

SPECIAL EDUCATION WINTER NEWSLETTER  
FOCUS: ELIGIBILITY FOR SPECIAL EDUCATION

I am often asked by parents and outside professionals, “How do we get an IEP?” I am writing this newsletter to shed light on this process.

An IEP is an Individualized Education Program that serves as a contract between the parents and the school district to outline the services and accommodations the school will provide. The IEP describes the disability and the goals and benchmarks the school will work on for one year to help the student make progress. Schools cannot provide services without signed parent (or student) consent. Students who are 18 years or older must sign the IEP unless they have agreed to delegate their educational signing rights to their parents, or unless someone has legal guardianship.

In order to be eligible for an IEP, students must be between the ages of 3 and 22, have a documented disability, have demonstrated a lack of progress because of the disability, and must require specialized instruction or related services to make progress. Students who have graduated with a diploma are not eligible for an IEP, but may receive services and accommodations through a 504 plan, through their college, or through an adult agency service such as Mass Rehab or Department of Developmental Services (DDS).

Specialized instruction is a methodology or certain way of teaching that often cannot be done in a large group or by a general education teacher. This may include small group, multi-sensory instruction or a specific reading methodology such as Orton-Gillingham. Related services include special transportation (small bus, monitor etc.), occupational therapy, speech and language, or physical therapy.

Special education services are regulated by the federal government under IDEA (Individuals with Disabilities Act) and under state regulations (often referred to as Chapter 766). In Massachusetts, we must specify one of the following disabilities:

- Specific Learning Disability (includes dyslexia)
- Communication (evaluated by a speech and language therapist)
- Physical Disability
- Autism
- Emotional Disability (the federal equivalent is “Seriously Emotionally Disturbed”)
- Neurological (includes Traumatic Brain Injury)
- Intellectual Impairment (formerly called Mental Retardation)
- Health (including ADHD)
- Sensory Impairment- Vision (Blind)
- Sensory Impairment –Hearing (Deaf)
- Sensory Impairment- Deaf-Blind
- Developmental Delay (can only be used for ages 3-8)

Please note that “Non-verbal Disability”, “Executive Functioning” and “Sensory Processing” are not recognized disabilities by the Department of Elementary and Secondary Education (DESE). However, these symptoms may be correlated with another type of disability. For example, many students with ADHD have executive functioning issues and many students with autism have sensory

issues. For more information regarding disabilities and their definitions, please see the DESE website: <http://www.doe.mass.edu/sped/definitions.html>

As a parent, if you have concerns about your child, you should approach the teacher first. There are many approaches and interventions that a general education teacher can provide to assess and help remediate a learning difficulty. In many schools, we are providing assessments, progress monitoring and interventions through Multi-Tiered System of Supports (MTSS, formerly called RtI or Response to Intervention). The focus can be on academics, particularly reading, or on behavior. MTSS is a preferred approach, because elementary aged students often do not show a large enough gap between their cognitive and academic achievement scores to demonstrate a learning disability. Yet, students with dyslexia or other learning disabilities often demonstrate very slow growth or responses to specialized interventions. Instead of testing students, this MTSS/ RtI process can be used to intervene early with students to remediate learning problems, and can identify a learning disability.

If you are concerned about mental health or ADHD, you should also contact the school counselor. He or she may be able to complete an assessment, provide counseling in school and/or provide referrals to a mental health agency. The school counselor is often the 504 liaison for students with disabilities (often medical, mental health, or ADHD disabilities). Students may be referred for an evaluation for a 504 plan, rather than an IEP, when there is a suspected disability for which a student may need accommodations, but not specialized instruction. An example of this is a student with ADD who needs accommodations such as copies of notes, frequent reminders and additional time for testing.

So, you are probably thinking... “How do we get that IEP?” At any point as a parent or guardian, you can ask for an evaluation for an IEP. If you do not want to proceed with the MTSS process, you may contact your school counselor, or the Office of Special Services to request an evaluation. Once we receive your signed consent for the evaluation, we have 30 school days to complete the evaluations, and we must meet as a TEAM to have an initial eligibility meeting within 45 school days. At the meeting, we will determine whether the student has a disability, whether the student has made effective progress, and whether the student needs specialized instruction. If eligible, an IEP will be created and services will be provided upon your written consent. It is important to note, that an IEP cannot cure a disability; however, the IEP serves as a blueprint for goals and services to help reduce the impact of the disability.

You may be thinking, “What if we do not get an IEP?” First of all, that may be very good news—your child does not have a disability, or your child is making effective progress! On the other hand, you may be worried that your child needs help and you do not want your child to “fall through the cracks.” Again, talk to your child’s teacher or counselor. Teachers will continue to monitor and assess your child’s progress. NES and NIS have Title 1 teachers in the area of math and reading to provide interventions to under-performing students without being on a plan. Counseling services can also be provided without an IEP or 504 plan. If your child does have a disability, he or she may be eligible for a 504 plan. If your child does not have a disability, the school may provide a District Curriculum Accommodation Plan (DCAP). We want to provide your child with support and guidance in order to be successful, whether or not the child is on a plan.

I hope this provides information about the special education eligibility process. If you have any questions, you may contact us at the Office of Special Services. We are here to help!

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