



# Hand in Hand

Guidance for West Virginia Parents

Office of Special Education  
West Virginia Department of Education  
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# A Message to Parents

“Hand In Hand” has been developed to assist parents, guardians and other family members in learning more about special education and how they can work as partners with educators to provide appropriate educational services for children. The West Virginia Department of Education believes individuals with exceptionalities, given high expectations, opportunities and support when necessary, will live successful adult lives.

Parents and family members are critical partners, along with school district personnel, in the education of our children. As parents, you provide essential information to teachers and administrators, play an important role in decisions made about your child and can be key to supporting high expectations for your child. This family involvement frequently results in higher child achievement.

This publication of “Hand In Hand” is intended to help parents, the West Virginia Department of Education and local boards of education assure a quality education for all children with exceptionalities.

*“Hand In Hand” is not a substitute for **Policy 2419: Regulations for the Education of Students with Exceptionalities**. Copies of Policy 2419 and this handbook are available online at <http://wvde.state.wv.us/osp/perc.html>, or may be requested from the West Virginia Department of Education. Alternate formats are available upon request.*



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# Section 1

## What Is Child Find?

Child Find is an activity that seeks to locate and identify children and youth, ages three through twenty-one years, who may have developmental delays or exceptionalities and may need special education and related services. Child Find activities, when conducted in the school, may include teacher observations, parent observation and conferences to discuss your child's strengths and concerns. In many communities, Child Find activities such as developmental screenings of children may be conducted jointly among community partners such as West Virginia Birth to Three, local health departments and Head Start. These activities may lead to a request for evaluation, a formal process designed to further explore your child's needs and ways to assist your child. This process requires your consent. This evaluation process may ultimately result in a recommendation for your child to receive special education services.

If you have a concern, you can contact your local school or county Board of Education personnel. They can provide information about Child Find and talk with you about the identification process, if needed.

## What Is Special Education?

Special education is specially designed instruction, at no cost to parents, that meets the unique educational needs of an eligible child with an exceptionality. Special education may include special instruction in subjects such as reading and mathematics, physical education and independent living. Children with speech and language needs may receive special education in the form of speech-language therapy. Special education also includes Career and Technical Education (CTE) if it consists of specially designed instruction to meet the unique needs of a child with an exceptionality. These services are available to children, ages three through twenty-one years, and may include changes to the educational program, commonly known as classroom accommodations or modifications. Instruction may be conducted in the classroom, home, hospitals, institutions and in other settings. A child may receive services in the general education classroom, special education resource room for part of the day, separate class or other appropriate settings. Special education services provide the additional support and assistance your child needs to be successful.

If your child requires special education services, you will be involved in decisions about what services, instruction and equipment are to be provided, as well as where these services will take place. These decisions will be made by an Individualized Education Program (IEP) Team, and you will be invited to become a member of that team. The local school district will ensure that special education services are delivered in a setting that is as similar as possible to education provided for all children who are your child's age. This is called placement in the least restrictive environment (LRE). Changes in your child's education are made only to the extent needed to ensure your child's special education and related services needs are met. This means a child who receives special education services is placed, to the maximum extent appropriate, with typically developing peers, in general education with children the same age as your child with supports or accommodations in the general education classroom. The IEP Team may decide the child needs to be placed for part of the day in a separate classroom that serves only special education children. This will be provided so your child will make progress in school. Special education and general education teachers are partners with you in this process.

Special education services are governed by both federal and state regulations. These include the Individuals with Disabilities Education Act of 2004 (IDEA) and West Virginia Code Chapter 18, Article 20, "Education of Exceptional Children." IDEA requires special education and related services for children with disabilities ages three through 21. The state law requires each county school system to educate all children with exceptionalities, including those with disabilities and those who are gifted, three through twenty one years of age in accordance with their capacities, limitations and needs. Policy 2419: *Regulations for the Education of Students with Exceptionalities* is the West Virginia Board of Education's approved procedures that govern the programs and services for the education of children with exceptionalities in West Virginia.

You may obtain a copy of Policy 2419 by calling the Office of Special Education (OSE) at 1-800-642-8541 or 304-558-2696 or by accessing the WVDE website <http://wvde.state.wv.us/osp>.

## **What Are the Exceptionalities?**

The term "students with exceptionalities" is used to describe those children and young adults between the ages of three through twenty-one years, who differ from the average child in learning or academic characteristics and who need special education services. In West Virginia, the term includes both children with disabilities and children who are gifted. The term "students with disabilities" includes most of the same children, but it does not include children who are gifted or exceptional gifted. A list of exceptionalities is: autism, blindness and low vision, deafblindness, deafness, developmental delay, emotional/behavioral disorder, gifted, exceptional gifted, hard of hearing, intellectual disability, orthopedic impairment, other health impairment, specific learning disability, speech/language impairment and traumatic brain injury. Policy 2419 outlines the characteristics, or eligibility criteria, for deciding whether a child has one of the above exceptionalities. After the evaluation of a child is completed, the school district will hold an Eligibility Committee (EC) meeting to review the information and decide whether the child has an exceptionality. You will be invited to this meeting. If your child has an exceptionality and needs special education, an IEP Team meeting will be held. You are an important member of this team. This meeting may be the same day as the EC meeting, or it may be at a later date, but soon after eligibility is decided.

