

## Special Education: A primer for parents



Reinberg Elementary special education teacher Joyce Ruchti provides extra support to a hearing impaired student in a general education classroom. [John Booz/Catalyst Chicago file photo.]

**Y**ou suspect that your child has a learning disability. Or maybe your doctor or a trusted teacher suspects. Finding out and following through will not be easy, but state and federal laws will help you all along the way. Here are the major steps.

### Where do I begin?

Beginning this fall, all schools in Illinois are supposed to pay special attention to children who are failing, perhaps providing one-on-one instruction or arranging for an eye exam. If a child makes no progress, school personnel may recommend an evaluation to determine whether the child has a disability and should be placed in special education.

However, at any point in this process, called RtI for Response to Intervention, a parent may request an evaluation—in writing. Indeed, the school cannot proceed without a written request from the parent.

### How do I get my child evaluated?

When the district receives a request, known as the “date of referral,” it has 14 school days to decide whether it believes an evaluation is warranted. If it determines that your child should be evaluated, it needs another written consent from you to begin the evaluation.

If the district decides an evaluation is not necessary, it must notify you in writing and explain the reasons for the decision. It must also advise you of your right to request a due process hearing to challenge its decision.

From the date of the written request or

consent, the district has 60 school days to complete the evaluation.

By the 60th day, an evaluation team must meet with you to decide if your child has a disability and is eligible for special education services. If you don't agree with the decision, you may request mediation or a due process hearing.

If your child is determined to be eligible, a group of school staff called an Individualized Education Program (IEP) team must meet with you within 30 school days to develop an IEP for your child. Once a plan is developed, you must provide written consent for it to be put into effect. Then, the district gets 10 school days before it must begin services. However, you may request that the placement be done sooner.

### How do I obtain an appropriate program with necessary services?

The IEP team determines the appropriate services for your child. Along with you, the team consists of a general education teacher, a special education teacher, a school administrator who is knowledgeable about the general curriculum and resources, and others who have an educational interest in the child, such as a speech or occupational therapist. Your child may attend if you so request.

Your child's IEP is an educational program designed to meet your child's specific needs. It should document your child's current level of academic function and educational goals and list the specific services and educational strategies that will help your child achieve them.

Specifically, it should include:

- Present level of academic performance and functioning
- Annual goals
- Which services will be provided, including who will provide what where, how often and for how long
- How the child will access the general curriculum
- The modifications and supports that will be provided
- How the child will be assessed
- A description of any assistive technolo-

## Disability classifications

For a child to be eligible for special education services, the disability must affect how the child performs academically. Under federal guidelines, the following are eligibility categories for special education services:

- **Autism**
- **Deaf-blindness**
- **Deafness**
- **Developmental delay**—*in physical, cognitive, communicative, social or emotional or adaptive development*
- **Emotional disability**
- **Hearing impairment**—*either a permanent or fluctuating disability that affects educational performance but is not included under deafness*
- **Orthopedic impairment**—*caused by disease or for other reasons like amputations*
- **Mental retardation** (*Illinois uses the term cognitive disability*)
- **Multiple disabilities**
- **Health impairment**—*due to chronic or acute problems like asthma, attention deficit disorder and epilepsy*
- **Traumatic brain injury**
- **Speech or language impairment**—*i.e. stuttering or impaired articulation*
- **Visual impairment**
- **Specific learning disability**—*i.e. difficulty understanding or using language, spoken or written, which manifests itself in the inadequate ability to listen, think, speak, read, write, spell or do mathematical calculations*

### In the Know Sponsors

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gy, such as Braille readers or computers, and training for staff and the student

- The child's placement, such as a general education classroom with supports
- Any additional supports needed, such as assigned special seating or providing hands-on activities

As the program unfolds, the IEP should include reports on progress. And when a student reaches 14 and a half, the IEP must include transition services to prepare students for life after high school. Students should attend this transition meeting.

