

A Parent's Guide to Partnership in Special Education



June, 2019

HOW TO USE THIS GUIDE

A **Parent's 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**.

The **Guide** reflects the amendments to Part B of the *Individuals with Disabilities Education Act (IDEA)* of 2004, the 2008 rules regarding parent consent, and Hawaii's local law that implements IDEA, *Chapter 60*. For a constantly updated version of the **Guide** with links to additional information go to: <http://spinhawaii.org/education-parent-guide/>.

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INTRODUCTION

This **Guide** was developed by the **Special Parent Information Network (SPIN)** and the **Special Education Advisory Council (SEAC)**--Hawaii's state advisory panel on special education--with support from the Department of Education. This **Guide** gives basic information about the *special education* process and encourages *parents* to be true partners in their child's education.

We believe that children benefit most when our educational system supports partnership between parents, students, teachers, related services professionals and school administrators. This partnership includes welcoming families into the school community, communicating effectively, and working together to support a student's learning at home and at school. 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 to support 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 LAWS IMPACTING STUDENTS WITH DISABILITIES

Four federal laws affect students with disabilities. Two are civil rights laws meant to prevent discrimination in school settings and in the community:



Section 504 of the Rehabilitation Act of 1973 requires that students with disabilities have equal access to educational services. For students who qualify, an individualized 504 Plan is developed that provides *modifications* and *accommodations* to ensure that the student receives an education comparable to non-disabled students. **Section 504** also applies to extracurricular activities (like after-school activities on school grounds and school-sponsored clubs). All students who have a disability that affects their education are covered under **Section 504**. However, 504 Plans are generally developed for students with milder delays who do not qualify under IDEA's eligibility criteria.

The 1990 **Americans with Disabilities Act (ADA)** also bars discrimination on the basis of disability in employment, public transportation, government services, and places where the public gathers for a service or activity (like restaurants, stores, libraries, parks and schools). ADA's application to students with disabilities is generally in providing information in alternate formats (like American Sign Language or Braille), modifying tests, and improving accessibility by redesigning equipment or building features.

The **Family Educational Rights and Privacy Act (FERPA)** protects the privacy of student records for all public school students. It gives parents the right to review their child's education records and request changes in the record, when appropriate. (See more under **SCHOOL RECORDS**).

I. D. E. A. **Individuals with** **Disabilities** **Education Act**

IDEA is the education law passed by Congress in 1975 that first defined *special education* and spelled out what schools must provide to students with disabilities. *Special education* is specially designed instruction, at no cost to the parent, to meet the unique needs of a student with a disability. **IDEA** provides a *free appropriate public education* (FAPE) to children who, because of a qualifying disability, need *special education* and *related services* to benefit from education.

Like **Section 504**, **IDEA** requires an unbiased evaluation to determine needs and eligibility, an *individualized educational program*, and service provision in the *least restrictive environment*. Unlike **Section 504** and **ADA**, **IDEA** provides partial federal funding for the costs associated with educating students with disabilities. **IDEA** also offers more safeguards to ensure that parents are included in decision-making and have more options to resolve conflicts around their child's identification, evaluation, program, placement or discipline. This **Guide** is primarily meant as a reference to parents whose children are currently, or may become, eligible for special education under **IDEA**.

CHILD FIND & REFERRAL

OPERATION SEARCH seeks out children who might need special education.

Parents and teachers can refer a child for evaluation.



You can help the school gather information about your child's needs.

Within 15 days the school must let you know in writing if your child will be referred for an evaluation.



Consent is needed for an evaluation.

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 move around a lot or are 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. 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 (including fax or email), 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 are report cards, class work, statewide assessments, teacher observations, medical records, and any reports that you have to offer from a previous program or a medical professional. You may be invited to a meeting at school to review the information, discuss your child's needs and determine whether an evaluation, including additional information or *assessments*, is needed.

After all the information is reviewed, a determination is made to evaluate or not evaluate and communicated to the parent through a *Prior Written Notice (PWN)*. If there is a suspicion of a disability that affects learning the PWN will describe what tests that will be used and the other ways it will collect information about your child to determine *eligibility* for special education.

You will be asked to give your informed written consent. Your permission does not mean that you have also given your consent for the school to start providing special education and related services to your child.

