

CONTENTS

Foreword	i
Article 7	2
Types of Disabilities	5
First Steps	7
Early Childhood	8
General Education Intervention Procedures	10
Referral	12
Educational Evaluation	14
Case Conference Committee	15
Least Restrictive Environment	18
Services	18
Related Services	19
Transportation	20
High School Credits, Diplomas, Certificates and Graduation	21
Transition and Ongoing Adult Services	21
Educational Placement	23
Due Process	24
Action at Local Level	24
Suspension	25
Expulsion	25
Improving Americas Schools Act (P.L. 103-382)	27
Mediation	27
Complaint Process	28
Due Process Hearing	28
Appeal	30
Parent Advisory Council (PAC)	31
Appendix A. Alphabet Soup	32
Appendix B. Request for Mediation	34
Appendix C. Sample letter - Filing a Complaint	36
Appendix D. Sample letter - Request for Hearing	37
Appendix E. Handbook Task Force	38
Appendix F. Organizations	39

FOREWORD

The COVOH Foundation is dedicated to the promotion of awareness and communication to improve the lives of individuals with disabilities and their families.

In view of these goals, and in keeping with our past activities, we welcome this opportunity to work with the Indiana Department of Education, Division of Special Education, in assisting in the development and distribution of this handbook so that parents, teachers, therapists, school and agency administrators — indeed all citizens — will become more fully informed about Indiana's system of educational programs for students with special needs.

Great progress has been made in Indiana's special education system since the enactment of our 1969 Special Education Law. It is our hope that this handbook will enhance and expand that progress by serving as a guide to promote even greater cooperation, collaboration and communication between home and school.

Article 7 spells out in precise detail the legal rights of these children and their families implicit in our state and federal regulations, but experience tells us that these rights require responsibility and cooperation on the part of both parents and advocates as well as those who provide and administer the programs.

It is only by working together that the needs of our children will be appropriately served.

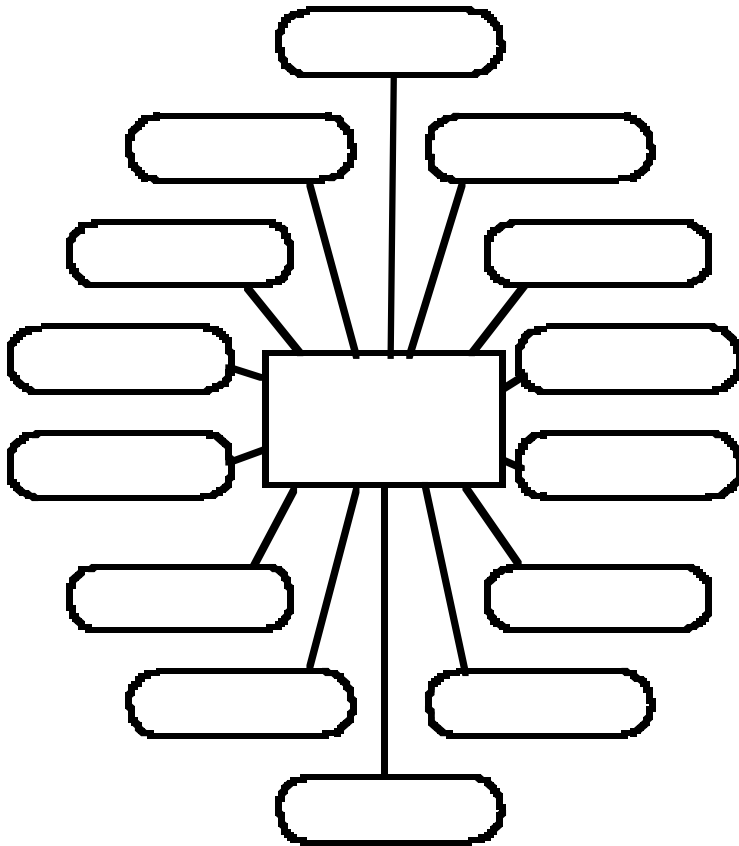
COVOH stands ready to work with parents, teachers, therapists, school and agency administrators toward that end.

Amy Cook Lurvey
COVOH Foundation, Inc. Chairman
(Council of Volunteers and Organizations for Hoosiers with Disabilities;
Projects for Persons with Disabilities)



ARTICLE 7

Indiana's Article 7 provides rules for the operation of special education programs and the provision of related services without charge by the public schools of Indiana, including the Indiana School for the Blind, Indiana School for the Deaf and Silvercrest Children's Developmental Center.



i Special education means instruction specially designed to meet the unique needs of students with disabilities.

ii Related services are those services required to assist a student with disabilities to benefit from special education and include, but are not limited to:

- Transportation;
- Audiology;
- Physical Therapy;
- Occupational Therapy;
- Medical services for diagnostic or evaluation purposes;

- Counseling services;
- Psychological services;
- Recreation;
- Early identification and assessment;
- School health services;
- School social worker services;
- Parent counseling and training; and
- Transition services.

The public schools' basic responsibilities are:

- ï to provide a free appropriate public education for students with disabilities age three (3) through twenty-one (21);
- ï to provide an individualized education program (IEP) for every student in need of special education and related services;
- ï to assure that testing and evaluation materials, procedures and interpretation of results are not biased;
- ï to educate students with disabilities within the least restrictive environment (LRE) appropriate to meet those students' needs;
- ï to protect the confidentiality of the educational records of those students with disabilities;
- ï to conduct a comprehensive search to identify, locate and evaluate students with disabilities from birth through age twenty-one (21); and
- ï to protect the rights of students and parents by providing all procedural safe guards of due process.

The parents' basic responsibilities in securing a free appropriate public education for their student with a disability are:

- ï to give consent for individual educational evaluation and placement for their child;
- ï to participate in the case conference committee (CCC), which includes the development and writing of their child's individualized education program (IEP); and
- ï to cooperate with the school, including attendance at the annual case review (ACR), to make certain that the individualized education program (IEP) continues to be appropriate and is followed.

Article 7 provides rules for assuring that every student with a disability receives a free appropriate public education. For the law to be most effective and help children develop to their fullest potential, it must be implemented through the cooperation of:

- ï parents;
- ï teachers;
- ï specialists;
- ï school administrators; and
- ï community agencies.

The process of developing an appropriate program for each student is sometimes complex. To avoid misunderstanding, both the parents and the school corporation should keep a record of the various telephone calls, meetings and decisions that occur along the way.

For a copy of Article 7, contact the Division of Special Education.