In Illinois, when a child turns 18, he or she is considered an adult and has the final word on his or her IEP. At least one year before a student reaches 18, the district must inform parents and students that the parents' rights will transfer to the student. Unless parents receive guardianship over their child, that child has the right to decide what his or her education will be.

In Chicago, IEPs are compiled electronically. To make it easier to follow along in an IEP team meeting, ask for a blank copy of the document. Then ask for a printout of your child's IEP and review it before you leave. Make sure you agree with everything and that all changes and corrections that were agreed upon have been made.

### Will my child ever be in a classroom with children without disabilities?

Under federal law, the first placement option should be in the least restrictive environment (LRE), which is often a general education classroom. The IEP team must decide what supports your child needs to be successful in that environment. It could be modified assignments, assistive technology or an assistant who can help your child during the school day.

If those supports are not sufficient, the team will look at more restrictive environments. These include instruction in a special (resource) class for part of the time, instruction in a special education classroom for most of the day, enrollment in a special school or instruction at home or in a hospital program.

### What should I do if I disagree with my child's placement or services?

As a parent, you have the right to request mediation or an impartial due process hearing.

Mediation is a voluntary process that you and the school agree to go through to

resolve your issues. A specially trained mediator will hear both sides and work with you to come to an agreement. If you are interested in mediation, you should contact the Illinois State Board of Education's Mediation Coordinator at (217) 782-5589 to have a mediator assigned to your case.

If both sides come to an agreement, that agreement is put in writing, and you and the school will be expected to sign it. Once the agreement has been signed by both parties, you have a legally binding document that can be enforced in a court of law if the agreement is not carried out. If you or the district does not agree to sign, the document is not binding.

A due process hearing is a formal process where an impartial hearing officer will render a decision that is legally binding.

To request a due process hearing, you should send a written request to your school district superintendent. In Chicago, the request should go to the officer of specialized services.

You can obtain help writing a letter from the resources listed on page 3 in this newsletter, or you can fill out an Illinois State Board of Education form, which can be found at <http://www.isbe.net/spec-ed> under "Due Process" on the right-hand side.

The process should take no more than 75 calendar days, and your child will remain in his present program until a decision is made. If you are still not satisfied with the decision, you can file a lawsuit in a court of law such as Illinois Circuit Court or United States District Court.

### How can changes be made to an IEP?

Parents and the school may agree to make changes at any time, and they don't have to hold a meeting. For example, they may agree to change the number of minutes that a child receives services like speech therapy. Another example: A child has mastered a goal, and that goal is replaced by another one. Parents must sign a form saying that they understand that the IEP has been changed, and they should receive a copy.

By law, the IEP team must review the child's IEP at least once a year and re-evaluate the child at least once every three years. Parents may ask for a more frequent review or re-evaluation. If the school says no, the parent again may pursue mediation or a due process hearing.

—Debra Williams

# In the real world ...

By Debra Williams

If you read this newsletter, you should end up with a pretty good grasp of what it takes to secure special education services for a child with disabilities and of parents' rights.

Those who have gone through this process would suggest: File it away. You may well need it for reference.

The reality is that even though Congress passed a law 35 years ago that gives children with disabilities the right to a "free, appropriate education in the least restrictive environment," the Chicago Public Schools (CPS), among other urban districts, has had a spotty record of complying.

In 1992, a school reform group teamed up with a university legal clinic to sue CPS and the state for illegally segregating special education students. Six years later, CPS settled the lawsuit before going to trial, agreeing to send more special-needs children back to neighborhood schools and into general education classrooms.

In 2002, the Illinois State Board of Education sent CPS a formal notice to stop blocking referrals for special education evaluations. Today, parents and advocates contend the problem persists.

"Parents have made requests [for evaluations] for three years, and the school says, 'No,'" says Myra Christian of the Family Resource Center on Disabilities. "They come to us when their child is at the very bottom [academically]. Many don't know how to ask for the help."

Beyond that, an evaluation does not guarantee prompt service, advocates say.

