

**A Student Guide to
Understanding Your Rights and
Responsibilities
under IDEA**



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❖ *Parent Brief, April 2002*

National Center on Secondary Education and Transition (NCSET) and
PACER Center

❖ *Special Education Is Not A Place: An Advocacy Guide for Parents and Students, 2002*

Connecticut State Office of Protection and Advocacy for Persons with
Disabilities

❖ *A Parent's Guide to Special Education in Connecticut, 2001*

Connecticut State Department of Education, Bureau of Special Education
and Pupil Services

Please refer to these publications for more information on your legal right to special education.

Additional information on special education law can be obtained from the following web sites:

- <http://www.wrightslaw.com>
- <http://www.schwablearning.com>
- <http://www.nichcy.org>

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1. Introduction

1a. Importance of understanding rights and responsibilities

How can you maximize your chances for a **successful future**? Become involved in the planning for it! And, **know your rights!**

As a person with an identified disability you have certain rights and protections under the law. When you are still in school and receiving special education services, you are protected under the Individuals with Disabilities Education Act (IDEA). When you graduate you will find that The Americans with Disabilities Act(ADA) and Section 504 of the Rehabilitation Act will offer some protection from discrimination in housing, employment, transportation and other activities of adult daily living. However, at no other time in your life will you be afforded more opportunities and rights to services than **NOW** - during your high school years. It is therefore vitally important that you understand your rights to special education and related services and be able to advocate for yourself. This guide will help you gain the information you need to become empowered.

Before you review this guide take a few moments to check your current knowledge of special education law. At the end of this guide you will find a **pre/post test** with multiple choice questions about your rights and responsibilities under the Individuals with Disabilities Education Act (IDEA). An answer key follows. **Take the test now** and then again after you have reviewed the guide to test your level of understanding. Don't expect to get many of the answers correct during the pre-test. The law can be confusing, but hopefully this guide will make it a little easier for you to understand.

1b. Age of Majority

Do you know that in the state of Connecticut, the **age of majority is 18**? That means that at age 18 (unless you have been determined incompetent under State law) you are granted certain legal rights, such as the right to vote, marry, obtain a credit card, consent to medical treatments, and sign contracts. It also means that **all rights** that were previously given to your parents or guardians under special education law known as IDEA **will transfer to you!**

At age 18 **you** will have the responsibility for making your own educational decisions. **You**, not your parents or guardians, will be the primary participant in developing your IEP (Individualized Education Program). **You** will receive the notice of your annual Planning and Placement Team (PPT) meetings, and will have not only the right, but also the responsibility, to attend and participate. **You** will also become responsible for making other important decisions such as:

- giving permission for changes in your educational placement, including graduation
- giving permission to be reevaluated to determine your continued eligibility for special education
- asking for mediation or due process hearings to resolve disputes if you do not agree with the decisions or actions of the school district

These are important decisions that may affect **Your Future**. This guide will help you better understand special education law so that you can make informed decisions about your educational program.

Let's Begin!

If you are currently receiving special education services then hopefully you have attended your Planning and Placement Team (PPT) meetings and have played an active role in developing your transition goals throughout your middle and high school years. If so, you are probably familiar with the special education process, although you might not be aware of the laws that ensure your right to a free, appropriate, public education (FAPE).

If you are being referred for special education services for the first time, understanding your rights under IDEA can help you get the most out of your remaining school years.



Review Section 1

Introduction

REVIEW QUESTIONS

1. When you are in school, and receiving special education services, what is the name of the federal law that protects you?

2. When you graduate from high school, what are the names of the two laws that protect you from discrimination?

3. At what age are you viewed as a "legal adult" in the state of Connecticut?

4. List at least five rights that you would be able to make decisions about when you reach age 18:

5. What does "PPT" stand for?

6. What does "FAPE" stand for?

2.

IDEA - Description

The federal **Individuals with Disabilities Education Act (IDEA)** and the Connecticut *General Statutes* (Section 10-76a to 1076h, inclusive) are laws that require that **special education** and **related services** be provided to eligible students with disabilities. Under IDEA, the public school district of the town that you live in is responsible for making sure that you receive special education and related services that meet your individual needs.

IDEA ensures eligible individuals the right to a free, appropriate, public education in the least restrictive environment (LRE).

Free means that the school district may not charge you for the cost of special education and related services.

Appropriate does not mean the best possible education, but it must meet your unique educational needs.

Least Restrictive Environment (LRE) means that you must be educated alongside kids who do not have disabilities to the maximum extent possible.

How and **where** the services are provided is determined by the Planning and Placement Team (PPT) and should be included in your Individualized Education Program, or IEP. These terms will be defined later in this guide.

By understanding the law, you can take full advantage of the special educational, training, and support services that are available to help you meet your goals for the future.

This guide includes questions and answers that should make the law easier for you to understand.

After you have finished reading this guide, don't forget to take the pre/post test again to make sure you fully understand your rights. You may also need to talk with your special education teacher or another adult to get answers to any questions you may have about the law.



