

Making Education Work for Your Child

This chapter has information on how
to plan for your child's education.

Here you will find:

- **A description of your child's legal rights in the education system**
- **Information about educational services for your child from birth to age 22**
- **A guide to creating your child's educational and health care plans**
- **Resources to help your child succeed in school**



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Your Child's Legal Rights

There are four major laws that relate to children with special needs and education. These laws are about the accommodations, the instruction, and the services your child may receive in school.

1) IDEA: Individuals with Disabilities Education

Act is the federal special education law. It provides services to students with disabilities when their disability (or disabilities) affects the student's educational progress.

Part B of IDEA makes sure that eligible students with disabilities ages 3-21 receive a free and appropriate public education. IDEA makes sure that supports and services are provided for your child in the least restrictive environment.

Part C of IDEA makes sure that children age 0-3 who have, or are at-risk for having, a disability or developmental delay are provided with special services to help care for these needs. These are infants and toddlers who develop differently, or at a slower rate than most other children. These services are called Early Intervention (EI). (See page 73 for more on EI.)

The Least Restrictive Environment (LRE)

The LRE is a term that means that a child should be educated in the same classroom and school as he or she would be educated in if he or she did not have disabilities.

A child is removed from the general classroom setting only if he or she is not able to succeed there with special services. If your child cannot attend his or her neighborhood school, he or she may go to another public school where there are more special services. If needed, your child may need to attend a separate public or private school. If your child cannot attend school at all for medical reasons, then your school system must provide education services either at home or in the hospital.

2) Massachusetts Special Education Law and Regulations (formerly known as Chapter 766) is the state special education law in Massachusetts. This law requires public school systems to provide a free and appropriate education for all eligible children with disabilities from the ages of 3 through 21. Special education should be provided in the least restrictive environment possible. The Massachusetts special education law is related to IDEA, the federal special education law.

Not all children with special health care needs are entitled to or require special education. An evaluation process must take place to determine if a child is eligible.

A child is eligible for special education if:

- the child's disability falls into one of the Massachusetts disability categories **and**
- the child is not making effective progress in school because of his or her disability.

If the school's educational team (including the parent as a member) decides that your child's disability affects the way he or she learns, then the school must work with you and other members of an evaluation team to develop an Individualized Education Program (IEP). (See page 79 for more on developing an IEP.)

3-4) The Americans with Disabilities Act (ADA) and **Section 504 of the Rehabilitation Act of 1973** are federal laws. These laws protect the rights of people with disabilities from discrimination. The ADA and Section 504 laws make sure that plans are made to address your child's special health needs in any program that uses federal funds. This means your child will receive special services to care for his or her needs in any public childcare center and school. For example, if your child uses a wheelchair, plans are made to make sure that the school is wheelchair-accessible. If your child takes medications during school hours, plans are made for a school nurse to give medications.

Tip:

If you ever feel that your rights or your child's rights are being ignored, speak up to your child's educational team.

Early Intervention: Services for Your Child from Birth to Age 3

If your child is under 3 years old, he or she might be eligible for Early Intervention (EI) services. EI is a program for infants and toddlers who currently have, or are at risk of having, a developmental delay. (That is, children who develop differently or at a slower rate than most other children.) These developmental concerns may be due to many reasons, including environmental reasons.

EI uses a family-centered approach—that is, focusing on the whole family, not just the child. EI helps families recognize and understand their child’s particular developmental needs, and learn different ways to help their child.

Examples of children who may be eligible for EI services include children who:

- Are born prematurely (less than 32 weeks)
- Have feeding, vision, or hearing problems
- Are slow to sit up, stand, walk, talk or do things for themselves
- Have behavior or attention difficulties
- Are born with a disability or health condition that affects their development

If you think your child might need EI services, discuss your concerns with your child’s primary care provider (PCP). A free developmental evaluation can be scheduled to determine whether your child would benefit from, and is eligible to receive, EI services.

Parents may also refer their child for an EI evaluation themselves. Contact Massachusetts Family TIES at 800-905-TIES (8437), 617-624-5992 (TTY), or visit www.massfamilyties.org to find the EI program nearest you.

Who pays for EI?

The Massachusetts Department of Public Health and health insurance plans usually pay for EI services. Families are required to pay an Annual Cost Participation Fee for Early Intervention services. This fee is based on family size and income. Call the Member Services Representative at your health plan for more information on EI services.