Other options you and the school may consider include:

- Addressing your child's needs through regular education classroom interventions, or through additional supports, such as counseling or referral to a community program,
- Using existing information (if sufficient) to determine your child's eligibility for special education, and
- Referring your child for a *Chapter 61 (Section 504)* evaluation.

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

**OPERATION
SEARCH**



**Help is Within
Reach for
Your Child!**



PARENTAL CONSENT & NOTICE



Your consent is needed to begin many of the steps of the special education process.

Consent means that a parent understands the activity that is being proposed and agrees in writing that it can be carried out. Parental *consent* or permission must be obtained before an initial *evaluation* or a *reevaluation* involving tests, and before special education and related services are provided for the first time. The school must also get parental consent to seek reimbursement from the government for providing related services to Medicaid-eligible students with disabilities.

If you take back your consent for services, your child will no longer have an IEP.

Once your child is receiving services, you have the right to revoke (or take back) your consent for your child to continue to receive special education and related services. The school will provide a prior written notice (PWN) confirming when your child's IEP services will end. Your child will then be treated as a regular education student, and special education protections and benefits will not apply.



You have the right to be informed and receive timely notices.

As the parent of a child with a disability or suspected disability, the school must provide you with enough information to make an informed decision about any action that the school is proposing. You must also be informed about meetings planned to discuss your child's special education and 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 or 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 weren't chosen,
- ✓ A description of each evaluation procedure, record, *assessment* or report that was used to make the decision to initiate or refuse the action
- ✓ How to get a copy of the *procedural safeguards* notice and agencies that parents may contact for assistance in understanding the special education process.

A procedural safeguards notice explains all of your legal rights under IDEA and Chapter 60.

The **Procedural Safeguards Notice for Parents and Students under IDEA and Hawaii Law and Regulations** is a booklet that must be provided to you once in a school year in a language or form of communication that you understand. A copy of this notice must also be given to you when you request it, as well as when:

- you ask to have your child evaluated or your child is referred for evaluation,
- a decision made to discipline your child will result in a change of placement, or
- you first request a *due process hearing* or file a *State complaint*.

EVALUATION & REEVALUATION

Schools have up to sixty days to complete an initial *evaluation* and decide if a child needs *special education*.



If no additional tests are needed, the evaluation time may be shorter.

The evaluation will cover all areas of academics and behavior where your child is not making good progress.

Assessment is one part of the evaluation process.



The evaluation of students for learning disabilities requires looking at actual and expected performance.

Screening is not the same as evaluation.



If there is enough information available early in the process to meet *eligibility* requirements, the time line may be shorter. Should the whole process take longer than 60 days due to exceptional reasons, the school must inform you in writing of the expected date of completion and the reason for the delay.

A comprehensive evaluation is the process of collecting information about a student's learning needs, strengths and interests. A complete evaluation will cover all areas related to your child's learning or behavior that may get in the way of his or her learning 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.

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.

These tests and tools must be given in the language and form most likely to give the most accurate information about what your child knows and can do academically, developmentally and functionally. They should be given by people who are trained and knowledgeable about how to administer 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.

For students who are suspected of having a learning disability the evaluators will look for evidence that the student is not performing at grade-level standards **and** one of the following: 1) demonstrates a severe discrepancy between actual achievement and what they are expected to be able to achieve based on their intellectual ability **or** 2) exhibits a pattern of strengths and weaknesses in performance and/or achievement relative to other students in their age group.

The screening of a student by a teacher or specialist to determine the best teaching strategy for the student is not considered to be an evaluation for eligibility for special education. Parents are not required to be notified when screening occurs.

EVALUATION & REEVALUATION (cont.)

The results of the *evaluation* must be given to you upon request.



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

The school will prepare an Evaluation Summary with key findings from the evaluation. You should request a copy prior to the *eligibility* meeting in order to be prepared to discuss the evaluation results. 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.

Should 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. Your child's school can provide you with information about where you can obtain an IEE. Parents can either pay for the IEE out of their own pocket or request an evaluation at public expense (this means that the school pays for it).

If you obtain an evaluation on your own, the school must consider the results.

If you obtain the IEE at your own expense, the results of the evaluation must be considered by the school in any decision relating to the provision of *FAPE* to your child. These results may also be presented as evidence in a *due process hearing* regarding your child.



