

The background is a composite image. The top left shows a line of yellow school buses with "SCHOOL BUS" written on the front. The bottom left shows a classroom with blue walls, desks, chairs, and colorful balloons. A large white diagonal shape separates the image from the text on the right.

Family Guide to Special Education

Episode 1: Evaluation and Eligibility



Kentucky Department of
E D U C A T I O N

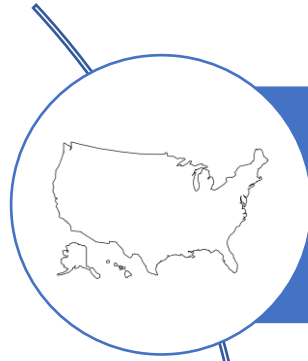
Special Education Evaluation and Eligibility



Episode Topics:

- Referral for Special Education and Related Services
- Evaluation for Special Education
- Eligibility for Special Education

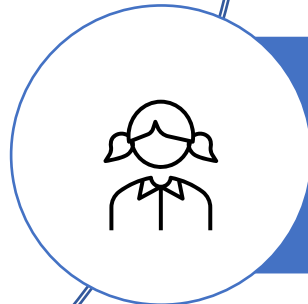
Special Education Laws



Federal Law: Individuals with Disabilities Education Act (IDEA)



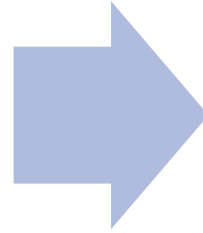
Kentucky Law: Kentucky Administrative Regulations (KAR) for Special Education Programs



The IDEA and KARs apply to students from ages 3 to 21, or preschool to high school.

What is Special Education?

Individualized instruction that is specially designed and uniquely tailored to meet the needs of eligible students with disabilities.



Special Education services and supports are outlined in the student's **Individual Education Program (IEP)**.

Who is Eligible for Special Education?

- An eligible child is between the ages of 3 to 21.
- A child is eligible if there is an adverse effect.
- Adverse effect means learning and performance are clearly and consistently behind their classmates.

Who Determines Eligibility for Special Education and Related Services?

The admissions and release committee (ARC) follows a process to determine if a child is eligible for special education and related services.



Special
Tools



Extra Adult
Support



Technology

Who are the Members of the ARC?



Parent



General Education Teacher



Representative of Agency



Special Education Teacher



Evaluation Interpreter



Child

What are Procedural Safeguards?

- Procedural Safeguards are a list of rights that protect you and your child.
- The law requires school districts to offer parents a written copy of their Procedural Safeguards one time a school year.

Part B

PROCEDURAL SAFEGUARDS NOTICE

PART B PROCEDURAL SAFEGUARDS NOTICE

The Individuals with Disabilities Education Act (IDEA) is the Federal law concerning the education of students with disabilities. IDEA requires school districts to provide parents of a child with a disability with a notice containing a full explanation of the procedural safeguards available under the IDEA and U.S. Department of Education regulations.

This procedural safeguards notice must include a full explanation of all procedural safeguards available under the Federal IDEA regulations: Unilateral Placement at Private School at Public Expense (34 CFR 300.148); Formal Written Complaint Procedures (300.151 through 300.153); Consent (34 CFR 300.300); Procedural Safeguards in Subpart E of the IDEA Regulations (34 CFR 300.502 through 300.503, 34 CFR 300.505 through 300.518, and 34 CFR 300.530 through 300.536); and Confidentiality of Information Provisions in Subpart F (34 CFR 300.610 through 300.625). A copy of the Procedural Safeguards Notice must be given to parents only one time a school year, except that a copy must be given to the parents:

- Upon initial referral or parent request for evaluation;
- Upon receipt of the first formal written complaint under 34 CFR §§300.151 through 300.153 and upon receipt of the first due process hearing request under §300.507 in a school year;
- When a decision is made to take a disciplinary action that constitutes a change of placement; and
- Upon parent request. [34 CFR §300.504(a)]

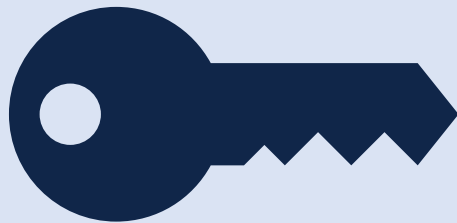
The Office of Special Education Programs (OSEP) has drafted a model Procedural Safeguards Notice for use by the States, which contains the information required by IDEA. The Kentucky Department of Education has adopted the OSEP model notice and has added Kentucky-specific information to make the notice relevant for use in Kentucky.

The resulting Kentucky Procedural Safeguards Notice complies with the 2004 IDEA Reauthorization and corresponding Kentucky law. Kentucky school districts may draft their own Procedural Safeguards Notice and are not required to use the model notice; however, districts that use the KDE model notice ensure their compliance with IDEA in this area.



