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PARENTS AND THEIR RIGHTS

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FOR PARENTS — REGARDING THE EDUCATION OF THEIR CHILDREN

Chapter 766 is a state law of Massachusetts and Public Law 94-142 is a Federal law; these laws provide special rights to parents for the education of children and youths between the ages of 3 and 21 that need special help in learning.

TO FULFILL THESE LAWS — THE SCHOOLS MUST DO THE FOLLOWING

Secure parental consent for any of the below and then —

- Identify and evaluate each child of special needs
- Develop an individual program for each child needing help.
- Provide the required services within the local school system if possible, or if not, in another school or special program.



WHAT ARE THE CHARACTERISTICS OF A CHILD NEEDING SPECIAL EDUCATION

If your child has: Mental, physical, emotional or learning problems that make it difficult for him/her to do well in a regular school program.

Here are some signs to help you know if your son/daughter needs special education attention:

- Problems in seeing** — The child has inflamed eyes, rubs them often, complains that they ache, looks at an object too close or too far away, or is cross-eyed.
- Problems in hearing** — S/he often has earaches, has a hard time hearing, or talks very loudly or softly.

- Problems in speaking** — S/he stutters, does not talk like other children of the same age, or has problems expressing words or sounds.
- Problems in moving** — S/he has difficulty holding or using small objects, runs or jumps awkwardly.
- Problems in learning** — Doesn't understand things, or seems to learn much more slowly than children of the same age.
- Emotional problems** — S/he easily cries or angers, is very quiet, does not speak or play with other children, or destroys things.

ANY OF THESE ARE REASONS TO SEEK A SPECIAL EDUCATION EVALUATION. A parent may request an evaluation at any time, even before the child begins school.

Each school will examine all children who go to kindergarten in order to determine if they might need special education.

Older children will be evaluated, if requested by:

- A school official
- A teacher
- One of the parents or guardians
- A court official
- A social worker
- A family doctor
- Or the child him/herself if over 18

Younger children (3-4) will be evaluated on parents' request.

PARENTS' RIGHTS

Five days after your child has been referred for an evaluation, the parents have to be **INFORMED IN WRITING** of what is happening.

A suitable time for a meeting should be arranged between the parents and teachers. If you do not speak English, you have the right to have the school provide a translator.

You have the right to participate in all meetings where an educational plan for your child is being discussed and you have the right to have another person(s) accompany you to the meeting. It can be a friend, advocate, or a specialist who knows your child.

After this first meeting, various experts may test, observe, or speak with your child to see what kinds of special needs he/she may have, if any.

The **EVALUATION TEAM** includes specialists such as:

doctors, psychologists, social workers, educators and counselors.

After the results of the tests are completed you will meet again to draw up an educational plan for your child.

Again you may bring a friend, advocate, or expert with you to this meeting of the evaluation team.



**REMEMBER: THE PARENTS ARE THE MOST IMPORTANT PEOPLE.
WITH YOUR INFORMATION, YOU WILL HELP THE
EVALUATION TEAM KNOW YOUR CHILD BETTER.**

If you do not agree with the conclusions of the evaluation team, you have the right to request an independent evaluation. The school must pay for the independent evaluation if you choose a licensed person or facility. Contact the school for help and they will give you a list from which you can choose an institution or person.

YOU MUST SHARE THE RESULTS OF AN INDEPENDENT EVALUATION WITH THE SCHOOL.

The Educational Plan is PREPARED BY THE EVALUATION TEAM, MADE UP OF:

- Special Education Administrator
- School Representative
- Nurse
- Psychologists
- Teacher
- Mother or Father

This educational plan will be special for your child and will tell the following:

- What the child can and can't do.





- His/her mental & physical capabilities.
- The child's way of learning.
- How s/he studies, works, and communicates with others.

The plan will indicate what kind of special services will be provided, such as:

- Reading Classes
- Special Instruction
- Physical and Speech Therapy
- Counseling
- Vocational Instruction

SPECIFIC EDUCATION OBJECTIVES

As parents, you should find the following information in the plan:

1. The date the program begins.
2. Specific goals of the program.
3. Possible results in 3,6,9 and 12 month periods.
4. How your child will be observed.
5. Whether your child should be in a regular classroom, in a small class/group, or another type of class; and how much time s/he will spend with that group, in therapy, or another place.
6. Transportation plan, if necessary.
7. Counseling services for your child.



8. Counseling services (for yourself) to discuss any concerns you may have about your child. (This is if you wish it.)
9. Person responsible for communicating with you.

AFTER THE MEETING

Ten days after the meeting you will receive a copy of your child's educational plan. It is important that you read it very carefully. If you have questions or concerns about any part of the program, you should call the chairperson of the evaluation team or the teacher to arrange a date to discuss the plan.





It is important that you understand each part of the program.

YOU HAVE THE RIGHT TO ACCEPT OR REJECT the following parts:

- exams or observations
- the educational objectives
- the plan's placement
- The services provided to fulfill the plan

**DO NOT SIGN THE EDUCATIONAL PLAN UNTIL YOU ARE SURE
THAT THE PLAN MEETS THE SPECIAL NEEDS OF YOUR
CHILD.**

You should return the plan to the school with your signature either accepting it or rejecting it.

If you agree with the educational plan, it will then begin on the date indicated.

If you do not return it signed in 30 days, the school has the right to appeal to the Bureau of Special Education Appeals so that a decision can be made.

If you reject ANY PART or ALL of the plan, there is a 30 day period in which the parties can try to reach an agreement with the help of a representative from a Regional Office of Education. If the two parties cannot agree at this meeting, you can ask to have a hearing.

The people who will help in this meeting or at a hearing are:

For the parents side: The father or mother, their representative, advocate, friend or lawyer, and other witnesses who know of the needs of the child. These people will present specifically what kind of program they think is needed for the child.

For the school's side: Special Education Administrator or his/her designee, Evaluation Team members, teachers, or other specialists. These people will present their reasons for recommending the plan.

For the Bureau of Special Education Appeals: A Hearing Officer who will make written decision after hearing the positions of the parents and the school.

THE APPEAL IS A PROCESS USED IN THE EDUCATIONAL SYSTEM OF MASSACHUSETTS. AS A PARENT YOU HAVE THE RIGHT TO EXPRESS YOUR POINT OF VIEW IN ORDER TO OBTAIN AN ADEQUATE AND APPROPRIATE EDUCATION FOR YOUR SON/DAUGHTER.

For further information please contact:

Nelly Sepulveda Rathmill
 Urban Information Project
 Bureau of Special Education Appeals
 Department of Education
 31 St. James Avenue, Sixth floor
 Boston, MA 02116
 617-727-8534

Representatives of the Bureau of Special Education Appeals or
 Massachusetts Child Search can be contacted at the following Regional
 Education Centers.

Greater Boston Regional Office
 54 Rindge Avenue Extension
 Cambridge, MA 02140
 (617) 547-7472

Pittsfield Regional Office
 188 South Street
 Pittsfield, MA 01201
 (413) 499-07045

Northeast Regional Center
 219 North Street
 North Reading, MA 01864
 (617) 727-0600

Springfield Regional Office
 155 Maple Street
 Springfield, MA 01105
 (413) 739-7271

Southeast Regional Office
 Lakeville Hospital
 P.O. Box 29
 Middleboro, MA 02346
 (617) 947-3240

Central Mass. Regional Office
 Route 140, Beaman Street
 West Boylston, MA
 (617) 835-6267

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