Your Child's Early Intervention "Team"

Your child's EI "Team" may include:

- Speech therapists
- Physical therapists
- Occupational therapists
- Nurses
- Psychologists
- Social workers
- Developmental educators
- Teaching assistants

You, as the parent, must be a part of the team. Together with families, the EI team decides what type of developmental help would be most useful for your child. This information is used to create an Individualized Family Service Plan (IFSP).

You, as the parent,
must be a part of
the team.



The Individualized Family Service Plan (IFSP)

An Individualized Family Service Plan (IFSP) is created for every child enrolled in Early Intervention (EI). EI staff works with the family to develop it. The IFSP includes assessments of the child and descriptions of both family needs and strengths. It also lists all the education, training, therapy and support services the child and family will receive and who will deliver these services.

If you believe that your child will have ongoing special education needs, you should request a special education referral at least 6 months before your child's 3rd birthday. Contact the school district in your city or town to request a special education referral. This referral can help your child transition from EI to the education system at age 3.

Tip:

Keep copies of your child's IFSP with other care plans in *Chapter 3* of this book.

Preschool Age 3-5

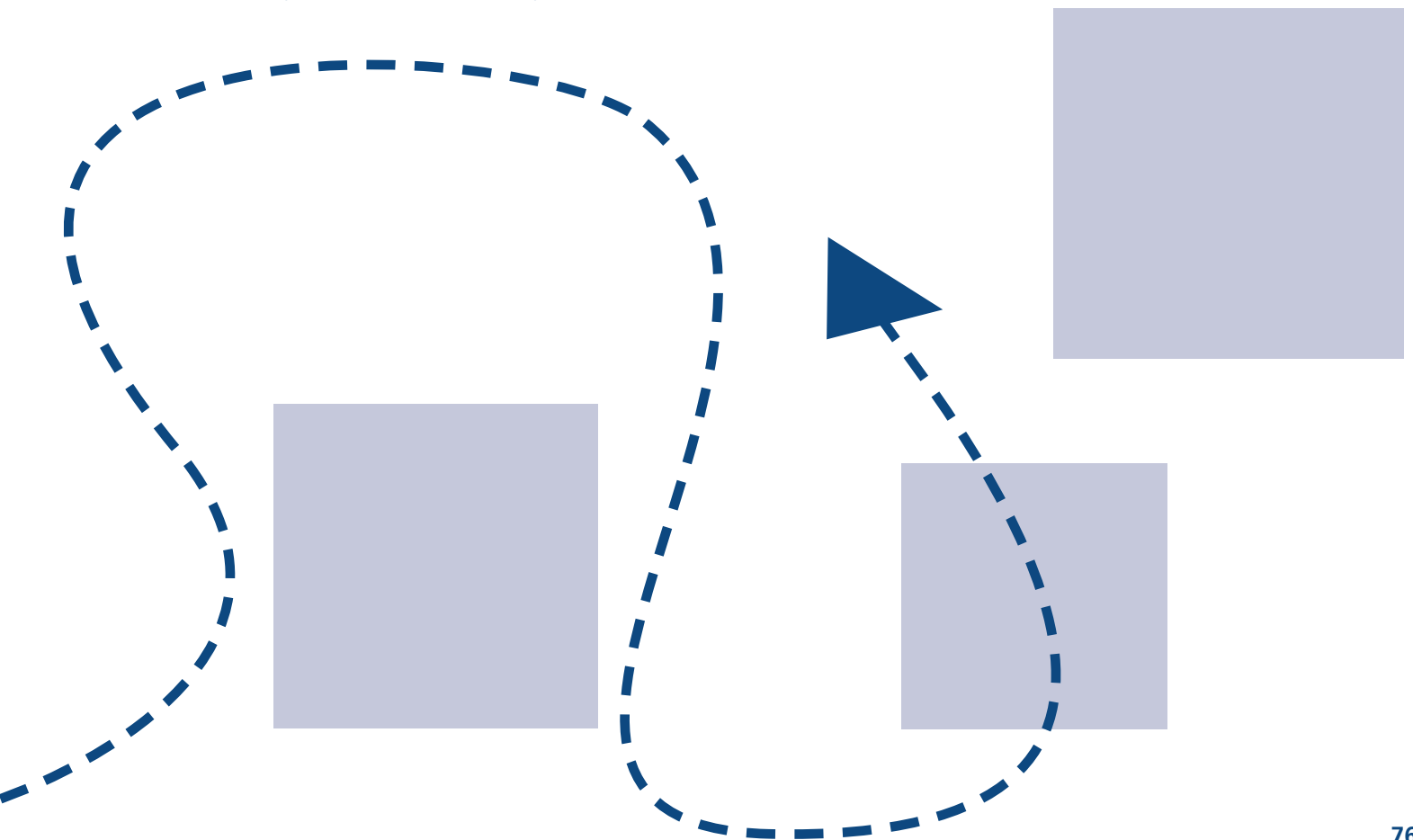
Preschool-age children with disabilities are eligible to receive a free and appropriate public education in the least restrictive environment. Make a referral for an evaluation for preschool services if:

- Your child has received Early Intervention services
- You think your child will need additional services when he or she turns 3

Any child who is found eligible for special preschool services must have an Individualized Education Program (IEP) or Individualized Family Services Plan (IFSP) set up by their 3rd birthday.

