

# DISPUTE RESOLUTION PARENT GUIDE



DIVISION OF ELEMENTARY  
& SECONDARY EDUCATION

**March 2022**

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## **Introduction**

### *Parent Guide to Special Education Dispute Resolution*

The *Individual's with Disabilities Education Improvement Act* of 2004 (IDEA 2004), and its implementing federal regulations of 2006, require each state to have regulations designed to protect the rights of children and their families. These provisions define actions that parents may take when they disagree with the local school district regarding the identification, evaluations, educational placement/services of their child, or the provision of a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). These actions include parents and the district entering into mediation to resolve the dispute, the parent filing a state complaint that the district has erred procedurally in meeting its special education obligations, and/or the parent or district filing a request for a due process hearing in order to have a hearing officer determine the appropriate outcome for the child.

This guide is designed to be an aide parents in understanding the Arkansas dispute resolution system. It offers guidance in selecting an appropriate course of action and gives information on how to prepare for each stage in the process.

Dispute Resolution staff are available to assist parents in further understanding these processes.

Arkansas Department of Education (ADE) – Division of Elementary and Secondary Education (DESE) - Office of Special Education (OSE) – Dispute Resolution

Phone: (501) 682-4221

Fax: (501) 682-4313

## **Purpose**

The goal of dispute resolution is the development of positive relationships between families and school districts in order to make the best possible choices for children within our state. While differences in opinion do arise, the end result should be a decision that brings all concerned parties together to provide services and support for a child with special needs. The following information will provide both informal and formal options when seeking resolution to a disagreement.



## **Informal Options for Resolving Disputes: What If You Can't Agree?**

There are many options that can be considered before calling Dispute Resolution. These are things that can happen at your child's school to keep the decisions in the hands of those who know your child best. In problem-solving with those closest to your child first, the hope is that everyone involved will come to an agreement about what is in the best interest of your child. We want to make sure the people working with your child every day have input in providing the best learning opportunities and support services possible.

According to the Individuals with Disabilities Act (special education law), an educational decision for a special needs child is made by a group of people with knowledge of the child. This team should have (at a minimum): the parent(s), a general education teacher (if the child is, or may be, participating in the regular education environment), a special education teacher, a public agency representative who is familiar with the needs of your child, an individual who can interpret the evaluation results, and, if requested by the parent or school, any other people who have specialized knowledge of the child such as therapists, advocates, mediators, counselors, the child, etc. Observations, recommendations, and documentation can, and should, be provided by all members, in order to make the most well-informed decisions possible to allow your child to be successful in school. The team should document the decisions in the Individualized Education Program (IEP) and any conference forms.

The hope is that all IEP team members come to an agreement; however, there will be times when this is not the case. If this happens, there are a few options.

## **End the Meeting and Reschedule**

If the team cannot come to consensus, end the meeting and come back when more documentation or information can be provided. Sometimes, there is medical, psychological, or other information of which, not everyone on the team is aware. Often, parents have information from outside sources that the school does not have. It is important that the team has all possible documentation or other information to make an informed decision. If a member of the team feels like this is the case, another meeting can be scheduled when all information can be reviewed.

### **Contact the School District Special Education Supervisor**

The district Special Education Supervisor is a district level administrator who can answer questions about district rules and policies for parents. If the district coordinator/supervisor is not in attendance at your IEP meeting, give him/her a call. This person should be made aware of concerns regarding decisions made within the school district and any conflicts that arise. The contact number for your district special education supervisor can be found under Special Education on your district website, or on the Division of Elementary and Secondary Education, [Office of Special Education website](#), or by calling the district superintendent's office.

### **Contact the Arkansas Special Education Mediation Project**

At any time, you may request a free Mediation or a Facilitated IEP (FIEP) meeting through the Arkansas Special Education Mediation Project. This program is through the University of Arkansas at Little Rock Bowen School of Law. This program assigns an impartial person with background in special education law to lead and encourage all parties to come to a written agreement that is in the best interest of the child. This can be for working out problems with school policy issues or can be for making changes to your child's actual IEP document. If this is something you would like to know more about, we have a there is a video that explains these more clearly, that explains these services more clearly. Facilitation and mediation services can be requested by calling 501-916-5404. <https://ualr.edu/law/clinical-programs/mediation/arkansas-special-education-mediation-project/>

### **Contact the State Special Education Advisor for Your District**

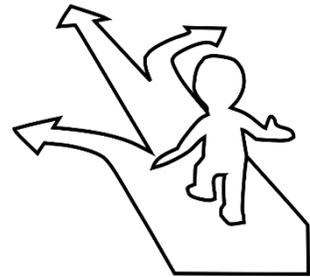
There are also State Education Advisor (SEA) representatives assigned to each school district in the state. These specialists can explain laws and policies and inform you of services that can be provided in your local area. They can also serve to contact the district on your behalf. The person assigned to your school district can be reached by calling the ADE Office of Special Education at 501-682-4221. Tell the receptionist you would like to speak with the SEA for your school district.

