

# SPECIAL EDUCATION SERVICES **FOR** **STUDENTS**

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ADVOCATING FOR STUDENTS TO RECEIVE  
SPECIAL EDUCATION SERVICES



**GEORGIA APPLESEED™**  
*Center for Law & Justice*

# Special Education Services for Students

## ADVOCATING FOR STUDENTS TO RECEIVE SPECIAL EDUCATION SERVICES

Special education evaluations and services are essential for identifying and addressing the unique learning needs of students with disabilities so that they can succeed in school.

Students who receive special education services have enhanced protections against school disciplinary proceedings through a process called a Manifestation Determination Review. If you are going through that process, refer to Georgia Appleseed's Manifestation Determination Review materials at [www.gaappleseed.org](http://www.gaappleseed.org).

If you would like Georgia Appleseed's assistance in obtaining special education services for your student, please complete our referral form at [www.disciplinehelp.org](http://www.disciplinehelp.org).

### Step One:

#### Learn about options for students with disabilities

- If your student has a disability that impacts their education, they may be eligible for special education services. Learn more about common disabilities that often affect learning at [www.gaappleseed.org](http://www.gaappleseed.org).
- There are two Federal statutes that govern special education services: the Individuals with Disabilities Education Act (IDEA), and Section 504 of the Rehabilitation Act of 1973. Each provides for two ways to support students with disabilities -- an **Individualized Education Program (IEP)**, and a **504 Plan**.

Feature	IEP	504 Plan
Focus	Providing targeted special education services	Removing barriers to learning in the general classroom setting
Legal Basis	Individuals with Disabilities Education Act (IDEA)	Section 504 of the Rehabilitation Act of 1973
Eligibility Requirements	Qualifying disability impacting education (more limited)	Impairment that substantially limits major life activities (broader)
Supports	Specially designed instruction, annual goals, progress tracking	Accommodations, services, and assistive technology

## Step Two

### Request a referral for special education services

- If the school or a parent believes the child needs special education services, a parent or guardian can give consent for the child to be evaluated.
- The school will conduct a psycho-educational evaluation of the student, but can conduct additional evaluations such as for assistive technology, functional behavior, occupational therapy, speech therapy, and physical therapy.
- The evaluation and determination of eligibility must occur within 60 calendar days of the parent giving written consent for the evaluation (not including periods where school isn't in session for more than five consecutive days.)

## Step Three:

### Determine eligibility

- The child is determined eligible for special education and related services when they have a disability that adversely impacts their educational performance.
- To be eligible under IDEA, the child's disability must fall under one or more of the categories in the Table 1 in yellow at top right.
- Every three years, the school will again assess the child's eligibility, with a new eligibility meeting and evaluation.

### Table 1: Categories of Disability Under IDEA

- intellectual disability
- hearing impairment
- speech or language impairment
- visual impairment
- serious emotional disturbance, including ODD (Oppositional Defiant Disorder)
- orthopedic impairment
- autism
- traumatic brain injury
- specific learning disabilities
- other health impairment, including ADD (Attention Deficit Disorder) or ADHD (Attention-Deficit/Hyperactivity Disorder)

## 504 Plans

*Note:* These next steps are about the IEP Process. However, your child may be eligible for a 504 Plan instead of an IEP.

- A 504 Plan provides accommodations for students with disabilities within the general classroom setting. Examples include more time to complete tests, seating arrangements, or assistive technology.
- The term "disability" is defined more broadly in a 504 plan as "a physical or mental impairment that substantially limits one or more major life activities of the individual."
- For a child to get a 504 plan, they must be evaluated for one. The process is similar to how you request one under IDEA.

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## Step Four

### Attend the IEP meeting

- Once a child is found to be eligible for special education services, the school must hold an IEP meeting within 30 days.
- Meeting attendees must include the student, the student's parent or guardian, a special education teacher, a general education teacher, and a representative of the *Local Education Authority* (typically the school district).
- To prepare for an IEP meeting, parents/guardians should request copies of all the data the school has collected on the student.
- The IEP team completes or updates the IEP each year. The school should give parents a draft copy of the IEP prior to the IEP meeting, and must provide the new IEP at meeting conclusion.
- The IEP plan is developed during the meeting and outlines the student's:
  - **present levels of performance** (the starting point for the IEP), which describes the child's current academic, social, and physical abilities, strengths, and weaknesses;
  - **annual goals** that are tailored to the student, measurable, and feasible to complete in one year;
  - **supports and accommodations** they will receive; and
  - **placement**, or where the services will be provided, i.e. home school, a separate classroom, or a specialized school.

**TIP** Do not leave the IEP meeting without a copy of the IEP.

- The IEP plan is designed to provide a free appropriate public education in the *least restrictive environment* for the student. This means that students receiving special education services will remain in the same classrooms as other students as much as possible.

**TIP** All the accommodations and supports the student receives must be explicitly listed in the IEP. If the student changes schools, this ensures the supports move with them.

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## Step Five: Appeals

- If you disagree with the IEP, you can file a Due Process Hearing Request with the Georgia Department of Education to have your case be heard by an Administrative Law Judge. You can also file an administrative complaint with Georgia Department of Education.
- You can also file a complaint with the Office of Civil Rights with the Federal Department of Education if you think your students' civil rights have been violated.

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