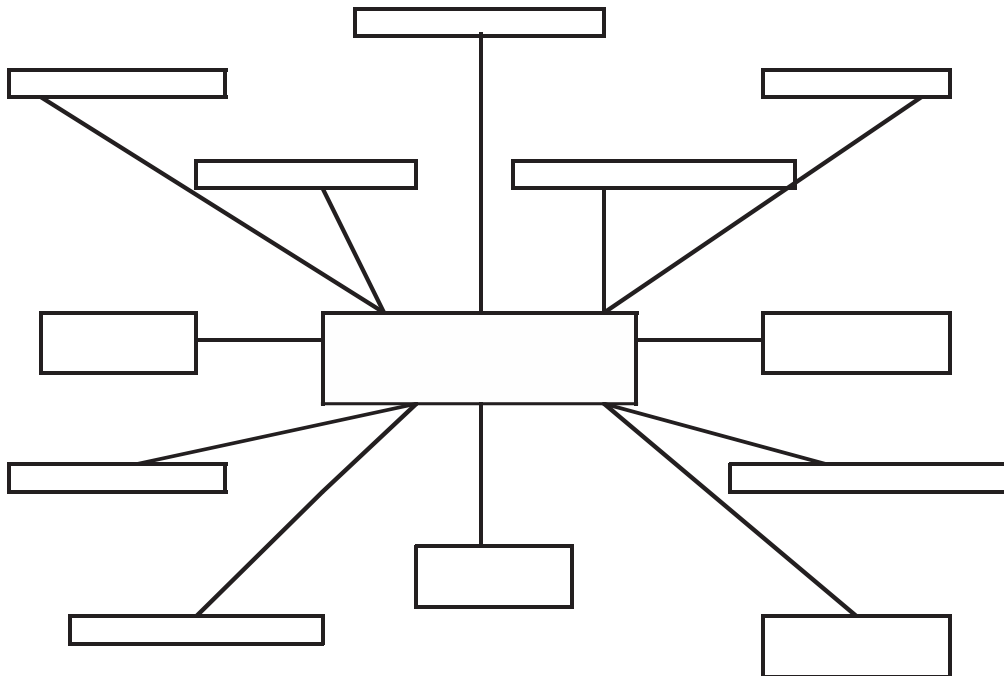


TYPES OF DISABILITIES

A student with **autism** has a developmental disability characterized by impairments in communication, learning and reciprocal social interaction. The disability typically becomes evident in infancy or early childhood.

A student with a **communication disorder** has a communication handicap, such as stuttering, impaired pronunciation, language or voice impairment, which adversely affects educational performance and/or social, emotional or vocational development.

A student with a **dual sensory impairment** has both a hearing and visual impairment, which causes severe communication and other developmental and educational problems.



A student with an **emotional handicap** has an inability to build or maintain satisfactory interpersonal relationships, has inappropriate types of behavior or feelings, or has an inability to learn which cannot be explained by intellectual, sensory or health factors; any or all of which adversely affects educational performance.

A student with a **hearing impairment** which adversely affects educational performance is either deaf or hard of hearing.

A student with a **learning disability** has a disorder in understanding either spoken or written language which results in difficulty in listening, thinking, speaking, reading, writing, spelling or doing mathematical calculations. The student with a learning disability has a severe discrepancy between academic achievement and normal potential which is not the result of visual, hearing or motor handicaps, mental handicap, emotional disturbance or environmental, cultural or economic disadvantage.

A student with a **mental handicap** has below average general intellectual functioning and difficulties with personal inappropriate reasoning and judgment. The severity of the handicap determines whether the student has a **mild mental handicap, moderate mental handicap or severe mental handicap.**

A student with a **multiple handicap** has two or more handicapping conditions which result in problems so complex that services in regular programs or special education programs designed for students with single handicaps will not result in meaningful growth and development.

A student with an **orthopedic impairment** has a physically disabling condition which is determined to be a serious impairment of the student's locomotion or motor functions, and adversely affects educational performance.

A student with **other health impairment** has an impairment which adversely affects a student's educational performance and is manifested by limited strength, vitality, or alertness due to chronic or acute health problems.

A student with a **traumatic brain injury** has an impairment which adversely affects the student's educational performance caused by an external physical force resulting in an impairment of functional ability and/or psychosocial ability.

A student with a **visual impairment** has an impairment which adversely affects educational performance and may be either blind or partially sighted.



FIRST STEPS **(Early Intervention Services for** **Infants and Toddlers)**

First Steps is the program which provides services to infants and toddlers (aged birth to three) with disabilities in Indiana. The First Steps Early Intervention System is administered by the Division of Family and Children, Bureau of Child Development, in the Administration for Family and Social Services. Listed below are some common questions regarding First Steps.

What is the purpose of First Steps?



ï The goal of First Steps is to develop a coordinated, interagency system of early intervention services for all eligible infants and toddlers and their families. Services are intended to support and assist families in meeting the needs of infants and toddlers with disabilities. First Steps is also responsible for Childfind activities - the identification of all children under age three (3) with disabilities. First Steps was authorized by federal law (Part H of the IDEA) and state law.

Who is eligible for First Steps?

ï Children aged birth to three (3) years who have developmental delays or disabilities are eligible for First Steps services.

What services does First Steps provide?

ï First Steps provides for evaluation and assessment to determine if children are eligible and in need of services. Evaluation is provided on request and must be at no cost to parents.

If a child is determined eligible, an individualized family services plan (IFSP) must be developed for each child. The IFSP is a written plan for providing services to a child and the child's family. Families participate in the development of the plan, which may include services such as:

- special instruction for the child;
- parent training;
- developmental therapies;
- certain health services; and
- transportation.

Other services may also be included in the IFSP.

- ï A service coordinator will be provided for each eligible child and family. The role of the service coordinator is to facilitate the provision of appropriate services to the child and the child’s family. Services may include assisting parents in obtaining services, coordinating evaluations and assessments, and other activities.

How can I request First Steps services?

- ï Parents may request services by calling 1-800-441-STEP. Public schools, health care providers and child care providers in your community are part of Childfind activities and can give you information regarding First Steps.

Due Process Procedures

- ï Mediation, Due Process Hearings and Complaint procedures are in place and available to parents of children (birth - age 3) served through First Steps. Contact your local provider or the State First Steps office for specific information.



EARLY CHILDHOOD

The school will provide special education for all students with disabilities on the day of the student’s third birthday through age four (4). Five (5) year old students with disabilities may also be eligible for early childhood special education services if the case conference committee decides it is appropriate. The local school district is responsible for the costs of the special education and related services.

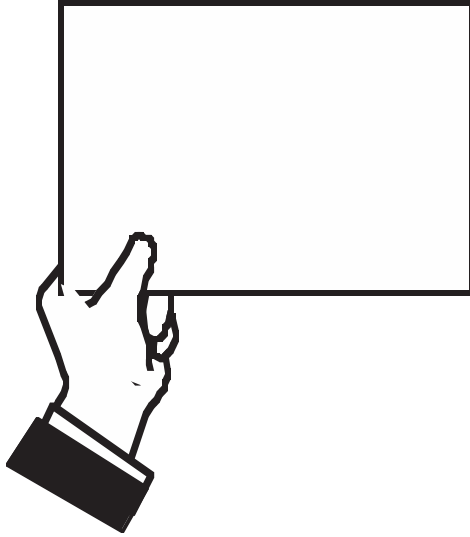
Instruction in early childhood programs can be through:

- ï consultation;
- ï part-time classes;

- ï full-time classes; and/or
- ï homebased instruction.

Services may be provided:

- ï in a local school building; or
- ï through a contract with a public or private agency.



The school district shall have written procedures that ensure the location, identification and evaluation of all students who are from birth through twenty-one (21) years of age who are in need of special education and related services.

In addition, referrals may be made by the parent, public or private agencies, doctors, etc.

The case conference committee determines:

- ï eligibility for early childhood special education;
- ï services required to meet the student's needs; and
- ï length of services up to twelve and one-half (12 1/2) hours of instruction per week.

A full-time early childhood special education class is twelve and one-half (12 1/2) hours per week and classes can not exceed eight (8) students with at least one (1) full-time assistant.



GENERAL EDUCATION INTERVENTION PROCEDURES

Students who have trouble walking, talking, seeing, hearing or learning may have special needs. Some of them will need special education programs, but many of these students will simply need the opportunity to participate in general educational programs provided by the school. Each public school has procedures for determining a student's needs. When a student is having difficulty in school, specialists, teachers, administrators and parents may cooperate to make changes in the general education program, materials, or instructional techniques to solve the difficulties.

These procedures are referred to as General Education Intervention (GEI).