## Contact an Advocacy Group

Then there are those times when you need someone who can support and understand you as a parent. Our parent resource pages list independent advocacy groups who are there for this purpose. These advocates are available to meet with you to answer questions, attend meetings with you, and to offer support/advice with regards to your child's rights as a student. A partial list of groups available to Arkansas families is available on the Department of Education website or by going to the following link:

<https://dese.ade.arkansas.gov/Offices/special-education/dispute-resolution/parent-resources>

## What are my Issues? Where do I go?



### Mediation:

- Any Special Education Issues 501-916-5404

### Complaints (issues within 1 calendar year): 501-682-4221

- Procedural Safeguards Violations
- Implementation of IEP
- Child Find Obligations
- Violation of IDEA and state rules and regulation regarding special education

### Due Process (issues within last 2 years): 501-682-4221

- Procedural Safeguards Violations
- Identification
- Evaluation
- Educational Placement
- Implementation of IEP
- Violation of IDEA and state rules and regulation regarding special education
- Substantive Issues regarding placement and determination of services by the IEP team
- Provision of a Free and Appropriate Public Education

## Other:

- Employment of teachers – local school board
- Assignment of staff – local school board
- Methodology – local school board
- Management of school property – local school board
- Abuse or neglect – Child Abuse Hotline 1-800-482-5964
- Civil Rights Violations – Equity and Assistance 501-672-4213 or Office of Civil Rights 1-800-368-1019
- 504 Implementation– Equity and Assistance 501-682-4213
- Teacher Ethics- PLSB 501-682-0166

## **Formal Options for Resolving Disputes: What's Next?**

At your child's special education conferences, you should be directed to a copy of the parental safeguards document. These safeguards are there to inform you of rights given to all special education students and families under the special education law known as the Individuals with Disabilities Education Act, or IDEA. Every public school is expected to provide certain services to children who qualify for Special Education and Related Services. If these services are not provided correctly and in a timely manner, parents have the right to question if their child is being provided a Free and Appropriate Public Education (FAPE) as expected under law. FAPE means that schools must provide eligible children who have a disability with specially designed instruction, supports and services to meet their unique needs at no cost to the children's family.



There are many things that can be done at your school or within your district when there is a disagreement about a student's services, but there are times when the family and the district just can't agree. When family and the district cannot come to an agreement on a topic, the issue can be turned over to Dispute Resolution Department of the Office of Special Education for assistance. Through Dispute Resolution, you have several things you can try.

Some of the most common options are briefly explained below (in no certain order).

## **Contact the Arkansas Special Education Mediation Project**

One thing you can do is have your next conference led by the Arkansas Special Education Mediation Project. This program is run through the Bowen School of Law. The program assigns an impartial person with background in special education law to lead and encourage all parties to come to a written agreement that is in the best interest of the child. This can be for working out problems with school policy issues or can be for making changes to your child's actual IEP document. If this is something you would like to know more about, we have a separate video that explains this service more clearly. Facilitation and mediation services can be requested by calling 501-916-5404. <https://ualr.edu/law/clinical-programs/mediation/arkansas-special-education-mediation-project/>

