

Parent Discussion Prompts: Stakeholder Engagement

1. How did you get information about preschool or school-age special education services (Part B)/Early Intervention Service (EIS) providers or programs (Part C) in your State?
2. Describe how your district/EIS program included you in making eligibility decisions under IDEA for your child. What has been your experience?
3. How does your district/EIS program ensure your ability to participate in the IEP/IFSP process?
 - a. Are meetings being scheduled at times and locations that work for you?
 - b. Do you get notice early enough to ensure your opportunity to attend?
 - c. Have you requested a different time, day or location of the meeting and were those requests honored?
4. How have you and your family participated as a team member in the development, review, and revisions to your child's individualized education program (IEP) or your family's Individualized Family Service Plan (IFSP)? Please describe the role you played in helping decide the services included in your child's IEP/IFSP.
5. What training, information, or supports did you receive to participate in the early intervention/special education process for your child?
6. How would you rate the provision of services for your child? Are there any ways you think services could be improved?

The next set of questions are about "your rights" which are also called "parent rights" and "procedural safeguards" under Part C/Part B of the IDEA.

7. How has your district/EIS program helped you understand your rights under IDEA?
 - a. Have you ever asked a question about your rights? How did the LEA staff or EIS provider respond?
 - b. What happens if you don't understand your rights? Who do you turn to for help?
 - c. Do you feel confident and safe discussing your parental rights and concerns about your child with State personnel?
8. Within the last year, have you received a copy of your rights from your school district (Part B) or EIS program (Part C) in your State?
9. Within the past year have you had to file a state complaint, request mediation, or a due process hearing? If so, please tell us about your experience.

The next set of question ask about “non-compliance,” which means that your district/EIS provider or program is not providing the services or accommodations as described in your child’s IEP/IFSP.

10. Have you ever experienced or observed special education services and supports/EI services that you believe were not in compliance with Part B/Part C of the IDEA? (e.g., services not being provided in the correct setting or the identified amount of time, or type of service as outlined on the IEP/IFSP)
11. Has your child received the number and kinds of services as outlined in your child’s IEP/IFSP? Please share your experiences related to receiving services.
12. Has your child ever experienced a delay in receiving services outlined in your child’s IEP/IFSP? Has your child ever been placed on a waiting list for a service in your child’s IEP/IFSP?
13. Has your child every experienced a delay in receiving an evaluation? Has your child ever been placed on a waiting list for an evaluation?

The next question is only applicable for Part C parents in States that do not charge family fees as per the State’s System of Payments policy.

14. Have you ever had to pay a co-pay or towards your deductible for services outlined in your child’s IFSP?

General Terms

Office of Special Education Programs (OSEP). The Office of Special Education Programs (OSEP), located in the United States Department of Education is dedicated to improving results for infants, toddlers, children and youth with disabilities ages birth through 21 by providing leadership and financial support to assist states and local districts.

The Individuals with Disabilities Education Act (IDEA). IDEA is a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children. IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 7.5 million (as of school year 2018-19) eligible infants, toddlers, children, and youth with disabilities.

- **IDEA Part B.** Children and youth, ages 3 through 21, receiving special education and related services under IDEA Part B.
- **IDEA Part C.** Infants and toddlers, birth through age 2, with disabilities and their families receiving early intervention services under IDEA Part C.

Parent Training and Information Center (PTI). The OSEP Parent Training and Information Center (Parent) program is a source of support for families of children with disabilities and youth with disabilities under IDEA. The purpose of the PTI program is to provide parents with training, information and resources that assists families in making informed decisions when choosing educational and early learning options that best meet the needs of their children. Every State in the country has at least one PTI to support families.

Procedural Safeguards (also referred to as Parent Rights). Procedural safeguards, as required under IDEA, are designed to protect the rights of parents and their child with a disability. At the same time, procedural safeguards give families and school systems several mechanisms by which to resolve any disputes. A copy of these procedural safeguards must be made available to the parents of a child with a disability at least once during the school year, as well as (1) upon initial referral or parent request for evaluation; (2) upon receipt of the first State complaint and upon receipt of the first due process complaint in a school year; (3) in accordance with the discipline procedures in in the IDEA; and (4) upon request by a parent.

State Complaint. A state complaint is a letter written to an official state agency to report a violation or problem. Within special education, it's one of several procedural safeguards available under IDEA to resolve disputes between families of infants and toddlers and State lead agencies (Part C), or parents of children with disabilities and the school systems responsible for educating those children (Part B).

Mediation. Each public agency must ensure that procedures are established and implemented to allow parties to resolve disputes through a mediation process involving any matter under Part B or Part C, including matters arising prior to the filing of a due process complaint. A State must not require a due process complaint to be filed before a party can request mediation. This requirement should be explained in the procedural safeguards notice distributed to parents.

Due Process Hearing. A due process hearing is a court-like review process governed by IDEA. A due process hearing is one of the administrative remedies available to parents and school districts to resolve special education disputes.

Compliance. Legal compliance with the IDEA is the process or procedure to ensure that a State follows relevant laws and regulations. Noncompliance refers to when a State, or LEA (Part B) or EIS Provider (Part C) does not follow IDEA's laws and regulations.