Some requests for a no-cost independent evaluation lead to a *due process hearing* decision.

Parents are entitled to only one IEE at public expense each time the school conducts an evaluation of your child with which you disagree. After a parent makes a request for an independent evaluation at public expense, the school must either pay for an IEE, or initiate a *due process hearing* to defend the appropriateness of its own evaluation. Should the decision of the hearing officer be that the school's evaluation is appropriate, you still have the right to an IEE, but not at public expense

REEVALUATION

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



Once your child receives *special education* services, a reevaluation is conducted once every three years. The reevaluation can take place sooner for the following reasons:

- √ The student's educational or related service needs have changed (either through improved academics and functional performance or because the student is not progressing and more information is needed to change his or her program);
- √ A change in *eligibility* is being considered (for example, from the eligibility category of *developmental delay* to *specific learning disabilities*); or
- √ The student's teacher or you, the parent, requests a reevaluation.

Additional testing is not always necessary.

After looking at the existing information, you and the members of the *IEP* team may agree that no additional information is needed to design an appropriate program for your child and that your child's eligibility is not likely to change. In that case, a reevaluation is not required.

REEVALUATION (cont.)

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 Chapter 60 and 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 statewide assessment data, and decide if your child is eligible to receive *special education* and *related services*.



DOE eligibility for children in early intervention programs is made by age 3.

Eligibility for Part C (early intervention) services under IDEA end at age three, so early intervention programs and schools work together to ensure that the young child’s evaluation is conducted and eligibility determined by his or her third birthday. Usually the process begins 90-120 days before the child turns three.



In order to be eligible, a student must meet three requirements.

First, he or she must meet the definition of a “student with a disability” under one of the 14 disability categories for Chapter 60 (see box on page 7). Secondly, the disability must have a negative effect on the student’s involvement and progress in regular education. Lastly, because of this disability, the student must need special education and related services in order to benefit from his or her education.

The child or young adult must also be between the ages of 3 and 22.

Any student who is 3 through 21 may qualify for special education, if it is determined that he or she needs specially designed instruction in order to benefit from education. Eligibility ends when the student no longer needs special education services OR the day before a student’s 22nd birthday OR upon graduation with a regular diploma.



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

A student might not be identified as having a disability, if he or she is doing poorly in school just because he or she does not speak or understand English well. Likewise, a student who has not had appropriate instruction in math or reading may not be seen as a child with a disability, if he or she does not otherwise meet the eligibility requirements. In determining whether a student received appropriate instruction in reading and math, the eligibility team considers the student’s attendance, as well as the evidence-based instruction that was provided and any targeted interventions and their results.



If your child is found eligible, your *consent* is needed before an IEP is held.

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. By law, the IEP meeting must occur within 30 days of finding your child eligible, and once you sign consent, it typically convenes within fifteen days.

DETERMINING ELIGIBILITY (cont.)

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 DUE PROCESS). The team should discuss how the school plans to help your child with learning difficulties.

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*. Some of the category names are intentionally different from *IDEA*, but their meaning is the same. 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 Spectrum Disorders
Deaf
Deaf-Blindness
Developmental Delay
Emotional Disability

Hard of Hearing
Intellectual Disability
Multiple Disabilities
Orthopedic Disability
Other Health Disability

Specific Learning Disability
Speech-Language Disability
Traumatic Brain Injury
Visual Disability and Blindness

For definitions of each disability 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 *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, your child 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 stresses the importance of 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 or her unique learning needs.

IEP meetings are held at least once a year.

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.



You can request an *IEP* meeting at any time during the 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.

PROGRAM/IEP (cont.)

The IEP lists all the services that your child needs.



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



Everything that your child needs to benefit from education must be spelled out in the IEP. Included may be *related services* like *speech therapy, audiology services, interpreting services, transportation, assistive technology services, recreation* (including therapeutic recreation), *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 nurse services* designed to enable a child with a disability to receive *FAPE*. The IEP should also list any *accommodations* (for example, more time to complete an exam, special seating arrangements) and program *modifications* he or she requires, supports for school personnel, and *assistive technology devices and services*, if needed.