A request for general education intervention may be made by:

- ï general education teachers;
- ï parents;
- ï building administrators;
- ï specialists; and
- ï students.

A request for general education intervention should be made to the principal or the principal's designee.

Within twenty (20) school days of the request, the following shall occur:

- ï the request shall be reviewed by persons selected by the principal with the student's general education teacher present;
- ï the decision shall be made as to the appropriateness of general education intervention;
 - is appropriate;
 - if appropriate, the intervention shall be designed and implemented; and
 - if not appropriate, procedures for obtaining the parents' permission for an evaluation shall be started.

This general education intervention procedure shall not stop or delay an educational evaluation if:

- ï the nature and severity of the student's learning problems, or suspected or known disability are such that general education intervention is thought to be of no benefit; or
- ï the parent has requested an educational evaluation and chooses not to withdraw or delay that request.

School personnel may make generalized observations of the student during the school day prior to or during the implementation of the general educational intervention procedure. These observations are

for the purpose of developing plans to help the student. Parents may or may not be notified that these observations are taking place.

The general education intervention strategies shall include timelines for:



- ï implementation in the classroom; and
- ï review of the results of the strategies.

At the end of the specified period of time, if the intervention procedures have not produced a desirable change in the student's educational progress, one (1) of the following shall occur:

- ï the interventions will be redesigned and implemented for another specified period; or
- ï the parent will be asked to give permission for an educational evaluation.

Prior to the implementation of the general education intervention strategies, the principal or his/her designee shall notify the parent in writing of the following:

- ï the types of interventions to be used and the reasons for the interventions;
- ï the timelines set for implementation and review of the interventions;
- ï the parents' right to meet with the persons involved in the interventions; and
- ï the parents' right to begin a formal request for an educational evaluation.

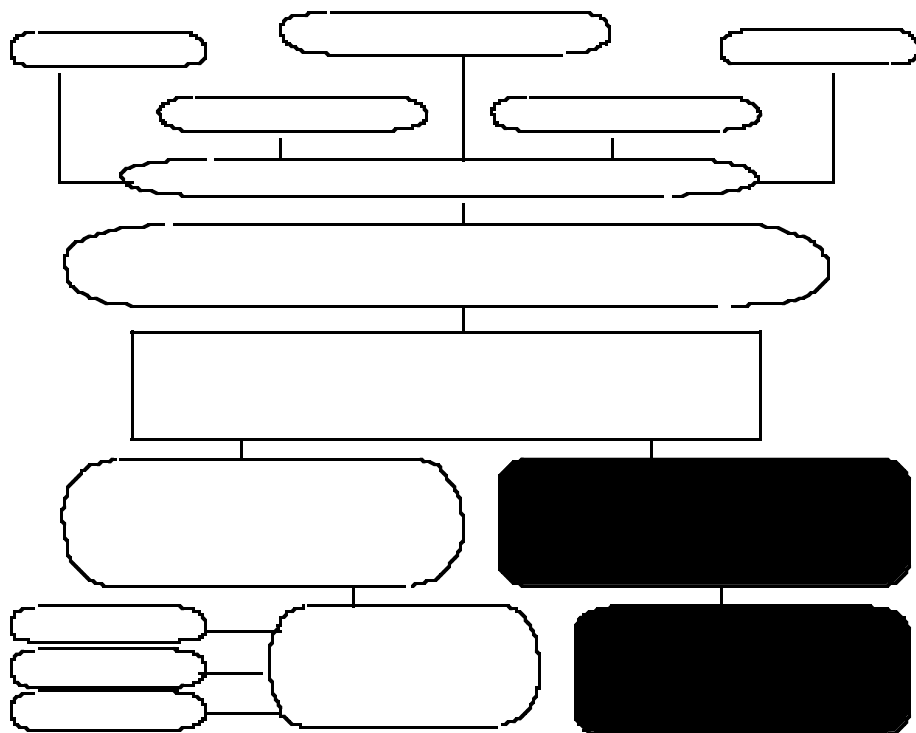


REFERRAL

If general education intervention procedures do not adequately meet the student's special needs, the student should be referred for an educational evaluation. Each school district has:

- i a written procedure covering educational evaluations; and
- ii the designated staff to accept referrals and obtain parents' permission for evaluation.

Your school principal can assist in identifying the designated staff.



The referral process may be started by the student, the parent/guardian, a teacher, a school administrator, specialized school personnel or the general education intervention team.

- i A Referral for Evaluation form is obtained from the school.
- ii The Referral for Evaluation form is completed, dated and returned to the school.

A representative of the school then has a personal meeting with the parents. During the meeting the school representative:

- i explains that a request has been made for the student to be evaluated;
- ii explains the reasons for the referral; and
- iii explains to the parents:

- that the parents’ written permission must be given before the student is tested;
- what testing is planned and what information will be gathered for the evaluation;
- when and where the evaluation is likely to take place;
- that a case conference committee meeting will be held within forty (40) school days of the date that the designated staff received the signed parental permission for evaluation; and
- what the school has done to try to help the student through general education intervention and the results of that help.

The parents will be given written notice which shall list all of the rights available to the student and parents, some of which are the following:

- ï the right to have the evaluation done in a way that is not biased;
- ï the right to have the student tested by professional persons outside the school system at the parents’ expense and to have that evaluation considered by the school;
- ï the right to request an independent evaluation at the school’s expense if the parents disagree with the school’s evaluation;
- ï the right to examine and copy all of the student’s school records;
- ï the right to have the student’s education records treated in a confidential manner, including the right to amend the records;
- ï the right to request mediation to resolve a disagreement;
- ï the right to request a hearing before an independent hearing officer if the parents object to the planned evaluation;
- ï the right to file a complaint if the parents feel federal or state laws that apply to special education have been violated;
- ï the right to contact other agencies or organizations for additional information about evaluation (see - Organizations); and
- ï the right to have the student educated in the least restrictive environment which is appropriate to meeting his/her needs.

The parents must decide whether or not to give written consent for evaluation.

In order to become fully informed before making the decision, the parents may wish to study the written documents, ask questions about their meaning, and talk to other parents whose students have been evaluated.

If written consent is given, the school then proceeds with the evaluation.



EDUCATIONAL EVALUATION

An educational evaluation can help the parents and the school personnel know how the student learns best, which skills need to be strengthened or developed and any unique problems the student may have. An educational evaluation is required before a decision can be made regarding whether or not a student should receive special education services.

An educational evaluation:



- ï must be available through the local schools for persons three (3) through twenty-one (21) years of age; and
- ï must be conducted by a team of people which includes:
 - a school psychologist; and
 - at least one teacher licensed in, or other specialist with knowledge in, the area of possible disability.

In the case of a student with a possible communication disorder, the speech-language pathologist may be the only evaluator.

In the case of a student with a visual or hearing impairment, or possible multiple handicaps, the local school corporation may ask a representative of a state operated school to serve on the evaluation team.

The student's evaluation includes many different activities, tests and procedures, such as:

- ï observations;
- ï physical examination (if needed);
- ï the student's developmental history; and
- ï tests.

The evaluation is conducted to find:

- ï the student's strengths;
- ï the student's current performance level; and
- ï the student's educational needs.

The evaluation must be non-biased by providing:

- ï a variety of procedures which gives a fair and complete picture of the student's ability; and
- ï tests and procedures which take into account the nature of the student's disability, native language and cultural background.

Evaluations must be conducted at least every three years, and more frequently if necessary. The parents or school may request a reevaluation at any time.