Review Section 2

Individuals with Disabilities Education Act

REVIEW QUESTIONS

1. What does "IDEA" stand for?

2. Who is responsible for making sure you receive the special education and other services you need?

3. What do the following terms mean under IDEA?

"Free": _____

"Appropriate": _____

"Least Restrictive Environment": _____

4. What is the name of the team that is responsible for developing what your special education program will include?

5. What is the name of the written plan that is developed at your PPT meeting?

3. Special Education and Related Services

3a. What is special education?

Special education is provided to all students with an identified disability who need a **specially designed instructional program** to meet their unique needs. This may include special classes, programs, and/or services to help you participate in the regular classroom curriculum. Special education is provided at no cost to you. If you have a disability that requires specially designed instruction, you will work with a team of teachers, school administrators (such as your Principal) and other specialists to determine your educational needs and to plan an appropriate program to meet your needs. The team, referred to as a Planning and Placement Team (PPT), may also include your parents, adult service providers (such as the Bureau of Rehabilitation Services) or anyone else who you feel could provide information or support to you at your team meetings.

3b. What are related services?

Related services are those services that are required in order for you to benefit from special education. Related services may include, but not be limited to, psychological and counseling services, language, speech and hearing, guidance, social work, transportation, assistive technology, physical and occupational therapy and medical services that are required for diagnostic or evaluation purposes.

4. Eligibility: Who is eligible for special education and related services?

To be eligible for special education and related services in Connecticut, you must be between the ages of 3 and 21 and have one or more of the following disabilities:

- Autism
- Deaf-blindness
- Developmental delay (for 3- to 5-year-olds, inclusive)
- Serious Emotional disturbance
- Hearing impairment (including deafness)
- Intellectual disability (mental retardation)
- Multiple disabilities
- Neurological impairment
- Orthopedic impairment
- Other health impairment (i.e., limited strength, vitality or alertness due to chronic or acute health problems such as asthma, attention deficit disorder or diabetes, that adversely affects a child's educational performance)
- Specific learning disability
- Speech or language impairment
- Traumatic brain injury
- Visual impairment (including blindness)

In addition, the disability must have a negative affect on your educational performance; and you must require a specially designed instructional program to address your unique educational needs.

If you do not understand your disability, or do not know why you are receiving special education services you should talk with your school psychologist, special education teacher, or someone else you trust who can help you understand your need for special education.



Review Sections 3 & 4

Eligibility: Special Education and Related Services

REVIEW QUESTIONS

1. What could "specially designed instruction" include under federal special education law?

2. What could "related services" include under federal special education law?

3. At what ages can you receive special education and related services in Connecticut?

4. Explain the **reason** or **reasons** you are receiving special education or related services:

5. What specific "special education" and/or "related services" are you currently receiving in your school program?

5. Referral to Special Education

5a. What is a referral to special education?

A referral to special education is a **written request for an evaluation** of a student who is suspected of having a disability and who may need special education and related services.

A referral to special education may be made by:

- the student, if 18 years of age or older;
- a parent, guardian or surrogate parent;
- school personnel; or
- individuals from other agencies (e.g., physicians, social workers) to whom you (or your parents/guardians if you are under 18) have given permission.

A Planning and Placement Team (PPT) reviews referrals to special education, determines if a student needs to be evaluated, decides which evaluations will be given, and determines whether the student is eligible for special education services. The PPT will be described in more detail later.

5b. What happens when a referral to special education is made?

If you were referred to special education prior to age 18, your parents or guardians would have received notice of this referral. They would also have

received a notice asking them to participate as a member of the school's Planning and Placement Team (PPT). If you are 18 years old and are now being referred to special education these notices would go directly to you and a copy would be sent to your parents/guardians. **Your participation in this process is very important.**

The PPT would then meet to review any existing evaluation data that the school district has collected on you and determine what, if any, additional data is needed to determine your eligibility for special education services.

If you are 18 years of age and disagree with the PPT's decision to conduct an initial evaluation, you may refuse to be evaluated. In this case, the school district may continue to go ahead with those evaluations by using **due process**. If, on the other hand, **you** think you need special education services, and the PPT refuses to evaluate you, you may exercise due process to contest its decision. See Section 12 for further explanation of due process.



Review Section 5

Referral to Special Education

REVIEW QUESTIONS

1. Who can refer you to special education if they are concerned you might have a disability and need special education and/or related services?

2. When a referral to special education has been made, a Planning and Placement Team (PPT) meeting must be held. What will the PPT do at this first meeting?

3. If you are referred to special education, does that mean you will automatically be determined eligible for special education?

4. What can you do if you feel you need special education services, but the school does not feel there is a need to test you?

6.

Evaluation

6a. What is an evaluation?

An evaluation study is the **process** used by the PPT to determine your specific learning strengths and needs. It is also used to determine eligibility for special education. Before this evaluation study can begin you will receive a written notice that describes the tests and procedures to be used. As an active participant in the PPT process, one of your responsibilities is to assist the PPT in the design of the evaluation procedures.

