

# Q&A

## Getting Special Education for the Special Needs Child

**Q.** What should I do if I believe that my child-client's education is not meeting her needs?

**A.** If you believe the child may need special education or a change in the services, you should ask the School District to perform a Multi-Disciplinary Evaluation (MDE). The written request for the MDE should be sent to the child's principal and to the Special Education Coordinator for the district or cluster. Within 10 days of the request, the school must prepare an evaluation plan and issue a form for the parent or guardian to authorize the school to evaluate the child. The evaluation, which at a minimum involves testing by a psychologist, must be completed within 45 school days after receiving permission from the parent or guardian. The MDE report, which discusses how the child learns and the types of teaching strategies that should be used, must be issued 5 days after the evaluation is completed.

**Q.** What happens after the child is evaluated?

**A.** After the evaluation is complete, the Multi-Disciplinary Team (MDT)—consisting of parents, guardians, the child's teacher and evaluators—meets to recommend whether the child should receive special education or a change in special education services. If special education needs are identified, a conference must be held within 30 days to form the child's Individual Education Plan (IEP). The IEP Team must include the current teacher, at least one other school official familiar with special education and the parents or guardians. Often, the MDT meeting occurs simultaneously with the IEP meeting.

**Q.** What should be included in the IEP?

**A.** Each IEP must contain:

- the child's current educational levels
- annual and short-term learning outcomes
- specific special education services and programs
- type, amount and frequency of services and programs
- the date services and programs will begin and how long they will continue
- what tests or other measures will be used to tell if the student is achieving goals and outcomes
- the amount of time the student will spend in special and regular education classrooms
- modifications needed to ensure the child will succeed if placed in a regular education classroom.

Depending on the child's age and her needs, an IEP must also include information about the following areas: assistive technology; vocational education; extended school year programs; graduation planning; adaptive physical education; behavior programs; transition services; enrichment and advancement. Once the IEP is developed, school officials must give the parent or guardian a form called a Notice of Recommended Assignment (NORA). The NORA describes the school placement recommended for the child.

**Q.** What are the options if I disagree with the MDE, IEP or NORA?

**A.** If you are dissatisfied with the MDE, you can write to the child's principal explaining why the child needs a re-evaluation. You can also obtain an independent evaluation from outside the school system. The school district must consider the results of independent evaluations. You also have the right to request that the school district pay for an independent evaluation. If the school denies re-evaluation or refuses to pay for an independent evaluation, you should request a special education hearing by sending a letter to the child's principal and the Special Education Coordinator for the district or cluster. If you disagree with the IEP or NORA, request a pre-hearing conference or go directly to a "due process" hearing before an impartial officer.

- To request a pre-hearing conference to meet with school officials to discuss a solution, send a letter to the child's principal and follow-up with a telephone call to identify a date for the conference.
- To request a due process hearing, send a written request to the child's principal, the district's Special Education Coordinator, and the Right to Education Office (Attn: Carol Prouser, 6340 Flank Drive, Suite 600, Harrisburg, PA 17112).

**Q.** What should I do if I believe the school district has violated the child's right to a free and appropriate education?

**A.** If you believe the child's rights have been violated, file a complaint with the state or federal department of education. Include the child's name, date of birth, school, school district; state whether the child has a disability or is gifted, and describe the problem with the school district. Include copies of helpful letters or documents, such as the IEP. File a state complaint with Division of Compliance, Bureau of Special Education, State Department of Education, 333 Market Street, Harrisburg, PA 17126-0333. To file a federal complaint: Office of Civil Rights, U.S. Department of Education, Region III, Room 6300, 3535 Market Street, Philadelphia, PA 19104.

*For more information contact the Support Center, the Education Law Center(215-238-6970) or the Parents Involved Network (PIN/215-751-1800).*

