



PARENT FACT SHEET ON SPECIAL ED REFORM

The DOE's special education reform will be rolled out in all schools in September. We fear that there may be dramatic changes in where children with disabilities receive services as well as the type and intensity of services they receive. This fact sheet offers strategies and suggestions for helping you obtain appropriate services for your children. It does not constitute legal advice. If you need legal advice regarding a special education issue, please contact an attorney.

How is the DOE changing its approach to special education services?

Under the reform, incoming kindergarten, middle and high school students with disabilities will be expected to attend the zoned or choice school they would attend if they were not disabled even if that school does not have available the program or service on their IEPs.

The DOE is asking schools to re-examine students' IEPs based on the availability of the program or service in the school building and the least restrictive environment.

The DOE is also changing how it funds special education services. Instead of funding "classes," schools will receive funds based on the percentage of time each child receives special education services. Funding for full-time integrated co-teaching services and full-time special classes will decrease while funding for part-time special education services will increase substantially.

How could these changes affect my child?

The school that your child will be expected to attend may not have the programs and services on your child's IEP. Unless your child has been accepted into a special program, such as ASD Nest or District 75, or requires bilingual services or a barrier-free site, you will not have the option

of having your child attend another school that has the program or service on your child's IEP.

The school may ask you to reopen your child's IEP even if you recently agreed to a new IEP at an annual review or this is your child's first special education placement. To see the types of changes the DOE is suggesting, check out the [DOE's Flexible Programming Guide](http://www.uft.org/special-ed-reform) on the UFT website at www.uft.org/special-ed-reform.

If your child's IEP recommends full-time special education services in an integrated co-teaching class or a special class, the school may ask you instead to agree to part-time special education services. The school may also ask you to agree to your child receiving special education services in class rather than from a separate location.

What recourse do I have if my child's school proposes an initial IEP that I fear may not meet my child's needs?

If this is your child's first special education placement, the school must have your consent before any special education services are provided. You should not agree to an initial IEP that you believe will not meet your child's instructional, behavioral and physical needs.



What process must the school follow to change my child's IEP?

Changes may be made at an IEP team meeting or, if your child's annual review was conducted within the last 12 months, the school may send you a letter with a proposal to amend your child's IEP.

What should I do if the school tries to make changes to my child's IEP over my objections?

You have the right to challenge decisions made by your child's school that affect your child's education. You can do this by filing a request for mediation or a request for an impartial hearing. When you file a written request for mediation or an impartial hearing, your child has a right to "stay put" in his or her current placement until the mediation or impartial hearing and all appeals are concluded. These rights are explained in the NYCDOE's *Parent Guide to Special Education Services for School Age Children*. The Guide is available from your child's school and also at <http://bit.ly/KJzKD2>. More information about special education due-process hearings, "stay put" (also called "pendency"), and other special-education issues is available from the New York Lawyers for the Public Interest website at <http://bit.ly/JDwjxT>.

Where can I register a complaint if I believe the school is denying my child the special education services that he or she is entitled to?

You can file a UFT Special Education Complaint at www.uft.org/special-ed-complaint-form if you believe the DOE has refused to consider all of the options for supports and services for your child, has changed your child's IEP for inappropriate reasons or has failed to provide your child with the services on his or her IEP. Upon receiving the complaint, one of the UFT liaisons to the DOE's Division of Students with Disabilities and English Language Learners will contact you to learn more about your complaint. With that additional information, the liaison will attempt to resolve the issue with the DOE. If the outcome is not satisfactory, and the problem involves a violation of special education law or regulations, the liaison, with your approval, may file a complaint with the State Education Department on your behalf.

You can also contact Maggie Moroff, the coordinator of the ARISE Coalition, at mmoroff@advocatesforchildren.org.

You may also contact the DOE directly by calling 311. If your child is entering kindergarten, you can email the DOE at Turning5@schools.nyc.gov.

REMEMBER:

- ✓ **DO NOT AGREE** to any change in your child's IEP without being an active participant in the process. Insist that the present levels of performance as described in the IEP accurately reflect your child's needs and that service recommendations adequately address all of the identified needs. The least restrictive environment must be appropriate for your child, and the recommendation should not be made for reasons of budget or lack of programs, staff or administrative support.
- ✓ **DO NOT AGREE** to amendments to the IEP sent home for your signature without an IEP team meeting. At the meeting, make sure that all IEP-mandated participants are in attendance, that related service providers were invited and provided input and that the IEP reflects the consensus of the team – not just the administration.
- ✓ **CAREFULLY CONSIDER** inviting an advocate to accompany and support you at any IEP meeting that is called as a consequence of the special education reform. Do not leave the IEP meeting without a clear understanding of your due-process rights including your right to mediation or an impartial hearing.

