRANSITION



**Transition means moving from one stage or place to another.**

Examples of transition are when your child moves from an *early intervention program* to preschool, from one grade to another, or from one kind of educational placement to another. Moving from high school into the adult world is another big transition. There are also times when a student experiences a major life change outside of the school setting (for example, a serious illness or death in the family) that impacts their learning and may trigger the need for transition planning.

**All transitions have several things in common.**

Whether your child is transitioning into preschool or college, his/her transition will have these three things in common: 1) a period of uncertainty and questioning, 2) a change in the support system for your child (new teachers, friends, service providers, etc.), and 3) an increase in stress.

**Planning ahead helps make transitions smoother.**

Transitions require some advance planning in order to make the move less hectic, more efficient and successful. They also require the input and support of your child's *IEP* team.

**By the time your child gets to intermediate/middle school, transition planning for adulthood is included in the IEP.**

Beginning at age 14 (or younger if appropriate), your child's IEP will include focus on what courses are needed to match up to future goals. By age 16, the IEP will also include appropriate, measurable goals for after high school that are based on your child's strengths and interests and on age-appropriate transition assessments. The plan should state what services are needed to transition successfully into college, employment and/or living in the community. Transition services may include actual training (for example job training or independent living skills training), as well as links to adult service agencies that provide services to the student after high school.

**Transition planning for students 16 year and older looks at the major needs they may have as adults.**

There are at least ten areas that should be considered in planning for the future.



- 1) adult, *vocational* or *higher education*,
- 2) employment,
- 3) financial support,
- 4) health care,
- 5) living arrangements,
- 6) *transportation*,
- 7) social networks,
- 8) *recreation* or leisure activities,
- 9) legal representation (for example, guardianship or Power of Attorney)
- 10) self-advocacy skills needed by your child.

**PLANNING FOR TRANSITION (cont.)**

**Make sure your child is actively involved in planning his or her life.**

Self-determination means living a life of your own choosing. When planning for transition, it is essential that you and your child’s teachers take the time to understand your child’s choices and life preferences. The more your child sees the transition plan as his or her own, the more he or she will be invested in working toward future goals.

**Encourage your child to speak up at the IEP meeting**

Having your child at the IEP table is an excellent way to keep team members focused on the impact of their decisions. Talk with your child about her or his needs and desires before the meeting to build confidence toward participating as a full team member. All students need to learn self-advocacy skills. Ask your child’s teachers if some of these skills can be taught in the classroom.

**When your child graduates or ages out of school he or she will be given a Summary of Performance.**

To assist your young adult in matching his/her skills and abilities with educational or job opportunities after high school, s/he will be provided with a summary of his or her academic achievement and functional performance that includes information such as: a final report card, progress reports from the IEP, recent academic scores in reading and math, and skill levels related to communication, independent living, mobility and social skills (as appropriate). The Summary will also include progress made toward transition goals and recommendations on what the student can do after high school to add to his/her success.



**STEPS PARENTS CAN TAKE**

The next time you see a transition on the horizon, here are some things you can do to increase success and decrease stress:

- ◆ Ask your child, yourself, your family members and your child’s support team what a successful transition would look like. For instance, if your teenager will be graduating from high school, would a successful transition include a job? More education? Continuing friendships? Independent living?
- ◆ Identify any worries your child or you have about this transition. This step will help you to develop needed contingency plans.
- ◆ Think about your support network and your child’s developing network. Which family members, friends, service providers and advisors might be able to help you through this transition? Who are the people at school who are most responsible for helping to plan and arrange for new services?
- ◆ Describe some steps to take to move you forward. Delegate some of these tasks to your support network.
- ◆ Finally, keep a positive attitude. Celebrate each step toward your child’s goals.

# PLACEMENT



**Placement is the setting in which your child's program is provided.**

**Your child's placement must be in the *least restrictive environment (LRE)*.**

**Your child's placement cannot be changed without the agreement of the IEP team.**

**Placement is determined after your child's needs and services are decided upon.**

**LRE means educating your child with peers without disabilities to the maximum extent appropriate to meet her/his needs.**



**Your child should have a chance to be with other children without disabilities while at school.**

Your child's placement is based, among other factors, on the needs and services described in the IEP. Unless your child needs a program that is not offered at your neighborhood school (for example, instruction in American Sign Language), his or her school should be the same one attended by other children in your neighborhood.

This usually means providing supports and services so that your child can be taught alongside children her or his age without disabilities.

Because different children have different needs, the law requires that the Department of Education have a range of different placement choices available for children with special needs. Your *consent* is required before your child can initially receive *special education* and *related services*, and the IEP team must agree to any subsequent change in placement. You must be notified by the school of any proposed change in placement. If you disagree with the proposed change, see HANDLING DISAGREEMENTS/DUE PROCESS for possible actions.