If the parents disagree with the school's evaluation, the parents may request an independent evaluation at the school's expense by contacting the school's Director of Special Education. The director will provide necessary information regarding agencies or individuals offering independent evaluations. The school will either agree to pay for an independent educational evaluation or request a hearing to determine whether or not the school's evaluation is appropriate.

Independent evaluations obtained at the parents' expense must be considered by the case conference committee, if the parents wish to share the information.

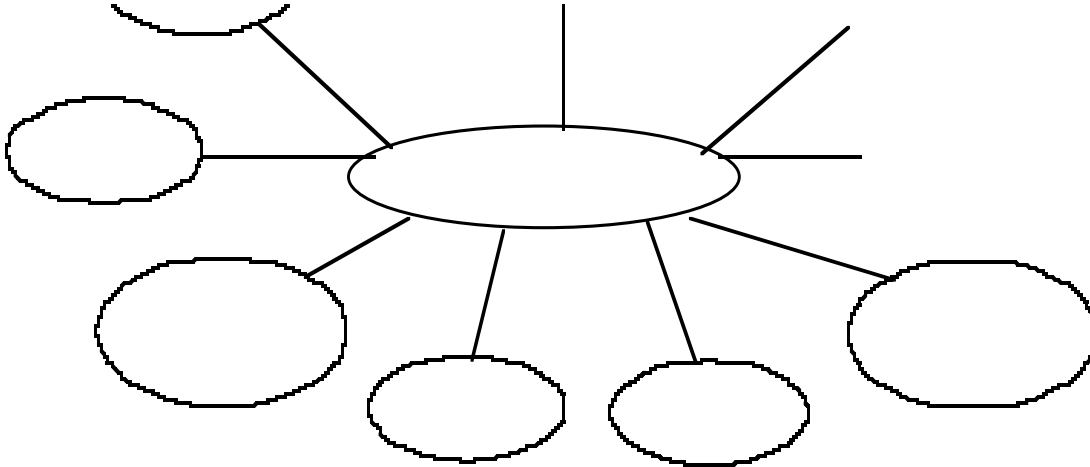


CASE CONFERENCE COMMITTEE

When the child's educational evaluation has been completed, a case conference committee meeting will take place.

A case conference committee meeting must take place to:

- ï determine a student's eligibility for special education and related services;
- ï develop, review, or revise a student's individualized education program (IEP); and
- ï determine appropriate educational placement.



A case conference committee must include:

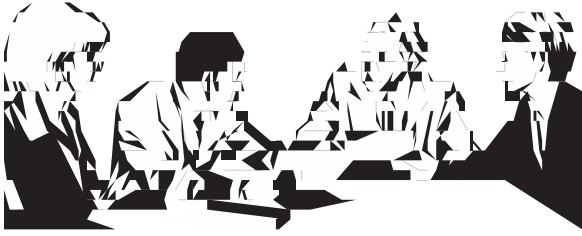
- a representative of the school, who is someone;
 - other than the child’s teacher;
 - qualified to provide or supervise the provision of special education;
 - authorized to commit resources;
- one or more of the student’s current teachers or, for a new student, a teacher licensed in the area of possible disability;
- the parents (unless the parents choose not to participate);
- the student, if parents request the students’ presence or if the student is at least eighteen (18) years old; and
- at least one member of the evaluation team or some other person who understands the evaluation procedures used and is familiar with the evaluation results if the child was evaluated for the first time.

The case conference committee may also include:

- specialists (examples: therapist, psychologist, representative from other agencies); and
- other individuals invited by the parents or the school district (examples: another parent of a student with a disability, a representative of a voluntary organization).

The case conference must be held:

- within forty (40) school days of the date when written parental consent for an initial or additional educational evaluation is received by the designated staff of the school; and
- at a time and place that is mutually convenient to the parents and the school staff.



The student's eligibility for special education and related services is determined by reviewing carefully all records, evaluation results and other shared information. It is the responsibility of the case conference committee to:

- ï determine the nature and extent of the student's disability and the student's eligibility for special education and related services;
- ï develop, review, or revise an individualized education program (IEP) encompassing goals and objectives in all areas of identified need, if the student is eligible for special education and related services;
- ï recommend services based on the needs of each student as reflected in the student's individualized education program (IEP) and provide to the maximum extent appropriate that each student with a disability is educated with nondisabled students (see LRE);
- ï determine the appropriate educational and related services to be provided; and
- ï consider the student's possible need for extended school year services.

The individualized education program (IEP) is a plan written by the case conference committee which includes:

- ï a description of the student's present level of performance;
- ï a statement of long-term goals and short-term objectives to be accomplished in a specified time period;
- ï a list of educational and related services to be provided to the student by licensed/certified personnel;
- ï the dates the services will begin and the duration of the services;
- ï a description of the manner in which the student's progress will be measured;
- ï a description of the extent to which a student will participate in general education including non-instructional, non-academic and extracurricular activities;
- ï a statement of necessary transition services for the student beginning no later than age fourteen (14) or freshman year of high school; and
- ï the objectives for parents in the home may be included for students in early childhood special education programs.

The school district shall give the parent a written notice of the proposed placement or denial of placement which includes the following:

- ï a written notice of the parents' rights and procedural safeguards;
- ï a copy of the written report of the meeting; and
- ï a copy of the individualized education program (IEP).

The notice of the proposed action and written report of the case conference committee meeting may be presented at the time of the meeting, but no later than ten (10) instructional days following the meeting.

The parent must give written permission before services can begin or a change of placement can occur.



LEAST RESTRICTIVE ENVIRONMENT

Each special education planning district shall have in place written policies and procedures to ensure that to the maximum extent appropriate, unless the individualized education program (IEP) requires some other arrangements, students shall be:

- i educated with nondisabled students;
- i educated in general education classes using supplementary aids and services;
- i educated in the school the student would attend if not disabled; and
- i transported with nondisabled students whenever possible.

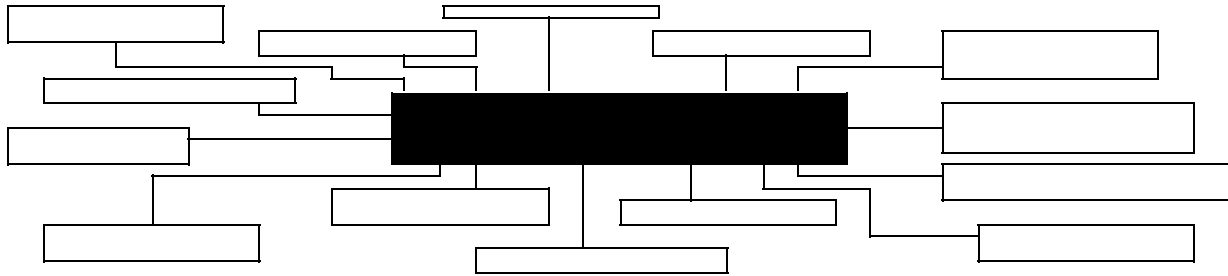
SERVICES

Special education and related services must meet various requirements to assure that each student receives an appropriate education. Some of these requirements are:

- i class size and caseload;
 - _ the number of special education students assigned to a teacher must be limited in number so that the teacher can meet the individual needs of each student as specified in each individualized education program (IEP);
- i age range;
 - _ First Steps - birth through two (2);
 - _ early childhood - ages three (3) through four (4);
 - _ elementary - In a full-time program, the age range of the students may not exceed sixty (60) months or five (5) years; and
 - _ secondary - In a full-time program, the age range of the students may not exceed eighty-four (84) months or seven (7) years.