## **What Is an IEP?**

The IEP is the heart of the planning process for the special education child. It is a plan that is developed by you and other members of the IEP Team to address your child's strengths and needs. The team will include your child's teacher, a special educator, service providers and others as needed to develop the IEP. You will meet together to discuss areas of concern and to develop annual goals based on your child's strengths and needs, current skills and present levels of academic achievement and functional performance. In addition to school subjects, the IEP Team considers needs such as communication, behavior and special equipment or "assistive technology". The methods and tools the school will use to determine if your child has made progress in reaching the goals selected by the team will be included. It will include the special education and related services and any classroom accommodations, modifications or assistive technology service needs. The IEP will also include dates when services are expected to begin and end. The amount of time the child will participate with peers who do not have special education needs will also be determined.



The initial IEP will go into effect only after you agree to the specific services to be provided and sign the IEP consent for placement. You will be given prior written notice (PWN) that the educational placement for your child will change. Five days or if the district and parent agree to fewer than five days special education and related services will begin. The IEP must be reviewed once each year, and may be reviewed by parents and school personnel at any time, if needed.

Remember, the IEP is more than just a written document. It is a planning process in which you are an integral part. You have valuable information about your child that the other members of the team need to develop a good plan. It is only when all partners are involved and sharing information that an effective program can be developed, therefore this partnership is vital to the whole process.

## **What Are Related Services?**

Related services are specific corrective and supportive services provided for children with exceptionalities to help them benefit in their special education program. The need for these services is assessed through the evaluation process with the involvement of individuals who have specialized knowledge in the areas of concern. The IEP Team determines whether the need for a related service exists based on information from the evaluation, and if a specific related service is needed for the child to benefit from special education, this service will be included in the IEP.

Related services are provided at no cost to the family and may include, but are not limited to the following: transportation, audiology, interpreting services, speech/language pathology, psychological services, physical therapy, occupational therapy, clean intermittent catheterization, recreation, counseling services, orientation and mobility services, social work services in schools, school health services, school nurse services, medical services for evaluation purposes only, and parent counseling and training.

For some children, support will also include certain types of assistive technology. Assistive technology is a type of related service that allows for the use of equipment that will aid the child's functioning. The need for such assistance is determined through assessments and recommendations from the IEP Team. The provision and use of such equipment will be included in the child's IEP.

Your role as a parent is very important in determining if related services are necessary for your child. You can help by providing information from medical records, developmental information and information about your child's family relationships, behavioral patterns and routines at home.

## **What Can I Do If There Is a Disagreement?**

Education is a fundamental right of all children. Protecting the educational rights of all children is an important responsibility of schools and families, requiring active and effective participation of parents, and children when appropriate, in educational decision making. Children whose educational needs are affected by an exceptionality receive specific protections under federal and state laws and policy.

The IDEA and Policy 2419 provide "procedural safeguards" to ensure parent participation in the special education process and to ensure the child's right to a free appropriate public education (FAPE). You should receive a booklet outlining these protections from the school. If you disagree with the eligibility or IEP decisions made for your child, processes for resolving disputes are available.

Prior to considering the following options, you should make reasonable efforts to resolve your concerns at the school or county level. You could schedule a conference with school personnel to discuss your concerns, make an appointment with the county director of special education and/or the county superintendent of schools and/or contact an agency or organization that provides information to parents of children with exceptionalities.

## **Facilitated IEP**

A Facilitated IEP (FIEP) Team meeting is a voluntary early dispute resolution option utilizing an impartial facilitator to guide the IEP process during the meeting and to assist members of the IEP Team to communicate effectively. A student's IEP is developed by a collaborative team whose required members share responsibility for the process, content and results. An IEP Facilitator provides assistance to the IEP Team before a potential conflict develops into a more serious dispute. The IEP Facilitator is an impartial third party, not a member of the IEP Team, and has no stake in decisions made by the team. A request for a Facilitated IEP may be sent to the Office of Special Education, West Virginia Department of Education

## **Mediation**

A parent or school district may request mediation of a dispute in any matter under IDEA relating to the child's education. Mediation is voluntary, at no cost to parents or the county school district and is not used to deny or delay a parent's right to a due process hearing or to deny any other rights. A written mediation request may be sent to the Office of Special Education, West Virginia Department of Education.

## **State Complaint**

Any interested person may file a complaint, if the person believes the school or district has not followed the special education regulations and procedures in IDEA or Policy 2419 regarding a specific child or children or has violated rights regarding the school district's proposal or refusal to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE. This includes parents of eligible children, organizations, groups, school district employees and individuals from West Virginia or another state. A complaint must be written and signed and must include a statement that one of the above requirements has been violated, the facts on which this statement is based, the name of the county school district or public agency and school, the child's name and address, a description of the problem including related facts and a proposed resolution, if known. A written complaint may be sent to the Office of Special Education, West Virginia Department of Education. In addition, you will need to send a copy of the letter of complaint to the county special education director. The OSE will investigate and issue a letter of findings. If noncompliance is found, the district will be told to correct it.

## **Due Process Complaint**

The parent or a school district may initiate a due process complaint regarding the school district's proposal or refusal to initiate or change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education by submitting a written request for a due process complaint to the Office of Special Education and to the school district's superintendent. The written request submitted by the parent, district or the party's attorney must include the name of the child, address of the residence of the child, name of the school and county, description of the facts related to the problem and proposed ways to resolve the problem, if known.

A due process hearing is similar to going to court. The parent and school district will present evidence, cross examine witnesses and have a right to an attorney. A hearing officer will issue a written decision. Legal counsel is not required; however, a parent who wishes to obtain legal counsel should do so prior to filing a due process complaint to ensure the correct process is followed.