Your child's placement is based on the IEP and should be as close as possible to your child's home school. The decision on where your child is placed is usually made at the IEP meeting after all other information has been discussed. This decision is based on the unique needs of your child and the goals and objectives developed for your child's education. Her/his placement should be reviewed at least once a year at the IEP meeting.

The original intent of state and federal laws regarding special education is that your child receive the support s/he needs to be successful in school while in the least restrictive environment. This means that your child should only be removed from the general education class and peers without disabilities when the nature or severity of the disability prevents her/him from benefiting from education in the general education classroom, even when *supplementary aids and services* are provided.

If your child is placed in a special education school or classroom for all or part of the day, s/he should still participate to the maximum extent appropriate (to the extent that it will best meet his/her needs) with children without disabilities in academic and nonacademic activities (like lunch, recess, physical education, assemblies, clubs, recreational activities, etc.).

## PLACEMENT (cont.)

**If your child transfers from another state and has an IEP, comparable services will be provided to the extent possible.**

Upon arrival at a public school in Hawaii, submit your child's current IEP (from the previous state) and other related documents to school personnel. The school will provide comparable services in accord with the out-of-state IEP to the extent possible until *eligibility* is determined under the eligibility criteria for the State of Hawaii. Implementation of the current IEP is not a guarantee that your child will be found eligible for *special education* and *related services* in Hawaii.

**If your child is placed by DOE in a private school, s/he is protected by IDEA.**

When the school or school complex cannot provide a program for your child that meets the needs identified in the IEP, the DOE may offer to place your child in a private school at no cost to you. It must ensure that the services provided at the private school meet the student's individualized needs and that your rights under the law are protected. A representative of the school or the school complex must be involved in IEP decisions as a member of the team.

**If you enroll your child in a private school, your child may lose her/his individual right to IDEA services.**

Once the public school has offered a *free appropriate educational program* for your child, you may choose to voluntarily place your child in a private school instead. However, the state is not obligated to pay for private school tuition or to guarantee that some or all of the special education and related services needed by the student are provided in the private school setting. Some services may be offered through the Private School Participation Project. Ask your home school principal for more information about this option.



**You may request a due process hearing to request payment for the private school program.**

If you disagree with the DOE that *FAPE* is available in the public school, you can file a request for a *due process hearing* to request payment for the private school program within 90 days of enrolling your child in private school. If you prevail at the hearing, the hearing officer may require the DOE to reimburse you for the cost of the private placement. The cost of the reimbursement may be reduced or denied, if you did not give written notice of your intention to reject the school's offer of *FAPE* and to place your child in private school 10 business days prior to removing him or her from public school.

## DISCIPLINE



**Discipline means the action taken by the school when your child breaks a school rule.**

**The school can suspend your child for ten days or less without special action.**

**Suspensions of more than 10 days are considered a change of placement.**

**The IEP team will look at how to address the behavior through the IEP.**



**The IEP team must determine if your child's behavior was caused by or related to his or her disability.**

**If it was related to your child's disability, he or she may not be suspended for more than 10 days.**

Students with disabilities are not exempt from discipline if they break a school rule, but *special education* law requires schools to address behavior problems in the *IEP* that interfere with his/her learning or the learning of others and to look at whether a student's misbehavior is affected by his or her disability.

Schools can suspend a student for up to ten days in a school year without having to take special steps and without having to provide educational services during the suspension. This might include several suspensions of several days each.

*Parents* must be notified that the school intends to suspend their child and be given a copy of their rights. Any suspensions that occur after a total of 10 days in a school year also require the IEP team to take specific steps. The 10 days refers to either consecutive (in a row) or cumulative (added up) school days. An IEP meeting must be called not later than 10 school days after the decision was made to suspend your child or place her/him in an *interim alternative educational setting (IAES)*. An IAES is any place where your child receives educational services that is not his/her regular placement. It could be a different class in the same school, a different school or a special program in the community.

First the IEP team will look at the current program to see if this behavior has been addressed. If your child's behavior has not been formally assessed, then a *functional behavioral assessment* will be done and a behavior plan developed. If your child already has a behavior plan, the IEP team will review and modify it, as necessary.

This is called a Manifestation Determination. If the team agrees your child's behavior is a manifestation (demonstration) of the disability, the school must discipline him or her differently than if the behavior was not related to the disability. The Manifestation Determination process involves determining if: 1) your child's IEP and placement were appropriate and the services and strategies were provided consistent with the IEP and placement at the time of the misbehavior; 2) the disability impaired your child's ability to understand the impact and consequences of his/her behavior, and 3) the disability affected your child's ability to control his/her behavior.