Information required in the IEP includes:

- Your child's present levels 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, communication and language skills, sensory and motor skills, social skills, vocational skills and behavior. *PLEP* also states how your child's disability affects his or her progress in the general curriculum;
- Annual goals addressing academic and functional needs for your child to meet within a year, including short-term instructional *objectives or benchmarks*;
- The standard, methods and timelines used to measure progress toward each goal;
- The *special education* and *related services* and *supplementary aids and services* to be provided (type, frequency, location and how long they will be provided);
- An explanation of the extent that your child will NOT participate with children without disabilities in regular education classes, in the *general education curriculum* and in extracurricular & 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;
- Accommodations, if any, needed for your child to take standardized assessments given to all students, and, if an alternate assessment is needed, why that assessment is appropriate;
- Extended school year services* (ESY), if appropriate;
- Transition planning and service needs beginning at age 14, or younger, 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.)

Information required in the IEP (cont.):

- When and how your child's progress toward IEP goals will be reported; &
- By age 17, a statement that at age 18, considered the age of majority, all rights will transfer to the student (see PLANNING FOR TRANSITION).

It's important to plan for the IEP meeting.



To be an effective IEP team member, it's always a good idea to prepare for the annual IEP meeting. You can ask your child's special education teacher for any proposed goals and *objectives* and current reports in advance of the meeting. Then make a list of everything you would like discussed. Since the IEP discussion usually involves some compromise, you'll want to prioritize those requests for your child's program that are most important to his or her success. If you are able to share your list with your child's IEP team ahead of the meeting, it will help with communication and the efficient use of time.

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

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 general education teachers, your child's special education teacher, and *related service* providers, if needed. 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 meeting. The school must invite your child, if a purpose of the meeting is the consideration of transition services. (See PLANNING FOR TRANSITION.)

IEP team members may be excused from the meeting.



While your child's principal or designee (the individual attending on his or 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/related services is being changed or discussed, and he or she 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 excuse the team member in writing before the meeting takes place.



Parents may bring someone with them to the IEP meeting.

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.

If your child needs *ESY* (*extended school year*) services, they will be included in the IEP.

The decision on whether your child needs *ESY* services (*special education* and *related services* during extended school breaks or after school in order to maintain skills) is made at the IEP meeting. Generally, the guideline used to determine whether *ESY* services 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 of time needed to regain those skills (recoupment).

PROGRAM/IEP (cont.)

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



You can make minor changes to the IEP without a meeting.

In intermediate/middle school, transition planning means choosing classes needed to prepare him/her to pursue his or her goals after he or she leaves school. At 16, his/her IEP must also include 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.)

IEP amendments (changes to the original document) without a meeting can only be made with your written *consent* and the consent of the principal. All IEP 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.

You must be given a copy of the final IEP within 10 days of the meeting.

Your child's teacher 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.

Parents are key partners in the IEP process.



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 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.

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 or 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 FOR TRANSITION (cont.)

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 a 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 (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 age 16 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.



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 relates to the transition plan, 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.

Your child has the right to make all educational decisions when he or she turns 18.

When a student with a disability reaches the age of 18 (called the age of majority), all rights that have been granted to parents under *IDEA* transfer to the student. That means that your child, and not you, has the right to consent to services or refuse them and has the right to utilize due process options, like *mediation* and *due process hearing* requests.

Your adult child can give you or someone else the right to make decisions through a limited Power of Attorney.

Sometimes students prefer for their parents to continue to advocate on their behalf, or they may want a friend or other trusted adult to do so. This can be done through a Power of Attorney for Special Education. Your child will name his or her agent in writing, and either have two witnesses document the signing of the document or have it notarized.

PLANNING FOR TRANSITION (cont.)



A guardian or an educational representative can be appointed.

“Decisional capacity” refers to an adult student being able to understand, reason and act on his or own behalf. If the student lacks decisional capacity, it means they are unable to provide informed *consent* for their educational *program*. Some parents will opt to become their child’s legal guardian. This requires going to court and having a judge declare your child legally incompetent to make certain decisions for himself or herself. Another option that doesn’t require legal action is to become your child’s educational representative for special education purposes. All that is required is a written statement by a qualified professional (a physician, psychologist, psychiatrist, a representative from the Developmental Disabilities Division, etc.) that your child lacks decisional capacity due to his or her disability.