Given this history, advocates are worried about the impending rollout of a new statewide initiative called Response to Intervention, RtI for short.

Under RtI, teachers are supposed to think through and provide individualized help to students with behavior or academic difficulties before referring them for a special education evaluation. The help could range from ordering eye exams to working with students one-on-one. If the teachers' initial efforts do not succeed, they are supposed to review and intensify them.

The goal is to avoid having special ed-

ucation become a dumping ground for students who are struggling but are not disabled and to identify truly disabled children more quickly.

Susan Bruce, a mother of three disabled children who works for the South Carolina Parent and Training Information Center, sums up the potential and peril. "RtI, if used as intended, will be a significant advance in special education. If used incorrectly, RtI will prevent students who have true learning disability from receiving the specialized instruction they need."

"In theory, RtI is good," agrees Rodney Estvan of the local advocacy group Access Living. "The trouble is you have regular education teachers doing the intervention."

Estvan is also concerned that there is no timetable for how long a child can remain in RtI before being referred for a formal special education evaluation.

Even so, some Illinois districts that have used the process for a while have made it work, advocates say. They point to Matteson School District 162 and Indian Prairie School District 204 in Aurora as examples.

Five years ago, CPS launched an RtI pilot in six schools. In the third year, some school staff reported seeing the approach make a difference.

However, case managers who worked several years earlier on a similar process, called school-based problem solving, warned that staffing shortages would make it impossible to fill RtI's requirements for assessment, follow-up and record keeping.

Indeed, districts have long complained that neither the federal nor state government has provided sufficient dollars for their special education mandates.

School staff involved in CPS's earlier efforts also stressed the need for training. When *Catalyst* asked CPS in February about its plans for RtI training, school officials said they were still being worked out.

Since then, the district's perilous fiscal situation has prompted large cutbacks in central office and notices of more to come in schools—casting another shadow on special education in Chicago.

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*For more stories on special education, see the June 1998 and October 2006 issues of Catalyst.*

## Where to get help

### ACCESS LIVING

115 W. Chicago Ave.  
(312) 640-2149

Access is an advocacy organization for people with disabilities that offers assistance for mediation, due process hearings, complaints and IEP meetings. Information and referral are core services.

### FAMILY RESOURCE CENTER ON DISABILITIES

20 E. Jackson Blvd., Room 300  
(312) 939-3513

The center offers free training on the rights of children with disabilities. A group for parents of children with emotional and behavioral disorders is held monthly. Speakers are available to discuss a variety of issues, such as how to participate effectively in the IEP process, communicate effectively with parents and professionals and obtaining services by being assertive.

### ARC OF ILLINOIS

20901 La Grange Rd., Suite 209  
Frankfort, IL  
(815) 464-1832

ARC engages in policy advocacy, offers educational training and is a link to support groups and services for people with disabilities.

### LEGAL ASSISTANCE FOUNDATION OF METROPOLITAN CHICAGO

111 W. Jackson Blvd., 3rd Floor  
(312) 341-1070

In Chicago, the foundation handles suspension, expulsion and special education cases for wards of the state of Illinois.

### EQUIP FOR EQUALITY

20 N. Michigan Ave., Suite 300  
(866) 543-7046

This organization runs a special education helpline with up-to-date information on student rights, parent rights and responsibilities, legal advice and options that parents can consider for resolving issues with schools. Helpline hours are Monday and Wednesday, 9 a.m. to 3 p.m. and Friday, 9 a.m. to 12:30 p.m.

### STATE BOARD OF EDUCATION

(217) 782-4321

The board's web site has a comprehensive parent guide called "Educational Rights and Responsibilities: Understanding Special Education in Illinois." It includes definitions of important special education terms and sample letters for requesting a due process hearing and filing complaints.  
<http://www.isbe.net/spec-ed>

# Letter from the editor

Welcome to the second issue of *Catalyst In the Know*, *Catalyst Chicago's* parent and community newsletter.

