Special Education Law
Special education laws give students rights that make sure schools are fair to students with disabilities. The federal special education law is called the Individuals with Disabilities Education Act or IDEA. Each state has special education laws too.

The laws say that students with disabilities need to have an IEP. The IEP for each student is based on their own needs. Students with an IEP receive special education programs and services to help them learn. An IEP is an agreement between the school and the parent. An IEP is a legal document.
How do you know if a student has a disability? And how do you know if that student needs special education services?

Sometimes students need extra help because of their disability. They may need extra help because they have a disability and may have a hard time learning things or a hard time making friends. If a student has a disability then teachers can give services. These services and special help are called special education services.
These are the steps that school districts must take to answer the questions on page 2.

**Step 1. Student is evaluated**

A parent, teacher, or doctor can ask the school district to test a student to see if they have a disability.

It is best if parents ask for testing by writing a letter to the school. It’s OK if parents ask without writing a letter too. Asking the school to do testing is called a referral.

Testing is also called doing an evaluation. School districts have to ask for the parent’s written permission to do the testing. This is called giving consent.
Some types of evaluations test how well a student can read or write or do math. Some evaluations will test how well a student can remember things. Some evaluations will test how well a student can talk and use language.

In Massachusetts, evaluations need to be finished in 30 school days or less from when the parent gave consent. The number of days may be different in other states.

The school district has to test students. Testing helps to find out if they have a disability. Testing also helps to find out the types of services a student needs.

Sometimes it's easy to tell if a person has a disability. It's easy to tell that a person uses a wheelchair or has Down syndrome or who can’t see or hear has a disability. But sometimes you can’t tell. This is because some disabilities are hidden. This means you can’t tell just by looking at a person what their needs are.
Some **examples** of hidden disabilities are:

**Autism** is a disorder of brain development. People with autism usually have a hard time being social. Being social means talking and spending time with other people. They can also have a hard time with talking and communicating. Some people with autism can repeat behaviors, like hand flapping or walking in circles and not stopping for a long time.

**Learning Disabilities** affect the brain’s ability to take in and think about information. Learning disabilities also make it hard to respond to others. It can also sometimes be hard for people with learning disabilities to read and write and do math.

**Emotional Disabilities** affect a person’s moods and how they feel and act over a long time. Many people with emotional disabilities feel nervous or stressed out or depressed about things that don’t bother other people as much.

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What happens when a parent doesn’t agree with the school district’s test results?

They have the right to go somewhere else for testing. They can take their child to someone who doesn’t work for the school district. This is called an Independent Educational Evaluation (IEE).
Step 2. Individualized Education Program (IEP) meeting

The school district has to schedule an IEP meeting. They must invite the student’s teachers. They also have to invite the student’s parents. In Massachusetts, if the student is 14 years old or older, they have to be invited too. In many other states the law says that students must be invited to an IEP meeting when they are 16 years old. Each student with a disability has an IEP Team. The IEP Team is made up of teachers and other service providers.

The IEP Team will discuss the test results. They will decide if the student has a disability and needs an IEP.

If the IEP Team agrees the student has a disability and needs an IEP there are more steps. The next step is developing an IEP to figure out what special education programs and services the student needs.
What are special education services? Special education services are things like:

- Speech Therapy
- Social Skills Groups
- Physical Therapy
- Getting Extra Help

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Step 3. Services are provided

The law says that the school has to do everything in the student’s IEP. This means giving the student services and any other needed programs.

Parents are given a copy of the IEP after it is written. When a parent agrees with the IEP, they have to sign it. This means that they have accepted the IEP. If the parent does not agree with the IEP they can show this on the IEP. Not agreeing with the IEP means that the parent (or student if they are 18 and older) rejects the IEP.

Each of the student’s teachers and service providers are supposed to use the IEP. This helps to make sure the student is getting the services that they need.
What happens next if the parent does not agree with the IEP or the decisions where a student will go to school?

If this happens, they can discuss their concerns with other members of the IEP Team. They can try to work out an agreement.

If they can’t work out an agreement parents and the school can get help through the legal steps set up by the law. There are two things they can do. The first thing they can do is go to the state agency to work out problems. Someone from the state can help the school and parents make an agreement about what services the child needs. This is called mediation. The second thing parents can do is to go to a judge to decide. The judge in special education cases is called a hearing officer. Hearing officers in Massachusetts work in the Bureau of Special Education Appeals (BSEA).
Step 4. The school has to tell parents if the student is making progress

The IEP has to list the goals the student needs to meet to make good progress in a year. The school must tell parents how the student is doing toward meeting the IEP goals.

The school sends progress reports home to parents. This happens around the same time students get report cards. These reports let parents know about the progress their child is making toward their IEP goals.

Example

A goal for someone learning to take public transportation by themselves could be:

Sam will get help and teaching about taking the bus and train. He will learn to safely use the bus and train with a teacher. Then he will show that he can safely use the bus and train by himself.
Step 5. The IEP is reviewed

The IEP Team meets at least once a year. They meet to first review the student’s program or services and then discuss whether or not any changes need to be made.

Sometimes the Team will want to make changes to the IEP. Parents can agree or disagree with the IEP goals or any changes the Team wants to make.

If they don’t agree with the IEP and/or placement they can discuss concerns with other members of the IEP Team. They can try to work out an agreement.

If parents, or students if they are 18 or older, don’t agree with the IEP or placement they can request more testing. Parents can go through the steps talked about on page 9 to get help. They could do mediation or go to a hearing.
Step 6. Student is reevaluated

Students who have an IEP must be tested (evaluated) at least every 3 years.

The student is tested to find out if they still need special education services. If they do, the IEP Team decides what kind of services and how often are they needed.
Steps for Special Education

1. **Student is evaluated**

2. The IEP team meets and develops an IEP if the team decides the student has a disability and needs special education services.

3. **Services are provided**

4. **Progress is reported**

5. **IEP is reviewed every year**

6. **Student is reevaluated**