If her/his IEP or placement did not address this behavior problem, then steps must be taken immediately to put appropriate behavior supports in place.

## DISCIPLINE (cont.)

If it **was not** related to the disability, your child may be disciplined just like any student without a disability who breaks a rule.



**Your child may be sent to an interim alternative educational setting for certain misbehaviors.**

However, services that help your child achieve her/his IEP goals must be provided on the eleventh school day that a student is removed from school. If s/he is placed in an alternative placement, it can not be longer than 45 calendar days.

A student may be legally removed to an IAES for not more than 45 calendar days if:

- ✓ s/he carries or possesses a weapon to school or a school function,
- ✓ sh/e possesses, uses, sells or tries to buy illegal drugs at school or a school function, or
- ✓ sh/e inflicts *serious bodily injury* upon another person while at school, on school premises, or at a school function..

The interim alternative educational setting must be determined by the IEP team and enable your child to progress in the *general education curriculum* and meet IEP goals.

**If you disagree with the school over a suspension that results in a change in placement you may request an expedited *due process hearing*.**

In the case of removal from school for more than 10 days, a due process hearing can be expedited or speeded up, so that a decision is made more quickly (within 20 days of the date of the request, rather than the standard 45 days). Unless your child has been placed in an IAES, your child will “stay put” (stay in his or her regular placement) until the hearing officer makes a decision.

**Children who are not yet receiving special education services may be eligible for special consideration when they break a school rule.**

If your child is not currently eligible to receive *special education* services, in order to receive consideration as a special education student, the parent needs to show that the school had knowledge that their child had a disability. This knowledge is assumed when: 1) the parent expressed concern to the school in writing prior to the incident that the child was in need of special education, 2) the parent requested an evaluation and did not deny consent for the evaluation or services, or 3) the child’s teacher or other school personnel expressed concern about his/her behavior or performance in accordance with referral procedures or, for a pattern of behavior, to supervisors.

### **Special Situations:**

“**In-school**” suspensions are sometimes not counted toward the 10-day suspension rule. The deciding factor is whether or not the student’s placement has been changed. If in the “in-school” suspension, your child received the services on her/his IEP and participated with students without a disability to the same degree as in her/his regular placement, then it would not be considered a suspension for counting purposes.

**Bus suspensions** may not be counted towards the days of suspension, if *transportation* services were not a part of the IEP. If the services were in the IEP, it would be treated as a suspension unless your child was provided services in some other way.

## SCHOOL RECORDS

**You can ask to see your child's educational records at any time.**

School records provide an important source of information for principals, teachers and parents. Your child's school record file may contain such things as test scores, health records, behavior reports, *evaluation* results, *IEPs*, grades received, etc. You can ask the school to provide you with a list of the types and locations of the educational records for your child.

**You can get copies of these records.**



You have the right to look at all of your child's school records and to have copies made for you. Ask the school to help you. They must allow you to see the records within a reasonable time, but not more than 30 days after your request. If you want to review the records for an IEP meeting or a hearing, the school must honor your request to see the records before the meeting or hearing is held. Sometimes parents are asked to pay a small charge for copying the records, but if you are unable to pay for the copies, the school must provide them free of charge.

**You can ask that certain information be taken out of your child's record.**

Ask for an explanation of anything that appears in your child's records that you don't understand. You may also ask the school to correct or remove information that you think is inaccurate, misleading, or a violation of your child's privacy. If the school disagrees with your request, you have the following options: 1) you may write an explanation of why you feel the information is inaccurate, misleading or a violation of privacy and have it kept in the records; 2) you can request a meeting with the school to try to resolve your differences; or 3) you can request a *Chapter 34* hearing where the complex area superintendent or someone acting on his/her behalf hears both sides of the disagreement and gives you a written decision within five days.

**Your child's records are kept private.**



Your child's educational records are confidential. That means that only a limited number of people should have access to that information—usually your child's teachers, *related services* providers, the principal and key people from the district and state special education offices. A list is kept of those persons who are allowed to review those records. Another list is attached to your child's file documents with who has looked at your child's records (except for authorized persons), the date and the purpose. You may ask that copies of these lists be given to you. Your *consent* is required before anyone who is not authorized may review the records. You may want to give your consent for a friend or *advocate* to review your child's file, if they are helping you to make decisions about his/her education.

**At 18, your child can ask to see his/her own records.**

When your child turns 18, your right to review the school records is transferred to him/her. An exception is made for students who a court has decided cannot make competent decisions due to a disability.