Information about Facilitated IEP, State Complaint, Mediation and Due Process complaints may be obtained from the Office of Special Education, West Virginia Department of Education:

1900 Kanawha Boulevard, East  
Building 6, Room 717  
Charleston, WV 25305

or phone (800) 642-8541 or (304) 558-2696.

# Section 2

## What Are the Steps in the Special Education Process?

This section of the handbook describes the steps in the special education process with each step building on the previous one. It is important to know how the process works so that all participants can be effective partners.

### 1. Support for Personalized Learning

If you suspect your child may be experiencing difficulties in academic achievement and/or developmental processes, you should contact the child's teacher to arrange a conference to discuss ideas and strategies that may help your child in the learning process. Some of the concerns you may wish to address are listed below:

- Difficulty staying on task
- Persistent difficulty in following directions
- Frequent outbursts for no apparent reason
- Difficulty in understanding what is read
- Difficulty expressing ideas in spoken or written form
- Experiencing complex medical problems
- Inability to talk as well as children of the same age
- Demonstrating little interest in toys or stories for children of that age
- Demonstrating puzzling behaviors
- Inability to play with other children
- Finishing work much more quickly than classmates
- Asking frequent how and why questions

Your concerns may be addressed through Support for Personalized Learning (SPL), if your child is in school. In West Virginia, SPL is a process in which a child may receive targeted or more intensive instruction when progress in general education, such as in reading, mathematics, or behavior is not at the level expected as determined by screenings and information collected by teachers. Parents will be informed of the SPL process, including strategies used to help the child learn and progress data that will be collected. If, after a period of time, the data show the child may need special education and related services, school personnel may refer the child for a multi-disciplinary evaluation.

At any time during the SPL process, you have the right to request an evaluation for special education, if you believe this is what your child needs. This request should be made in writing to the Student Assistance Team (SAT) at the school. The SAT has ten days to decide whether the evaluation will be conducted and provide you written notice of its decision.

### 2. Student Assistance Team

The SAT, which may have a different name at your school, is a group of trained school personnel who meet to problem-solve concerns of individual children brought to them by teachers or parents. They may recommend interventions, or review and change instruction or interventions already being provided for the children.

The SAT may receive referrals for a variety of concerns, however when the SAT receives a written request for initial evaluation for special education, it is required to meet within ten days. If the referral is from school personnel, the SAT may review existing interventions or try new ones. During the intervention period, observations of your child at home, knowledge about his or her development, your expectations at home and an understanding of how your child learns can be important contributions and should be shared with school representatives. For some children who need immediate referral, such as children who are deaf or blind or have significant disabilities, the SAT should not wait 45 days, but should proceed to the evaluation process.

The SAT will meet to review the results of the interventions within 45 days. If a parent requests an evaluation for special education, the SAT must decide in its first meeting (within ten days) whether the evaluation will be conducted. The parent receives the answer to the request in writing.

### **3. Conferences**

At the end of the intervention period, the SAT must invite parents to review recommendations made and hold a conference with you to discuss your child's progress. If the interventions have not been successful, then a referral for a multidisciplinary evaluation may be made. You, as a member of the Multidisciplinary Evaluation Team (MDET), and your child when appropriate, may work with the school to plan a comprehensive individual evaluation for your child. The individual evaluation is recommended when the team suspects that your child's educational performance is different from typical peers and that special education services may be needed. When working with the MDET, you will contribute to the development of the evaluation plan. This plan is designed to gain insight, through a series of assessments and observations, into the suspected area which may be influencing your child's educational strengths and needs.

### **4. Evaluation**

Evaluations are specific tests, observations and other activities designed to collect information which will help in determining whether your child needs special education. You will be asked to share your knowledge about your child's development, your expectations at home, and information about how your child learns. You will be asked to sign the permission form giving your consent to conduct the evaluation. It is important for you to ask enough questions so that you really understand the evaluation process. The evaluation will be completed by a trained team of professionals. It will include more than one test or measure and be administered in your child's native language or mode of communication. The evaluation period may require up to 80 calendar days from the date that you give written consent.

The results of the evaluation will provide information about your child's educational strengths and needs and help determine whether special education is necessary.

## **5. Eligibility**

After the evaluations are completed, you and other members of the Eligibility Committee (EC) will meet to review all of the information. At this point, ask enough questions so that you really understand the results. During this meeting, the EC will help determine if your child is eligible for special education. This decision is made by comparing the evaluation results to the eligibility criteria for the suspected exceptionality and determining if your child needs specially designed instruction.

### **What if my child is not eligible for special education?**

If your child is determined not eligible for special education services by the EC but continues to have difficulties, several alternatives may be considered. Instruction and scaffolding provided through SPL may be appropriate. Some children who do not need an IEP may have a disability under Section 504 and may receive services through a Section 504 Plan. Other recommendations may include services such as tutoring, English as a second language, guidance counseling, counseling by school personnel or professional agency personnel, social work services, school health services or community services.

## **6. Individualized Education Program (IEP)**

If your child is eligible for special education, you will participate in the IEP Team to develop a written plan for your child, the IEP. The IEP process must be completed within 30 days after a child has been determined eligible for special education services.