The evaluation must:

- include more than one test or procedure
- be conducted by a group of people trained and knowledgeable in the specific test being used
- be conducted in the your primary language or mode of communication
- not be racially or culturally biased
- include assessments in all areas related to the suspected disability, including, if appropriate:
 - health
 - vision
 - hearing
 - social and emotional status
 - general intelligence
 - academic performance
 - communication status
 - motor abilities

Once the evaluation has been completed, the PPT meets to interpret the evaluation data and decide if you are eligible for special education and related services. You or your parents (if you are under 18) will receive a copy of the evaluation report developed by the PPT. You or your parents may also request a copy of any of the individual evaluation reports.

6b. What if I disagree with an evaluation conducted by the school district?

If you disagree with the evaluation conducted by the school district, you have a right to an **Independent Educational Evaluation (IEE)** conducted by a qualified (licensed and/or certified) examiner. The IEE will be at the school's expense, *unless* the school district can prove its evaluation is appropriate. If the school believes its evaluation is appropriate, it can request a due process hearing rather than pay for the IEE. In that case, a hearing officer will decide whether the school district's evaluation is appropriate. If the hearing officer decides in favor of the school district, you may still obtain an independent evaluation, but you will have to pay the costs of that IEE yourself.

6c. How often must I be reevaluated?

The need to be reevaluated must be considered *at least* once every three years. If your PPT feels that they have enough information to determine that you still require special education, no additional testing may be necessary. If you (if you are 18) or your parents request a re-evaluation,

the school must conduct one to determine if you still have a disability and continue to need special education services.



Review Section 6

Evaluation

REVIEW QUESTIONS

1. What are two reasons why you might need an evaluation?

2. Name five things that must be included or considered when your school is conducting an evaluation:

3. Can you or your parents receive a copy of all the evaluation results?

4. What can you do if you or your parents do not agree with the evaluation that was given by the school?

5. How often must your PPT consider the need to be re-evaluated to decide if you are still eligible for special education and related services?

7. Informed Consent

Informed written consent means that you have been given all the information that you need to make a knowledgeable decision about your education and that you agree *in writing* to be evaluated and/or placed in special education.

- Giving written consent is voluntary.
- You have the right not to give your consent (permission).
- You have the right to revoke (take back) your consent at any time by notifying the school district in writing.

Your special education rights are fully described in a document titled ***Steps to Protect a Child's Right to Special Education: Procedural Safeguards in Special Education***. Upon reaching the age of majority you must be given a copy of these rights when:

- you are referred for an initial evaluation;
- you are invited to a PPT meeting to talk about your IEP;
- you are being reevaluated;
- a due process hearing is requested; or
- a change in your program is being made because you have broken a school rule of conduct

If you do not understand the procedural safeguards, ask the school district for names of persons you may contact to help you understand your rights!



Review Section 7

Informed Consent

REVIEW QUESTIONS

1. What does "informed written consent" mean?

2. If you are not 18 years old, who must give "written consent" for you to be evaluated and placed in special education?

3. If you are 18 years who gives written consent for any issues related to your evaluations and special education services?

4. List the five times that you (if you are 18), or your parents, must receive a copy of "Steps to Protect a Child's Right to Special Education: Procedural Safeguards in Special Education":

8. The Individualized Education Program (IEP) Team:

What is an IEP Team meeting?

An Individualized Education Program (IEP) team meeting is convened by the school district for the purpose of developing an Individualized Education Program for each student who has been determined eligible for special education and related services. In Connecticut, we refer to this as the PPT, or Planning and Placement Team.

When the **Planning and Placement Team** is meeting for purposes related to a student's IEP, or to identify which evaluations may be necessary, the following individuals must be invited to attend:

- the parent(s) or guardian(s)
- the student, when appropriate
- a regular education teacher (if the student is or may be participating in the regular education environment)
- a special education teacher or service provider
- a school administrator who knows about policies for special education, children with disabilities, the general curriculum, and available resources
- representatives from other agencies that may be responsible for paying for or providing transition services
- other qualified professionals, as appropriate (such as a school psychologist, occupational therapist, speech therapist, physical therapist, or others)

While the above listed members must be invited to a PPT meeting, there are certain members that **must be present** at the meeting in order for it to be **legal PPT**.

These people include:

- a school administrator who knows about policies for special education, children with disabilities, the general curriculum, and available resources;
- a special education teacher or service provider;
- a regular education teacher (if the student is or may be participating in the regular education environment); and
- related services staff, as appropriate (such as a school psychologist, occupational therapist, speech therapist, physical therapist, or others)
- an individual who can explain any evaluation or testing that has been done (this may be one of the individuals listed above)

The PPT **may** also include anyone you (or your parents/guardians) feel can contribute helpful information to the team or is necessary to support you and your views.

