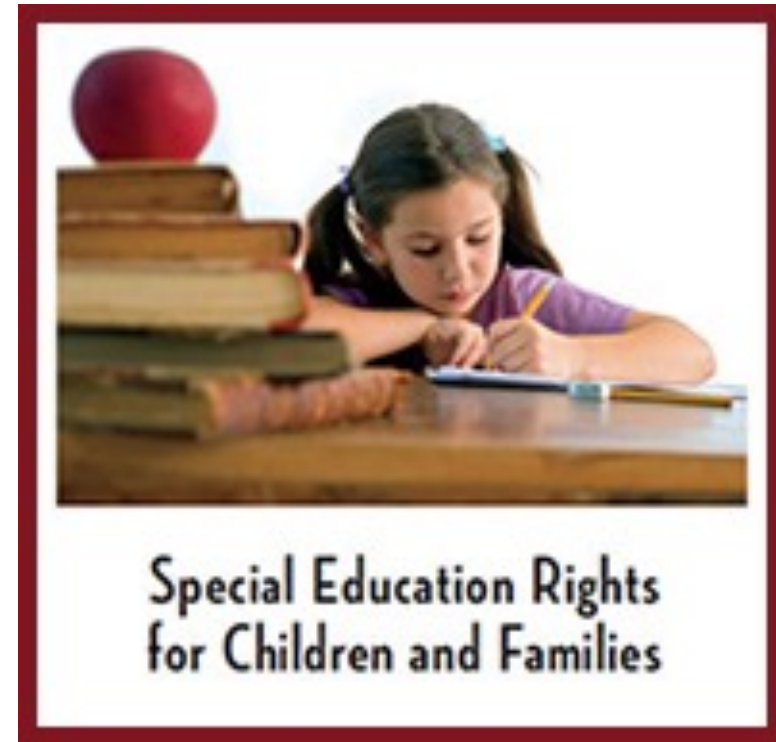


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# Special Education Basic Rights



[Specialneedstrustsonline.com](http://Specialneedstrustsonline.com)

# Objectives

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- Special education law in Massachusetts and its impact on students with disabilities and their families
- Understanding of the Special Education Eligibility Determination Process
- Engage in the development and implementation of an effective Individualized Education Plan (IEP)
- Next steps if child is not getting an appropriate education
- Resources

# About Me

- Dad
- Grandpa
- Lawyer
- Policy Maker
- PhD Researcher



# Brief Special Education Law Introduction

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A right to a Free and Appropriate Public Education (FAPE)

Section 504 of the Rehabilitation Act

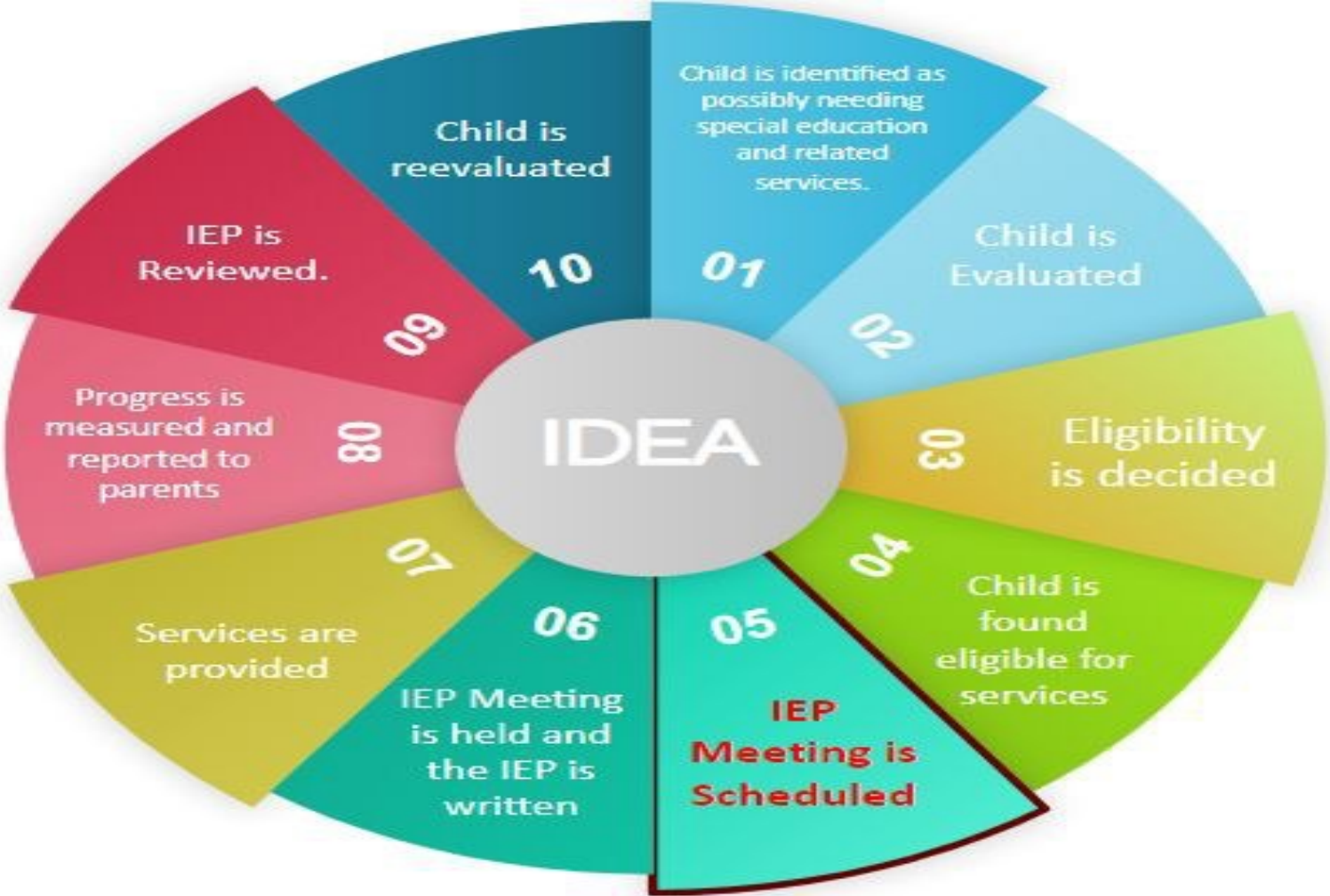
Individuals with Disabilities Act (IDEA, 2006) all children with disabilities, age 3 to 21, receive a free and appropriate public education as well as services that address their disability-related needs.