### **Who develops the IEP?**

The IEP Team is a group of people working with you to form a complete view of your child's learning needs and to recommend appropriate educational services. The IEP Team includes:

- A representative of the public agency who is a qualified supervisor or provider of special education services
- At least one general education teacher of the child
- At least one special education teacher or provider
- The parent(s) of the child
- The child, if appropriate
- Other individuals, selected by you or the school, who have knowledge about the child
- An individual who can explain the evaluation results

### **What is included in an IEP?**

The IEP includes:

- Your child's present levels of academic achievement and functional performance
- A statement of how the child's disability affects his or her learning and access to the general curriculum;
- Measurable goals, or statements that describe what your child can reasonably expect to accomplish in a year;
- Specific services to be provided, including supplementary aids and services in general education, special education services, related services and extended school year determination;
- An explanation of the extent to which your child will not participate with non-exceptional peers;
- Performance evaluation procedures and criteria;
- The date when services are to begin and how long they will continue;

- A statement explaining how the child will participate in the statewide and district-wide achievement testing;
- A statement of how and when parents will be informed of progress toward annual goals;
- A statement of transition service needs and post-secondary goals for a child with a disability and for children identified as Exceptional Gifted in grades 9-12, beginning at age 16;
- A statement of needed transition services, including, if appropriate, a statement of interagency responsibilities or any needed linkages beginning at age 16;
- A statement (at least one year prior to a child reaching the age of 18) that the child has been informed of his or her rights that will transfer to the child at age 18;
- The child's placement in consideration of the least restrictive environment; and
- Signatures of all those attending the meeting.

Your ideas (and your child's when appropriate) about what you want your child to learn in the next year will be considered in developing the IEP. The initial IEP goes into effect only after you agree and sign consent for initial placement. The IEP may be reviewed when concerns arise regarding the services being provided.

## **7. Placement**

Placement refers to an appropriate learning environment for your child. This includes a variety of options on a continuum of services from support in the general education environment to community settings for preschoolers. The IEP Team must consider placement in the general education setting first. IDEA requires that children with disabilities participate in the general education curriculum to varying degrees with some accommodations and modifications. This will help to ensure that special education is provided in the least restrictive environment (LRE). The LRE is the setting that gives your child as much contact as possible with typically developing children the same age while meeting your child's learning and behavioral needs. Special education may be delivered in a general or special education setting depending upon the unique characteristics and needs of your child.

## **8. Annual Review**

Your child's progress in achieving the goals on the IEP must be reviewed, and revised each year at the annual IEP review meeting. Your observations about any changes in your child's education, both positive and negative, should be shared at this time. You can prepare for this meeting by reviewing your child's current IEP and listing ideas that you would like to have included in the development of the next IEP. You may also ask to have this plan reviewed at any time during the school year. You (and your child when appropriate) will participate in this annual review process.

## **9. Reevaluations**

A reevaluation is conducted every three years. The IEP Team will review existing evaluation data on your child, including information provided by you, current classroom-based assessments and observations, observations by related service providers, and with input from you, will identify what additional data, if any, are needed. If additional evaluations are needed to re-determine eligibility, your consent is requested. If you do not respond, the reevaluations may be conducted without your consent after the district has made reasonable measures to obtain your consent. Your child may be evaluated more frequently if conditions warrant. The EC will review the evaluations to determine if your child continues to be eligible to receive special education. You will receive a report of the decision and the evaluation reports.

## **How Does My Child Transition from WV Birth to Three to Preschool Special Education?**

Your child may be identified as having special needs between the ages of birth to three years old. The West Virginia Birth to Three system administered by the West Virginia Department of Health and Human Resources (WVDHHR), Office of Maternal, Child and Family Health provides services to meet the needs of the child and family. These services will be addressed on an Individualized Family Service Plan (IFSP).

It is important that you are involved in your child's transition planning from the WV Birth to Three system to the Preschool Special Education Program. You can help by collecting and sharing educational and medical information with your child's service coordinator.

When children transition from the WV Birth to Three Programs, a determination must be made regarding continued eligibility for special education according to WV Policy 2419 eligibility criteria. Each school district should have in effect an interagency agreement with the WVDHHR that outlines the obligations of each agency to ensure a smooth and effective transition of children assisted under the WV Birth to Three Program into a school program.

Prior to your child's entry into the special education program, a meeting will be arranged by the service coordinator with local school district personnel. You will be a member of this Team which will decide what follow-up actions will be necessary for the transition to occur.

When a child is eligible for preschool special education and is transitioning from WV Birth to Three Program the special education and related services for the eligible preschool child shall be provided as of the child's third birthday. The West Virginia Birth to Three service coordinator is responsible for scheduling, at least 90 days prior to the child's third birthday, a transition conference meeting to discuss preschool transition. A Transition Plan must be developed to assure that when a child turns three years of age either an IEP or IFSP is in place to meet the needs of the child.

## **What Is Secondary Transition?**

Secondary transition is a coordinated set of activities for a child that promotes movement from school to post-school activities and is based on the child's needs, preferences and interests. The ultimate goal of the transition process is meaningful employment and/or participation within the community, with a quality life for all individuals with exceptionalities. Secondary transition planning for your child will involve special education staff and related service providers along with you and your child. The planning process is designed to ensure that your child will be provided the necessary skills and services to make a smooth transition from school to adult life. Beginning at 16 years old, and each year thereafter, you and your child will be involved in developing a Transition Plan that is part of the IEP. The Transition Plan will address what skills and services will be provided for your child to be successful upon leaving school in the following areas:

- Employment
- Post-secondary training and education
- Independent living
- Community participation
- Adult services



Your involvement in the decision-making process, concerning both family and the child's expectations, will help in building a solid transition for your child upon leaving school.