9. Notice of PPT Meetings: How will I be invited to participate in PPT meetings?

A written notice of a PPT meeting is provided to encourage you and your parents/guardians to participate fully in the process of developing, reviewing or revising your Individualized Education Program (IEP). The written notice must state the purpose, time and location of the meeting. It must also include a statement of your protections under the procedural safeguards. If you are still a minor, (under age 18 in Connecticut) the notice will be sent to your parents/guardians. It must be provided to them at least five school days prior to the meeting, in their primary language. The written notice must:

- inform you/your parents or guardians of who will be in attendance at the meeting;
- inform you/your parents or guardians of your right to invite other individuals to the meeting who are knowledgeable about you or who can provide support;
- if it is the PPT meeting following your 13th birthday (or younger if deemed appropriate by the PPT), state that the purpose of the meeting will be the development of a statement of transition services needs, **and you must be invited to attend**; and
- if it is the PPT meeting following your 15th birthday (or younger if deemed appropriate by the PPT), state that the purpose of the meeting will be to consider needed transition services, **and you must be invited to attend**.

Your participation in the PPT process is important. If the meeting is scheduled at a time that is not convenient for you and your family, your parents/guardians can ask the school district to reschedule the meeting. Remember, if you are a legal adult **you** can ask.



Review Sections 8 & 9

Individualized Education Program Team and Notice of PPT Meetings

REVIEW QUESTIONS

1. What does "IEP" stand for?

2. In Connecticut, what do we call an IEP team?

3. In order for a **legal** PPT to be held, who must be in attendance?

4. How many school days before a PPT is held, must you (if you are 18) or your parents, be informed, in writing, that a PPT is being held?

5. The notice of your PPT meeting must tell you and your parents the reason for the PPT, the time of the PPT and the location of the PPT.

True

False

6. At what age must you be invited to attend your PPT meeting?

7. Why would you be invited at this age? _____

8. Do you attend your PPT's on a regular basis? _____

9. If you do not attend your PPT's, why not? _____

10. **The Individualized Education Program (IEP): What is an Individualized Education Program (IEP)?**

The IEP is a written plan, developed by the Planning and Placement Team (PPT), which describes your educational program once you have been determined eligible for special education and related services under IDEA. Every student with a disability who needs special education must have a written IEP within 45 days from the date of the initial referral. IEP's must be reviewed and updated *at least* once per year. Each IEP must include the following components:

- **Present level of educational performance**

Your IEP should start by stating how you are currently doing in school. Your IEP should list your strengths and weaknesses, as well as any skills or behaviors that need to be addressed.

- **Annual goals (and benchmarks or short-term objectives)**

Taking into consideration your identified strengths and needs, the PPT should then develop annual goals for the upcoming year. The goals must be defined in measurable terms, and include the evaluation procedures used to measure performance. They must also include benchmarks, or short-term objectives, that should be met during the course of the year.

- **Special education and related services**

The PPT should then consider what special education and related services you need in order to attain the identified goals and objectives. This should include any modifications and accommodations you need to participate in the general education program, including nonacademic and extracurricular activities.

- **Dates, frequency, location, and duration of services**

Your IEP must be very clear about when special education and related services will begin, how long they will go on (duration), how often they will be provided (frequency), and where you will receive those services (location).

- **Explanation of non-participation, and the least restrictive environment (LRE)**

IDEA mandates that children with disabilities be educated in the least restrictive environment. That means that you should not be removed from the regular classroom unless the nature or severity of your disability, even with the use of supplementary aids and services, makes it impossible for you to receive an appropriate education in the regular classroom. If you will not be participating with your peers without disabilities in either the regular classroom, general curriculum, or in extracurricular and nonacademic activities, your IEP must include an explanation and description of the extent to which you will not be included.

- **Participation in statewide student assessments**

IDEA requires that all special education students be included in assessments of student achievement conducted through their local school district or state, such as the *Connecticut Mastery Tests*. The IEP must contain a statement of the specific modifications that will be made to enable a student to participate in these assessments. Modifications may include giving you more time to take the test, allowing the test to be taken in a quiet place, or having someone write down test responses. If

the Planning and Placement Team determines that you cannot participate in these assessments, even with modifications, your IEP must include a statement as to why the assessments are not appropriate, and how you will alternately be tested.



Review Section 10

The Individualized Education Program - (IEP)

REVIEW QUESTIONS

1. What is an Individualized Education Program (IEP)?

2. How many days does a school have to develop your IEP, once you have been referred to special education?

3. How often, at a **minimum**, does your IEP need to be reviewed and updated?

4. Write a short definition for each of the following:

Present level of educational performance:

Annual Goals (benchmarks or short-term objectives):

Special Education and Related Services:

Dates, frequency, location and duration of services:

Explanation of non-participation in the least restrictive environment:

Participation in statewide assessments:

5. Have you ever reviewed your IEP? _____

6. If you have never reviewed your IEP, why not?

7. Do you think your IEP describes, in detail, all the special education and related services you need to be successful in school?

8. If your IEP does not include all the special education and related services you feel you need, what would you add to your IEP?

