



## **Frequently Asked Questions Regarding Special Education**

- **What learning problems might make a child eligible for special education?**

A student with a disability is a student who has been identified as having a disability listed in Article 7 (Indiana's special education rules are called "Article 7" and are found in the Indiana Administrative Code) and who needs special education and related services because of that disability. Rule 26 of Article 7 lists the eligibility categories and the criteria for each category. The eligibility categories include:

- Autism spectrum disorder
- Communication disorder
- Deaf-blind
- Developmental delay (early childhood)
- Emotional disability
- Hearing impairment
- Learning disability
- Mental disability
- Multiple disabilities
- Orthopedic impairment
- Other health impairment
- Traumatic brain injury
- Visual impairment

- **How can a parent/guardian request that the school evaluate a child for special education?**

A student may be referred for an initial educational evaluation by school personnel or the parent/guardian. A parent/guardian may make either a verbal or written request for an educational evaluation to any *certified personnel*. Certified personnel include teachers, school counselors, administrators, school social workers, principals, and school psychologists. After the request for an initial education evaluation, school personnel must meet with the parent/guardian. This meeting will discuss, among other things, why the parent/guardian believes an evaluation is necessary, and the evaluation process. Before the evaluation can be conducted, the parent/guardian must provide written consent. Every 36 (thirty-six) months the student must be re-evaluated to determine if the disability is still present and if modifications need to be made.

- **What is the usual time from for a special education evaluation?**

The initial education evaluation must be completed within 60 (sixty) instructional days of the written request for an evaluation. (An instructional day is considered a day in which school is in session.)

- **What steps can be taken by the parent/guardian if the parent/guardian does not agree with the special education evaluation?**

A special educational evaluation is conducted by a group of professionals to assess the student and is required in order to determine if a student is eligible or continues to be eligible to receive special education and other related services. If a parent/guardian disagrees with the evaluation, he or she may request that the school pay for an independent evaluation which is not conducted by a school employee. When a parent/guardian requests that the school pay for an independent educational evaluation, the school has 10 (ten) business days to either notify the parent/guardian that the school will pay for the evaluation or can initiate a due process hearing to show that the school's evaluation is appropriate. If the school does not agree to pay for the evaluation, the evaluation can still be performed at the expense of the parent/guardian.

- **What is an individualized education program (IEP)?**

An individualized education program (IEP) is the written plan that is developed by the case conference committee (CCC) and describes the special education and related services to be provided to a student with a disability. The IEP must state the type of special education and related service to be provided, when the service will begin and end, how frequently the service will be provided (daily, weekly, monthly, etc.), the length of the service (15 minutes, 30 minutes, one hour, etc.), and where the service will be provided. The school must provide the services as stated in the IEP. (The CCC is the group of individuals, which includes school personnel and the parents/guardians, that decides whether a student is eligible for special education, and if eligible, decides what special education and related services will be provided, based on the student's needs.)

- **How frequently is the IEP reviewed and how can it be changed?**

Each student with a disability must have an IEP in effect at the beginning of each school year. Since an IEP cannot usually be more than 12 (twelve) months old, an IEP has to be reviewed annually. At any time the parent/guardian or the school believes the IEP is not working appropriately for the student, the parent/guardian or school can request that the CCC review the IEP. If the parent/guardian believes the school is not implementing the IEP, the parent/guardian may either contact the local director of special education or file a complaint with the Division of Special Education.

For more information, see [LIVE LEARN WORK PLAY, A GUIDE TO THE EDUCATION OF STUDENTS WITH DISABILITIES](#) which can be found at:

<http://ideanet.doe.state.in.us/exceptional/speced/pdf/LLWP-Eng-2005-12.pdf>