## **How Does the School Discipline Policy Apply to My Child?**

All county boards of education have adopted safe and supportive schools policies with stated interventions and consequences for unacceptable behavior. These policies are based on Policy 4373: *Expected Behavior in Safe and Supportive Schools*. Requirements for removals for less than 10 days in a school year are the same for all children with or without disabilities. Children with disabilities may be removed for more than 10 days but only after following the steps identified in Policy 2419: *Regulations for the Education of Students with Exceptionalities*.

# Section 3

## Who Makes Decisions about My Child's Needs?

You will be working with the school IEP Team in making decisions about your child's needs. Every child in special education must have an IEP. The IEP is a written plan, developed by an IEP Team, describing the specially designed instruction needed to meet the needs of the individual child. Parents are part of the IEP Team and are encouraged to participate in the development of their child's IEP.

## How Can I Be an Effective Member of the School Team?

During the course of your child's school experience, concerns or problems may arise that require resolution but do not require formal mediation or a due process hearing.

The first step in solving concerns is to ensure that everyone understands the problem or concern. Requesting a meeting or conference with the person most directly involved with your child is an excellent starting point in resolving the matter. Talk with your child's teacher, case manager and/or school principal to discuss and resolve the concern.

Each member of the parent/school partnership must learn to recognize all potential communication barriers and to develop strategies for overcoming each of them. With this kind of preparation, it is possible to resolve issues and to maintain an open communication among all partners in a child's life.

### Frequent issues involve:

- Classroom concerns
- Evaluation or eligibility for special education services
- Implementation of your child's IEP
- Appropriateness of your child's program

Fostering feelings of trust and respect is an important goal for partners and educators. Attention to successful communication methods is an important way to achieve this goal. Keep the lines of communication open.

## What Are My Rights and Responsibilities?

In planning for the education of your child, you have the right to be heard and respected. We all need to take care of ourselves, and feel that it is all right to be concerned about our family and children. We need to remember that we have the right to question, and with this right comes responsibilities. We need to be willing to accept and respect others and their opinions, let others be able to state their opinions and to provide information.

These rights do not change when a child is determined to need special education. However, you do receive additional rights and responsibilities, which help to ensure that the needs of your child are addressed and that you are involved.

**These rights include:**

- The right to be considered a full participating member of the IEP Team when planning for your child.
- The right to provide information about your child that can be used in developing interventions, evaluation planning and educational programs.
- The right to insure that your written permission is given before any formal evaluations are begun.
- The right to consent before initial placement of your child into special education services.
- The right to receive written notice prior to any changes in placement for your child.
- The right to a complete evaluation, which includes more than one test or procedure and is completed by trained personnel from various educational and/or medical areas of expertise, to receive copies of those results and to have those results explained in a language you understand.
- The right to access your child's records, and have someone available to explain the records, if requested.
- The right to confidentiality of all records about the child.
- The right to a free and appropriate public education (FAPE) that addresses your child's individual needs.
- The right to request an independent evaluation at no cost to yourself if you disagree with the district's evaluation results.
- The right to be involved in the development of your child's Individualized Education Program (IEP).
- The right to receive transportation and other related services necessary for the child to benefit from his or her special education services.
- The right to a state complaint, mediation and due process if differences regarding your child's program or services cannot be resolved by other means.
- The right to revoke consent for the provision of special education services at any time.

**Along with each of these rights come the following responsibilities:**

- To be involved;
- To participate in meetings regarding your child and be ready to discuss issues of concern that you have;
- To ask questions and be sure you understand what is happening;
- To provide all the relevant information that is needed in planning and program development;
- To let the school personnel know about any changes in your child's life, both positive and negative, including areas of growth, changes in health and medication and difficulties your child is having; and
- To educate yourself regarding the rules and regulations governing special education services.

# Section 4

## Frequently Asked Questions and Answers

### **Who do I contact if I believe my child needs special help?**

The first step is to contact the teacher or principal of your child's school and ask that a Student Assistance Team (SAT) meeting be held. If you need further assistance or information, call the director of special education of your county school district.

### **What are my rights when the school recommends a multidisciplinary evaluation for my child?**

Your consent in writing is required before the school may individually evaluate your child the first time. The school must first notify you, explaining what kinds of tests they want to give and why they think it is necessary. Initial evaluations of children may not be conducted without parental consent except by a final decision of an impartial hearing officer or by order of a court.

### **Who will decide if my child will receive special services?**

Following a complete evaluation of your child, you will be invited to participate as a member of the Eligibility Committee (EC). At this committee meeting, the evaluation results will be thoroughly explained to you by specialists and educators. The results of the evaluations, as well as information you have provided to the committee about your child, will indicate if your son or daughter has special needs that require special education programs and services.

### **What is Support for Personalized Learning?**

West Virginia Support for Personalized Learning (SPL) is a framework that uses a configuration of multiple supports for all children and includes the elements referred to as Response to Intervention (RtI). SPL is a multi-level process that emphasizes how children respond to instruction and provides support for children performing below state-approved grade-level standards as well as those children exceeding grade-level standards.

In the early grades, teachers intervene early to prevent children from falling behind. For older children, SPL provides differentiated and scaffolded instruction to help all children with the demands of multiple learning environments. The SPL process includes problem-solving teams at the school level who examine child performance data and make recommendations for improving your child's achievement.

### **What services can I expect if my exceptional child attends a private or parochial school?**

No child with an exceptionality who attends a private school has an individual right or entitlement to receive some or all of the special education and related services that the child would receive if enrolled in a public school; however, each public agency consults with private school representatives to determine how the needs of the children with disabilities will be met. Contact your school district for more details.