RELATED SERVICES

Those services required to assist a student with a disability to benefit from special education, including, but not limited to:



All school programs and services that are available to nondisabled students must also be available to students enrolled in special education programs. These school programs and services include:

- ï a full curriculum, including art, music, industrial arts, consumer and home making education, vocational education and physical education adapted, if necessary, to meet the special needs of the student;
- ï nonacademic and extracurricular activities and services, such as clubs sponsored by the school, sports, counseling, health services; and
- ï participation in general education graduation ceremonies or granting of a diploma, provided the special education student meets the same requirements as general education students, or granting a certificate of achievement upon completion of the school educational program.

A teacher may provide services to students with different disabilities at the same time; however, the teacher of record must be certified in the area of the students disability and:

- ï help design the individualized education program (IEP);
- ï monitor the implementation of the individualized education program (IEP); and
- ï serve as a consultant to the teacher and the student.

When a general education teacher is implementing a portion of a student's individualized education program (IEP), the special education teacher will provide technical assistance and serve as a consultant and resource person to that teacher.

When a special education student is in a general education class, the student's individualized education program (IEP) will list any modifications needed in:

- ï curricula;
- ï instructional methodologies;
- ï staffing patterns;
- ï classroom organization; and
- ï special materials, equipment, or instructional aids.

TRANSPORTATION

The public school district of residence is responsible for transportation of a student identified as disabled as written in the student's individualized education program (IEP). Transportation includes travel:

- ï to and from the educational setting and related services;
- ï in and around the educational setting and related services; and
- ï for participation in extracurricular activities if transportation is provided for nondisabled students.

The case conference committee shall consider the student's transportation needs as a related service if the committee decides the student cannot be transported with nondisabled students or needs special assistance or consideration. Transportation may include the following:

- ï special bus routes;
- ï special or adapted vehicles;
- ï aides in attendance;
- ï different modes of transportation, such as taxi or personal transportation; or
- ï special equipment, such as oxygen, lifts and ramps.

When travel time for students with disabilities is greater than the travel time for nondisabled students of the same age group, the school district shall place a written specific explanation of the special circumstances in the students individualized education program (IEP).

A parent of a student with disabilities shall not be required to provide transportation. If a parent does transport the student, the parent is entitled to reimbursement at no less than the per mile rate at which employees of the school district are reimbursed.

The local school district of residence is responsible for the cost of transporting students with disabilities referred to, or placed in, public or private residential facilities by the school district or by the Division of Special Education. Specifications and limitations for transportation of students referred to, or placed in, residential facilities is detailed in Article 7.

HIGH SCHOOL CREDITS, DIPLOMAS, CERTIFICATES AND GRADUATION



During the student's annual case review in the eighth grade or the equivalent age, the case conference committee shall determine:

- ï whether the student will pursue high school graduation and a diploma by earning credit for academic, special education, or vocational courses; or
- ï whether the student would benefit from an educational, vocational, and employment training program which is noncredit in nature, earning a certificate of achievement.

TRANSITION AND ONGOING ADULT SERVICES

The individualized transition plan shall be developed as a part of a student's individualized education program by the case conference committee at the annual case review conducted prior to the school year in which nondisabled students of the same chronological age begin to earn credits toward high school graduation, or earlier if determined appropriate by the case conference committee. The student shall be invited to participate in the case conference committee meeting and all subsequent case conference committee meetings if the purpose of the meeting is the consideration of transition services. If the student does not attend, the case conference committee shall take other steps to ensure the student's preferences and interests are considered.

The individualized transition plan shall be a part of the individualized education program, shall guide development of the IEP, and shall include a statement of needed transition services that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, and community participation. The individualized transition plan shall:

- ï include a coordinated, sequential set of activities, measures of assessment, and exit criteria based on the student's needs, taking into account the student's preferences and interests, and include:
 - instruction;
 - community experiences;
 - the development of employment and other post-school adult living objectives;
 - if appropriate, acquisition of daily living skills and functional vocational evaluation. If the case conference committee determines that services are not needed or no longer needed in one or more areas specified above, the individualized transition plan must include a statement to that effect and the basis upon which the determination was made;

- indicate whether there is an expectation that the student will need ongoing adult services upon graduation or upon exiting the educational program;
- define and project desired post-school outcomes in postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, and community participation; and
- include the individuals and agencies responsible for implementing the activities and services, and, if appropriate, a statement of each public agency’s responsibilities, or linkages, or both, before the student leaves the school setting.

Nothing in Article 7 relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition services that the agency would otherwise provide to students with disabilities who meet the eligibility of that agency.

The individualized transition plan shall be reviewed and revised as appropriate on at least an annual basis, concurrently with the overall individualized education program.

If an identified agency, other than the public school corporation, fails to provide agreed upon services, the public school shall reconvene the case conference committee to identify alternative strategies to meet the transition objectives.

If the case conference committee, at the annual case review specified above, determines a student will likely benefit from ongoing adult services, the case conference committee will at that time:

- i review the adult services available and present information on those services in writing to the parent; and
- ii request the parent provide written consent to transfer information from the student’s educational record to the office of vocational rehabilitation to be entered into that agency’s tracking system.

Within thirty (30) calendar days after written consent is received or by June 1 of the school year in which the annual case review is conducted, whichever is earlier, the special education planning district shall transmit the following information to the appropriate office of vocational rehabilitation:

- the student’s name, address, county of residence, social security number and birthdate;
- the student’s reported disability or disabilities; and
- the student’s projected final year in the educational program.

The following conditions may prevent the case conference committee from complying with the provisions, in which instance the case conference committee shall comply within thirty (30) days from the date the existence of the condition becomes known. These conditions are as follows:

- the student with disabilities transferred to the school corporation after the year set forth in the first paragraph of this section;
- the student is identified as disabled and enrolled in special education after the year set forth in the first paragraph of this section; or

- it is determined by a case conference committee subsequent to the year specified in the first paragraph of this section that the student with disabilities will likely benefit from ongoing adult services.

In addition to the case conference committee membership required by 511 IAC 7-12-1(e), a counselor from the office of vocational rehabilitation shall receive adequate notice of and an invitation to attend the annual case review conducted in the school year prior to the projected final year of school for students who:

- are likely to benefit from ongoing adult services; and
- live in the county or zip code area served by that area office.

The invitation to the counselor from the office of vocational rehabilitation shall include the name, address, age, and reported disability of the student for whom the annual case review is scheduled. This information shall serve as an official referral to the office of vocational rehabilitation. The case conference committee shall review orally and in writing the adult services that may be provided and the process to be followed to access those services.

The transition requirements apply to students in residential placements.



EDUCATIONAL PLACEMENT

After written permission is given, the student begins receiving the educational and related services which the parents and school personnel have agreed will provide a free appropriate public education.

The school must provide the educational and related services in order to help the student reach the long-term goals and short-term objectives that were written in the individualized education program (IEP).

Regardless of the student's disability, the student's educational and related services must be provided in the least restrictive environment (LRE). LRE means that students with disabilities are educated with non-disabled students to the greatest extent appropriate.

The case conference committee must meet at least once a year. This is called the annual case review (ACR). The purpose of the ACR is to:

- i review the student's current and continuing needs;
- ii update the student's individual education plan which includes revising annual long-term goals and short-term objectives; and
- iii give a copy of the written report of the annual case review to the parents.