## SCHOOL RECORDS (cont.)

**At 18, your child can ask to see his/her own records.**

For students who are unable to make informed decisions due to a disability, the court-designated guardian (which in many cases is the *parent*) would exercise the student's rights.

**When records are no longer needed to provide services to your child, they may be destroyed.**

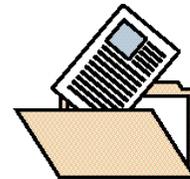
Basic information about your child's attendance, grades and graduation status is stored by the school for many years after s/he graduates. Confidential information (for example, *IEPs* or *evaluation* results) may be destroyed three years after a student leaves school. The school or district office must notify you or your child (if 18) that they plan to destroy his or her records. As your child is preparing to leave school, you may want to look at the records one last time and decide whether you want copies for your own

### KEEPING A HOME FILE

One of the best tools for parents who want to be active in their child's education is a home file. A home file helps you to keep track of your child's educational progress and prepare for IEP meetings. It puts all the important information in order where you can easily find it.

What should you put in a home file? Here are some suggestions:

- ✍ A copy of your child's current IEP, as well as past copies
- ✍ Report cards and progress reports
- ✍ Written correspondence to and from the school
- ✍ Reports from other professionals who have seen your child (doctors, social workers, psychologists, tutors, etc.)
- ✍ Evaluation reports and test results
- ✍ Samples of your child's work
- ✍ Notes that you've taken regarding your child's abilities, strengths, weaknesses, and your long and short range plans for the future
- ✍ General information (workshop handouts, magazine articles, etc.) that is useful in making you aware of your rights and responsibilities, best practices and possible resources.



## HANDLING DISAGREEMENTS/DUE PROCESS

**Handling disagreements early is a key to maintaining your partnership with the school.**

*Parents* sometimes disagree over their child's *identification, evaluation, program, placement* and discipline. It is usually best to try to solve this disagreement when it comes up by talking directly with the individual at school who is closest to the problem—either your child's teachers, therapists, counselor or others. If you are not able to work things out to your satisfaction, you can go to the principal with your concerns.

**Ask for a facilitated IEP meeting.**

When you and school personnel cannot come to agreement over your child's program or placement, you can ask for a facilitated IEP. *Facilitation* is a structured way to conduct an IEP meeting that helps participants talk through their disagreements to come up with a program that benefits the student. The facilitator is a neutral individual who has an understanding of the *special education* process.

**If you cannot solve the problem informally, there are more formal steps you can take.**

*IDEA* and *Chapter 56* include a number of *procedural safeguards* or protections to make sure that student and parent rights are not violated. Some are aimed specifically at resolving conflicts. These include *Independent Educational Evaluations* (see EVALUATION), filing a *complaint* with the state, *mediation*, and impartial *due process hearings*.

**You have the right to file a State complaint.**



Any person can file a State complaint with the Special Education Services Branch if they think the school has not followed *special education* law. The complaint must be in writing and be made within a year of the time the law was violated, unless a longer period is reasonable because the violation is continuing. Within 60 days state special education personnel will carry out an investigation and issue a written decision to the person who made the complaint. If the school has not followed the law, it will be required to show the state how it plans to correct its actions. Complaints can be made to:

Hawaii Department of Education  
Special Education Services Branch  
637 18<sup>th</sup> Avenue, Room C-102  
Honolulu, Hawaii 96816

**You have the right to mediation.**

*Mediation* is a voluntary process in which a neutral person (a mediator) helps participants negotiate and resolve their differences by meeting with the participants in both joint and private confidential sessions. Mediation can clarify important issues, help you understand each other's point of view and come to agreements both sides can live with.

Mediation is automatically offered to parents when they file a due process hearing request, but you can ask for it any time you are at odds with your child's school over an important issue regarding your child's education.

## HANDLING DISAGREEMENTS/DUE PROCESS (cont.)



**You can ask for mediation without filing for a due process hearing.**

The *mediation* process was written into *special education* law to offer a timely and inexpensive way to resolve conflicts and preserve the positive working relationship between home and school. If you have already filed for due process, mediation will not interfere or delay your right to a *due process hearing* should you not reach agreement through the mediation process.

**You have the right to file a due process complaint over any disagreement regarding your child's identification, evaluation, program, placement and discipline.**



By filing a *complaint*, you are requesting that an impartial hearing officer hear both sides of the conflict between you and the school and make a decision. Most parents see a due process hearing as the last resort, when all other attempts to resolve a conflict fall short. This is because hearings are very stressful, adversarial in nature (someone wins and someone loses), and can be costly in time and money. However, due process hearings offer an important protection under the law.