### **What are some of the possible education placements available?**

- General Education Program: Full-time
- General Education Program: Part-time
- Special Education Program: Separate Class
- Special Education Program: Special School
- Special Education Program: Out-of-School Environment
- Special Education Program: Residential Facility

For children ages three through five years, placement is documented as one of the following:

- Regular Early Childhood Program for varying amounts of time with special education services provided in that program
- Regular Early Childhood Program for varying amounts of time with special education services provided in another location
- Special Education Classroom
- Separate Schools
- Residential Facilities
- Home
- Service Provider Location

The appropriate placement depends upon the child's needs and includes spending as much time as possible in the regular school setting with typical peers. Being separated from a regular classroom is appropriate only when the child's special needs cannot be met with supplementary aids and services in the regular class.

### **What if my school district does not have a program for my child?**

School districts must provide services for all children with exceptionalities. Therefore, it may be necessary for your school district to initiate additional services or contract with a nearby county school district or private or public agency to provide appropriate services for your child. It is still your school district's responsibility to see that your child receives a free appropriate public education (FAPE).

### **What is an appropriate education for my child?**

An appropriate education for all children is based on access and participation in the general curriculum. In West Virginia, the general curriculum is the West Virginia Next Generation Content Standards and Objectives. When educators and parents meet together in an IEP Team meeting, the team must develop an IEP that describes the special education and related services needed by your child. These services must allow him or her to make progress in learning the content standards and must be delivered in the least restrictive environment. The least restrictive environment may be a general education class all or part of the day, or possibly a separate class, depending on your child's special needs.

### **What is the responsibility of my school district if my child requires special transportation?**

The school district is required to provide transportation services to any child with a disability who requires special transportation because of his or her special needs. The West Virginia Board of Education has established regulations for special transportation. These regulations apply to school districts and outline the specific responsibilities of both the school district and parents for transporting children with special needs.

**What if I disagree with the school district’s decision concerning my child? What is the best approach to resolving the problem?**

If you disagree with your child’s evaluation, IEP or implementation of services, or any decisions of the Eligibility Committee or IEP Team, you may use one of the dispute resolution processes:

- Facilitated IEP Team meeting
- State Complaint
- Mediation
- IDEA Due Process Complaint

You may want to discuss your options with a local Parent Educator Resource Center (PERC), or contact the Office of Special Education at 1-800-642-8541 for more information.

# Section 5

## Glossary

### Acceleration

Moving through school work faster or earlier than usual.

### Assistive Technology

Devices that help children access their education.

### Audiologist

Person trained to diagnose hearing impairments and provide help for children with hearing impairments including determining the need for, selecting and fitting of a hearing aid.

### Career and Technical Education Programs

Education programs which are directly related to the preparation of individuals for paid or unpaid employment or additional preparation for a career (other than those requiring a college degree).

### Consent

The “parent” is fully informed, understands, agrees and voluntarily gives the “go ahead” for the activity to take place.

### Continuum of Placement Options

- General Education Program: Full-time
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- Residential Facilities
- Home
- Service Provider Location

### Due Process

A system that guarantees each individual equal protection and treatment under the law by affording notice and consent requirements and other safeguards.

### Extended School Year (ESY)

An education program over 180 school days per year, provided if a child has the potential to regress significantly during the summer months.

**Free Appropriate Public Education (FAPE)**

A legal guarantee that no child can be denied an education because of a disability; that education must be the appropriate instruction to meet the child's needs.

**Historically Under-Represented Gifted**

Those children whose giftedness may not be apparent due to low socioeconomic status, a disability in accordance with this policy or a background that is linguistically or culturally different.

**Individualized Education Program (IEP)**

A written plan developed by educators, parents and related service personnel, which serves as the main document for the exceptional child's education.

**Least Restrictive Environment (LRE)**

The classroom setting that gives the child with disabilities as much contact as possible with typically developing children while meeting all of the child's learning and physical needs.

**Multidisciplinary Evaluation**

A series of procedures to determine a child's abilities. Conducted by a team of trained teachers and specialists, the evaluation finds out the child's strengths, weaknesses and educational needs.

**Observation**

A careful look at the child in school or home to note how the child works and plays in different situations, at different times during the day and in different activities. The purpose of observation is to learn more about the child.

**Occupational Therapist (OT)**

Person trained to build the skills needed in daily living, such as feeding, dressing, play, fine and gross motor skills.

**Parental Consent**

Permission given voluntarily by parents and may be revoked (taken back by the parent) at any time.

**Physical Therapist (PT)**

Person trained to develop a child's strength, endurance and movement patterns so the child may become as independent as possible.

**Placement**

The setting in which the child receives special education and related services.



**Related Services**

Services required to assist an exceptional child to benefit from special education. These may include:

- Assistive Technology
- Transportation to and from school
- Counseling for child and/or family
- Recreation or special physical education
- School health services
- Physical therapy
- Occupational therapy
- Speech/language therapy
- Others

**School Psychologist**

Person trained to do psycho-educational evaluation of children (i.e., intelligence testing, visual-motor assessments, social-emotional assessment, etc.) and to assist parents and teachers in providing help for children.

**Special Education Teacher**

Person trained to provide instruction to meet the special learning needs of an exceptional child; special education teachers are qualified (certified) to teach in certain areas of exceptionality (e.g., specific learning disabilities, hard of hearing, intellectual disabilities, etc.)

