

# Commission on Youth: Fundamentals of Special Education

September 16, 2014  
Virginia Department of Education  
Patricia V. Haymes

# Federal and State Governing Laws

- ▶ Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and implementing regulations at 34 C.F.R. §300.1 et seq.
- ▶ Virginia Code §22.1–214
- ▶ Regulations Governing Special Education Programs for Children with Disabilities in Virginia, effective January 10, 2010 (Virginia Regulations)

# What is Special Education?

- ▶ Specially designed instruction
  - Includes adapting the content, methodology or delivery of instruction to the unique needs of an eligible child resulting from the disability
  - To ensure access to the general curriculum
- ▶ No cost to the parent
- ▶ Meets the unique needs of child with a disability in all settings (classroom, home, hospitals, institutions, etc.)
- ▶ Includes related services

# Child with a Disability

- ▶ Intellectual Disability
- ▶ Hearing impairment
- ▶ Speech or language impairment
- ▶ Visual impairment
- ▶ Emotional disability
- ▶ Orthopedic impairment
- ▶ Autism
- ▶ Traumatic brain injury
- ▶ Other health impairment
- ▶ Specific learning disability
- ▶ Deaf–blindness
- ▶ Multiple disabilities
- ▶ Developmental Delay

# Overriding Requirements

- ▶ Child must, by virtue of the disability, require specially designed instruction
- ▶ This means that the disability must adversely impact the student's educational performance.

# Key Components of Special Education

- ▶ IEP – Individualized Education Program
- ▶ LRE – Least Restrictive Environment
- ▶ FAPE – Free Appropriate Public Education

# IEP

- ▶ Written statement for a child with a disability
- ▶ Developed, reviewed and revised in a team meeting
- ▶ Specifies special education and related services
- ▶ Requires parental consent

# IEP Elements

- ▶ Present Levels of Academic and Functional Performance
- ▶ Required Considerations
- ▶ Measurable Annual Goals
- ▶ Progress Reporting
- ▶ Participation in State Assessments
- ▶ Accommodations and Modifications
- ▶ Services
- ▶ Transition Services, where applicable

# Continuum of Placements

- ▶ As the final matter in IEP development, the team must look at a continuum of educational placements and select the placement that constitutes the student's least restrictive environment (LRE)

# LRE

- ▶ To the maximum extent appropriate, children with disabilities must be educated with children without disabilities.
- ▶ Removal of children with disabilities from the regular educational environment may occur only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

# This Process Should Lead to FAPE

- ▶ Rowley standard – some educational benefit
- ▶ More than minimal
- ▶ Not required to maximize benefit

# FAPE

- ▶ Provided at public expense, under public supervision and direction, without cost to the parent;
- ▶ Meets the standards of the Virginia Board of Education;
- ▶ Appropriate preschool, elementary, middle or secondary school,
- ▶ Provided in conformity with an IEP.

# Out-of-School Placements

- ▶ Regional programs are not considered out-of-school placements, as regional programs are public schools.
- ▶ CSA Targeted population – “children placed for purposes of special education in approved private school educational programs previously funded by the DOE through private tuition assistance.” Includes all children whose IEPs include placement in private day schools or private residential facilities.

# Responsibility of School Division

- ▶ Conducts evaluations for eligibility
- ▶ Ensures IEPs are implemented (public and private)
- ▶ Pays for:
  - IEP services and supports (public)
  - Homebound services
  - Regional special education programs
  - Tuition to another public school
  - Transportation to implement IEP (private setting)

# Responsibility of FAPT

- ▶ When IEP calls for private day or residential:
  - Recommends funding/payment
  - Collects data required for reporting
  - Considers child/family needs beyond IEP
  - Collects data for utilization review
  - Assures coordination of services
  - Cannot request or suggest changes to IEP.

# Out-of-Jurisdiction Placements: CPMT and School Division Responsibility with Day or Residential Placements

- ▶ Ensures child's special education needs are considered.
- ▶ If IEP specifies public school ... receiving school division IEP determines if they can implement IEP as written; OR makes appropriate changes to implement IEP.
- ▶ If receiving division determines child's needs cannot be met in their division: school division of placing CPMT determines appropriate placement.

# Office of Dispute Resolution and Administrative Services, Virginia Department of Education

**Patricia V. Haymes, Director**

Ron Geiersbach, Coordinator of Due Process Services

Hank Millward, Coordinator of Complaints and Family Involvement

Art Stewart, Coordinator of Mediation Services

Scottie Alley, Complaints Specialist

Kathleen G. Harris, Complaints Specialist

Sabrina Gross, Complaints Specialist

Gloria Dalton, Parent Ombudsman

Sheila T. Gray, Administrative Coordinator

Michele Orr, Administrative Coordinator

Benjamin Nesheim, Administrative Assistant

(804) 225-2013 Toll free: (800) 282-3829

Toll free TDD: (800) 422-1098 Fax: (804) 786-8520

[http://www.doe.virginia.gov/special\\_ed/resolving\\_disputes/](http://www.doe.virginia.gov/special_ed/resolving_disputes/)