

# **Special Education in Plain Language**

**A User Friendly Handbook on Special Education  
Law, Policies and Practices in New York**

Created and provided by the  
Special Education Taskforce

[www.nyspecialtaskforce.com/](http://www.nyspecialtaskforce.com/)

This Guide contains general information and does not constitute individual legal advice about your situation. You should consult with an attorney for individual legal advice about your situation and to find out how this information applies to your situation.

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## **PREFACE**

The Special Education Taskforce is comprised of over 200 parent advocates, school district staff, attorneys and other individuals who specialize in Special Education Law, and work collaboratively to ensure that children with disabilities are educated in the least restrictive setting and receive a free and appropriate education. The Special Education Taskforce works to assure that families and school personnel have the knowledge and skills to enable them to effectively assist students with disabilities. To this end, this publication was developed to help families and educators to work collaboratively in supporting students with disabilities throughout their school years.

Parents and family members are important partners, along with school district personnel, in the education of children with disabilities. Parents provide necessary information to teachers and administrators, play an important role in decisions made about their children and parents participate as a full member of the Committee on Special Education. In order for families to have a meaningful role in their children's education they must understand their rights and responsibilities in special education.

This publication provides information for parents and families about laws, regulations, and policies affecting special education programs and services. Our hope is that through the use of this publication parents, families and school districts will collaborate together in order to help students reach their full potential. Developing this publication has taken the collaborative efforts of many dedicated individuals, organizations and school district personnel. This document is a reflection of the collaboration that is possible when schools and advocates, administrators and families work together to meet our obligation to students with disabilities.

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## GENERAL INFORMATION

This publication includes imbedded citations to New York State and Federal education laws and administrative decisions from the New York Office of State Review and the New York State Commissioner of Education.

- **Citation to New York State Education Law:**

The NY Educ. Law Article 85 and 89 can be found at <http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS>.

- **Citation to New York State Commissioner's Regulations:**

The Commissioner's Regulations can be found at Title 8 of the State of New York Codes, Rules and Regulations Part 200 and 201 (8 NYCRR 200-201). For a copy of these regulations please go to New York State Education Department (NYSED) web-site or <http://www.vesid.nysed.gov/specialed/publications/lawsandregs/coverpage.htm>

- **Citation to Family Educational Rights and Privacy Act:**

This publication includes citations to the Family Educational Rights and Privacy Act, 20 U.S.C.A. 1232 g (1974) and its implementing regulations at 34 C.F.R. 300.613(2006) and 34 C.F.R. 99 (2008). For a copy of these regulations please go to <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

- **Citation to State Review Officer Decisions:**

The State Review Officer's written decisions may be found at <http://www.sro.nysed.gov/>

- **Citation to New York State Commissioner of Education Decisions:**

The Commissioner of New York State Education Department decisions may be found at <http://www.counsel.nysed.gov/Decisions/>

## THE SPECIAL EDUCATION PROCESS

### What is Special Education?

Special education means specially designed individualized or group instruction or special services or programs to meet the unique needs of students with disabilities. Special education services and programs are provided at **no cost** to the parent. *8 NYCRR 200.1 (ww) \* please see page 5*

### What are the steps in the Special Education Process?

#### Step 1: Initial Referral for Special Education Services

Students suspected of having a disability are referred to a multidisciplinary team called the Committee on Preschool Special Education (age 3– 5) or the Committee on Special Education (age 5-21). *8 NYCRR 200.4 (a)*

#### Step 2: Individual Evaluation Process

The Committee arranges for an evaluation of the student's abilities and needs. *8 NYCRR 200.4(b)*

#### Step 3: Determining Eligibility for Special Education Services

Based on evaluation results, the Committee, which includes the child's parent, decides if the student is eligible to receive special education services and programs. *8 NYCRR 200.4 (c)*

#### Step 4: Individualized Education Program (IEP)

If the child is eligible to receive special education services, the Committee develops and implements an Individualized Education Program (IEP). The IEP is a document that describes the student's needs, the special education supports and services the student will receive, and the student's year long goals. The Committee must also determine the student's placement, ensuring that services are provided in the least restrictive environment (LRE). Placement must be as close as possible to the student's home, and unless the student's IEP requires some other arrangement, the student must be educated in the school he or she would have attended if not disabled. *8 NYCRR 200.4 (d)(2); 8 NYCRR 200.4 (d)(4)(ii)(b)*

#### Step 5: Annual Review/Reevaluation

The Committee must review the IEP at least once a year (annual review). The student must be reevaluated at least once every three years. *8 NYCRR 200.4(f); 8 NYCRR 200.4(b)(14)*

Timelines are in place so that delays are avoided. (See Page 15) Parents are an integral part of this process and their involvement is strongly encouraged.