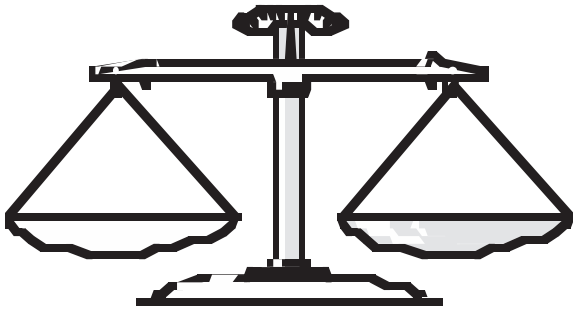
In addition to the annual case review, parents or school personnel may request a new case conference committee meeting at anytime during the school year if there is a need for a review or a revision of the individualized education program.

If the case conference committee recommends a change of placement, the parents must:

- i receive written notice of the change;
- i receive written notice of parental rights; and
- i give their written permission before any change can take place.



DUE PROCESS



Sometimes the parents and school district personnel disagree on the evaluation, identification, eligibility, individualized education program (IEP), placement or other aspect of the provision of a free appropriate public education (FAPE). The parents and school district personnel have a variety of alternatives for arriving at a solution. **The intent of this document is to encourage communication and resolution of differences at the local level before requesting mediation, filing a complaint or requesting a due process hearing.**

ACTION AT THE LOCAL LEVEL

The easiest way to solve most disagreements is for the parents and the school district personnel to work together in a spirit of cooperation. This may be accomplished by an informal meeting, which may include:

- i parents;
- i teachers; and
- i other appropriate personnel.

The parents or school district personnel may review the student's individualized education program (IEP) at any time during the school year by requesting another case conference committee meeting (see Case Conference Committee).

The parents or school district personnel may request a reevaluation or the parent may request an independent evaluation of the student. In either instance, a new case conference committee meeting must be scheduled to consider the results.

The parents may wish to meet with school district personnel to resolve their disagreement, including meeting with:

- i the school's superintendent or the superintendent's designee; and/or
- ii the local board of education.

SUSPENSION

A suspension is a unilateral, temporary cessation of educational services. A short-term removal of a student pursuant to the student's individualized education program is not a suspension. 511 IAC 7-15-1(a).

State law requires that each school corporation follow the procedures set out in Indiana Code Sections I.C. 20-8.1-5.1 et seq. and Article 7 when suspending a student. The law provides that:

- i students who have been determined to be eligible for special education and related services have additional procedural safeguards; and
- ii students with disabilities may be suspended for violating rules, standards and policies adopted by the school district.

Suspensions are not considered to be a change of placement unless:

- i the suspension exceeds five (5) days; or
- ii ten (10) school days per year.

The case conference committee must be convened as soon as possible after the tenth day of suspension (or earlier) to consider:

- i the cause of the suspensions; and
- ii the appropriateness of the student's current individualized education program (IEP).

EXPULSION

State law provides certain timelines and procedures for the expulsion of all students. Students who have been determined to have a disability and who are eligible for services under Article 7 have the following additional procedural safeguards pursuant to state and federal regulations.

- i The expulsion or separation from school attendance or a related service for more than ten (10) cumulative instructional days or more than five (5) consecutive instructional days is considered a change of placement for the student and must be preceded by a meeting of the case conference committee and an expulsion meeting unless the expulsion meeting is waived by the parent.
- i The principal is required to file written charges against the student and the superintendent is required to determine whether an investigation is desirable and, if so, appoint an expulsion hearing officer.
- i The director of special education or a person the director chooses is to chair the case conference committee and provide adequate notice to the parents of the student including an explanation of the purpose and procedures of the meeting.
- i The student remains in the student's current educational placement until the case conference committee is convened or may be removed to any other placement provided for in the student's individualized education program and agreed to by the parents. If, however, the school district believes that the student presents a danger to him/herself or others, or that the student's presence is a substantial disruption to the educational process, the student may be suspended up to five (5) consecutive days or up to ten (10) cumulative days by the principal.

Other options allowable under Article 7 in such a case include:

- i removing the student to a more restrictive environment within the school;
 - the period shall not exceed ten (10) days, so long as educational services do not cease; or
- i to other placements with the agreement of the parents, including:
 - homebound instruction as long as it is provided for in the student's individualized education program (IEP).

Parent consent, a hearing officer order or a court order may be sought to extend an emergency or interim placement for more than ten (10) days.

When the case conference committee meets, it reviews:

- i the student's current placement;
- i the student's individualized education program (IEP); and
- i current educational evaluation data to determine whether there is a relationship between the student's behavior and the student's disability or placement.

If such a causal relationship exists, the student may not be expelled. If necessary, the case conference committee will revise the student's individualized education program (IEP) or recommend a change of placement.

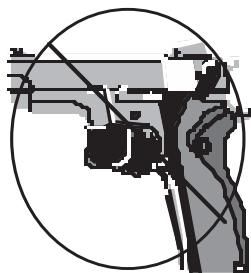
A written report of the case conference committee's findings is given to:

- ï the parents of the student with a written notice of parent’s rights, and a written notice of rights and procedures regarding the formal expulsion hearing process; and
- ï the superintendent.

Upon receipt of this information, the parent may request:

- ï the appointment of an independent due process hearing officer;
- ï an expulsion hearing within ten (10) calendar days; or
- ï take no action regarding the case conference report or the expulsion hearing.

A request for a due process hearing stays the formal expulsion hearing until administrative and judicial proceedings are completed. In the event of an expulsion, educational and related services shall not cease and are determined by the case conference committee.



IMPROVING AMERICA’S SCHOOLS ACT (P.L. 103-382)

The provisions of the Gun Free Schools Act of 1994 are to be construed in a manner consistent with the Individuals with Disabilities Education Act (IDEA).

- ï If a student with a disability is determined to have brought a firearm to school, the student may be placed in an alternative educational setting for not more than 45 days. Such alternative educational setting is determined by the case conference committee.
- ï If a parent or guardian requests a due process hearing, then the student shall remain in the alternative educational setting during the pendency of the due process proceedings unless the parents and the LEA agrees otherwise.
- ï If a student’s behavior is unrelated to such student’s disability, then the student may be expelled pursuant to the Gun Free Schools Act of 1994 and state law. A student with a disability must still receive educational services during any period of expulsion.

MEDIATION - What is it?

Mediation is an option that may be used when parents and school district personnel cannot resolve their differences through the case conference committee process or other discussions.

Mediation may be requested by either the parent or the school district personnel in regard to the following child specific issues:

- i eligibility;
- i evaluation;
- i placement; or
- i provision of a FAPE (free appropriate public education) for a student;

Mediation is voluntary for both parties. If both parties agree to attempt mediation, a REQUEST FOR MEDIATION form, signed by both parties, is sent to the Division of Special Education. (These forms are available in local school district administrative offices or may be requested from the Division of Special Education.)

Once a REQUEST FOR MEDIATION, signed by both parties, is received by the Division of Special Education, a mediator is assigned and a mediation session will generally be scheduled to occur within ten (10) calendar days.

Mediators are specially trained individuals who have knowledge of special education and the needs of students, knowledge of the process of mediation and appropriate personal skills and qualities. Mediators serve as a neutral facilitator.

Mediation may occur before or during a request for a due process hearing, but it may not interfere with the right to a due process hearing or with hearing timelines. It is not a necessary step prior to a hearing. It is an optional alternative.

If a mediation session results in a written agreement, the agreement is submitted to the case conference committee for approval.

Mediation is at no cost to either party. The Division of Special Education bears all costs related to the process.

COMPLAINT PROCESS

Any person or organization has the right to file a complaint with the Indiana Department of Education, Division of Special Education if it is believed that federal or state laws that apply to special education have been violated. The Division of Special Education will investigate and make a written response within thirty (30) calendar days of the date that the complaint is received. The complaint orders, if any, are binding on the parties. Either party may request reconsideration by the Director of the Division of Special Education.