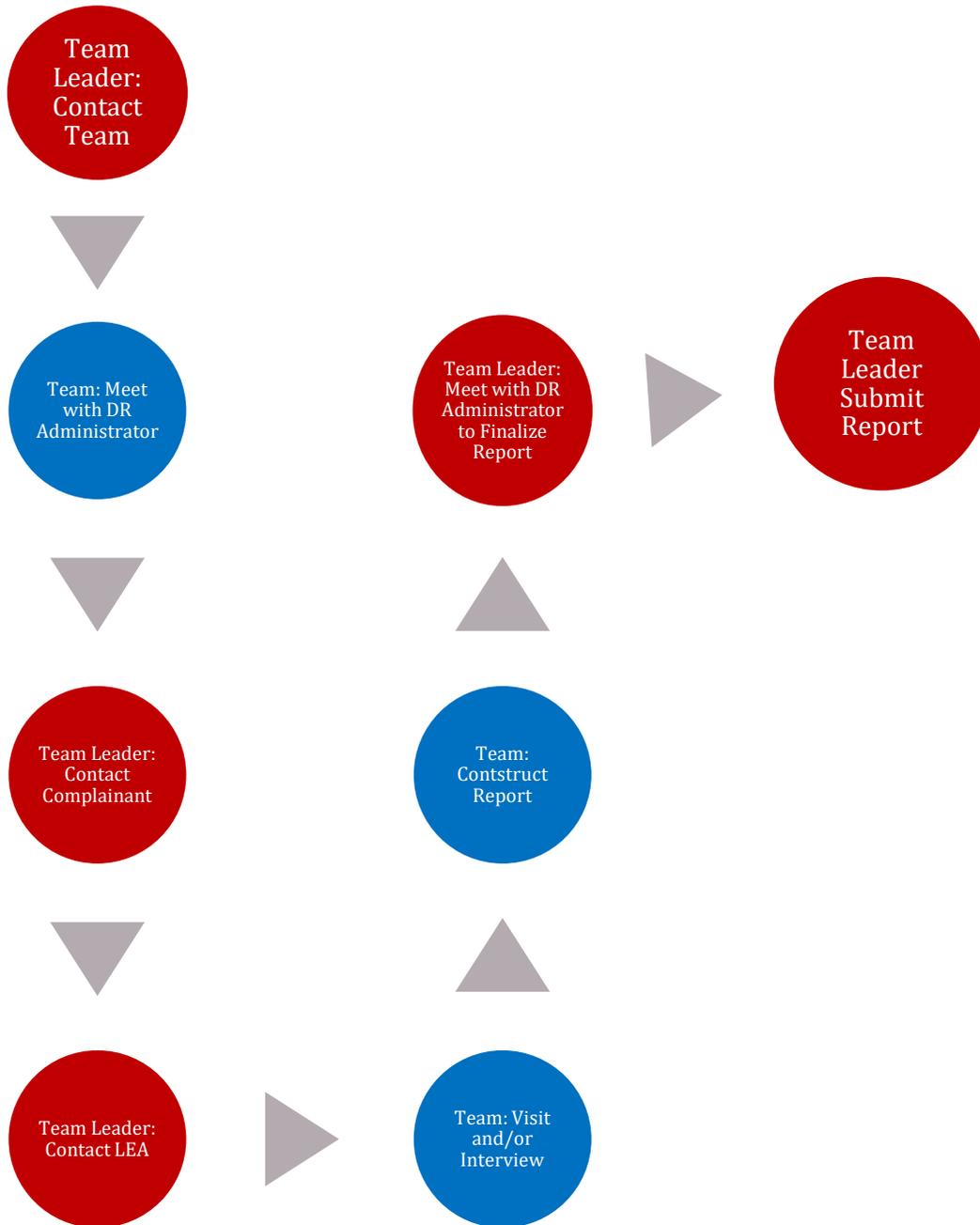
## **State Complaint**

Another choice is a written State Complaint to request the Arkansas Department of Education (ADE) to investigate things such as following timelines, correct paperwork, etc. A complaint can be filed by writing a letter, by completing the State Complaint form provided on the ADE Dispute Resolution website (<https://dese.ade.arkansas.gov/Offices/special-education/dispute-resolution>) or by phone through the Dispute Resolution Office if you need assistance in completing the form. The complaint is submitted to the school district and the Division of Elementary and Secondary Education - Office of Special Education (DESE-OSE). This complaint must include the violation(s) of the IDEA special education laws that have happened within the previous year, facts and explanation to explain how that these violation happened, a proposed resolution (result that is acceptable to the parent), and a signature (for example, if a parent feels that evaluation timelines were not followed, a possible resolution would be for all of the special education staff to receive training in this area from a qualified trainer).

When this written complaint is received by DESE-OSE, a team of experienced special education professionals will be assigned to investigate the complaint by reviewing any documentation (paperwork, emails, notes, etc.) and conducting interviews. The team will determine if there is enough evidence to prove that a district has or has not followed special education law. They will issue a report to the parent explaining their findings. If the school has not followed special education law, they will give the district a list of corrective actions that must be followed to prove they are now aware of correct procedures and will follow the correct procedures from that point forward. The DESE-OSE will collect evidence from the district to make sure they have completed all required corrective actions.