Make sure the referral for an evaluation for preschool services is made at least 45 school working days before your child's 3rd birthday.

Contact the school district in your city or town to learn more about Early Learning Services for children age 3-5. Ask to speak with the Administrator of Special Education at your school district. You may also contact the Massachusetts Department of Education at 781-338-3300 or visit www.doe.mass.edu.



Services for Your School-Aged Child

If your child has significant medical needs, the education plan may be just one of many concerns. Here are steps that can help you address health and safety needs in school:

- **Contact the school's principal, special education director and school nurse 3-6 months before your child is scheduled to enter the school.** Schedule a meeting to introduce yourself and discuss your child's needs.
- **Provide the school nurse with health care information** about your child, including a copy of your **Emergency Information Form for Children with Special Health Needs** from *Chapter 1*.
- **Work with your child's primary care provider (PCP), specialist, and/or school nurse to develop a list of everything your child needs on a daily basis to go to school.**
- **Contact MASSTART for help developing your child's Individualized Health Care Plan (IHCP) and Emergency Response Plan.** (See page 82 for more about an IHCP. See *Chapter 4* for more on developing an Emergency Response Plan.)

MASSTART (Massachusetts Technology Assistance Resource Team) is a free program that provides consultation services for children with special health needs who are in school. MASSTART helps children who use medical technology (like a feeding tube, oxygen, ventilator, etc.) to safely attend school.

See the **State Agencies** section of the **Family TIES Resource Directory** for information on MASSTART vendors in your area. For more information, contact the Massachusetts Department of Public Health at 800-882-1435 (in MA only), 508-792-7880, 617-624-5992 (TTY), or visit www.mass.gov/dph/fch/masstart.

Services for Your School-Aged Child

- **Request a meeting between you, your child's PCP, and the school nurse.**
The school nurse will probably be your child's health care coordinator at school. This meeting will provide an opportunity to develop an Individualized Health Care Plan (IHCP) for your child. An IHCP explains all of your child's daily needs, lists the staff that will be working with your child, and reviews possible health problems and solutions.
- **If your child is receiving special education, request that your child's IHCP be attached to the Individualized Education Program (IEP).**
- **Contact your child's teacher and/or evaluation team leader** if your child must be away from school due to illness, including hospitalization. He or she will help plan for your child's education during this time.
- **If your child is hospitalized, send a copy of the discharge summary to the school nurse.** Also, tell the nurse if your child's health needs change.

Tip:

When going to a meeting at your child's school, think about bringing someone with you to provide support. If possible, bring a family member, friend, or advocate.

The Individualized Education Program (IEP)

According to state and federal special education laws, all children who have been found eligible for special education must have an Individualized Education Program (IEP). The IEP is a written plan that describes exactly what special educational services and accommodations your child will receive. It must be reviewed every year.

Your child's IEP is developed by a team of people at the school and includes the parent as part of the IEP Team.

The IEP should include:

- A report on how your child is doing in school.
- A list of your child's strengths and areas to improve.
- A vision statement – your and your child's hopes and goals.
- Measurable educational goals for your child and a plan for achieving those goals.
- Specially designed teaching and/or services your child needs to help reach those goals. The expected start and end dates for these services should be included (such as speech, occupational and physical therapies, in-school private duty nursing, assistive technology, and other services to be provided at school).
- The amount of time during the school day your child will spend in regular and/or special education activities.
- Beginning at age 14, a description of special instruction that will help your child transition from school to adult life activities when ready.

After the IEP is developed, the IEP Team decides on the placement for your child that is most able to provide the services identified in the IEP. This placement decision should be the least restrictive environment possible.

Throughout the school year, you are entitled to receive regular progress reports to tell you if your child is making progress towards his or her IEP goals.

Tip:

Keep copies of your child's IEP with other care plans in *Chapter 3* of this book.