11. Transition Services at the Secondary Level

11a. What are Transition Services?

Transition services are a coordinated set of activities, designed within an outcome-oriented process, which promote a student's movement from school to post-school activities. Transition goals and objectives are written into your IEP and are usually developed during your annual PPT meeting.

Transition service areas that must be considered when developing long-term goals and objectives include:

- Post-secondary education (this includes 2 and 4 year colleges, business and trade schools)
- Vocational training
- Integrated employment (including supported employment)
- Continuing and adult education
- Adult services (including services from the Bureau of Rehabilitation Service, Department of Mental Retardation, Department of Mental Health and Addiction Services)
- Independent living
- Community participation

Transition services must be based on your individual needs, taking into account your preferences and interests. They may include:

- Instruction
- Related services
- Community experiences

- Development of employment or other post-school adult living objectives
- Acquisition of daily living skills and functional vocational evaluation

More detailed information about transition planning is available in a publication titled *Building a Bridge from School to Adult Life for Young Adults with Disabilities in Connecticut*. This publication can be downloaded from the Connecticut State Department of Education's web site at www.state.ct.us/sde.

11b. When must my school district begin providing transition services?

At the annual PPT meeting following your 13th birthday (or younger, if determined appropriate) you will begin to discuss transition planning from school to adult life. You must be invited to attend this PPT meeting, and all subsequent PPT meetings, until you either graduate or reach your twenty-first birthday.

At the same PPT, your IEP must include a statement of "transition service needs." This statement will define your long-term goals and the "courses of study" that you will participate in during your high school years.

At the PPT meeting following your 15th birthday (or younger, if determined appropriate) more specific transition planning will occur. In addition to the statement of "needed transition services", the PPT will begin to develop goals and objectives that are critical to prepare you for life after high

school. The PPT will also begin to discuss and identify, if appropriate, adult agencies, services or programs that could assist you after you leave high school.

11c. What if I do not attend my PPT meeting?

If the PPT meeting is being held for the purpose of transition planning then you must be invited to attend. If you choose not to attend then the school district must take other steps to ensure that your interests and preferences are taken into consideration.

11d. Who will provide the transition services?

The local school district is responsible under IDEA to ensure you receive appropriate transition services. They may contract with providers in the community and/or collaborate with other agencies that can provide resources.



Review Section 11

Transition Services at the Secondary Level

REVIEW QUESTIONS

1. What is the definition of transition services?

2. What are the 7 transition areas that must be considered when discussing your long term goals at your PPT meeting?

3. At what age must you begin to discuss, at your PPT, your goals and visions for your future?

4. Who is responsible for ensuring that you receive appropriate transition services to prepare for life after high school?

**12. Special Education Complaint Resolution Process:
What is the special education complaint resolution process?**

You have the right to be evaluated and receive a free, appropriate, public, education that meets your needs. IDEA gives your parents/guardians the right to file a complaint on your behalf until you reach 18 years of age. Once you become a legal adult, this right transfers to you.

The special education complaint resolution process allows you to file a written complaint to the Bureau of Special Education and Pupil Services if you believe that the local school district has violated a requirement of federal and/or state laws concerning special education. The complaint should state:

1. That the school district is not carrying out IDEA or state laws that protect children with disabilities; and
2. The facts on which the complaint is based

You can file a complaint by writing to:

Connecticut State Department of Education
Bureau of Special Education and Pupil Services
25 Industrial Park Road
Middletown, CT 06457
FAX: 860-807-2047

There are several options for settling disputes when you and the school district cannot agree.

12a. Mediation

Mediation is a voluntary process that may be used to resolve disputes between you and your school district. If you and the school agree to mediation, The State Department of Education, Bureau of Special Education and Pupil Services will assign a mediator on a random basis. Mediation will be held within 30 days after your written request for mediation is received. It will be held at a time and place that is convenient for both you and the school staff. The mediator will try to help you and the school district settle your differences. If you and the school district reach agreement on the issues, what you have agreed to will be put in writing. If you cannot reach agreement then the mediator will certify in writing that mediation has not been successful. Any discussions that occur during the mediation process must be confidential and cannot be used as evidence in any future due process hearings or court actions that may follow the mediation.

12b. Hearing

Unlike mediation, a due process hearing is a formal, legal procedure. If you disagree with something that the school district wants to do, or if the school district will not provide a service or program that you feel you need in order to receive an appropriate education, then you can start due process proceedings. You can ask for a due process hearing within two years of the time the school district proposes or refuses to something that you do not agree with. It is best, however, to do it as soon as possible.

A due process hearing is a legal process in which a Hearing Officer makes the decision on how the issue between you and the school district will be

resolved. At the hearing you and the school district may present evidence and call witnesses. Within 45 days after receiving the request for a hearing, a final decision in the hearing will be made and a copy of the decision will be mailed to both you and the school district. You may bring an advocate or lawyer to the hearing and the school district must make you aware of any free or low-cost legal services. If the hearing is decided in your favor, you may request that the court order the school district to pay the reasonable costs of your attorney's fees.