A complaint can be withdrawn by submitting signed withdrawal request to the Dispute Resolution Administrator.

## Team Investigation Process



## Due Process Hearing

Another choice is a request for a Due Process Hearing. Due Process Hearings look into things such as a child’s identification for services, academic placement, disciplinary removals, etc. This process can look at issues within the past two years. You can request a hearing by written letter/report or if you need assistance completing the form, you may call the Dispute Resolution Office.

The Request for Due Process Hearing form on the ADE website <https://dese.ade.arkansas.gov/Offices/special-education/dispute-resolution/due-process-hearings>. This form is not required but is an option to use. Once the request for hearing is submitted to the DESE–OSE and the school district, an impartial hearing officer is assigned to hear the case, give a ruling and, if needed, orders that must be carried out to ensure the child receives a Free and Appropriate Public Education (FAPE) under law. Even though it is not a requirement, many parents and districts hire an attorney to guide them through the process and help interpret the law when involved in a Due Process Hearing. Evidence and witnesses are presented at a hearing. The Hearing Officer will mail and/or electronically mail a written report explaining the decision and finding. The Hearing Officer may also issue corrective actions that the district must follow. For example, a Hearing Officer may require training, evaluations, a different placement, or compensatory hours in a service such as physical therapy, speech therapy, etc.

This is a quick explanation of what happens in a Due Process Hearing. If this is something you want to know more about, there is a [separate video](#) that gives much more detail on how to go about this process.

A due process hearing can be dismissed by submitting a Motion to Dismiss to the assigned hearing officer. The hearing officer will decide if dismissal is appropriate and will issue an Order of Dismissal.



In the case where a change of placement, discipline or Manifestation Determination decision is being appealed, an Expedited Due Process Hearing (EH) can be requested. This shortens the timelines, thus addressing the placement of the child sooner. If a hearing is filed, the student is in “stay put”, keeping the child in the last placement until a decision is issued by the hearing officer.

## Hearing Officers

### **Dana McClain**

6 Biscayne Ct.

Little Rock, AR 72227

Phone: 501-425-1741

[Dana.mcclain@att.net](mailto:Dana.mcclain@att.net)

### **Debby Linton Ferguson**

[debbylinton@yahoo.com](mailto:debbylinton@yahoo.com)

425 W. Capitol Ave., Suite 3800

Little Rock, AR 72201

Phone: 501-944-7119

### **Cynthia Buechler**

[attorneys@buechlerlaw.com](mailto:attorneys@buechlerlaw.com)

3660 Stoneridge Rd. Suite D-101

Austin, TX 78746

512-322-0588

### **William Buechler**

[attorneys@buechlerlaw.com](mailto:attorneys@buechlerlaw.com)

3660 Stoneridge Rd. Suite D-101

Austin, TX 78746

512-322-0588

## **Special Education Advocacy Groups**

### **Center for Exceptional Families, Inc. (TCEF)**

The Center for Exceptional Families, Inc. works in collaboration with families and their local school districts to promote an innovative approach to providing special education services for individuals with disabilities. Their goal is to provide statewide support to families, schools, educators, students transitioning to adulthood and individuals seeking secondary scholastic achievement. The CFEF will advocate for all persons in Arkansas to receive a Free Appropriate Public Education (FAPE) as outlined in the Individuals with Disabilities Education Act (IDEA).

For more information, please contact:

<http://thecenterforexceptionalfamilies.org/>

PO Box 16125

Jonesboro, AR 72403

Phone: 870-336-3012

Toll Free: 888-360-9654

### **Northwest Arkansas Community Parent Resource Center**

Arkansas Support Network's (ASN) Family Support Program received a federal grant to fund the Northwest Arkansas Community Parent Resource Center (CPRC), the first in the state and serve families of children with disabilities ages birth through 26. It serves four counties: Benton, Carroll, Madison, and Washington. The CPRC, while advocating for children in special education, specifically emphasizes training and information for all families, including: foster families, parents who are working to reunite with their children, and the parents of young people in the juvenile justice system. In addition, the CPRC targets professionals working with these three groups.