Your Child's IEP "Team"

If your child is eligible for special education, you will meet together with a group of people to develop the Individualized Education Program (IEP). This group is usually called the IEP "Team." The IEP is reviewed each year, but you can ask the IEP Team to meet at any time if you think a change might be needed.

You have the right to invite anyone else you like, such as a state agency case manager, a special education advocate, a family member, or a friend to participate in "Team" meetings.

Tip:

According to law, your child has a right to participate in Team meetings starting at age 14, but he or she may start earlier.

You, as the parent, are an important member of the IEP Team.

The "Team" may also include:

- Your child
- Your child's teachers
- The principal
- The school nurse
- The special education director or team leader
- Speech, occupational and physical therapists
- A guidance counselor or school psychologist
- Other providers (such as your child's primary care provider (PCP) or therapist)

For more information about IEPs or special education, call the Massachusetts Department of Education at 781-338-3300, visit www.doe.mass.edu/sped, or contact the special education department in your child's school system. You may also contact the Federation for Children with Special Needs at 800-331-0688 or visit www.fcsn.org.

504 Plan

A 504 Plan helps a child with special health care needs to fully participate in school. Usually, a 504 Plan is used by a general education student who is not eligible for special education services. A 504 Plan lists accommodations related to the child's disability and required by the child so that he or she may participate in the general classroom setting and educational programs. For example, a 504 Plan may include:

- Plans to make a school wheelchair-accessible
- Your child's assistive technology needs during the school day
- Permission for your child to type assignments instead of writing them by hand
- Permission for your child to hand in assignments late due to illness or a hospital stay

Your child may be eligible for accommodations under a 504 Plan if he or she has a physical or mental health disability that limits one or more major life functions. A 504 Plan is supported by the federal civil rights law, Section 504 of the Rehabilitation Act of 1973 (see page 72). A 504 Plan is to be provided in programs that receive federal funds, such as public schools.

Generally, the 504 Plan can be an option for a child if there is no identified need for an Individualized Education Program (IEP). The accommodations listed under a 504 Plan are specifically tailored to the child's needs in school, and are sometimes no different than those found in an IEP.

Each school is required to have a Section 504 Coordinator. Developing any plan requires working together as a team. Work with your child's school nurse, primary care provider (PCP), and the Section 504 Coordinator to create a 504 Plan.

In developing a 504 plan, the process should include:

- A school evaluation
- A letter from your child's PCP describing the disability, related problems, and needed medications and/or treatments
- Identification of the accommodations to be provided – physical and instructional
- Your child's Individualized Health Care Plan (IHCP)
- A copy of the **Emergency Information Form for Children with Special Health Needs** from *Chapter 1*.

Tip:

If you are having trouble creating a 504 Plan or getting appropriate accommodations for your child, contact the US Department of Education's Office for Civil Rights at, 617-223-9662, 617-223-9695 (TTY), or visit www.ed.gov/about/offices/list/ocr/index.html.

Keep copies of your child's 504 Plan with other care plans in *Chapter 3* of this book.

The Individualized Health Care Plan (IHCP)

Every child with special health care needs in school should have an Individualized Health Care Plan (IHCP). An IHCP helps to make sure your child receives the health services he or she needs during the school day.

There is no law that says your child has a right to an IHCP. If your child has a specific health problem, you should ask for an IHCP.

People who may help create your child's IHCP include:

- You
- Your child (when appropriate)
- The school nurse
- Other members of the school staff
- Health care providers
- Staff from community support services (when needed)
- The MASSTART vendor in your area (when appropriate)

Contact your child's school nurse first. Schedule a meeting with the nurse to develop the plan. It is very helpful to involve your child's primary care provider (PCP). He or she can give the school nurse all the necessary medical information and specific doctor's orders for your child. If your child is eligible for special education, ask your child's school nurse to work together with the Special Education Administrator to make sure that services are coordinated.

The Individualized Health Care Plan (IHCP)

Your child's IHCP should include:

- The health services your child should receive at school.
- When, where, and how the health services will be provided.
- Who will provide the health services.
- Information about your child's transportation needs, including any special needs when taking field trips.
- An **Emergency Response Plan** that lists possible emergencies and what to do – this plan should be discussed with all school staff and the local Emergency Medical Services (EMS) providers. (See *Chapter 4* for more on the Emergency Response Plan.)
- A copy of the **Emergency Information Form for Children with Special Health Needs** from *Chapter 1*.

The IHCP should be reviewed and updated whenever your child's medical condition changes. It is very important that you notify the school nurse immediately when changes happen.