**Due process complaints must be filed in writing within two years of the time you became aware of the problem.**

The two year statute of limitations does not apply if you were prevented from filing a due process complaint because of withholding of information or misleading information given to you by the school. When you do file your due process complaint you must give your child's name, address and school and a description of the disagreement or problem. You must also include information about how to solve the problem (to the extent that you know how) in your hearing request. If you do not include all of this information, the hearing officer will notify you within 15 days that your due process complaint is "insufficient" to proceed to hearing.

**Once you have filed your due process complaint, the school will invite you to a meeting to try to solve the problem before the hearing is held.**

Unless you and the DOE agree in writing to waive this meeting--called a resolution session--or agree to use mediation, the DOE must convene the resolution session with you and relevant members of the IEP team within 15 days of receiving your due process complaint. This is an opportunity for you and the DOE to resolve your disagreement(s) with their proposal or refusals. A resolution is binding on both parties. However, either you or the DOE have three business days to back out of the settlement agreement, if you change your mind.

**The due process hearing will proceed, if no agreements are reached.**

If the DOE has not resolved the disagreement(s) to your satisfaction through mediation or the resolution session within 30 days of when your due process complaint was received, a due process hearing may occur. The hearing is similar to a court trial and includes witnesses, questioning and cross-examination, and presentation of evidence by each side.

## HANDLING DISAGREEMENTS/DUE PROCESS (cont.)

*A due process hearing decision must be given to parents not later than 75 calendars after you filed your due process complaint.*

The decision is based on the evidence presented on each side, with the burden of proof falling on you (as the party that filed the complaint). You must show that the school's actions (or inaction) caused your child to lose educational benefit, interfered with your opportunity to participate in decision-making, or interfered with your child's right to a *free appropriate public education*.

**Parents may use a lawyer to represent their child in a hearing.**

Although the law does not require it, many *parents* hire an attorney to help them prepare a case and guide them through the complicated hearing process. The Department of Education will give you a list of free or low cost attorneys, if you request it. DOE will also reimburse you for legal fees if you "prevail" in the hearing process—if the hearing officer decides in your favor, or if the school settles your case before the hearing by making the changes you requested. Be aware that your attorney can be required to pay DOE's legal fees, if DOE prevails and the court decides the due process complaint was trivial, unreasonable or without basis. Parents and/or their attorney may also be required to pay legal fees for DOE when DOE prevails and the court believes the purpose of the due process complaint was to harass DOE, delay a decision or increase court costs.

**While you are involved in the hearing process, your child "stays put" in his or her placement.**

Unless you agree to have your child placed in another setting, or unless your child has been placed in an *interim alternative educational setting* (see DISCIPLINE), s/he will remain in her/his current educational placement while you wait for the hearing decision.

**You have the right to appeal a due process hearing decision.**

If you do not agree with the hearing officer's decision, you may appeal it within 30 days. Your appeal is made by filing a *complaint* in federal or state court. The court will make its decision based on its review of the due process hearing and new information presented in court.

### PARENT'S RIGHTS IN DUE PROCESS HEARINGS:

- ✓ to be accompanied and represented by a lawyer or an *advocate* and by individuals with special training and knowledge regarding the needs of children with disabilities;
- ✓ to decide whether the hearing should be open or closed to the public;
- ✓ to have your child present at the hearing;
- ✓ to request that the hearing officer stop the introduction of evidence that was not shared with you at least five business days before the hearing;
- ✓ to require necessary witnesses to attend the hearing and the right to cross-examine witnesses that DOE introduces;
- ✓ to receive the records the school district will present at the hearing and be aware of who the witnesses will be and what they will say at least 5 business days before the hearing;
- ✓ to receive the record of the hearing and the findings of fact and decisions at no cost to the parent.

# ACRONYMS

An acronym is a shortcut for a string of words that go together. It is usually formed by taking the first letters of the words and capitalizing them. Here are some of the acronyms you are likely to hear in special education:

A+	After-School Plus Program
AA	Alternate Assessment
ADA	Americans with Disabilities Act
ADHD/ADD	Attention Deficit Hyperactivity Disorder/Attention Deficit Disorder
AG	Attorney General
ALC	Alternative Learning Center
APERT	Adapted Physical Education Resource Teacher
ASD	Autism Spectrum Disorder
ASL	American Sign Language
AT	Assistive Technology
ATRC	Assistive Technology Resource Centers of Hawaii
BASC	Behavior Assessment System for Children
BIP	Behavior Intervention Plan
BOE	Board of Education
BSP	Behavior Support Plan
CAMHD	Child & Adolescent Mental Health Division (DOH)
CAPD	Central Auditory Processing Disorder
CAS	Complex Area Superintendent
CASSP	Child & Adolescent Service System Program
CBI	Community Based Instruction
CC	Care Coordinator
CCC	Community Children's Council
CCCO	Community Children's Council Office
CDPA	Consumer Directed Personal Assistance (DDD)
CDS	Center on Disability Studies
CIMIP	Continuous Integrated Monitoring & Improvement Process
CM	Case Manager
COW	Committee on Weights
CP	Cerebral Palsy
CSAP	Comprehensive Student Alienation Program
CSP	Coordinated Service Plan
CSSS	Comprehensive Student Support System
DB	Deaf/Blindness
DES	District Educational Specialist
EA	Educational Assistant
ED	Emotional Disturbance
EI	Early Intervention
EPSDT	Early & Periodic Screening, Diagnosis and Treatment
ESLL	English As A Second Language Learner
ESY	Extended School Year
FAPE	Free Appropriate Public Education
FBA	Functional Behavior Assessment
FERPA	Family Education Rights and Privacy Act of 1974
FGC	Family Guidance Center (CAMHD)
GE	Geographic Exception

## ACRONYMS (cont.)

GED	General Education Development
HDRC	Hawaii Disability Rights Center
HFAA	Hawaii Families As Allies
HI	Hearing Impairment
H-KISS	Hawaii Keiki Information Service System
IAES	Interim Alternative Educational Setting
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Program
IFSP	Individualized Family Support Plan
ILI	Initial Line of Inquiry
IQ	Intelligence Quotient
ISPED	Integrated Special Education System (SpEd Database)
ISP	Individualized Service Plan
LD/SLD	Learning Disability/Specific Learning Disability
LDAH	Learning Disabilities Association of Hawaii
LRE	Least Restrictive Environment
MD	Muscular Dystrophy
MP	Modification Plan (Section 504)
MR	Mental Retardation
MS	Multiple Sclerosis
MTP/MP	Master Treatment Plan/Master Plan (for mental health)
NCLB	No Child Left Behind Act of 2001
OCD	Obsessive Compulsive Disorder
OCISS	Office of Curriculum, Instruction & Student Support
ODD	Oppositional Defiant Disorder
OHI	Other Health Impairment
OI	Orthopedic Impairment
OS	Occupational Skills
OSEP	Office of Special Education Programs
OT	Occupational Therapy
PBS	Positive Behavior Supports
PCNC	Parent Community Networking Center
PDD	Pervasive Developmental Disorder
PLEP	Present Levels of Educational Performance
PSN	Procedural Safeguards Notice
PWN	Prior Written Notice
PSAP	Primary School Adjustment Program
QA	Quality Assurance
RFE	Request for Evaluation
RISE	Retraining in Special Education
RT	Resource Teacher
SBBH	School-Based Behavioral Health
SEVR	Special Education Vocational Rehabilitation Program
SLI	Speech-Language Impairment
SCC	School Community Council

## **ACRONYMS (cont.)**

SSC	Student Services Coordinator
SST	Student Support Team
TBI	Traumatic Brain Injury
TS	Tourette Syndrome
TTY	Teletypewriter
VI	Visual Impairment
WSF	Weighted Student Formula
504	Section 504 of the Rehabilitation Act of 1975

## WORDS TO KNOW

The following words and phrases are often used in discussions about special education:

**Accommodation** - a change made to teaching or testing to provide a student with access to information and create an equal opportunity to demonstrate knowledge and skills. Testing accommodations can include changes in format, response, setting, timing or scheduling.

**Advocate** – a person skilled at assisting parents or persons with disabilities when they have need of information and support to secure appropriate educational and related services

**Assessment** – the administration of specific tests, instruments, tools, strategies and other materials used in the evaluation process

**Assistive technology device** – any item or piece of equipment that is used to increase, maintain or improve the functional abilities of individuals with disabilities.

**Assistive technology services** – a related service that assists a student with a disability in the selection, purchase, loan or use of an assistive technology device

**Audiology services** – a related service that includes the identification, determination and treatment of hearing loss

**Autism\*** – a developmental disability generally evident before age 3 that significantly affects verbal and nonverbal communication and social interaction

**Behavior intervention plan** – a plan of positive behavioral interventions for a child whose behaviors interfere with her/his learning or that of others

**Benchmarks** – levels of academic performance used as checkpoints to monitor progress toward performance goals and/or academic standards

**Business day** – Monday through Friday, except for federal and state holidays

**Chapter 34** – the Hawaii Department of Education’s rules for school records and confidentiality

**Chapter 53** – The Hawaii Department of Education’s rules for students with disabilities who qualify for a free appropriate public education under Section 504 of the Rehab Act of 1973; generally these students are not eligible for special education but can receive accommodations or modifications in the general education classroom as part of their individualized education plan.