For more information, please contact:

<https://supports.org/>

614 E. Emma, Suite 219

Springdale, AR 72764

Phone: (479) 927-1194

Toll Free: 1-800-748-9768

Email: [familysupport@supports.org](mailto:familysupport@supports.org)

### **The National Center on Dispute Resolution in Special Education (CADRE)**

The Center for Appropriate Dispute Resolution in Special Education (CADRE) works to increase the nation's capacity to effectively resolve special education disputes, reducing the use of expensive adversarial processes. CADRE works with state and local education and early intervention systems, parent centers, families and educators to improve programs and results for children with disabilities. Additional information on resolving disputes at the local level can be found by visiting the CADRE website.

CADRE has developed four parent guides on Mediation, Written State Complaints, Due Process Complaints/Hearing Requests, and Resolution Meetings, which can be viewed and downloaded at: <http://www.directionservice.org/cadre/DRparentguides2014.cfm>

For more information, please contact:

<https://www.directionservice.org/cadre/>

## Administrative Office

1144 Gateway Loop, Suite 200

Springfield, Oregon 97477

Phone: 541-359-4210

Fax: 450-245-4957 EST

## Disability Rights of Arkansas

The Disability Rights Center of Arkansas (DRA) is the federally funded and authorized Protection and Advocacy (P&A) system and Client Assistance Program (CAP) for people with disabilities in Arkansas. DRA is authorized to advocate for and protect human, civil and legal rights of all Arkansans with disabilities consistent with federal law. DRA services are provided free of charge. DRA, a nonprofit agency, is independent from state or local government.

For more information, please contact:

<https://disabilityrightsar.org/>

400 W. Capitol Avenue, Suite 1200

Little Rock, AR 72201

Phone: 501-296-1775

Toll Free: 800-482-1174

Fax: 501-296-1779

## **Special Contacts**

Behavior Support Specialists:

- <https://arbss.org/>

Arkansas Transition Services:

- <https://arkansastransition.com/>
- Bonnie Boaz (Transition Coordinator) at 501-375-6487

Brain Injury Consultant:

- <https://arbraininjury.org/>

- Amy Goddard at 501-319-7333 ext. 108

Children and Youth with Dual Sensory Impairments (CAYSI):

- <https://dese.ade.arkansas.gov/Offices/special-education/children-and-youth-with-sensory-impairments>
- Jennifer Greiman (Education Consultant) at 501-352-9197

Deaf Education Consultant

- Stacey Tatera 501-682-4290

EARS Program @ Arkansas Children's Hospital:

- <https://www.archildrens.org/programs-and-services/audiology/Services/educational-audiology-speech-pathology-resources-for-schools>
- [ears@archildrens.org](mailto:ears@archildrens.org)
- Rachael Sievers, Au. D., CCC-A at 501-680-2718

Educational Services for the Visually Impaired (ESVI):

- <http://www.esvi.org>
- State Coordinator at 501-374-5517

Accessible Education Materials and

- Evan Beavers 501-319-7333
- <https://equipment.ar-ican.org/>

Educational Support and Related Services Specialists

- Amy Goddard or Charity Avery at 501-319-7333

## **Special Education – Dispute Resolution** **Acronyms and Abbreviations Guide**



ABA	Applied Behavior Analysis
ADA	Americans with Disabilities Act
ADD	Attention Deficit Disorder
ADE	Arkansas Department of Education
ADHD	Attention Deficit Hyperactivity Disorder
ASL	American Sign Language
BD	Behavior Disorder
BIP	Behavioral Intervention Plan

CP	Cerebral Palsy
DB	Deaf/Blind
DD	Developmental Disability
ED	Emotionally Disturbed
ESY	Extended School Year
FAPE	Free Appropriate Public Education
FERPA	Family Educational Rights and Privacy Act
FBA	Functional Behavioral Assessment
HI	Hearing Impaired

HO	Hearing Officer
ID	Intellectual Disability (replaced MR)
IDEA	Individuals with Disabilities Education Act of 2004
IEE	Independent Educational Evaluation
IEP	Individualized Education Program
IFSP	Individualized Family Service Plan
ISS	In School Suspension

ITP	Individual Transition Plan
LD	Learning Disability
LEA	Local Education Agency
LEP	Limited English Proficient
LRE	Least Restrictive Environment
MD	Multiple Disabilities
MS	Multiple Sclerosis
OCR	Office of Civil Rights
OHI	Other Health Impaired

