

A Special Education Primer



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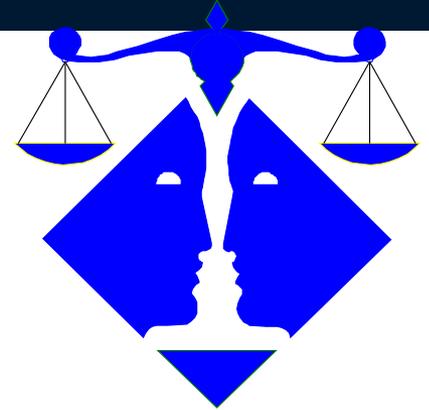
H & S School Law



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IDEA Overview

- **Eligibility**
- **Identification and Evaluation**
- **Individualized Education Plan**
- **Free Appropriate Public Education**
- **Least Restrictive Environment**
- **Parental Rights**
- **Discipline**
- **Transferring between school districts**



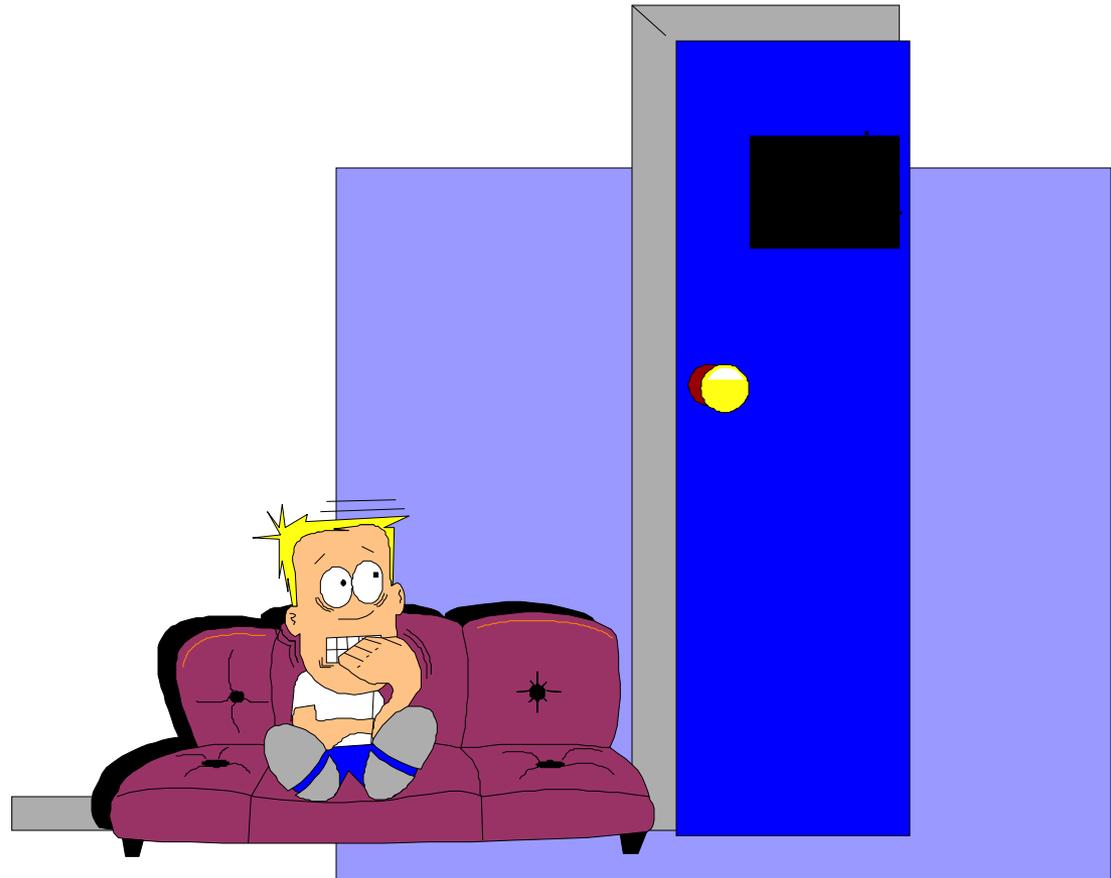
Eligibility

In order to receive special education services, a child must have a qualifying disability which affects education.



Identification and Evaluation

- **Child find**
- **Evaluations**
- **Verification performed by “MDT”**



IEP

What?

**Individual
Education
Plan**

IEP Team Members

- **Parents**
 - **Bio/adoptive parents' rights**
 - **Who is a Parent?**
 - Fosters
 - Guardian
 - Surrogate Parent
 - *In loco parentis*
 - **NOT HHS caseworker**

IEP Team Members

- **Parents**
- **Regular Ed. Teacher**
- **SpEd Teacher**
- **District Rep.**
- **Eval. Interpreter**
- **The student**
- **Private Sch. rep.**
- **Service Agency rep.**
- **Others who have knowledge or expertise**

IEP Team Meetings

- **How Often**

- **Upon verification**
- **Before change in placement and**
- **Annual Review**

- **Scheduling**

- **Parents must be notified and schedule reasonably accommodated**
- **May be held without parents**

IEP Team Meetings (con't)

- **Developing Plan**
 - School can't "predetermine"
 - Can have draft plan
 - Parent input must be considered
 - Parents don't have veto power
- **Limits Permitted**
 - To length
 - To discussion of items already covered

IEP Contents

- **PLEP**
- **Measurable Annual Goals**
- **BIP**
- **Statement of SpEd & related services**
- **Extent of inclusion**
- **Postsecondary goals (16 and older)**
- **Transportation**
- **ESY**