12c. Advisory Opinion

Connecticut also offers an Advisory Opinion Process which is a streamlined hearing where you and the school district will each have 45 minutes to present your case to a Hearing Officer. Each party may present one or two witnesses during their allotted time and introduce essential documents such as your most recent IEP, educational evaluations, progress reports, transcripts, etc. You will have 15 minutes to respond to the school district's presentation, and the school district will have 15 minutes to respond to yours. You may bring an advocate or lawyer to the Advisory Opinion Hearing; however you will be responsible for the cost of your attorney fees. Afterwards, the hearing officer will give an oral opinion. An advisory opinion is non-binding. This means that if you, or the public school district, disagree with the hearing officer's opinion, either of you may still engage in other forms of resolution such as mediation or due process hearing.



Review Section 12

Special Education Complaint Resolution Process

REVIEW QUESTIONS

1. If your school district has violated special education law (for example, not implementing your IEP), what can you do to help resolve this problem?

2. Does this have to be done in writing? _____

3. What must be included when you are completing this complaint?

4. Who must you send a complaint to? _____

5. If you or your parents are not happy with the special education and related services you are receiving, there are three things you can do in order to try to solve the problem. These are mediation, hearing or an Advisory Opinion. Give a short definition of each of these:

Mediation: _____

Hearing: _____

Advisory Opinion: _____

13. Discipline Procedures

13a. Does the school code of conduct apply to me?

Yes - you are required, like any other student, to obey all school rules as they are written in the school's code of conduct book.

13b. Do I have the right to receive educational services during a suspension from school?

The school district is not required to provide services during the suspension if the suspension is less than ten consecutive school days in any school year. Services may be required under specific conditions if the total amount of days you are suspended in a school year is greater than ten days.

13c. What if I'm removed from school for more than ten school days in a year?

If in any school year, you are suspended from school, each day of the suspension or a **portion** of a day suspended, must be counted toward the ten day limit. This also applies if you are suspended from the school bus or if you are required to go to in-school suspension. If you are suspended several days each time for less than ten days, school personnel must decide whether these removals constitute a "change in placement". If school personnel determine that the series of short-term removals is a change of placement, the PPT team must meet to determine whether your misconduct is related to your disability. This is called a **manifestation determination**. In making this decision, the PPT must determine that:

- Your IEP and placement were appropriate
- Supplementary aids, services, and behavioral interventions were provided in accordance with the IEP
- You understood your behavior and could control it

If it is determined that your behavior **was not** related to your disability then you may be disciplined the same as any other student, except that your school district must continue to provide services to enable you to progress toward attaining your annual IEP goals.

If it's determined that your behavior **was** related to your disability, then you may not be removed from your current educational placement (except as noted in the next question below).

13d. Can the school make a temporary change in placement?

School personnel may order a change in your special education placement to an appropriate **Interim Alternative Educational Setting (IAES)** for up to 45 days. This may be done if you carry or possess a weapon, knowingly possess or use illegal drugs, or sell or solicit the sale of a controlled substance in school or at a school function. The school may also involve law enforcement agencies. A Hearing Officer may place you in an Interim Alternative Educational Setting if he/she determines that keeping you in your current placement is likely to result in an injury to yourself or others.

13e. What happens if a suspension or expulsion results in a change to my educational placement?

The PPT must meet within ten business days of the decision to change your placement. The purpose of this meeting will be to determine if a functional behavioral assessment was completed. If not, one will be ordered and a behavioral intervention plan will be developed. If a functional behavioral assessment has been done, the PPT will meet to review and revise the behavioral intervention plan that was developed as part of your IEP. As a participant of the PPT you have the right to attend this meeting.

If you are a minor (under age 18) and your parents/ guardians disagree with the manifestation determination or any decision regarding placement for disciplinary reasons, they may initiate an expedited due process hearing. If you are a legal adult then you have the right to initiate due process.



Review Section 13

Discipline Procedures

REVIEW QUESTIONS

1. Are you required to follow school rules, just like all students in your school? _____

2. Do you have the right to receive educational services if you are suspended for less than ten consecutive days? _____

3. What is a Manifestation Determination? _____

4. When the PPT meets for a Manifestation Determination, what are the 3 areas they need to consider?
 1. _____
 2. _____
 3. _____

5. If the school decides to order a temporary change in your special education placement, what are they allowed to do? _____

14. Confidentiality and Access to Educational Records

14a. Can I see my educational records?

If you are 18 years old, you have the right to inspect and review your school records. The school district must provide you with the opportunity to review your school records within ten school days of your **written** request, or within three school days of your request if you need the information to prepare for a PPT meeting or a due process proceeding. If you are under 18, your parents or guardians may request your records.

14b. What should I do if I find false or misleading information in my school records?