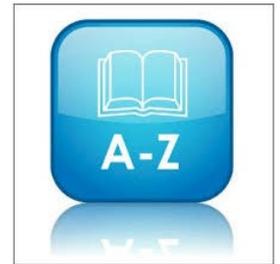
OI	Orthopedically Impaired
OSERS	Office of Special Education and Rehabilitative Services
OSEP	Office of Special Education Programs
OT	Occupational Therapy
PDD	Pervasive Developmental Disorder
PT	Physical Therapy
PWN	Prior Written Notice
RTI	Response to Intervention

SEA	State Education Agency
SCC	Self-contained Classroom
SELPA	Special Education Local Plan Area
SH	Severely Handicapped
SLD	Specific Learning Disability
SLI	Speech/Language Impaired
SLP	Speech Language Pathologist
SST	Student Study Team

STAR	California's Standard Testing and Reporting
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TBI	Traumatic Brain Injury
VI	Visually Impaired

## Special Education – Dispute Resolution Glossary of Terms



### A

**Accommodations.** Changes in how a test is administered that do not substantially alter what the test measures; includes changes in presentation format, response format, test setting or test timing. Appropriate accommodations are made to level the playing field, i.e., to provide equal opportunity to demonstrate knowledge.

**Achievement test.** Test that measures competency in a particular area of knowledge or skill; measures mastery or acquisition of skills.

**Americans with Disabilities Act of 1990 (ADA).** Legislation enacted to prohibit discrimination based on disability.

**Attention Deficit Disorder/Attention Deficit Hyperactivity Disorder (ADD/ADHD).** Child with ADD or ADHD may be eligible for special education under other health impairment, specific learning disability, and/or emotional disturbance categories if ADD/ADHD condition adversely affects educational performance.

**Appeal.** Procedure in which a party seeks to reverse or modify a judgment or final order of a lower court or administrative agency, usually on grounds that lower court misinterpreted or misapplied the law, rather than on the grounds that it made an incorrect finding of fact.

**Assessment.** Systematic method of obtaining information from tests or other sources; procedures used to determine child's eligibility, identify the child's strengths and needs, and services child needs to meet these needs. See also evaluations.

**Assistive technology device.** Equipment used to maintain or improve the capabilities of a child with a disability.

**Audiology.** Related service; includes identification, determination of hearing loss, and referral for habilitation of hearing.

**Autism.** Developmental disability that affects communication and social interaction, adversely affects educational performance, is generally evident before age 3. Children with autism often engage in repetitive activities and stereotyped movements, resist environmental change or change in daily routines, and have unusual responses to sensory experiences.

## B

**Basic skills.** Skills in subjects like reading, writing, spelling, and mathematics.

**Behavior disorder (BD).** See emotional disturbance.

**BIP.** A plan of positive behavioral interventions in the IEP of a child whose behaviors interfere with his/her learning or that of others.

**Brief.** Written argument that supports a case; usually contains a statement of facts and a discussion of law.

**Burden of proof.** Duty of a party to substantiate its claim against the other party; in civil actions, the weight of this proof is usually described as a preponderance of the evidence.

**Business day.** Means Monday through Friday, except for federal and state holidays.

## C

**Calendar day.** (See “day”).

**Case law.** Decisions issued by a court.

**Child find.** Requirement that states ensure that all children with disabilities are identified, located and evaluated, and determine which children are receiving special education and related services.

**C.F.R.** Code of Federal Regulations

**Class action.** A civil action filed in a court on behalf of a named plaintiff and on behalf of other individuals similarly situated.

**Complaint.** Legal document that outlines plaintiff’s claim against a defendant.

**Confidential file.** File maintained by the school that contains evaluations conducted to determine whether child is handicapped, other information related to special education placement; parents have a right to inspect the file and have copies of any information contained in it.

**Consent.** Requirement that the parent be fully informed of all information that relates to any action that school wants to take about the child, that parent understands that consent is voluntary and may be revoked at any time. See also Procedural safeguards notice and prior written notice.

**Controlled substance.** Means a drug or other substance identified under schedules I, II, III, IV, or V of the Controlled Substances Act; does not include a substance that is legally possessed or used under the supervision of a licensed health care provider.

**Counseling services.** Related service: includes services provided by social workers, psychologists, guidance counselors, or other qualified personnel.

**Cumulative file.** General file maintained by the school; parent has right to inspect the file and have copies of any information contained in it.