**Speech/Language Pathologist (Speech Therapist)**

Person trained to diagnose speech and language problems and provide help for children in improving speech and language skills.

**Transition Services**

Activities that allow a child to become qualified, educated and develop employment or living skills in which to take part.

# Section 6

## National Resources

### **Alexander Graham Bell Association for the Deaf and Hard of Hearing**

3417 Volta Place, NW  
Washington, DC 20007  
P: (202) 337-5220  
TTY: (202) 337-5221  
F: (202) 337-8314  
<http://www.agbell.org>

National organization for parents and teachers interested in children with hearing impairments which provides information on home training, amplification and has large library on deafness.

### **American Foundation for the Blind**

11 Penn Plaza, Suite 1102  
New York, NY 10121  
P: (800) 232-5463  
P: (212) 502-7600  
F: (888) 545-8331  
<http://www.afb.org>

Private agency that provides information and referral services for the public.

### **American Speech-Language-Hearing Association**

2200 Research Boulevard  
Rockville, MD 20850-3289  
P: (800) 498-2071 (Professionals and Students)  
P: (800) 638-8255 (Public)  
TTY: (301) 296-5650  
<http://www.asha.org>

An educational and professional organization for speech, language, and audiology providing clinical referral services for those seeking clinical services. Free public information literature is available on request from the association.

### **Association for the Gifted**

4936 SW 91st Terrace, M302  
Gainesville, FL 32608  
P: 1-765-749-4208  
<http://www.cectag.org>

Organization of parents, educators, and other professionals who advocate for Organization of parents, educators, and other professionals who advocate for children who are gifted and provide informational services.

### **The Association for Persons with Severe Handicaps (TASH)**

1025 Vermont Avenue, NW, Suite 300  
Washington, DC 20005  
P: (202) 540-9020  
F: (202) 540-9019  
<http://www.TASH.org>

An organization of parents, educators, and other professionals, which provides information, support, and coordinates a parent-to-parent network of communication for individuals with severe disabilities.

**The National Organization of and for People with Intellectual and Related Developmental Disabilities and their Families (ARC)**

**The ARC of the United States**

1825 K Street, NW, Suite 1200

Washington, DC 20006

P: (301) 565-3842

F: (301) 565-5342

<http://www.thearc.org>

**Asthma and Allergy Foundation of America**

8201 Corporate Drive, Suite 1000

Landover, MD 20785

P: (800) 727-8462

<http://www.aafa.org>

A national information service organization for individuals with asthma and allergic diseases.

**Autism Society of America**

4340 East-West Hwy, Suite 350

Bethesda, MD 20814

P: (800) 328-8476

<http://www.autism-society.org>

National organization with information on the education and welfare of children and adults with severe needs in communication and behavior.

**Clearinghouse on Disability Information – OAS, CMMS**

U. S. Department of Education

550 12th Street, S.W., Room 5133

Washington, DC 20202-2550

(202) 245-7307 (Voice)

(202) 205-5637 (TTD)

(202) 245-7636 (FAX)

<http://www2.ed.gov/about/offices/list/osers/codi.html>

**The Consortium for Citizens with Disabilities**

1825 K Street, NW, Suite 1200

Washington, DC 20006

P: (202) 783-2229

F: (202) 534-3731

<http://c-c-d.org/>

National organization that provides information and direct services to children and adults with intellectuality disadvantaged.

**The Council for Exceptional Children (CEC)**

2900 Crystal Drive, Suite 1000

Arlington, VA 22202-3557

P: (888) 232-7733

TTY: (866)915-5000

<http://www.cec.sped.org>

International professional organization dedicated to improving educational outcomes for individuals with exceptionalities, students with disabilities, and/or the gifted.

**Epilepsy Foundation of America**

4351 Garden City Drive

Landover, MD 20785

P: (800) 332-1000

P: (301) 459-3700

F: (301) 577-2684

<http://www.efa.org>

A national agency for people with epilepsy. Provides free information on epilepsy and its consequences and educational materials on individuals and groups dealing with seizure disorders. Provides referral services, monitors related legislative activity and is a strong advocate to help obtain needed services and rights for those with epilepsy.

**Learning Disabilities Association of America**

4156 Library Road

Pittsburgh, PA 15234

P: (888) 300-6710

P: (412) 341-1515

F: (412) 344-0224

<http://www.ldanatl.org>

National organization with chapters in every state; provides information on advocacy, publications, and new developments related to children with learning disabilities.

**Lighthouse International**

111 East 59th Street

New York, NY 10022-1202

T: (212) 821-9200 / (800) 829-0500

P: (212) 889-3141

F: (212) 821-9707

TTY: (212) 821-9713

<http://www.lighthouse.org/>

Provides free learning materials for parents to help their children, including large print books and a monthly newsletter to keep families informed on the new techniques used with the visually handicapped.

**National Down Syndrome Congress**

30 Mansell Court, Suite 108

Roswell, GA 30076

P: (800)-232-6372

P: (770)-604-9500

F: (770)604-9898

<http://www.ncsccenter.org>

National information service for and by parents of children who have Down Syndrome; publishes a monthly newsletter on new information of special interest.

**National Down Syndrome Society**

666 Broadway Avenue, 8th Floor

New York, NY 10012

P: (800) 221-4602

P: (212) 460-9330

F: (212) 979-2873

<http://www.ndss.org>

Provides information and referrals to parents of infants and young children with Down Syndrome and to the professionals who help them. Publishes biannual newsletter.

