

Navigating the Special Education System in Massachusetts

Resources:

Introduction

This article is meant to provide an overview of the special education system and to outline how to get help. To receive a more thorough basic understanding of the system, parents may attend a free Basic Rights Workshop sponsored by the Federation for Children with Special Needs. To find out about a Basic Rights workshop in your area, visit <http://www.fcsn.org/pti/workshops/home.php>.

Parent Training and Information

If you have a question regarding navigation of the special education system or you need help finding a Special Education Advocate, please call Parent Training and Information at the Federation for Children with Special Needs at the following numbers:

Boston	(617) 236-7210
Central Massachusetts	(800) 331-0688
Western Massachusetts	(413) 323-0681 or (866) 323-0681

Advocacy and Legal Advice

A parent may wish to hire a special education advocate or a lawyer to help him/her navigate the special education system or to represent his/her child at a team meeting or at due process. When asked, the Federation for Children with Special Needs will refer a parent to an advocate or a lawyer. Many advocates and lawyers are expensive. Some advocates and lawyers offer their services on a sliding scale basis. Special education advocates-in-training must represent a small number of clients for free in order to receive their Certificates of Completion. At certain times of the year, advocates-in-training will be available to represent clients for free. Call the Federation for Children with Special Needs for information about hiring an advocate or a lawyer.

The following are legal resources. Some of these resources may provide free or reduced cost legal advice:

Disability Law Center, Boston, MA	(617) 723-8455 or (800) 872-9992
Disability Law Center, New Bedford, MA	(508) 996-8576 or (800) 244-9023
Disability Law Center, Northampton, MA	(413) 584-6337 or (413) 586-6024
Massachusetts Bar Assn. Lawyer Referral (Dial a Lawyer-1 st Wednesday of every month)	(617) 542-9103 or (800) 392-6164
Mental Health Legal Advisors Committee	(617) 723-9130
Volunteer Lawyers Project	(617) 423-0648
Ed Advocate is in (2 nd and 4 th Saturday of every month; sponsored by Parent Professional Advocacy League)	(508) 767-9725

Special Education Regulations

State Regulations:

To download a copy of the State of Massachusetts Special Education Regulations visit: www.doe.mass.edu/sped/regs.html

Federal Regulations:

To download a copy of IDEA 2004 (Individuals with Disabilities Education Act 2004), visit: <http://www.nichcy.org/Laws/IDEA/Pages/copies.aspx>

The Process:

Pre-Referral and Referral

Parents, teachers, social workers, psychologists, physicians or any other person who has a concern about how a child is learning may request an evaluation from a child's school. If someone other than a parent refers a child for evaluation, the parents must be notified within five (5) days.

During the pre-referral process, a school program may try to adjust their teaching methods and make small modifications informally before making an official referral for evaluation. This pre-referral process may last for four to six weeks.

Parents may bypass the pre-referral process by officially requesting an evaluation from the school system.

Parents may call the Federation for Children with Special Needs to ask to receive a sample letter regarding requesting an evaluation from a school system.

Evaluation

No evaluation may be given without the written consent of a parent. Parents are entitled to meet with the chairperson of the evaluation team to discuss their concerns before assessments are given. The assessments must be completed within thirty (30) school working days after the parents provide consent. If a parent disagrees with the evaluation, he/she may request an independent evaluation. The school system will pay for these on a sliding scale basis and according to the rate setting of the state. Also, a parent may obtain an independent evaluation at his/her own cost. All independent evaluations must be considered at the team meeting.

A thorough evaluation including recommendations stating what a student will need in order to receive a free and appropriate education is essential for advocating for appropriate special education services in Massachusetts.

Team Meeting

After evaluations are completed, the parents, school personnel, and others chosen by the school or the parents meet. This is called a team meeting. The team will discuss the evaluations and determine if the child is eligible for special education services. If the child is deemed eligible to receive special education services, the team writes the Individualized Education Plan (IEP).

Individualized Education Plan (IEP)

The team will write a plan to meet the child's individual educational needs. The IEP will also include accommodations and related services that a child may need in order to gain access to the general curriculum. Related services may include but are not limited to counseling, psychological services, social work services, social skills training, speech therapy, and occupational therapy. Once the IEP is written, the team will also determine the placement of a student.

To download a blank IEP form visit: www.doe.mass.edu/sped/iep

Decision

If the parent accepts the IEP in full, the student should begin receiving the services outlined in the IEP right away. If the parent rejects the IEP in part, the student should receive services right away pertaining to the accepted portion of the IEP, but will not receive services pertaining to the rejected portions. If the parent rejects the IEP, the services that the child was receiving prior to the proposed IEP will remain in effect during the appeals process.

Appeals Process

When a parent rejects an IEP in full or in part, he/she should receive information from the Department of Education regarding his/her due process rights.

A parent may elect to go to mediation if both the parent and the school agree to go to mediation.

A parent may also choose to initiate a formal hearing through the Bureau of Special Education Appeals. A parent may appeal a BSEA decision to the State Superior or Federal District Court.

Noncompliance

If a school system denies a parent his/her rights or is non-compliant with a signed IEP, parents may place a concern with the Department of Education Program Quality and Assurance. For information about Program Quality and Assurance visit: <http://www.doe.mass.edu/pqa/prs/>

Section 504 of the Rehabilitation Act of 1973

Section 504 is a civil rights law that states that no handicapped individual may be excluded from or be denied benefits of, or be subjected to discrimination under any program receiving federal

financial assistance. Programs that receive federal financial assistance include but are not limited to public and private schools and colleges, mass transit systems, hospitals and clinics.

Even if a student is not eligible to receive services under the state special education law, if he/she has a documented physical or mental impairment, he/she may be entitled to accommodations and related services under Section 504.

Feedback on this post

If you would like to send us feedback on this post via e-mail, please email Irene Tanzman at irene.tanzman@valueoptions.com.

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