**Chapter 56** – the Hawaii Department of Education’s rules for special education

**Child Find** – the statewide effort by DOE to locate and identify children and youth ages 0 to 20 who are suspected of having a disability and may be in need of special education services.

**Complaint** – a written claim that the Department of Education has violated the IDEA or Chapter 56 rights of a student with disabilities or his or her parents

## **WORDS TO KNOW (cont.)**

**Criteria** – guidelines or standards on which a judgment may be based

**Consent** – parent understanding and written agreement to an activity after receiving information in the parent’s native language or means of communication and with the understanding that the parent can change his/her mind

**Counseling services** – a related service that includes services provided by social workers, psychologists, guidance counselors or other qualified personnel

**Deaf-Blindness\*** – a combination of hearing and visual impairments which causes severe communication and other developmental and educational needs

**Deafness\*** - a hearing impairment so severe that the child is impaired in processing linguistic information through hearing, with or without amplification

**Developmental delay\*** – a developmental delay in a child aged 3 through 8 that includes one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development

**Due process hearing** – an administrative hearing before an impartial hearing officer to resolve a dispute between parents and the Department of Education

**Early identification & assessment of disabilities in children** - a related service that involves carrying out a formal plan to identify a child’s disability as early as possible in his/her life

**Early intervention program** -a program providing therapy and skill building activities to infants and toddlers (0-3 years old) who have one or more developmental delays

**Eligibility** – able to qualify

**Emotional disturbance\*** – emotional problems that affect a child’s learning and which cannot be explained because of intellectual, sensory or health reasons

**Evaluation** – procedures used to determine whether a student has a disability and the nature and extent of the special education and related services the student needs

**Extended School Year** – educational and related services provided to students during extended school breaks to help maintain critical skills and prevent regression

**Free Appropriate Public Education (FAPE)** – means special education and related services that are provided at no cost to the parent and individualized to meet a student’s unique learning needs

**Functional Behavioral Assessment** – a problem-solving process that relies on different strategies and techniques to determine the functions of the behavior and events or conditions that trigger the behavior

**General education curriculum** – the curriculum or coursework offered to students without a disability

## **WORDS TO KNOW (cont.)**

**Hearing impairment\*** – a permanent or fluctuating impairment in hearing that is not included in the category of Deafness

**Identification** – the process of identifying children with disabilities who need special education

**Individuals with Disabilities Education Act** – the federal law that regulates the provision of special education and related services to students with disabilities

**Individualized Education Program** – the plan that addresses the unique educational needs of a child and describes the instruction and related services that will be provided, including annual goals and objectives or benchmarks.

**Independent Educational Evaluation** – testing done by a qualified evaluator who does not work for the Department of Education

**Interim alternative educational setting** - a temporary placement where a child receives educational services while being disciplined for breaking a school rule

**Interpreting services** - a related service that includes sign language interpreting, cued language and oral transliteration, and transcription services for children who are deaf or hard of hearing; it also includes special interpreting services for children who are deaf-blind.

**Learning style** – how a person best takes in and processes information (by sight, by hearing, by feeling or by doing)

**Mediation** - an informal process conducted by an impartial mediator to settle disputes related to a child's identification, evaluation, program or placement

**Medical services** - a related service provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services

**Mental retardation\*** – significantly below average general intellectual function along with deficits in adaptive behavior

**Modification** – a change in what the student is expected to learn and/or demonstrate

**Multiple disabilities\*** – a combination of impairments (such as mental retardation and blindness, or mental retardation and an orthopedic impairment) which cause severe educational needs

**Occupational therapy** – a related service that includes therapy to maintain and/or increase fine motor skills

**Orthopedic impairment\*** – a severe orthopedic impairment from birth (e.g. clubfoot, absence of limbs, etc.), disease (e.g. polio, bone tuberculosis, etc.) or other causes (e.g. cerebral palsy, amputations, etc.)

**Orientation and mobility services** – a related service that includes services to students who are blind and

## **WORDS TO KNOW (cont.)**

visually impaired to enable them to move and function safely at home, school and in the community

**Other health impairment\*** – limited strength, vitality or alertness due to a chronic or acute health problem such as asthma, attention deficit disorder, diabetes, epilepsy, a heart condition, hemophilia, Tourette Syndrome, etc.