**National Easter Seal Society**

233 South Wacker Drive, Suite 2400

Chicago, IL 60606

P: (800) 221-6827

P: (312) 726-6200

TTY: (312) 726-4258

F: (312) 726-1494

<http://www.easter-seals.org>

National organization to provide rehabilitation services to persons with physical handicaps. Local societies are throughout the country.

**National Hemophilia Foundation**

116 West 32nd Street, 11th Floor

New York, NY 10001

P: (212) 328-3700

F: (212) 328-3777

HANDI Phone: (800) 42-HANDI

HANDI Fax: (212) 328-3799

<http://www.hemophilia.org>

Provides free literature on hemophilia and the handicapping conditions that can result from this disease. Provides referral services and was directly responsible for the establishment of 23 diagnostic centers for hemophilia across the country that provide training and rehabilitation.

**Mental Health America**

2001 N. Beauregard Street, 6th Floor

Alexandria, VA 22311

P: (800) 969-6642

P: (703) 684-7722

F: (703) 684-5968

<http://www.nmha.org>

An organization of parents, professionals and people with mental disorders. Advocates for legislation affecting the rights and treatment of people with mental-emotional disorders. Information and publications as well as a monthly newsletter are available.

**National Information Center for Children and Youth with Disabilities (NICHCY)**

P.O. Box 1492

Washington, DC 20013

P: (800) 695-0285

F: (202) 884-8441

<http://www.nichcy.org>

**National Multiple Sclerosis Society**

733 Third Avenue

New York, NY 10017

P: (800) 344-4867

P: (212) 986-3240

<http://www.nmss.org>

**Spina Bifida Association of America**

4590 MacArthur Blvd., NW, Suite 250

Washington, DC 20007

P: (800) 621-3141

P: (202) 944-3285

F: (202) 944-3295

<http://www.sbaa.org>

National association to distribute information to parents and professionals; has local chapters throughout the country.

**United Cerebral Palsy**

1825 K Street NW Suite 600

Washington, DC 20006

Phone: 800.872.5827 / 202.776.0406

<http://www.ucp.org>

National association for information and service needs to families with a child with cerebral palsy.

## **West Virginia Resources**

### **The Arc of Harrison County**

PO Box 764  
Clarksburg, WV 26302-0764  
P: (304) 624-3641  
<http://arc-hc.com>

### **The Arc of Mid Ohio Valley**

912 Market Street  
Parkersburg, WV 26101-4737  
P: (304) 422-3151  
P: 1-877-334-6581  
<http://www.arcwd.org>

### **The Arc of Ohio County**

439 Warwood Ave  
Wheeling, WV 26003-6839  
P: (304) 277-1466

### **The Arc of the Three Rivers**

1021 Quarrier St.  
Charleston, WV 25301-2338  
P: (304) 344-3403  
<http://www.arcthreerivers.org>

### **Center for Excellence in Disabilities**

West Virginia University  
959 Hartman Run Road  
Morgantown, WV 26505  
P: (304) 293-4692  
TTY: (888) 829-9426  
Voice or TTY: (800) 518-1448  
<http://www.cedwvu.org/>

Child Care Resource and Referral Agencies serve all counties and are administered by the WV Department of Health and Human Resources (WVDHHR). Call (304) 558-0684 for more information.

### **Mountain State Parents CAN**

PO Box 6658  
Wheeling, WV 26003  
P: (800) 244-5385  
P: (304) 233-5399  
F: (304) 233-3847  
[www.mspscan.org](http://www.mspscan.org)

**West Virginia Advocates**

Litton Building 4th Floor

1207 Quarrier Street

Charleston, WV 25301

P: (800) 950-5250

P: (304) 346-0847

<http://www.wvadvocates.org>

**West Virginia Assistive Technology System  
WV University Center for Excellence in Disabilities**

955 Hartman Run Road

Morgantown, WV 26505

P: (800) 841-8436

P: (304) 293-4692

F: (304) 293-7294

<http://www.ced.wvu.edu>

**WV Autism Training Center  
Marshall University**

Old Main 316

Huntington, WV 25755

1-800-344-5115

<http://www.marshall.edu/atc/content/about.php>

**West Virginia Birth to Three System**

350 Capitol Street, Room 427

Charleston, WV 25301

P: (800) 642-9704

P: (304) 558-5388

<http://www.wvdhhr.org/mcfh/birth23>

**West Virginia Department of Education  
Office of Special Education**

1900 Kanawha Boulevard East, Room 717

Charleston, WV 25305

P: (800) 642-8541

P: (304) 558-2696

F: (304) 558-3741

<http://wvde.state.wv.us/ose/>

**WV Developmental Disabilities Council**

110 Stockton Street

Charleston, WV 25387

P: (304) 558-0416 - Voice

TDD: 304-558-2376

F: (304) 558-0941

<http://www.ddc.wv.gov>

[dhhrwvddc@wv.gov](mailto:dhhrwvddc@wv.gov)



**West Virginia Parent Educator Resource Centers**

Located in some counties

For more information contact the Office of Special Education at

P: (800) 642-8541

TDD: (304) 558-2696

<http://wvde.state.wv.us/osp/perc.html>

**West Virginia Parent Training and Information Center (WVPTI)**

371 Broadus Avenue

Clarksburg, WV 26301

P: (800) 281-1436

TDD: (304) 624-1436

<http://www.wvpti.org>





**ONE VOICE**  
**ONE FOCUS**  
All Students Achieving



Michael J. Martirano, Ed.D.  
State Superintendent of Schools