In my visits around town, I keep meeting parents who are frustrated with one or more aspect of the district's special education operation.

As the mother of a 23-year-old daughter with disabilities who attended CPS schools, I completely understood.

The process of obtaining appropriate services is complicated, and the district sometimes makes things worse. Just remember that there is a strong law backing your rights and that there are many folks out there who will stand by you while you wipe your tears, hold your hand when you vent your frustration and help you as you advocate for your child.

Again, I would like to remind you about other *Catalyst* services that can help you and your schools.

■ **COMMUNITY CALENDAR** You can publicize your events on the home page of our web site by submitting information to our online community calendar.



■ **CATALYST IN BRIEF** Our first issue of this briefing sheet presents the key facts and arguments about charter schools. Download this and future briefs at [www.catalyst-chicago.org/inbrief](http://www.catalyst-chicago.org/inbrief).

■ **CATALYST CAUCUS** is an online forum of diverse viewpoints on education issues, and you can sign up to participate.

■ **CATALYST NOTEBOOK** Every weekday, you can read the latest news about education issues on our web site. You can sign up to have it sent automatically to your e-mail inbox, too. If you need help with this, give me a call.

Finally, we still have copies of our first issue of *Catalyst In the Know*, which focused on Track E / Year Round Schools, in both English and Spanish. If you want some, give me a call at (312) 673-3873 or send an e-mail to [williams@catalyst-chicago.org](mailto:williams@catalyst-chicago.org).

Best Regards,

A handwritten signature in cursive script that reads "Debra L. Williams".

Debra Williams  
*Catalyst* Community Editor

## Explanation of parent rights

Federal and state laws give parents of children with disabilities certain rights. They include the following:

- If you disagree with the district's evaluation, you may request that an outside agency conduct another at the district's expense. The district may deny the request, but it must do so within five calendar days. If it denies the request, it is required to initiate a due-process hearing that allows a hearing officer to decide whether the evaluation should occur.
- Your child must be evaluated in the primary language spoken in your home. All communication between you and your child's school must also be in the primary language. The school must provide an interpreter.
- Your child's school must provide free transportation to and from school if your child's disability or the distance from the school requires it. Make sure transportation needs are spelled out in

your child's individualized education program (IEP).

- Your child's school must notify you in writing before it takes action or decides not to take action concerning evaluations, transportation or changes in your child's disability category.
- Upon written request, your school must give you access to your child's school records, make copies and give you an explanation of the contents by a qualified professional. You may challenge the contents, ask for a correction or a deletion, insert comments into the record and designate another person to have access to your child's records. The principal must make records available within 15 school days of a written request.
- If your child cannot be served in a public school program, the school district must provide an alternative placement, such as a private program, and pay your child's tuition and provide free transportation if transportation is required.

## Parent tips

Navigating the school system to get services for your child can be intimidating and time consuming. Here are some tips.

- Find out what services are available in your child's school.
- Attend and participate in all IEP meetings. If you are uncomfortable going alone, take someone who can be an advocate for you and your child.
- Review your child's IEP before you leave an IEP meeting. Ask for clarifications, changes or deletions before the meeting ends; ask for a copy of the final IEP and review the document to ensure that the changes you requested have been made.
- Always put any important requests or questions regarding your child's education program in writing.
- If you communicate with your child's school by phone, write down the date, whom you talked to and a brief summary of the conversation. Follow up with a letter to the school summarizing the conversation and what actions were promised. If possible, send your letter by certified mail or hand deliver it and ask for a receipt.
- If you don't understand something in an IEP meeting—a term, process—ask for an explanation until you understand what is going on. Take notes.
- Build a positive relationship with your child's teacher and the other service providers in your child's life, such as the speech or occupational therapist. Don't be afraid to request a meeting to talk about how your child is doing.
- Don't hesitate to ask for outside help. (See list of resources on page 3.)
- Keep everything! Keep a copy of every letter you receive or send, IEPs, medical records, any other items about your child. Dedicate a file cabinet or box for your child's information.