



RIDLC

Rhode Island Disability Law Center

Your Protection and Advocacy System

**Legal assistance for individuals with disabilities
and their families**

Special Education Resources

Presented by

Anne M. Mulready

Supervising Attorney, RI Disability Law Center

“Getting to Zero”

October 24, 2008

Radisson Airport Hotel

Special Education Resources

Federal and state government regulate programs – some variations among states

Individuals with Disabilities Education Act (IDEA)

- **Early Intervention (“EI”)** (IDEA Part C)
RI Department of Human Services
- **Special Education** (IDEA Part B)
RI Department of Elementary and Secondary Education

Eligibility is based on function, not just diagnosis
Evaluation driven process

Special Education Resources

Early Intervention (“EI”) (IDEA Part C)

Eligibility: (Sec. 2.17 DHS regs) Children with disabilities, birth through age 2, who need EI services because of:

- (1) Physical or mental condition with a high probability of developmental delay;
- (2) Experiencing developmental delays in one or more areas: cognitive, physical (including vision and hearing), communication, social or emotional development, adaptive development; or
- (3) Multiple established conditions, which may result in developmental delays if EI services not provided.

Special Education Resources

Early Intervention (“EI”) (IDEA Part C)

RI standards for EI provider certification: Sec. 3.1.3
Children with Multiple Established Conditions*

“Venous blood Lead level greater than
or equal to 15 per micrograms/deciliter”

*As a guideline, the identification of any one characteristic and three additional characteristics would qualify a child for EI services.

Special Education Resources

Early Intervention (“EI”) (IDEA Part C)

Evaluation/Assessment – Within 45 days

- Multidisciplinary team assessment
- Initial meeting to develop “IFSP” (Individualized Family Support Plan)

Services

- To meet the unique developmental needs of the child and family needs related to enhancing development
- To the maximum extent appropriate, provided in natural environments

Special Education Resources

Early Intervention (“EI”) (IDEA Part C)

Transition (Sec. 12 DHS regs)

- At 28 months – EI notifies local education agency (LEA) and other community supports
- At 30 months – Transition team meeting to begin transition planning (parents, EI coordinator, LEA representative, and others requested by parent)
- IFSP to include written transition plan
- If child not eligible for special education, referral to appropriate community services

Special Education Resources

Special Education (IDEA Part B)

Eligibility (Sec. 300.8, RIDE regs) Based on 3 criteria:

- Age – between 3 and 21 years and not graduated
- Disability – fall within specifically defined categories
 - _ Ages 3 through 8 experiencing developmental delays
 - _ Other health impairment ... results in limited alertness due to chronic or acute problems such as ... lead poisoning
- In need of special education and related services

Special Education Resources

Special Education (IDEA Part B)

Evaluations (Secs. 300.301 – 300.311, RIDE regs)

Initial evaluation

- Referral initiated by parent or public agency
- Within 10 school days evaluation team meets to determine whether need to evaluate
- Within 60 calendar days of parent consent eligibility team meets to review results and determine eligibility
- Within 15 school days of eligibility decision, IEP (Individualized Education Program) developed by the IEP team and services made available

Special Education Resources

Special Education (IDEA Part B)

Evaluations (Secs. 300.301 – 300.311, RIDE regs)

Reevaluations

- Must occur every 3 years unless parent and school agree otherwise
- Parent, teacher or school can request -- not more than once a year, unless parent and school agree
- Must reevaluate before decide no longer need special education services (except when get a regular diploma or age out).

Special Education Resources

Special Education (IDEA Part B)

Evaluations (Secs. 300.301 – 300.311, 300.502)

Independent Evaluations

- If a parent disagrees with a school evaluation, the parent may request an independent evaluation at public expense by a qualified examiner not employed by the school
- School must either provide an independent evaluation or file for a due process hearing, within 15 days of request.
- Parents may also obtain an evaluation at private expense and school must consider, if it meets school's criteria for evaluations.

Special Education Resources

Special Education (IDEA Part B) Services

Individualized Education Program (IEP) (Sec. 300.320)

Written plan describing

- Present levels of academic and functional performance
- How disability affects involvement and progress in general education curriculum
- Annual goals and short-term objectives
- Specially designed instruction (modifying content, methodology or delivery of services) to address disability related needs and ensure access to general curriculum so that child can meet educational standards
- Related services to help a child benefit from special education

Special Education Resources

For more information:

Early Intervention RI Department of Human Services (DHS)
www.dhs.ri.gov/dhs/famchild/early_intervention.htm

Special Education RI Department of Elementary and Secondary
Education (RIDE)
www.ride.ri.gov/Special_Populations/Programs_Services/default.aspx

*Rhode Island Disability Law Center, Inc.
275 Westminster St., Suite 401
Providence, RI 02903-3434
Voice (401) 831-3150
TTY (401) 831-5335
www.ridlc.org*