Kentucky Department of
E D U C A T I O N

Family-School Partnerships are Key to child Success



Parents are Members of the ARC and can provide:

Developmental history (e.g., medical history, major events)

Strengths

Areas for growth

Who the child is at home

Hopes and goals

Kentucky's Disability Categories

Autism (AUT)

Deaf-Blindness
(DB)

Developmental
Delay (DD) 3
through age 8

Emotional-
Behavioral
Disability (EBD)

Functional Mental
Disability (FMD)

Hearing
Impairment (HI)

Mild Mental
Disability (MMD)

Multiple
Disabilities (MD)

Orthopedic
Impairment (OI)

Other Health
Impairment (OHI)

Speech-Language
Impairment (SLI)

Specific Learning
Disability (SLD)

Traumatic Brain
Injury (TBI)

Visual Impairment
(VI)

Referral for Special Education and Related Services

child identified as possibly needing special education and related services



Referral for special education



ARC meeting will be scheduled to address the concerns in the referral



If the ARC decides to evaluate, a plan is made and the parent gives consent



What Happens During an Evaluation?



Student's Work

Information from Family

Special Testing

Observations

Goal: To get a full picture of the child's functional, developmental, social, behavioral and academic performance

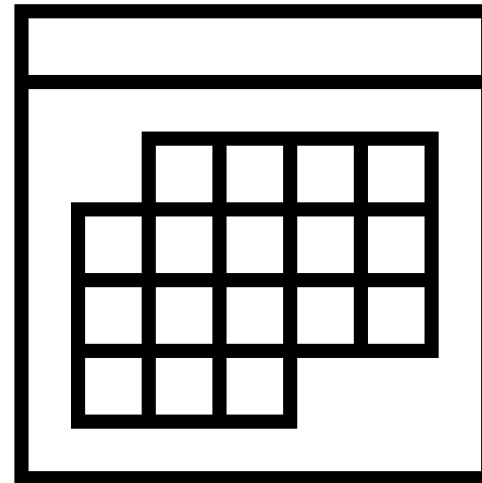
What Happens if My child is Determined Eligible for Special Education?

Three tasks are to be completed within 60 school days:

Evaluate the child

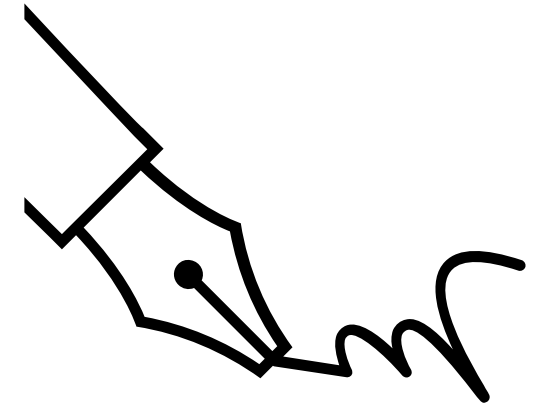
Develop an IEP

Begin delivering services



What Happens at the Eligibility Meeting?

- Discuss results
- Complete the eligibility form
- If eligible, the ARC will:
 - Discuss results
 - Determine services
 - Develop goals
 - Give consent for services to begin



How Does My child Continue to Receive Special Education and Related Services?

Annual Review

Every
Year

ARC
Meeting

Discuss
Goals

Are Changes
Needed

Create New
Goals

How Does My child Continue to Receive Special Education and Related Services?

Re-Evaluation

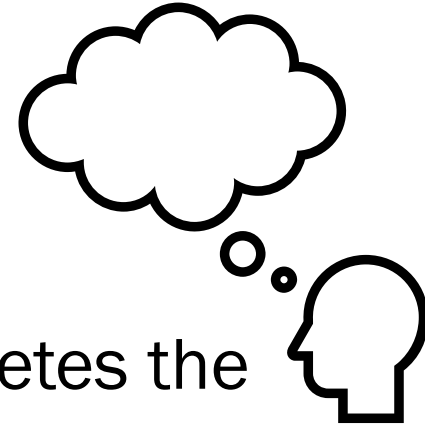
Every Three
Years

Still Eligible

How Your child
is Doing

Are Changes
Needed

What if I Disagree with the Evaluation Results?



The parent can request an Independent Educational Evaluation (IEE) which means:

- A professional not employed by the school system completes the evaluation;
- The school must provide information for getting an IEE;
- One free IEE allowed after each evaluation; and
- Results must be considered by the school system.

Who can I Contact in My District if I have Questions about the Evaluation and Eligibility Process?

- Your student's teacher or case manager
- Director of Special Education (DoSE) for student's school district
 - [Open House: District and School Directory](#)
- Preschool Coordinator for your student's school district



Resources

- Kentucky Department of Education [Evaluation and Eligibility](#) webpage
- [Center for Parent Information and Resources](#) webpage on [Evaluating School-Aged Children for Disability](#)
- Kentucky SPIN's [Dispute Resolution and Procedural Safeguards Webinar](#)
- [Part B Procedural Safeguards Notice](#)
- [KDE OSEEL Parent and Family Rights webpage](#)
- [KDE OSEEL Parent and Family Toolbox](#)

Resources

- Laws in Kentucky:
 - [Kentucky Administrative Regulations for Exceptional and Handicapped Programs](#)
- IEEs:
 - [707 KAR 1:340, Section 2](#)
 - [Right to Obtain an Independent Educational Evaluation](#)
 - [Kentucky Parent Guide for Special Education](#)

Thank you!

Office of Special Education and Early Learning
(OSEEL)
502-564-4970