The request for reconsideration must be filed within fifteen (15) calendar days of receipt of the complaint report. Written notice of the result of that reconsideration shall be issued within fifteen (15) calendar days of the date that the request for reconsideration is received by the Director of the Division of Special Education, but not later than sixty (60) days from the date the complaint was filed.

DUE PROCESS HEARING

The parents, the school district or the state education agency may request a hearing in regard to the:

- i eligibility of a student;
- i initiation, change or denial of identification;
- i evaluation or educational placement of a student; and/or
- i provision of a free appropriate public education for a student.

The purpose of the hearing is:

- i to present evidence to an impartial hearing officer concerning the kind of educational and related services both parties feel the student should or should not be receiving; and
- i to allow the independent hearing officer to consider the facts, the information presented by both parties and the related laws, rules and regulations.

To request a hearing, either party must send to the local school superintendent and the State Superintendent of Public Instruction a written request which explains the specific reasons for the request. The hearing process, including the decision by the hearing officer, must be completed within forty-five (45) calendar days after the request unless an extension is requested by either party and granted by the Hearing Officer.

The independent hearing officer must have no personal or professional interest which would conflict with his or her being impartial and must not be employed by the school district or the State Department of Education. The school will pay the hearing officer's fees and expenses.

The school must inform the parents of any free or low-cost legal services in the area. The parent may be entitled to attorney fees as part of costs incurred should the parent ultimately prevail at the administrative or judicial level.

The parents and the school district have the right to:

- i be accompanied and advised by legal counsel and by individuals with knowledge and training with respect to special education;
- i present information about the student's needs, including the results of an independent evaluation, if there has been one;
- i require the attendance and questioning of witnesses who have information concerning the student; and
- i prevent the introduction of any records or evidence that were not made available to the other party at least five (5) days before the hearing.

The parents may request that:

- i the hearing be open or closed to the public; and/or
- i the student be present at the hearing.

The hearing officer will make a decision based on the facts presented and current statutes, rules and regulations and will send the written decision to the school superintendent and parent within forty-five (45) calendar days of the request for the hearing. The decision is either:

- i binding on all parties and must be carried out within thirty (30) calendar days of the date of the written decision; or
- i appealed to the State Board of Special Education Appeals, within thirty (30) calendar days.

APPEAL

The purpose of the appeal is to allow the State Board of Special Education Appeals to review the hearing procedures and the hearing officer's decision and to determine their compliance with the requirements of Article 7.

To request a review of the hearing officer's decision, either party must send, within thirty (30) calendar days of the date the hearing officer's decision is received by the party, a written request to the State Board of Special Education Appeals and the other party involved. This request is called a Petition for Review and must state:

- i the part(s) of the decision found objectionable; and
- i the specific reason(s) for the objections.

All copies should be sent by certified or registered mail with a return receipt.

Ten (10) days from the date of the Petition for Review, the other party may reply in writing to the State Board of Special Education Appeals, sending a copy to the requesting party as well, specifically responding to the objections made in the Petition for Review.

Within thirty (30) calendar days after the petition is filed, the State Board of Special Education Appeals will conduct an impartial review of the hearing and issue its final decision in writing.

The final decision of the State Board of Special Education Appeals is based on findings of fact and conclusions of law and contains a final order in the matter. The decision of the State Board of Special Education Appeals is binding on both parties unless it is appealed to civil court within thirty (30) days.

While the parent(s) and school district are in disagreement and negotiations or due process procedures are taking place, the student remains in his or her current placement unless the parent and the public agency agree otherwise.

If the disagreement involves a student's initial admission to school, the student, with the consent of the parents and the school, may be placed in a school until a final decision is reached.

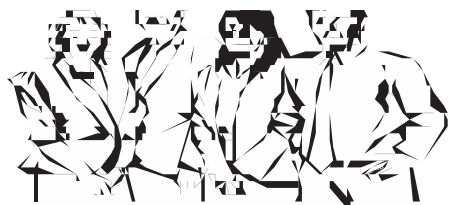
In preparation for any action to be taken when there is disagreement, the parents may become more fully informed of their rights by:

- i studying the written documents received when the student was referred for evaluation and the letter received from the superintendent regarding proposed placement of the student; these rights are also stated in Article 7, which is available at the superintendent's office or from the State Division of Special Education; and
- i contacting appropriate state, public or voluntary advocacy groups, legal advocates, other parents of a student with disabilities, special education director or specialists with knowledge of the student's disability.



PARENT ADVISORY COUNCILS (PAC)

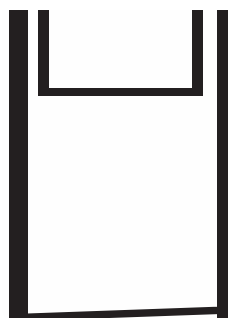
Parent Advisory Councils are one way schools can encourage parent and community involvement. Although Indiana does not require schools to set up a PAC they are discussed in Article 7 and technical support is available to any group interested in organizing a PAC.



- i promoting community awareness and support for special education issues. These groups, which are advisory in nature, provide a forum for parents, school personnel, and other community members to discuss issues which have an impact on the education of students with disabilities. Through their efforts, these councils have demonstrated that they can assist schools in a variety of ways by:
 - enabling parents and school personnel to share concerns and perspectives in order to promote increased understanding and define priorities;
 - encouraging cooperation and collaboration between parents and school personnel; and
 - providing a vehicle for ongoing communication which is structured, proactive, and focused on the educational needs of all students.



ALPHABET SOUP
Commonly Used Acronyms and Abbreviations



142	P.L. 94-142 (Replaced by IDEA-P.L. 101-476)
313	P.L. 89-313 (Chapter 1)
457	P.L. 99-457 (Preschool)
ABS	Adaptive Behavior Scale
ACR	Annual Case Review
ADA	Americans with Disabilities Act
APE	Adaptive Physical Education
CCC	Case Conference Committee
CD	Communication Disorder
CHINS	Child in Need of Services
COOP	Cooperative
CSC	Child Service Coordinator
D & E	Diagnosis and Evaluation
DD	Developmental Disability
DMH	Division of Mental Health

DOE	Department of Education
DSE	Director of Division of Special Education
DSI	Dual Sensory Impairment
EH	Emotional Handicap
ESY	Extended School Year
FAPE	Free, Appropriate Public Education
GEI	General Education Intervention
HB	Homebound
HI	Hearing Impaired
IDEA	Individuals with Disabilities Education Act (P.L. 101- 476)
IEE	Independent Educational Evaluation
IEP	Individualized Education Program
IFSP	Individual Family Service Plan
IHO	Independent Hearing Officer
IRP	Individual Rehabilitation Plan
ISB	Indiana School for the Blind
ISD	Indiana School for the Deaf
ISTEP	Indiana Statewide Testing for Educational Progress
ITP	Individual Transition Plan
LD	Learning Disabled
LEA	Local Education Agency
LRE	Least Restrictive Environment
MH	Multiple Handicap
MiMH	Mild Mental Handicap

MoMH	Moderate Mental Handicap
NPR	Notice of Parent Rights
OCR	Office for Civil Rights
OHI	Other Health Impaired
OI	Orthopedic Impairment
OSEP	Office of Special Education Programs
OT	Occupational Therapy
OVR	Office of Vocational Rehabilitation
PAC	Parent Advisory Council
PE	Physical Education
PT	Physical Therapy
PVE	Pre-Vocational Education
SEA	State Education Agency
SLP	Speech/Language Pathologist
SMH	Severe Mental Handicap
TBI	Traumatic Brain Injury
VI	Visual Impairment

Sample Copy

REQUEST FOR MEDIATION FORM

(Note: *Directors of Special Education have actual forms*)

We, the undersigned, request that a mediator be assigned to assist in resolving disagreements on the following issues(s):

We have reviewed the procedures governing mediation in special education in Indiana and understand that it is a voluntary process and is not a requirement.