A Summary of Performance is given when your child leaves school.

It is intended for post high school planning and lists academic achievement and functional performance including information such as: final report card, progress reports from the IEP, recent scores in reading and math, and skill levels related to communication, independent living, mobility and social skills (as appropriate).

PLACEMENT



Placement is the setting in which your child’s needs can be met.

Placement does not mean a specific class or school. It is where your child’s program is provided. 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.

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



Placement must be made in the *least restrictive environment (LRE)*. LRE means educating your child with peers without disabilities to the maximum extent appropriate (to the extent that it will best meet his or her needs). This means that your child should only be removed from the regular education classroom and peers without disabilities when the nature or severity of the disability prevents her or him from benefiting from education in the regular 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, he or she should still participate as able with children without disabilities in academic and nonacademic activities (like lunch, recess, physical education, assemblies, clubs, recreational activities, etc.).

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

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, NOT on your child’s *eligibility* category for special education. In deciding an appropriate placement, the team must also consider any harmful effect of a potential placement, such as social, emotional or medical effects. Placement decisions should be reviewed at least once a year at the IEP meeting.

PLACEMENT (cont.)

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

Because different children have different needs, the law requires that the Department of Education have a continuum or range of different placement choices available for children with disabilities--from the regular education classroom (with or without supports) to a special education classroom (for all or part of the day) to a private or special school, to a hospital or residential program, or even to the child's home. Once a placement decision is made, the IEP team (including you) must agree to any subsequent change in placement. If the school is considering a new placement, it must notify you through a *Prior Written Notice* of any proposed change in placement. If you disagree with the proposed change, see DUE PROCESS for possible actions.

If your child transfers from another state and has an IEP, comparable services will be provided.

Upon arrival in Hawaii, give your child's current IEP (from the previous state) and other related documents to school personnel at your home school (the school serving your new neighborhood). The home school will provide comparable services through an interim IEP and follow the out-of-state IEP to the extent possible until a new *evaluation* determines *eligibility* under Hawaii's eligibility criteria and a new IEP is developed. Implementation of the interim IEP is not a guarantee that your child will be found eligible for special education and related services in Hawaii.

If your child's public school places him or her in a private school, the protections of IDEA are still in effect.

When the school or school complex cannot provide a program for your child that meets the needs identified in the IEP, the Department of Education 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 home 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 IDEA services.

Once the public school has offered a *free appropriate educational program (FAPE)* 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 related services may be offered through the Private School Participation Project (*PSPP*). 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 that a FAPE is available for your child in the public school, you can file a request for a due process hearing to request payment for the private school program within 180 days of enrolling your child in private school. If the hearing officer finds that the Department of Education (DOE) did not provide FAPE to your child in a timely manner and that the private placement is appropriate, he or she may require DOE to reimburse you for the cost of the private placement.

This cost of the reimbursement may be reduced or denied for the following reasons: 1) 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, or 2) the public school offered to evaluate our child prior to your removing him or her to private school, and you did not make your child available for the evaluation. The reimbursement costs must NOT be reduced, if the school failed to notify you of your responsibility to give written notice of your intention.

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.



IAES

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

Crisis removals may or may not be 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 students with disabilities, the focus should always be on addressing behavior problems early, so that they don't recur. While students with disabilities are not exempt from discipline if they break a school rule, *special education* law requires schools to address behavior problems in the *IEP* that interfere with his or her learning or the learning of others and to look at whether a student's misbehavior is affected by his or her disability. School rules are covered in *Chapter 19*.

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 him or her in an *interim alternative educational setting (IAES)*. An IAES is any place where your child receives educational services that is not his or her regular placement. It could be a different class in the same school, a different school or a special program in the community.

When students are removed from school immediately because their conduct presents a threat to their safety or others, and their removal, plus any previous days of suspension, add up to more than 10 days, it will only be considered a change of placement if: 1) the student's behavior is similar to that of other suspensions, and 2) the closeness of the suspensions or their length of time show a pattern.

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 (FBA)* will be done and a *Behavior Intervention Plan (BIP)* 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 in tune with the IEP and placement at the time of the misbehavior, 2) the disability affected your child's ability to understand the impact and consequences of the behavior, and 3) the disability affected your child's ability to control his or 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. School staff will conduct or review the FBA and the BIP.