IDEA Part B Terms

Child with a Disability. Child with a disability means a child that has been evaluated as having an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as "emotional disturbance"), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, as a result, need special education and related services.

Local Educational Agency (LEA). Local educational agency or LEA means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools.

State Educational Agency (SEA). State educational agency or SEA means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary schools and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

Individualized Education Program (IEP). An individualized education program, or IEP, means a written statement for a child with a disability that is developed, reviewed, and revised by an IEP Team.

Individualized Education Program Team (IEP Team). The IEP Team means a group of individuals that are responsible for developing, reviewing, or revising an IEP for a child with a disability. The IEP Team must include the parents of the child; not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment); not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child; a representative of the public agency who is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; is knowledgeable about the general education curriculum; and is knowledgeable about the availability of resources of the public agency; an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs; at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and whenever appropriate, the child with a disability.

Evaluation. Evaluation means procedures used to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.

Free Appropriate Public Education (FAPE). Free appropriate public education, or FAPE, means special education and related services that are provided at public expense, under public supervision and direction, and without charge. FAPE must meet the standards of the SEA and include an appropriate

preschool, elementary school, or secondary school education in the State involved; and are provided in conformity with an IEP.

Special Education. Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.

Related Services. Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.

Eligibility. Eligibility is based on a comprehensive initial evaluation that includes all of the existing data gathered about the student through the referral process, and any additional assessments needed to determine whether a child is eligible for special education. The initial evaluation report is used to determine what special education and related services the student needs.

IDEA Part C Terms

Lead Agency (LA). Lead agency, or LA, means the State agency designated by the State's Governor that receives IDEA funds to administer the State's responsibilities under part C of the IDEA.

Early Intervention Service (EIS) Provider. EIS provider refers to an entity (whether public, private, or nonprofit) or an individual that provides EI services under Part C of IDEA, whether or not the entity or individual receives Federal funds under Part C. An EIS provider is responsible for (1) participating in the multidisciplinary individualized family service plan (IFSP) team's ongoing assessment of an infant or toddler with a disability and a family-directed assessment of the resources, priorities, and concerns of the infant's or toddler's family, as related to the needs of the infant or toddler, in the development of integrated goals and outcomes for the IFSP; (2) providing early intervention services in accordance with the IFSP of the infant or toddler with a disability; and (3) consulting with and training parents and others regarding the provision of the early intervention services described in the IFSP of the infant or toddler with a disability.

Individualized Family Service Plan (IFSP). Individualized family service plan, or IFSP, means a written plan for providing EI services to an infant or toddler with a disability and their families under Part C of IDEA, that is based on an evaluation and assessment; includes service coordination; and is implemented as soon as possible once parental consent for the EI services in the IFSP is obtained; and is developed in accordance with IFSP procedures.

Individualized Family Service Plan (IFSP) Team. IFSP Team members include the parent or parents of the child; other family members, as requested by the parent; an advocate or person outside of the family, if the parent requests that the person participate; the service coordinator designated by the public agency to be responsible for implementing the IFSP; and a person or persons directly involved in conducting the evaluations and assessments; and as appropriate, persons who will be providing early

intervention services under this part to the child or family. IFSP Team members meet during an initial meeting and annual IFSP Team meeting to evaluate the IFSP.

Early Intervention (EI) Services. EI services means developmental services that are selected in collaboration with the parents; are provided at no cost, except where Federal or State law provides for a system of payments by families, including a schedule of sliding fees; and are designed to meet the developmental needs of an infant or toddler with a disability and the needs of the family to assist appropriately in the infant's or toddler's development, as identified by the IFSP Team, in any one or more of the following areas, including—(i) Physical development; (ii) Cognitive development; (iii) Communication development; (iv) Social or emotional development; or (v) Adaptive development.

System of Payments. If a State elects to adopt a system of payments, the State's system of payments policies must be in writing and specify which functions or services, if any, are subject to the system of payments; including any fees charged to the family as a result of using one or more of the family's public insurance or benefits or private insurance.

Infant or Toddler with a Disability. Infant or toddler with a disability means an individual under three years of age who needs EI services because the individual (1) is experiencing a developmental delay, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: (i) Cognitive development; (ii) Physical development, including vision and hearing; (iii) Communication development; (iv) Social or emotional development; (v) Adaptive development; or (2) Has a diagnosed physical or mental condition that—(i) Has a high probability of resulting in developmental delay; and (ii) Includes conditions such as chromosomal abnormalities; genetic or congenital disorders; sensory impairments; inborn errors of metabolism; disorders reflecting disturbance of the development of the nervous system; congenital infections; severe attachment disorders; and disorders secondary to exposure to toxic substances, including fetal alcohol syndrome.

Evaluation. Evaluation means the procedures used by qualified personnel to determine a child's initial and continuing eligibility under IDEA Part C, consistent with the definition of infant or toddler with a disability. An initial evaluation refers to the child's evaluation to determine his or her initial eligibility for early intervention services.

Assessment. Assessment means the ongoing procedures used by qualified personnel to identify the child's unique strengths and needs and the early intervention services appropriate to meet those needs throughout the period of the child's eligibility. Initial assessment refers to the assessment of the child and the family assessment conducted prior to the child's first IFSP meeting.