

What is Special Education?

Special education is instruction that is specially designed to meet the unique needs of a student with a disability. This means education that is individually developed to address the student's specific needs that result from their disability.

School districts provide an array of programs, supports, and services to support students with disabilities. The special education and related services that will be provided to your child with a disability are included in an Individualized Education Program (IEP), which is a legally binding contract between you, the parents, and the school district.

What is the first step to obtain Special Education?

Identification & Evaluation Referral. Typically, the first step is identification of a suspected disability or delay in one or more developmental milestones. This is usually done by school personnel as part of IDEA's established Child Find system. If you, a teacher, or a school official suspect an area of disability, an initial referral for an evaluation should be made. Parents (or legal guardians) should write (always communicate with your child's school in writing!) a referral letter to the school principal requesting your student be evaluated. Upon submission of your letter, a parent consent form will be generated by the school. Once the school receives the signed parent consent form, a case will be officially opened, and the school will coordinate a meeting between the parent and the school to determine whether an evaluation will be conducted.

What is Informed Consent?

Informed consent is more than just your signature. It means that you, the parent, [“must be fully informed of all information relevant to the activity for which consent is sought” \(NYC DOE Standard Operating Procedures Manual\).](#) This can include:

- Whether or not an evaluation will be conducted;
- What testing will be conducted;
- How input from you, the parent, will be solicited;
- Which of the student's records will be shared and with whom (e.g., evaluators, service providers, etc.)

What is an Evaluation?

In the special education process, an evaluation must be multi-disciplinary. That means that the school or district cannot rely on just one tool to make a decision about your child's eligibility for special education and related services. In addition, the evaluation should include other sources of information such as social history, parent input, a student portfolio, etc.

The multi-disciplinary evaluation is designed to determine your child's eligibility for special education and related services as well as the appropriate [disability classification under IDEA](#).

Important note: Disability classification does not equal diagnosis.

There are numerous tests and evaluations that may be appropriate, but some common examples include:

- A psychoeducational evaluation
- A review of the child's social history
- Observations of the child in their current educational setting

If you disagree with the district's evaluation, either because you don't think that the district did all the right evaluations or you disagree with the district's findings, you can request an independent educational evaluation at no cost to you. If you request an independent evaluation in writing, the district must either agree to pay for an independent evaluation or they must file for a due process hearing to prove to the hearing officer that their evaluation was comprehensive and appropriate. The results of an independent evaluation must be considered by the IEP team when discussing eligibility, classification, and development of the IEP.

A Note on Private Evaluations: Parents may also obtain and provide private evaluations to be included in the overall evaluation. This is different from an independent evaluation at district expense, but it is an option. Recommendations and results from private evaluations can be shared with the IEP team; however, the school district is not obligated to implement them.

What Happens AFTER Evaluations are Completed?

First, you should receive a copy of all written evaluation results. A translated copy in your native language is within your right to request. In NYC, the average turnaround time is 2 to 3 weeks as per the NYC Public School's Office of Translation and Interpretation.

Next, an Individualized Education Program (IEP) team will assemble and meet to discuss the evaluation results to determine your child's eligibility for special education and related supports and services.

The IEP team includes:

- You (the parents),
- Your child's teachers (general and special educators)
- The school psychologist
- A school district representative who can make commitment on behalf of the district (in NYC, this is usually the school psychologist)

Your child's IEP will be developed at this meeting and will include every detail of your child's special education, including strengths/needs, annual goals, instructional and related services, placement, participation in state and district-wide assessment, and how you will be kept informed of your child's progress toward their goals.

This information is intended to be educational and is not legal advice. While Sinergia and the Metropolitan Parent Center try to ensure that all resources and links on this site are up to date, we cannot be responsible for the content of other sites. Sinergia and the Metropolitan Parent Center assume no liability for the consequences of using the information hereinto advocate for your child or other children.

How long will the initial process take?

Upon your written informed consent for the initial evaluation, the IEP team has 60 school days to complete the evaluations and develop the IEP.

Why is the IEP so important?

An IEP is important because it serves as a roadmap for your child's education. It will effectively describe your child's:

- Disability
- Strengths and needs
- Specialized instruction
- Academic placement
- Accommodations and Modifications
- Related Services
- Participation in State & Local Assessments

The details will also specify for each service:

- group size
- frequency
- duration
- location

Your child's school principal should ensure that you, your child's teachers, and/or related service providers have access to a copy of your child's current IEP. This can be a physical copy or, more recently, through the New York City Schools Account (NYCSA). If not, speak to your child's school principal.

What if English is not my native language?

Parents whose native language is anything other than English can request (and are entitled to) a professional interpreter at educational meetings for their child. Translation services are also available for all educational documents. Either service is at no expense to you, the parent, and **should not** be a member of the school's staff unless the school has a qualified interpreter and/or translator on staff.

What if my child isn't getting the something indicated within the IEP?

Your child is entitled to all services included in their IEP, a legally binding contract between you and the school district. If you feel the IEP is not being fully implemented, start by writing to the IEP team. To move up the chain of command, contact your school's principal who will either help you directly or inform you about your rights.

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You should also contact the Special Education office at the NYC Public Schools, via email at specialeducation@schools.nyc.gov. At all times, you have access to due process procedures such as

- 1) a mediation,
- 2) a due process complaint, and/or
- 3) a state complaint.

Helpful Sinergia Webinar available on YouTube: [Special Education: Know Your Rights](#)

Parent Training and Information Center (PTICs), such as [Sinergia's Metropolitan Parent Center](#), exist in every state across the United States. They are funded by the US Department of Education's Office of Special Education Programs ([OSEP](#)) to work and support families of children with all disabilities from birth to 26 years of age; help families participate in their child's education and development; and partnering with professionals to improve their outcomes. To find your parent center that applies to your place of residency within the US and its territories, you can visit: <https://www.parentcenterhub.org/find-your-center/>

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