FAPE

- **Free Appropriate Public Education**
- **IEP must be reasonably calculated provide “some education benefit.”**
 - **does not require school to “maximize the potential”**
 - **not entitled to the “best education that money can buy”**
 - **Must be more than *de minimus***

LRE

- **Least Restrictive Environment**
- **Determined by IEP team**
- **Preference is for inclusion**
- **Continuum analysis**
- **Restrictions permitted to meet**
 - **Disabled child's needs**
 - **Needs of child's peers**

Parental Rights

- **To be consent to or refuse evaluation and/or verification**
- **To be notified of and be present at IEP meetings**
- **To Participate in Making Decisions**
- **To bring an advocate to any meeting**
- **To challenge proposed decisions through a due process hearing**

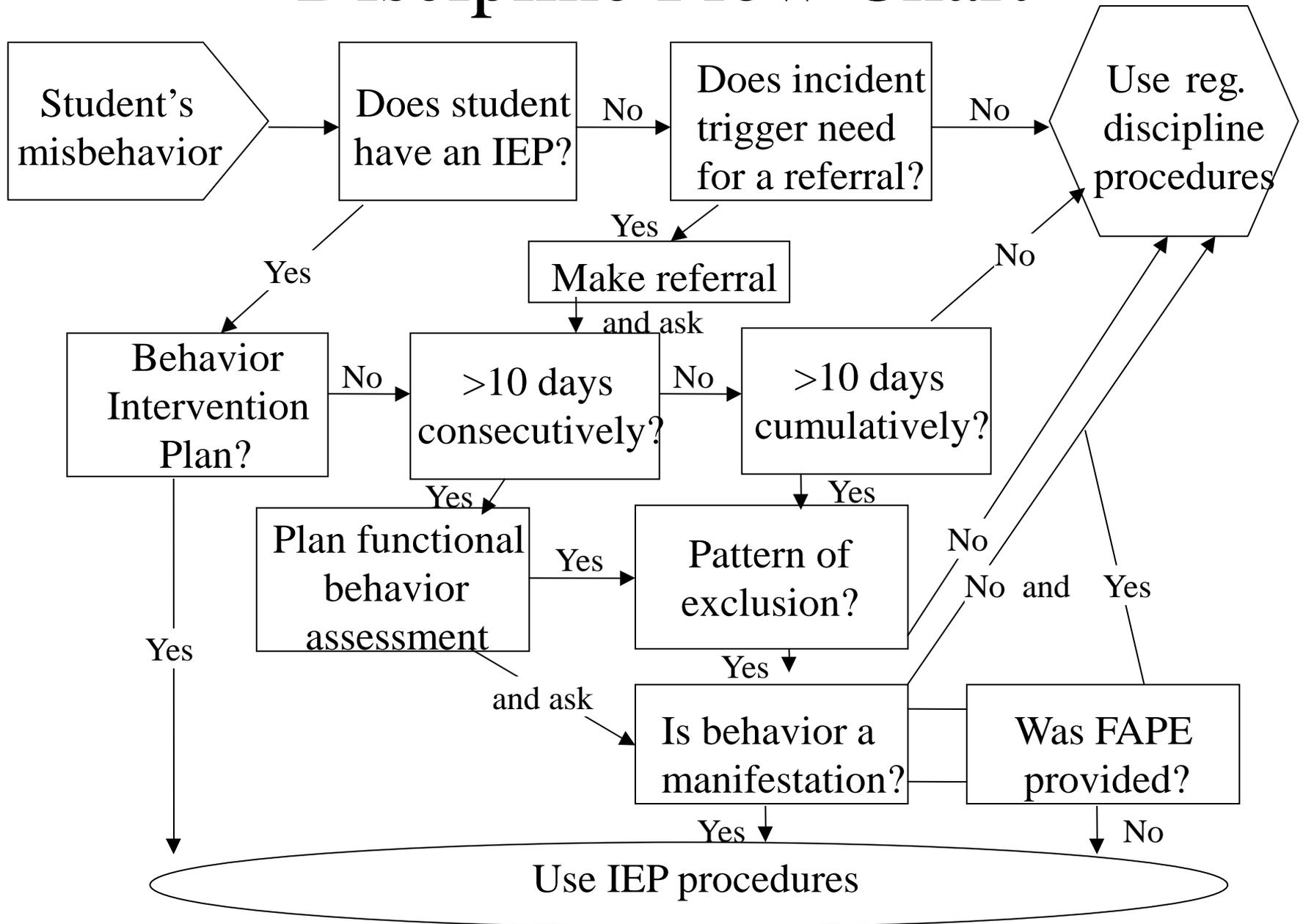
Discipline

- **SpEd students may be disciplined**
- **First 10 days “free”**
- **After 10 days, must make “manifestation determination”**
 - **MDT team makes decision**
 - **Was misconduct “caused by, or had a direct and substantial relationship to, the student’s disability”**

Discipline (con't)

- **If misconduct IS manifestation**
 - no discipline
 - but IEP may be changed to address
- **If misconduct IS NOT manifestation**
 - may be punished like regular ed.
 - but “interim alternative educational setting”
- **Drugs, weapons, serious injury**

Discipline Flow Chart



Transferring districts

- **If before eval:**
 - **Old district must work with new**
 - **New must complete eval. w/i 60 days**
- **If after eval:**
 - **Old district must transfer files**
 - **New district must provide**
“comparable services” until new IEP
 - **May adopt old IEP or create new**

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