DISCIPLINE (cont.)

If it was not related to the disability, your child may be disciplined just like any student who breaks a rule.



Your child may be sent to an IAES for certain misbehaviors.

However, services that help your child achieve his or her IEP goals must be provided on the eleventh school day that a student is removed from school. If he or she is placed in an interim alternative educational setting (IAES), 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:

- ✓ he or she carries a weapon to or possesses a weapon at school or a school function,
- ✓ he or she possesses, uses, sells or tries to buy illegal drugs at school or a school function, or
- ✓ he or she 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 sped up, so that a hearing is held within 20 days of the date of your request, and a decision is rendered within 10 days after the hearing. A resolution session will be held within 7 days of the receipt of your expedited hearing request to try to reach agreement prior to the hearing. If your child has been placed in an IAES, he or she will “stay put” 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 or her behavior or performance in accordance with referral procedures or, for a pattern of behavior, to supervisors.

Special Situation:

“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 his or her IEP and participated with students without a disability to the same degree as in his or her regular placement, then it would not be considered a suspension for counting purposes.

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 45 days after your request. If you want to review the records for an IEP meeting or a *due process 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 attached to your child's file documents who (except for authorized persons) has looked at your child's records, 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 or her own records.

When your child turns 18, your right to review the school records is transferred to him or her. An exception is made for students who have a court-appointed guardian or educational representative, which in many cases is the parent. (See PLANNING FOR TRANSITION).

SCHOOL RECORDS (cont.)









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 he or she 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 (at age 18 and older) 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 files. Certain records may be needed to access adult services for your child.

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, tutors, psychologists, 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.

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

You have the right to file a State complaint.



Parents sometimes disagree over their child's *identification, evaluation, program, placement* and discipline. They may also fear that unchecked bullying of their child at school has negatively impacted his or her education. It is usually best to try to resolve these issues when they come 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, you can go to the principal with your concerns.

IDEA and *Chapter 60* 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 *State complaint, mediation, and impartial due process hearings*.

Any person can file a special education written complaint with the Complaints Management Program, 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. State complaints can be made to:

Complaints Management Program
Hawaii Department of Education
P. O. Box 2360
Honolulu, Hawaii 96804

You have the right to mediation.



Mediation is a voluntary process in which a neutral person (a mediator) helps two parties negotiate and resolve their differences by meeting with them 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. 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 with or delay your right to a due process hearing, should you not reach agreement through the mediation process. A successful mediation results in a written mediation agreement that is enforceable in any State court.

You have the right to request an impartial due process hearing.

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 adversarial in nature (someone wins and someone loses), very stressful, and can be costly in time and money. However, due process hearings offer an important protection through the opportunity to have an impartial hearing officer hear evidence from you and from the school in order to make a decision about whether your child is receiving appropriate and timely supports and services under the law.

Hearing requests must be made in writing within two years of when you first were aware of the problem.

There are two exceptions: 1) if you are filing a request for reimbursement of the cost of private school placement, the time line is 180 days from enrollment; and 2) if the school withheld information or misled you, and it prevented you from requesting a due process hearing, the two-year statute of limitations doesn't apply.

HANDLING DISAGREEMENTS/DUE PROCESS (cont.)

The due process hearing request must have certain information to go forward.

When you file your *due process hearing* request 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 request is "insufficient" to proceed to hearing.

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

Unless you and the school agree in writing to waive this meeting--called a resolution session--or agree to use mediation, the school must convene the resolution session with you and relevant members of the IEP team within 15 days of receiving your request. This is an opportunity for you and the school to resolve your disagreement with their proposal or refusals. A written *settlement agreement* is binding on both parties, but you and the school have three business days to back out of the agreement.

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

Should you not be able to resolve your *complaint* through the resolution session, mediation or a settlement agreement, a hearing officer will review your request and hold a hearing. The hearing is similar to a court trial and includes witnesses, questioning and cross-examination, and presentation of evidence by each side.

A due process hearing decision should be given to parents within 75 days of the date a request was filed.

This includes 30 days for the resolution process and 45 days for the hearing process. Often the timeline is exceeded, however, because the hearing officer grants one or both parties extensions for good cause. Once the hearing officer has heard all testimony, he or she has the power to order any solution to the problem that is appropriate.