You may request in writing that the school district change your school records if you believe them to be inaccurate, misleading, or in violation of your privacy rights. If your request is refused, you have the right to a hearing under the Family Educational Rights and Privacy Act (FERPA). If, as a result of the hearing, the hearing officer denies your request to change your records, you have the right to place a statement in your records regarding your concerns.



Review Section 14

Confidentiality and Access to Educational Records

REVIEW QUESTIONS

1. If you (if you are 18), or your parents, request in writing, to review your educational records, how many days does the school have to respond to this request? _____
2. If you need these records to get ready for a PPT or a due process hearing, how many days does the school have to respond to this request? _____
3. What should you do if you find mistakes or information that is not accurate in your school records?

4. What does FERPA stand for?

5. What should you do if your school refuses to change information in your educational records that you feel are not accurate?

15. Notification of Transfer of Rights:

When are parental rights transferred to you under IDEA?

When you reach age 18 (or are declared an emancipated minor) all rights under special education law will transfer to you unless a court has appointed a legal guardian. **At least one year before you turn age 18**, the school district must inform both you and your parents/guardians of the transfer of these rights. Once these rights have been transferred, your parents/guardians will still receive notice, but you may grant or withhold consent for them to participate in your PPT meetings. Their rights to inspect and review your school records will also end upon the transfer of rights.

16 Graduation: How long can I continue to receive special education services?

In the state of Connecticut you can continue to receive special education services until you reach the age of 21 or graduate with a regular diploma. If you graduate with a regular diploma, you lose eligibility for a free, appropriate, public education. However, if you graduate with any other type of diploma or certificate, you may retain eligibility for special education services. The school system must notify you (or your parents/guardians if you are under the age of 18) before proposing to graduate you because it is considered a change in placement. This notice must be given within a reasonable time before graduation to make sure that you have the opportunity to plan for, or challenge, the pending graduation. If you feel

that you need additional education or skills before entering the workplace or enrolling in postsecondary education, you have the right to discuss this at a PPT meeting.



Review Sections 15 & 16

Notification of Transfer of Rights and Graduation

REVIEW QUESTIONS

1. All rights under special education law will transfer to you when you reach the age of _____ or _____

2. When is the only time that rights will not transfer to an 18 year old individual?

3. When must a school district let you know that all rights will transfer to you when you turn 18?

4. When you turn 18, who should the PPT notice be sent to?

5. When you turn 18, who has the final decision in your educational program? _____
6. When you turn 18, can your parents sign any permission forms that relate to evaluation, re-evaluation, or release of records?

7. If you receive a regular education diploma, are you still eligible for special education? _____
8. What is the maximum age you can be and still receive special education services? _____

A Student Guide to Understanding Your Rights and Responsibilities under IDEA Pre/Post Test

Test your knowledge of the law by answering the following questions:

1. In Connecticut the age of majority is:
 - 16
 - 18
 - 21

2. When you reach the age of majority you will have the legal right to:
(check all that apply)
 - Obtain a credit card
 - Marry
 - Make educational decisions
 - Consent to medical treatments
 - Sign contracts
 - Vote

3. The Individuals with Disabilities Education Act (IDEA) is a federal law that requires that special education and related services be provided to **all** students with disabilities.
 - True
 - False

4. The Individuals with Disabilities Education Act (IDEA) ensures eligible individuals the right to a free, appropriate, public education in the least restrictive environment.
 - True
 - False

5. The Individual with Disabilities Education Act (IDEA) gives you the right to the best possible education.
 - True
 - False

6. The least restrictive environment means that you must be educated alongside other kids who have the same type of disabilities.
- True
 - False
7. Special Education may include special classes, programs, or services to enable you to access the regular classroom curriculum:
- True
 - False
8. Related Services required in order for you to benefit from special education may include the following: (check all that apply)
- Psychological and counseling services
 - Language
 - Speech and hearing
 - Guidance
 - Transportation
 - Social work
 - Assistive technology
 - Physical therapy
 - Occupational therapy
 - Medical services that are required for diagnostic or evaluation purposes
9. To be eligible for special education and related services in Connecticut you must be between the ages of:
- 0-21
 - 3-18
 - 5-18
 - 3-21
10. To be eligible for special education and related services in Connecticut:
- Your disability must adversely affect your educational performance
 - You must require a specially designed instructional program to address your unique educational needs
 - Your disability must adversely affect your educational performance; *and* you must require a specially designed instructional program to address your unique educational needs

11. A referral to special education may be made by:

(check all that apply)

- You, the student
- You, the student, if you are 18 years of age or older
- Your parent(s), guardian(s), or surrogate parent(s)
- School personnel
- Your family doctor, without your permission
- Individuals from other agencies to whom you have given your permission

12. The Planning and Placement Team (PPT) is responsible for:

(check all that apply)

- Determining if you need to be evaluated for special education services
- Deciding which evaluations will be given
- Determining whether you are eligible for special education services
- Developing an Individualized Education Program (IEP) for each student who has been determined eligible for special education and related services.