The IHCP should be kept in your child's school record. If your child receives special education, ask to have the IHCP attached to your child's IEP. That way the people who provide health care services and the people who provide education services can coordinate care for your child.

Tip: Keep copies of your child's IHCP with other care plans in *Chapter 3* of this book.

Tip: Have your child's school staff conduct an emergency drill to make sure that the **Emergency Response Plan** works.

Key People to Help with Your Child's Educational Needs

- **Members of your child's school Early Intervention or Individualized Education Program "Team"** (if your child is eligible for special education).
- **Your child's primary care provider (PCP).** If the PCP is unable to attend meetings, ask him or her to make contact with your child's school nurse.
- **Care Coordinators or Case Managers** from your community, the Massachusetts Department of Public Health, or another state agency.
- **The MASSTART vendor in your area.** Contact MASSTART at 800-882-1435 (in MA only), 508-792-7880, or visit www.mass.gov/dph/fch/masstart.

It is important to identify who will make decisions and provide care or services to your child while in school. This information should be part of your child's Individualized Health Care Plan (IHCP) and/or Individualized Education Program (IEP). For example, if your child needs one-on-one nursing care while at school, be specific about who will be responsible for coordinating that care. No changes should be made to an IHCP or IEP without your written approval.

It is also important to identify back up staff in case the school nurse or caretaker is absent. Back-up staff need training and should be familiar with your child's IHCP.

School nurses must follow specific rules. There are some types of health care that can only be performed by the school nurse. Non-health professionals may perform other types of care. Discuss your child's specific care needs with the school nurse.

Some schools and families arrange for the parent to come to the school to care for their child if the school nurse is absent. You do not have any legal obligation to act as back-up staff. It is your choice if you wish to do so.

Tips on Building a Relationship with Your Child's School or Child Care Center

- **Become active in the school's Parent-Teacher Association (PTA), Special Education Parent Advisory Council (SPED PAC), or other school organizations and events.** Join the statewide SPED PAC listserv on the Internet. Contact your local public school Administrator of Special Education, call the Massachusetts Association of Special Education Parent Advisory Councils (MASSPAC) at 617-962-4558, or visit www.masspac.org to learn more. Your local SPED PAC may have a listserv that you can join too.
- **Visit or talk to your child's teacher(s) and principal often.** Set up regular times to talk with the teacher and principal (by phone or email, if not in person). If needed, use a communication notebook that stays and goes back and forth from home to school. You and your child's teacher can keep in touch by writing down important information on the notebook.
- **Offer to give a training session to the school nurse and other school staff about your child's special needs.** This will give you a chance to answer questions about your child's care needs, procedures, medication and/or equipment.
- **Help organize a Disability Awareness Training at your child's school.** This is a way to provide some education for other children, teachers, and parents. Encourage the school to buy special picture books, dolls, puzzles, and toys to keep in your child's classroom to teach students about disability issues. Learn about Disability Awareness at www.masspac.org.
- **Ask your child's teachers to suggest activities to do at home that will support and strengthen your child's progress at school.**
- **Volunteer as a "classroom parent."**

(Adapted from Working Toward a Balance in Our Lives: A Booklet for Families of Children with Disabilities and Special Health Care Needs. Project School Care, Children's Hospital. Boston: Harvard University, Office of the University Publisher, 1992.)

Education Resources

The following publications (and others) are available from the Massachusetts Department of Education (DOE).

You may order free copies by calling 781-338-3375 or download them from www.doe.mass.edu/sped/publications.html

Parent's Rights Brochure

(English and Translated Versions)

The Parent's Rights Brochure is designed to help parents understand the special education process and the rights of parents when their child has been referred for or is receiving special education services.

A Parent's Guide to Special Education

This guide was written together by the Federation for Children with Special Needs (FCSN) and the Massachusetts Department of Education. It was developed to serve as a resource for parents and the organizations that serve them. This guide is also available from FCSN by calling 800-331-0688 or downloading it from www.fcsn.org. It is available in English, Spanish, and Portuguese.

Is Special Education the Right Service?

This booklet offers guidance on how to make sure that the education environment is responsive. It includes guidelines to assist professionals and parents in identifying students with disabilities.

Individualized Education Program (IEP) Process Guide

This guide was developed to lead a person through the IEP process.

IEP Forms and Notices

These are the forms and notices used for the IEP process.

Assistive Technology Guide for Massachusetts Schools

This guide provides information to school districts in providing assistive technology devices and services to students with disabilities.

Assistive Technology Devices and Services for Students with Special Needs

This guide provides information to school districts and families regarding the availability of, access to, and payment mechanisms for assistive technology devices and services.