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

Although the law does not require it, most parents hire an attorney to help them prepare a case and guide them through the complicated hearing process. The Department of Education (DOE) 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 a hearing request 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 hearing request was to harass DOE, delay a decision or increase court costs.

Parents have specific rights in the due process hearing.

Some of these rights include: deciding whether the hearing should be open or closed to the public, requesting that no evidence be introduced that was not shared five business days before the hearing, receiving records that the school district will present and being made aware of who their witnesses will be at least 5 business days before the hearing, and receiving the record of the hearing and the findings of fact and decisions at no cost.

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*, he or she will remain in the current educational placement while you wait for the hearing decision. (See DISCIPLINE).



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.

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 meetings:

ABA	Applied Behavioral Analysis
ADA	Americans with Disabilities Act
ADHD/ADD	Attention Deficit Hyperactivity Disorder/Attention Deficit Disorder
APR	Annual Performance Report
ASD	Autism Spectrum Disorders
ASL	American Sign Language
AT	Assistive Technology
BCBA	Board Certified Behavior Analyst
BISS	Behavior Intensive Support Services
BOE	Board of Education
BSP	Behavior Support Plan
CAMHD	Child & Adolescent Mental Health Division (DOH)
CAS	Complex Area Superintendent
CASSP	Child & Adolescent Service System Program
CCC	Community Children's Council
CCSS	Common Core State Standards
CP	Cerebral Palsy
CSSS	Comprehensive Student Support System
DB	Deaf/Blindness
DD	Developmental Delay <i>or</i> Developmental Disabilities
DES	District Educational Specialist
DOE	Department of Education
DOH	Department of Health
EA	Educational Assistant
ED	Emotional Disability
EI	Early Intervention or Educational Interpreter
EPSDT	Early & Periodic Screening, Diagnosis and Treatment
EL/ELL	English Learner/English Language Learner
ESSA	Every Student Succeeds Act of 2015
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
HDRC	Hawaii Disability Rights Center
HH	Hard of Hearing
HSA-Alt	Hawaii State Alternate Assessment
IAES	Interim Alternative Educational Setting
ID	Intellectual Disability
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Program
IFSP	Individualized Family Support Plan (Early Intervention Section)
IQ	Intelligence Quotient

ACRONYMS (cont.)

ISP	Individualized Service Plan (Developmental Disabilities Division)
ISS	In-School Suspension
LD/SLD	Learning Disability/Specific Learning Disability
LDAH	Leadership in Disabilities and Achievement Hawaii
LRE	Least Restrictive Environment
MD	Multiple Disabilities <i>or</i> Muscular Dystrophy
MP	Modification Plan (Section 504)
MS	Multiple Sclerosis
OCD	Obsessive Compulsive Disorder
OCR	Office for Civil Rights
OD	Orthopedic Disability
ODD	Oppositional Defiant Disorder
OHD	Other Health Disability
OS	Occupational Skills
OSEP	Office of Special Education Programs
OSSS	Office of Student Support Services
OT	Occupational Therapy
PBS	Positive Behavior Supports
PCNC	Parent Community Networking Center
PCS	Public Charter Schools
PDD	Pervasive Developmental Disorder
PECS	Picture Exchange Communication System
PLEP	Present Levels of Educational Performance
PPT/PTT	Paraprofessional Tutor / Part-time Temporary Teacher
PSN	Procedural Safeguards Notice
PSPP	Private School Participation Project
PWN	Prior Written Notice
QA	Quality Assurance
RBT	Registered Behavioral Technician
RT	Resource Teacher
RTI	Response to Intervention
SBA	Smarter Balanced Assessment
SBBH	School-Based Behavioral Health
SCC	School Community Council
SLD	Speech-Language Disability <i>or</i> Specific Learning Disability
SSC	Student Services Coordinator
SSIP	State Systemic Improvement Plan
TBI	Traumatic Brain Injury
TS	Tourette Syndrome
TTY	Teletypewriter
VI	Visual Disability/Impairment
504	Section 504 of the Rehabilitation Act of 1975
618	Annual state data required under IDEA
619	District Coordinators for Preschool Special Education

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 Spectrum Disorders* – a developmental disability generally evident before age 3 that significantly affects verbal and nonverbal communication and social interaction.