**Curriculum-Based Measurement (CBM).** A method to measure student progress in academic areas including math, reading, writing, and spelling. The child is tested briefly (1 to 5 minutes) each week. Scores are recorded on a graph and compared to the expected performance on the content for that year. The graph allows the teacher and parents to see quickly how the child's performance compares to expectations.

## D

**Damages.** Monetary compensation that may be recovered by a person who has suffered loss, detriment or injury to his person, property or rights, through the unlawful act or negligence of another; damages are not generally available under the IDEA.

**Day.** Means calendar day unless otherwise indicated as school day or business day.

**Deaf-blindness.** IDEA disability category; includes hearing and visual impairments that cause severe communication, developmental and educational problems that adversely affects educational performance.

**Deafness.** IDEA disability category; impairment in processing information through hearing that adversely affects educational performance

**Disability.** In Section 504 and ADA, defined as impairment that substantially affects one or more major life activities; an individual who has a record of having such impairment, or is regarded as having such an impairment.

**Due process hearing (impartial due process hearing).** Procedure to resolve disputes between parents and schools; administrative hearing before an impartial hearing officer or administrative law judge. Called a "fair hearing" in some states.

## E

**Early intervention (EI).** Special education and related services provided to children under the age of 5.

**Education records.** All records about the student that are maintained by an educational agency or institution; includes instructional materials, teacher's manuals, films, tapes, test materials and protocols.

**Educational consultant/diagnostician.** An individual who may be familiar with school curriculum and requirements at various grade levels; may or may not have a background in learning disabilities; may conduct educational evaluations.

**Emotional disturbance (ED).** Disability category under IDEA; includes depression, fears, schizophrenia; adversely affects educational performance.

**ESY.** Extended school year services.

**Exhibit.** Anything tangible that is produced and admitted in evidence during a trial.

## F

**FAPE.** Free appropriate public education; special education and related services provided in conformity with an IEP; are without charge; and meets standards of the SEA.

**FBA.** Functional behavior assessment.

**FERPA.** Family Educational Rights and Privacy Act; statute about confidentiality and access to education records.

## G

**General curriculum.** Curriculum adopted by LEA or SEA for all children from preschool through high school.

## H

**Hearing impairment.** Disability category under IDEA; permanent or fluctuating impairment in hearing that adversely affects educational performance.

## I

**IDEA.** The Individuals with Disabilities Education Act.

**IEE.** Independent educational evaluation.

**IEP.** Individualized Educational Plan.

**IFSP.** Individualized Family Service Plan.

**Illegal drug.** A controlled substance; does not include substances that are legally possessed or used under the supervision of a licensed health-care professional.

**Impartial due process hearing.** See due process hearing.

**Inclusion.** Practice of educating children with special needs in regular education classrooms in neighborhood schools. See also mainstreaming and least restrictive environment.

**Intellectual disability (ID).** Disability category under IDEA; refers to significantly sub-average general intellectual functioning with deficits in adaptive behavior that adversely affects educational performance.

**ITP.** Individual Transition Plan

## L

**Learning disability.** See specific learning disability (SLD).

**LRE.** Least restrictive environment; requirement to educate special needs children with children who are not disabled to the maximum extent possible.

**LEA.** Local education agency or school district and/or representative.

## M

**Manifestation determination review.** If child with disability engages in behavior or breaks a rule or code of conduct that applies to nondisabled children and the school proposes to remove the child, the school must hold a hearing to determine if the child's behavior was caused by the disability.

**Mediation.** Procedural safeguard to resolve disputes between parents and schools; must be voluntary, cannot be used to deny or delay right to a due process hearing; must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

**Medical services.** Related service; includes services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.

**Modifications.** Substantial changes in what the student is expected to demonstrate; includes changes in instructional level, content, and performance criteria, may include changes in test form or format; includes alternate assessments.

**Multiple disabilities.** Disability category under IDEA; concomitant impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.) that cause such severe educational problems that problems cannot be accommodated in special education programs solely for one of the impairments; does not include deaf-blindness.

## N

**Native language.** Language normally used by the child's parents.

**Norm-referenced test.** (See standardized test)

Notice of Action. (see Prior Written Notice)

## O

**OCR.** Office of Civil Rights

**Occupational therapy.** Related service; includes therapy to remediate fine motor skills.

**OHI.** Other health impairment.

**Opinion.** Formal written decision by judge or court; contains the legal principles and reasons upon which the decision was based.