School districts Team Meeting every year for a student on an ed plan.

The team includes parents/guardians, special education teachers, general education teachers, and service providers

Active parental involvement in the IEP process

# The Basic Special Education Process Under IDEA



# Parent Preparation for IEP Meeting

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Process can be intimidating and overwhelming.

## **Before the first or annual IEP meeting:**

- Gather information about your child: medical information, work samples, report cards, progress reports, past IEPs, classroom observations, independent evaluations, therapists' reports, State assessments, and most importantly, your assessments/observations of your child.
- Don't be afraid to dream big! **Draft a vision statement** with your child's input, if appropriate. Describe future goals for academics, behavior, post-secondary education, independence, and employment.
- Assess your child's present level of ability in reading, math, language, attention, social skills, emotional skills, fine and gross motor skills, self-care, and technology.
- Consider inviting a trusted friend to attend the IEP meeting with you as an advocate/notetaker.
- If you need translation/interpretation services, please notify the Special Education Coordinator at your school so that the appropriate language support is scheduled for the IEP meeting.
- Review the Parents Procedural Safeguards Brochure that was sent with the IEP meeting notices.

# IEP Team Meeting Participants

**Interpreter**  
(if needed)

6

**The Student**  
(if over 14)

1

**District  
Representative**

5



2

**Parent**

**Specialists, Related  
Services, Other**

4

3

**General and/or the  
Special Education  
Teacher**

# During the IEP Meeting

- Be informed, strong voice, advocating for the best interests of your child. Listen respectfully to all meeting participants. Don't be afraid to ask as many questions as needed.
- Expect goals that address a specific need, are measurable, and appropriately challenging.
- Find out how progress will be measured and when will you be provided with progress reports.
- Consider related services that may be needed, such as therapies: speech, OT, PT, APE, and counseling.
- Note which modifications and accommodations are being proposed: for example: preferential seating close to the teacher, frequent breaks, clarified directions, etc.
- Come to a consensus about where IEP services will be delivered, keeping in mind that it must be the **least restrictive environment**: with a consult, within the general education classroom, within the special education classroom, or any combination.
- **Start early discussing what will happen after high school.** Consider now what will pave the way for a successful post-secondary education, employment, and independent living.



# Special Education Disabilities

**What is a disability:** A set of behaviors that impede learning and adversely impact school performance. It could fall under one of the following categories:

**Autism**

**Communication Impairment**

**Developmental Delay**

**Emotional Impairment**

**Health Impairment**

**Intellectual Impairment**

**Neurological Impairment**

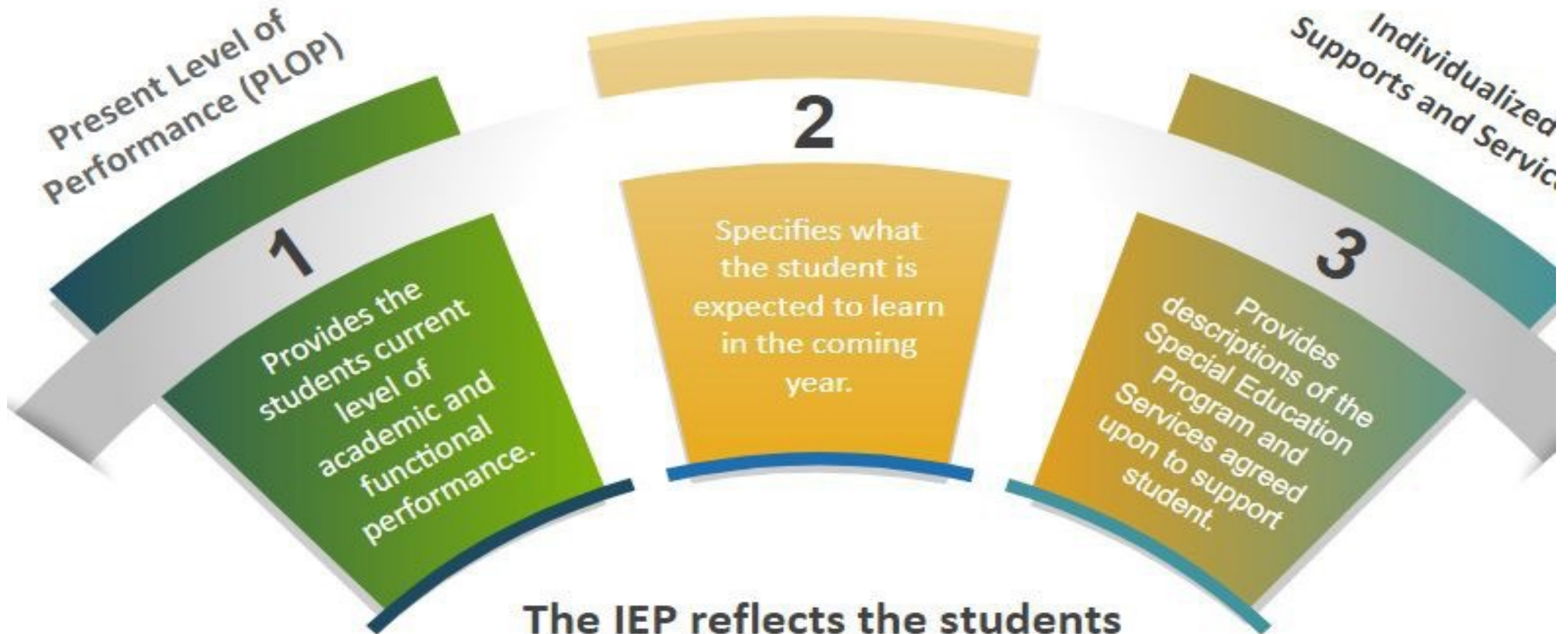
**Physical Impairment**

**Sensory Impairment**

**Specific Learning Disability**

# What's Covered During the IEP Meeting

## Annual Goals



The IEP reflects the students

# After the IEP Meeting

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- Explain to your child any changes that may be proposed and the reason for the changes, so they are not surprised or upset by unexpected changes in their routine.
- Monitor your child's progress. If there are significant gains, a substantial lack of progress or a new issue that needs to be addressed, request that the IEP team reconvene.
- Ask for a communication log or teacher emails (daily, weekly or monthly) to make sure you are made aware of any school issues, concerns or successes
- If you are not in agreement with the evaluations or Team decision, you may ask the Coordinator for guidance on next steps.



# Rights of Parents and Students

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- The right to receive a free and appropriate public education (FAPE)
- The right to due process, including mediation and hearing options



# Request for Hearing

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Formal legal procedure

Best to have an advocate or lawyer represent you

Like suing in court except is a Hearing Officer familiar with special education law.

File a request for hearing.

Discovery

Trial/Hearing

# Mediation:

Dispute Resolution Without the  
Courtroom



## Mediation

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Both sides agree to meet with a mediator who tries to get the parties to agree

Not formal

No requirement for an agreement

# Resources

- [Federation for Children with Special Needs](#) – Helps with Law and can provide advocates and guidance for free
- [Wright's Law online resource for parents](#)

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- [Anatomy of an IEP](#): Provides an overview of an Individualized Education Program (IEP).
- Massachusetts Department of Elementary and Secondary Education, [Special Education Disability Definitions and Related Links](#)
- Massachusetts Department of Elementary and Secondary Education, [Individualized Education Program \(IEP\)](#), [www.doe.mass.edu/sped/iep/](http://www.doe.mass.edu/sped/iep/)
- [A Parent's Guide to Special Education](#), [www.fcsn.org/parents-guide](http://www.fcsn.org/parents-guide)
- [Quick Reference Guide for IEP Forms and Notices](#),  
<http://www.doe.mass.edu/sped/iep/forms/pdf/qkref.pdf>
- [Special Education Dictionary of Terms](#), [www.specialeducationguide.com/special-education-dictionary/](http://www.specialeducationguide.com/special-education-dictionary/)
- Massachusetts Department of Elementary and Secondary Education, [Special Education Parent's Rights in Special Education Handouts](#)
- [Common Special Education Terms and Definitions](#)
- Demystifying the IEP Process for Diverse Parents of Children with Disabilities -  
[http://olms.cte.jhu.edu/olms2/data/ck/sites/271/files/Week03\\_Lo.pdf](http://olms.cte.jhu.edu/olms2/data/ck/sites/271/files/Week03_Lo.pdf)

# Wrap Up

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- Special education law in Massachusetts and its impact on students with disabilities and their families
- Understanding the Process
- Engage in the development and implementation of an effective Individualized Education Plan (IEP)
- Next steps if child is not getting an appropriate education
- Resources



# Questions

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