

# Did You Know?

The Individuals with Disabilities Act (IDEA) of 2004 is the federal law that guarantees a free appropriate public education (FAPE) which is provided to eligible students with disabilities.

## Every Child

**ChildFind** requires school districts to identify, locate, and evaluate ALL (3-21ys) children with disabilities, including children who are home schooled, unhoused, wards of the state, and children who attend private schools, regardless of the severity of their disability, and who are in need of special education and related services (34 CFR 300.111 (a) (1).

**Free Appropriate Public Education (FAPE)** A child with a disability is entitled to an “appropriate” education, not the “best” education, nor an education that “maximizes the child’s potential.”



## Parent Rights

Parents/guardians are entitled to **“Meaningful Participation”** in their child’s special education process: access to interpreters, translated documents, informed consent...etc. The parents of a student eligible for special education services must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, educational placement and the provision of a free appropriate public education (FAPE) to the student. WAC 392-172A-05001. IEP teams must consider the parents’ concerns and the information that parents provide regarding their child in developing and reviewing their child’s individualized education program (IEP). 34 CFR §300.324; WAC 392-172A-03110(1)(b).

## Parent Tools

**Prior Written Notice:** A highly effective way to communicate to parents and assists in demonstrating that the team considered the parents’ input and requests when making decisions about what is needed to provide FAPE. Prior Written Notice (PWN) should be sent following every decision.

**IEP Goals must be SMART:** Specific, Measurable, Attainable, Results-orientated, and Time-Bound. INCLUDE: Appropriate grade level goals, present levels of academic achievement, functional performance, impact of child’s disability on child’s involvement and progress in the general education curriculum, academic goals, functional goals, and identify specific methodology for specially designed instruction (SDI).

# Student Rights

Students who have an Individualized Education Program (IEP) and are receiving Specially Designed Instruction (SDI), must make **“appropriately ambitious progress.”** For a district to meet its substantive obligation under IDEA, a school must “offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” An IEP must “aim to enable the child to make progress,” the educational program must be “appropriately ambitious in light of [the student’s] circumstances, just as advancement from grade to grade is appropriately ambitious for most children in the regular classroom,” and the student should have the opportunity to meet challenging objectives. *Endrew F. v. Douglas County School District RE-1* 137 S.Ct. 988, 69 IDELR 174 (2017).

Disability Categories:  
Autism  
Deaf-Blindness  
Deafness  
Emotional Disturbance  
Hearing Impaired  
Intellectual Disability  
Multiple Disabilities  
Orthopedic Impairment  
Other Health Impairment  
Specific Learning Disability  
Speech or Language  
Impairment  
Traumatic Brain Injury  
Visual Impairment  
Developmental Delay

**Least Restrictive Environment (LRE)**- every student is a general education student first. 34FR 300.114 (a)(2) - Each public agency must ensure that - (i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs 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.

## Timelines

Timelines: WAC Section 392-172A-03005.

Referral for an evaluation (done in writing), the decision to evaluate must be completed within 25 school days. Move to evaluate: must receive parental informed consent THEN the school district has 35 school days to complete initial evaluation and arrive at an eligibility decision. Eligible for Special Education: services will not begin until parental consent is given. Individualized Education Program (IEP) team will meet within 30 days to discuss goals/placement/implementation. The team is required to meet annually (1x/per year) to review and update goals. Re-evaluation: at least every 3 years (or sooner). Transition Plan: at 16years the IEP must have an appropriate transition plan.



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