**Orientation and mobility services.** Related service; includes services to visually impaired students that enable students to move safely at home, school, and community

**Orthopedic impairment.** Disability category under IDEA; orthopedic impairment that adversely affects child's educational performance

**OSERS.** Office of Special Education and Rehabilitative Services

**OSEP.** Office of Special Education Programs

**Other health impairment (OHI).** Disability category under IDEA; refers to limited strength, vitality or alertness due to chronic or acute health problems that adversely affects educational performance.

## P

**Parent.** Parent, guardian, or surrogate parent; may include grandparent or stepparent with whom a child lives, and foster parent.

**Physical therapy.** Related service; includes therapy to remediate gross motor skills.

**Prior written notice.** Required written notice to parents when school proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child. (also called Notice of Action)

**Pro se.** Representing oneself without assistance of legal counsel

**Procedural safeguards notice.** Requirement that schools provide full easily understood explanation of procedural safeguards that describe parent's right to an independent educational evaluation, to examine records, to request mediation and due process.

**Progress monitoring.** A scientifically based practice used to assess students' academic performance and evaluate the effectiveness of instruction; can be implemented with individual students or an entire class.

**Psychological services.** Related service; includes administering psychological and educational tests, interpreting test results, interpreting child behavior related to learning.

## R

**Reasonable accommodation.** Adoption of a facility or program that can be accomplished without undue administrative or financial burden.

**Recreation.** Related service; includes therapeutic recreation services, recreation programs, and leisure education.

**Rehabilitation Act of 1973.** Civil rights statute designed to protect individuals with disabilities from discrimination; purposes are to maximize employment, economic self-sufficiency, independence, inclusion and integration into society.

**Rehabilitation counseling services.** Related service; includes career development, preparation for employment, vocational rehabilitation services funded under the Rehabilitation Act of 1973.

**Related services.** Services that are necessary for child to benefit from special education; includes speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, early

identification and assessment, counseling, rehabilitation counseling, orientation and mobility services, school health services, social work services, parent counseling and training.

**Remediation.** Process by which an individual receives instruction and practice in skills that are weak or nonexistent in an effort to develop/strengthen these skills.

**Response to Intervention (RTI).** Use of research-based instruction and interventions with students who are at risk and students who are suspected of having specific learning disabilities.

## S

**School day.** A day when children attend school for instructional purposes.

**School health services.** Related service; services provided by a qualified school nurse or other qualified person.

**SEA.** State educational agency (state department of education) or representative.

**Section 504.** Section 504 of the Rehabilitation Act protects individuals with disabilities from discrimination due to disability by recipients of federal financial assistance.

**Settlement.** Conclusion of a legal matter by agreement of opposing parties in a civil suit before judgment is made.

**SLD.** See "Specific learning disability" below.

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

**Specific learning disability (SLD).** Disability category under IDEA; includes disorders that affect the ability to understand or use spoken or written language; may manifest in difficulties with listening, thinking, speaking, reading, writing, spelling, and doing mathematical calculations; includes minimal brain dysfunction, dyslexia, and developmental aphasia.

**Speech-language pathology services.** Related service; includes identification and diagnosis of speech or language impairments, speech or language therapy, counseling and guidance.

**Speech or language impairment.** Disability category under IDEA; includes communication disorders, language impairments, voice impairments that adversely educational performance.

**Standardized test.** Norm-referenced test that compares child's performance with the performance of a large group of similar children (usually children who are the same age).

**State education agency (SEA).** State departments of education or representative.

**Supplementary aids and services.** Means aids, services, and supports that are provided in regular education classes that enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

## T

**Technology** (see assistive technology)

**Testimony.** Evidence given by a person as distinguished from evidence from writings and other sources.

**Transcript.** Official record taken during a trial or hearing by an authorized stenographer.

**Transition services.** IEP requirement; designed to facilitate movement from school to the workplace or to higher education.

**Transportation.** Related service about travel; includes specialized equipment (i.e., special or adapted buses, lifts, and ramps) if required to provide special transportation for a child with a disability.

**Traumatic brain injury.** Disability category under IDEA; includes acquired injury caused by external physical force and open or closed head injuries that result in impairments; does not include congenital or degenerative brain injuries or brain injuries caused by birth trauma.

**Travel training.** See orientation and mobility services

## U

**U.S.C.** United States Code

## V

**Visual impairment including blindness.** Disability category under IDEA; impaired vision that adversely affects educational performance.

## W

**Weapon.** Means a “dangerous weapon” as defined in the United States Code.