13. The evaluation to determine eligibility for special education services must:

(check all that apply)

- Be racially and culturally biased
- Include more than one test or procedure
- Be conducted by a group of people trained and knowledgeable in the specific test being used
- Include assessments in all areas related to the suspected disability
- Be conducted after school hours

14. If you disagree with the evaluation conducted by the school district, you have the right to an independent educational evaluation (IEE) conducted by a qualified examiner.
- True
 - False
15. The school district must pay for the Independent Educational Evaluation (IEE):
(check all that apply)
- If you request it
 - If the school district is unable to prove its evaluation is appropriate
 - If a due process hearing is requested
16. In order to determine if you still have a disability and continue to need special education services you must discuss the need to be reevaluated:
- Every year
 - Every five years
 - At least once every three years
17. Informed written consent means that you have been given all the information you need to make a knowledgeable decision about your education and that you agree in writing to be evaluated and/or placed in special education.
- True
 - False
18. Which of the following is true?
(check all that apply)
- Giving written consent is voluntary
 - You have the right not to give your consent (permission)
 - You have the right to revoke (take back) your consent at any time by notifying the school district in writing

19. Upon reaching the age of majority you must be given a copy of your special education rights when:

(check all that apply)

- You are referred for an initial evaluation
- You are invited to a Planning and Placement Team (PPT) meeting to talk about your Individualized Education Program (IEP)
- You are being reevaluated
- A due process hearing is requested
- A change in your program is being made because you have broken a school rule of conduct

20. The Planning and Placement Team must include the following members: (check all that apply)

- Your parent(s) or guardian(s)
- You, the student, when appropriate
- A regular education teacher (if you are or may be participating in the regular education environment)
- A special education teacher
- A school administrator
- Representatives from other agencies that may be responsible for paying for or providing transition services
- Other qualified professionals, as appropriate

21. You (or your parents/guardians if you are still a minor) have the right to invite other individuals to the PPT meeting who are knowledgeable about you or who can provide support.

- True
- False

22. A written notice of a PPT meeting must be sent to you (or your parents/guardians if you are still a minor):

- At least five school days prior to the meeting
- At least ten school days prior to the meeting
- One month prior to the meeting

23.If the purpose of the PPT meeting is to discuss transition services, you must be invited to attend.

- True
- False

24.The Individualized Education Program (IEP) must include the following components:

(check all that apply)

- Present level of educational performance
- Annual goals and short-term objectives
- A list of your five closest friends
- Special education and related services
- Any modifications and accommodations you need to participate in the general education program
- Dates, frequency, location, and duration of services
- The name of your favorite teacher
- An explanation of non-participation and the least restrictive environment if you must be removed from the regular classroom
- A statement regarding participation and modifications in statewide student assessments such as the Connecticut Mastery Tests (CMTs)

25.Who is responsible for ensuring the implementation of appropriate transition services?

- Your local school district
- Community agencies

26.At the annual PPT meeting following your 13th birthday (or younger if deemed appropriate) you must begin to discuss transition planning from school to adult life, and develop a statement of transition service needs.

- True
- False

27.At the annual PPT meeting following your 15th birthday (or younger, if deemed appropriate) the PPT must develop transition goals and objectives that are critical to prepare you for life after high school.

- True
- False

- 28.If you choose not to attend a PPT meeting that is being held for the purpose of transition planning, then the school district does not have to take into consideration your interests and preferences.
- True
 - False
- 29.There are several options available under IDEA for settling disputes when you and the school district cannot agree. They include:
(check all that apply)
- Mediation
 - Meditation
 - Due Process
 - Time Out
 - Advisory Opinion
- 30.School personnel may order a change in your educational placement to an appropriate Interim Alternative Educational Setting (IAES) for up to 45 days if you:
(check all that apply)
- Carry or possess a weapon
 - Knowingly possess or use illegal drugs
 - Fail at least 3 academic courses
 - Sell or solicit the sale of a controlled substance in school or at a school function
31. If you have violated your school district's discipline code, then you may be suspended for a period not to exceed ten consecutive school days in any school year.
- True
 - False
- 32.If it's determined that your misconduct is related to your disability, then you may not be removed from your current educational placement (except in the case of weapons, drugs, or danger to self or others).
- True
 - False

33.If you are 18 years old, you have the right to inspect and review your school records.

- True
- False

34.Your parent(s) or guardian(s) may request a copy of your school records at any time.

- True
- False

35.All rights under special education law will transfer to you when you reach age 18 (unless you have been determined incompetent under state law). The school district must inform both you and your parents/guardians of the transfer of these rights:

- On your 18th birthday
- At least one year before you turn 18
- At the PPT meeting following your 16th birthday

36.In the state of Connecticut you can continue to receive special education services until you:

(check all that apply)

- Graduate with a regular diploma
- Reach the age of 18
- Reach the age of 21

**A Student Guide to Understanding Your Rights and
Responsibilities under IDEA
Pre/Post Test
Answer Guide**

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 - Reach the age of 18
 - ✓ Reach the age of 21