Behavior intervention plan / behavior support plan – a plan of positive behavioral interventions for a student whose behaviors interfere with his or her learning or that of others.

Chapter 19, Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism - the Hawaii Department of Education rules for the discipline of all students.

Chapter 34, Protection of Educational Rights and Privacy of Students and Parents - the Hawaii Department of Education's rules for handling school records and confidentiality.

Chapter 60 – the Hawaii Department of Education's rules for special education.

Chapter 61 - the Hawaii Department of Education's rules for students with disabilities who qualify for a free appropriate public education under Section 504 of the Rehabilitation 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 89 - the Hawaii Department of Education's policy and complaint procedure for student complaints against adults at school related to bullying, harassment, and discrimination.

Charter School - a public school not under the direction of the DOE except for implementing special education.

Child find – the statewide effort by DOE to locate and identify children and youth ages 0 to 22 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 60 rights of a student with disabilities or those of his or her parents.

Consent – parent understanding and voluntary 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 or her mind.

WORDS TO KNOW (cont.)

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

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

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

Deafness* - a hearing disability so severe that the student is impaired in processing linguistic information through hearing, with or without amplification.

Developmental delay* – a developmental delay in a student aged 3 through 9 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 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 – the state of being able to qualify.

Emotional disability* – emotional and/or behavioral problems that affect a student'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) – 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.

Hard of hearing* – 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 written plan that addresses the unique educational needs of a student 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.

WORDS TO KNOW (cont.)

Intellectual disability* - significantly below average general intellectual functioning along with delays in adaptive behavior.

Interim alternative educational setting - a temporary placement where a student receives educational services while being disciplined for breaking a school rule that results in a suspension.

Interpreting services - a related service for students who are deaf or hard of hearing that includes sign language interpreting, cued speech and oral transliteration.

Mediation - a voluntary process conducted by an impartial mediator to try to settle disputes related to a student's identification, evaluation, program or placement.

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

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

Multiple disabilities* – a combination of impairments (such as intellectual disability and blindness, or intellectual disability and an orthopedic disability) which cause severe educational needs.

Objectives/benchmarks - measurable intermediate steps between present levels of academic achievement and functional performance (PLEP) and the annual goals.

Occupational therapy – a related service that includes therapy to develop, improve or restore fine motor skills, visual-perceptual skills, cognitive skills and sensory-processing deficits.

Orthopedic disability* – 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/or have a visual disability to enable them to move and function safely at home, school and in the community.

Other health disability* – limited strength, vitality or alertness due to a chronic or acute health problem or a medically fragile condition such as asthma, attention deficit disorder, diabetes, epilepsy, a heart condition, 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 assists parents in understanding the special needs of their child and gaining the skills and knowledge 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, range of motion of bone joints, and endurance.

Placement – an appropriate educational setting for the implementation of the student's IEP in the least restrictive environment. Placement does NOT mean a specific location or school.

Postsecondary - after high school.

Present Levels of Academic Achievement and Functional Performance (PLEP) - a section of the IEP that summarizes 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 education curriculum.

Procedural safeguards – rights given to students (and their parents) who are receiving special education and

WORDS TO KNOW (cont.)

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,

Related services – transportation and developmental, corrective and other supportive services required to assist a student with a disability to benefit from special education. These services do not include the post-surgical maintenance, programming or replacement of a medical device that has been surgically implanted.

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

School health/school nurse services - a related service provided by a qualified school nurse or other qualified person to enable a student with a disability to receive FAPE as described in his or 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 their 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.

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.

Special education – specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability.

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. It includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

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

Speech or language disability* - a significant problem in the comprehension or production of oral communication evidenced by one or more conditions involving articulation, organization of speech sounds, voicing, fluency and language.

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

Supplementary aids and services – aids, services and other supports that are provided in education-related

WORDS TO KNOW (cont.)

classes, other education-related settings, and in extracurricular 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 travel to and from school and between schools, travel on school campuses and specialized equipment, if required, to provide transportation for a student with a disability.

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 disability 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.

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

CONTACT INFORMATION



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The Individuals with Disabilities Education Act (IDEA) requires that each state establish and maintain an advisory panel for the purpose of advising 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**.



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Facebook: Special Parent Information Network

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