**Parent** – a biological or adoptive parent, a guardian, a person acting in the place of a parent (for example, a grandparent or stepparent), a surrogate parent or a foster parent who is willing to participate in the special education process, has a long term relationship with the student and has no conflict of interest

**Parent counseling and training** – a related service that includes helping parents to gain the necessary skills that will allow them to support the carrying out of their child’s IEP

**Physical therapy** – a related service that includes therapy to maintain and/or increase gross motor skills, including muscle tone and strength and range of motion of bone joints

**Placement** – an appropriate educational setting for the implementation of the a student’s IEP in the least restrictive environment

**Postsecondary** - after high school

**Present Level of Educational Performance (PLEP)** - a statement of a student’s current level of academic achievement and functional performance and how the student’s disability affects his/her involvement and progress in the general curriculum

**Procedural safeguards** – rights given to students (and their parents) who are receiving special education and related services, or who are being identified and evaluated for eligibility for special education, to protect their confidentiality, their right to be informed, to participate, to give consent and to resolve conflicts

**Psychological services** - a related service that includes giving psychological and educational tests, interpreting results, providing psychological counseling for students and parents, and assisting in developing positive behavioral intervention strategies

**Recreation** – a related service that includes therapeutic recreation services, recreation programs and leisure education

**Rehabilitation counseling services** - a related service that focuses on helping students with career development, preparing for employment and achieving independence

**Related services** – transportation and developmental, corrective and other supportive services required to assist a child with a disability to benefit from special education. These services do not include a medical device that is surgically implanted, or its maintenance and replacement.

**Rescind** – to discontinue special education or related services because the student no longer meets eligibility criteria or graduates with a regular diploma

## **WORDS TO KNOW (cont.)**

**School health services and school nurse services** - a related service consisting of health services provided by a qualified school nurse or other qualified person to enable a child with a disability to receive FAPE as described in his/her IEP

**Section 504** – a key section of the federal Rehabilitation Act of 1973 that prohibits schools from discriminating against students on the basis of disability and requires the provision of a free appropriate public education to students whose disability affects learning

**Sensory** – related to the five senses (smell, touch, hearing, sight and taste)

**Serious bodily injury** - bodily injury that involves a risk of death, extreme physical pain, prolonged disfigurement or prolonged loss or impairment of the function of a body member, organ or mental faculty.

**Settlement agreement** - a written agreement that is legally binding resulting from the settlement of a due process complaint

**Special education** – specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability including instruction in physical education; special education also includes related services that are considered special education under state standards, travel training and vocational education.

**Specially designed instruction** - adapting the content, methodology, or delivery of instruction to address the unique needs of the child and ensure access to the general curriculum

**Specific learning disability\*** – a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language; it may result in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations

**Speech-language pathology services** – a related service that includes the identification and diagnosis of speech or language impairments and the provision of speech or language therapy

**Speech or language impairment\*** - a communication disorder, such as stuttering, impaired articulation, a language impairment or a voice impairment that adversely affects a child's educational performance

**Standards** – statements that describe what students are expected to know and do in each grade and subject area

**Social work services** – a related service that includes group and individual counseling with the student and family and mobilizing school and community resources to meet the student's needs

**Supplementary aids and services** – aids, services and other supports, including assistive technology devices and services that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable a student with a disability to be educated with students without disabilities to the maximum extent appropriate

**Transportation** – a related service that includes specialized equipment if required to provide special transportation for a child with a disability

## WORDS TO KNOW (cont.)

**Travel training** - instruction to help a student develop an awareness of the environment in which they live and learn skills necessary to move effectively and safely from place to place.

**Traumatic brain injury\*** – an acquired injury to the brain caused by an external physical force that results in total or partial functional disability and/or psychosocial impairment

**Visual impairment including blindness\*** – an impairment in vision sufficient enough to interfere with normal functioning and to require special or adapted techniques, materials and/or equipment to meet educational demands

**Vocational education** - organized educational programs that are directly related to the preparation of students for paid or unpaid employment, or a career not requiring a four-year college degree

\*All IDEA eligibility categories require that the disability adversely affects educational performance.



## CONTACT INFORMATION

The Individuals with Disabilities Education Act (IDEA) requires that each state establish and maintain an advisory panel for the purpose of advising the Superintendent of the Department of Education regarding the education of all eligible children with disabilities. In Hawaii that advisory panel is the **Special Education Advisory Council or SEAC**.



### **Special Education Advisory Council (SEAC)**

919 Ala Moana Blvd. Room 101

Honolulu, Hawaii 96814

Phone: (808) 586-8126

Fax: (808) 586-8129

E-mail: [spin@doh.hawaii.gov](mailto:spin@doh.hawaii.gov)

Website: [www.spinhawaii.org/SAP/sap](http://www.spinhawaii.org/SAP/sap)

The **Special Parent Information Network (SPIN)** represents a unique partnership between the Disability & Communication Access Board and the Department of Education Special Education Section. SPIN provides information and support to families of children and youth with disabilities and to the professionals that support them.



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