We agree to approach the session in an attempt to resolve our differences in a mutually satisfactory way in the best interests of the student.

We understand that by voluntarily entering into mediation, neither party waives the right to due process.

We understand that the mediation session is confidential and agree not to compel the attendance of the mediator in future proceedings.

SAMPLE LETTER - FILING A COMPLAINT

(Date)

Indiana Department of Education
Division of Special Education
Room 229, State House
Indianapolis, Indiana 46204-2798

Dear Director:

This is to inform you that in my opinion, **(Name of school district)** is not complying with Indiana's requirements for a free appropriate public education for **(Name of student or students)**, as stated in Article 7.

I am filing a complaint because I believe the following practices or actions are in violation of Article 7:

1. _____
2. _____

Please investigate this matter and notify me of your response.

Sincerely,

(Signature of individual)
(Name of individual, organization or agency)
(Address)
(City, State, Zip Code)
(Telephone Number)

(Send letter to the Indiana Department of Education, Division of Special Education at the address at the top and keep one copy for your own records.)

SAMPLE LETTER - REQUEST FOR A HEARING

(Date)

State Superintendent of Public Instruction
Indiana Department of Education
Division of Special Education
Room 229, State House
Indianapolis, Indiana 46204-2798

Dear Superintendent:

(Student's name) is presently enrolled in **(Name of school district)** in the **(Grade or Special Education Level)** class.

As **(Student's name)** parent/or as the school district in which **(Student's name)** is enrolled, I am requesting that a hearing be conducted before an independent hearing officer to resolve a dispute which has arisen within the case conference committee (regarding eligibility, length, intensity or duration of services, least restrictive environment; etc.).

The specific reason(s) I am requesting a hearing is/are:

(List reasons)

I understand that, in accordance with Article 7, the hearing must take place and the hearing officer's decision will be mailed to each of the parties within forty-five (45) days of the receipt of this request. Please contact me to arrange a convenient time and place.

Sincerely,

(Signature)

(Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

(Send a copy of this letter to the Superintendent of the local school by certified or registered mail with a return receipt. Keep one copy for your own records. If a school requests a hearing, one copy of this letter of request should be sent to the Superintendent of Public Instruction and another to the parents.)

HANDBOOK TASK FORCE

Robert A. Marra, Director
Division of Special Education
Indiana Department of Education
Room 229, State House
Indianapolis, IN 46204-2798

Marge Towell, Project Director
Executive Director for the Mental Health Association in Marion County
2506 Willowbrook Parkway, Suite 100
Indianapolis, IN 46205-1542

Amy Cook Lurvey, Project Assistant
Council of Volunteers and Organization for Hoosiers
with Disabilities (COVOH)
445 North Pennsylvania Street, Suite 210
Indianapolis, IN 46204

Richard Burden, Executive Director
IN*Source
809 North Michigan
South Bend, IN 46617

Judith Koester, Teacher
Elmhurst High School
3829 Sandpoint Road
Fort Wayne, IN 46809

Frances Freidline, Teacher
Wabash-Miami Area Program for

Becky Kirk, Parent
85 Southgate Court
Terre Haute, IN 47802

Exceptional Children
1450 Vernon Street
Wabash, IN 46992

Rose Leonard, Teacher
Calumet High School
3900 Calhoun Street
Gary, IN 46408

Larry Gambainai, Ed.D.
Assistant Superintendent
MSD of Washington Township
3801 East 79th Street
Indianapolis, IN 46240

Kathy Wodicka, Parent
4320 Valley Way Drive
Greenwood, IN 46142

Georgiana Garloch, Parent
6015 North Alton Avenue
Indianapolis, IN 46208

Jeffry Young
Director of Special Education
MSD of Lawrence Township
7601 East 56th Street
Indianapolis, IN 46226

ORGANIZATIONS AND AGENCIES

THE ARC OF INDIANA

(formerly Indiana Association for Retarded Citizens)
22 East Washington Street, Suite 210
Indianapolis, Indiana 46204
(317) 632-4387

COUNCIL OF VOLUNTEERS AND ORGANIZATIONS FOR HOOSIERS WITH DISABILITIES (COVOH)

445 North Pennsylvania, Suite 414
Indianapolis, Indiana 46204
(317) 262-8632 V/TTY
1-800-262-8630

FIRST STEPS

Bureau of Child Development
A Division of Family and Children
402 West Washington Street, Room W386
Indianapolis, Indiana 46204
(317) 232-1144

INDIANA ASSOCIATION OF SCHOOL PRINCIPALS

P.O. Box 503250
8091 Center Run Drive
Indianapolis, Indiana 46250
(317) 576-5400

INDIANA ASSOCIATION OF SCHOOL SUPERINTENDENTS

1 North Capitol Avenue, Suite 1215
Indianapolis, Indiana 46204
(317) 639-0336

INDIANA DEPARTMENT OF EDUCATION

Division of Special Education
Room 229, State House
Indianapolis, Indiana 46204-2798
(317) 232-0570 V/TTY

INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION

P. O. Box 7083
Indianapolis, Indiana 46207-7083
(317) 233-4454
(317) 232-1143 V/TTY
Division of Disability, Aging and Rehabilitative Services
(317) 232-7000
1 800-962-8408/TTY

Division of Family and Children

(317) 232-4704

Division of Mental Health

(317) 232-7845

(317) 232-7800 V/TTY

INDIANA FEDERATION OF TEACHERS

5925 West 71st Street, Suite B

Indianapolis, Indiana 46278

(317) 299-5395

INDIANA PARENT INFORMATION NETWORK (IPIN)

4755 Kingsway Drive, Suite 105

Indianapolis, Indiana 46205

(317) 257-8683 V/TTY

1 800-964-4746 Voice

INDIANA PROTECTION AND ADVOCACY

850 North Meridian Street, Suite 2C

Indianapolis, Indiana 46204

(317) 232-1150 V/TTY

1 800-622-4845

INDIANA RESOURCE CENTER FOR FAMILIES WITH SPECIAL NEEDS (IN*SOURCE)

809 North Michigan

South Bend, Indiana 46601-1036

(219) 234-7101

1 800-332-4433

INDIANA SCHOOL BOARD ASSOCIATION

1 North Capitol Avenue, Suite 1215

Indianapolis, Indiana 46204

(317) 639-0330

INDIANA SCHOOL FOR THE BLIND

7725 North College Avenue

Indianapolis, Indiana 46240-2504

(317) 253-1481 V/TTY

INDIANA SCHOOL FOR THE DEAF

1200 East 42nd Street

Indianapolis, Indiana 46205

(317) 924-4374 V/TTY

INDIANA SPECIAL OLYMPICS
5648 West 74th Street
Indianapolis, Indiana 46278
616(317) 328-2000
1 800-742-0612

INDIANA STATE TEACHERS ASSOCIATION
150 West Market Street, Suite 900
Indianapolis, Indiana 46204
(317) 263-3400

INDIANA STATE DEPARTMENT OF HEALTH
P. O. Box 1964
Indianapolis Indiana 46206
(317) 383-6100
(317) 383-6859 V/TTY

MENTAL HEALTH ASSOCIATION IN INDIANA
555 Monument Circle, Suite 700
Indianapolis, Indiana 46204
(317) 638-3501