

Special Education: Protecting Your Child, Protecting Your Rights

March 2023

What is special education?

Special education is classroom instruction for children between ages 3 and 22 who have a disability that causes them to need special help in school. It may include special classes, programs, or services to help a child participate in the regular classroom.

Disabilities that may allow a child to get special education services include

- problems with speech or language;
- autism;
- attention deficit disorder;
- problems with hearing or seeing;
- intellectual or learning disabilities;
- neurological or physical problems;
- serious emotional problems;
- traumatic brain injury; or
- other health problems such as asthma, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, rheumatic fever, sickle cell anemia, and Tourette syndrome.

If your child is younger than 3 years old and you are worried about their ability to see, talk, hear, move, eat, or play, the Birth to Three System (also called Early Intervention Services) can help. For more information:

- Talk to someone at your school district.
- Call the Child Development Infoline at 1-800-505-7000, or go to <http://cdi.211ct.org>.
- Find the Birth to Three System for your town at www.birth23.org/towns.

The rest of this booklet will focus on special education for school-aged children.

Want legal information sent to your phone? Text the word **EDU** to 203-780-0962 and we will send you legal information.

How can my child get special education services in school?

If you think your child has a disability, you can ask for your child to be evaluated for special education eligibility. This is called a referral to special education.

NOTE: The referral for special education must be in writing to be legally binding.

You can write a referral letter to the school principal or director of special education (see [Letter A](#)) or ask if the school district has a form you can fill out. You can give the referral to the school district in person or send it by certified mail and keep a copy for yourself. If you deliver it in person, ask the person who takes it from you to give you a signed and dated copy.

A referral to special education can be made by

- the child's parent or legal guardian,
- the child's teacher or other school staff;
- a professional such as a pediatrician or social worker; or
- the student, if age 18 or older.

The school district must make a referral to special education if

- *the child has been suspended multiple times; or*
- *his or her attendance, behavior, or progress in school is poor.*

What happens after a referral is made?

Once a referral has been made, the school district should form a Planning and Placement Team (PPT) and schedule a PPT meeting.

The Planning and Placement Team (PPT)

The PPT is a group of people who work together to talk about and plan for your child's educational needs. Parents are important and equal members of the team.

The members of the PPT must include

- *the child's parent or guardian;*
- *a school administrator or someone named by the administrator;*
- *the child's regular education teacher, if the child has one; and*
- *a member of the special education staff.*

The PPT may also include

- *other school staff;*
- *your child, if appropriate; and*
- *other people you think could be helpful.*

When will the first PPT meeting take place?

The school district must tell you in writing at least 5 school days before the meeting. The notice they send you must include:

- *the date, time, location, and reason for the PPT meeting; and*
- *who has been invited.*

If the PPT meeting doesn't work with your schedule, you can ask the school district to reschedule it. If you can't get to the meeting in person, the school district must try other ways to get you involved, such as meeting with you by phone or video conference. If it's impossible for you to attend the PPT meeting at all, the meeting may be held without you.

What will happen at the first PPT meeting?

At the first PPT meeting, the team will do these things:

- *Talk about the reason for the referral to special education.*
- *Look at how your child is doing in school.*
- *Consider information about your child coming from you, teachers and other school staff, and professionals such as a school psychologist or an occupational, speech, or physical therapist.*
- *Decide if your child needs to be evaluated to get more information.*

If the school district decides it will evaluate your child for special education, then within 45 days of when the referral was made (not counting the time it takes to get parent consent to evaluate), it must

- *evaluate your child,*
- *have a PPT meeting to discuss the results of the evaluations, and*
- *implement the education plan.*

If the school district decides it will NOT evaluate your child, and if you don't agree with the decision, you can ask for a due process hearing. For more information about due process, see [What can I do if I disagree with the school district about what is right for my child?](#)

What is an evaluation?

An evaluation is a way to gather information about your child that will help you and the school district to make important decisions about your child's education. Evaluations must be free for the child's parent or guardian.

The school district usually cannot evaluate your child without your written permission. If you don't want your child to be evaluated, you can say no.

Before you sign the form agreeing to have your child evaluated, read it carefully and don't be afraid to ask questions.

The school district may evaluate the child's

- intelligence;
- academic ability;
- motor skills;
- behavior;
- mental health;
- speech or language; and
- hearing, vision, or physical health.

IMPORTANT NOTES:

- Evaluations must be given in the child's native language or way of communicating (for example, sign language).
- The school district must not discriminate against the child's race, culture, or disability.
- The results of the evaluations may not be shared with anyone outside of the team unless you agree in writing.

What happens after the evaluation is finished?

After the evaluations are done, another PPT meeting will be held so the PPT can look at the results and decide if your child is eligible for special education services.

If the PPT decides your child is eligible for special education, the team's next steps are to identify your child's needs and to decide what services the school district will provide.

If the PPT decides your child is not eligible for special education, the school district must tell you in writing and give you information about what to do if you disagree with the decision.

What if the school district won't evaluate my child or I disagree with the school district's evaluations?

If the school district won't evaluate your child or you disagree with the school district's evaluations, you can ask for an Independent Educational Evaluation (IEE). You can choose your own evaluator or you can ask the school district for a list of independent evaluators.

There will be another PPT meeting to review the IEE. The school district must look at the results of the independent evaluation, but it doesn't have to agree with the results or recommendations.

Who pays for an independent educational evaluation?

The school district must pay for an IEE unless it asks for a due process hearing. A due process hearing is a proceeding where a hearing officer decides how to resolve a disagreement. If a due process hearing is held, the school district must prove that its evaluation was appropriate. For more information about due process, see: [What can I do if I disagree with the school district about what is right for my child?](#)

- If the hearing officer decides the school district's evaluation was acceptable, you will have to pay for an IEE yourself.
- If the hearing officer decides the school district's evaluation was not acceptable, the school district must pay for an IEE.

My child is eligible for special education. What

happens next?

The Individualized Education Program (IEP)

The next step is to hold a meeting to create a plan for your child's education. This plan is called an Individualized Education Program, or IEP. At the PPT meeting, the team should set reasonable goals for your child's education, and talk about the special education services your child will get.

The IEP must be put in writing and the school district must get your written permission to place your child in special education. The school district cannot force you to agree to special education for your child.

Who develops my child's IEP? Can I help?

The PPT develops your child's IEP. **Remember:** You are a very important part of the team and your input is needed.

How can I get ready for the PPT meeting?

Here are some things you can do before the PPT meeting:

- Talk to your child about their thoughts and feelings about school.
- Talk to your child's teachers and/or therapists.
- Ask the school district for a copy of your child's school records. Records should be provided for free (see [Letter B](#)).
- Make a list of your child's strengths, weaknesses, and what you think your child can accomplish during the school year.
- Write down what you want to say during the meeting. Don't be shy about asking questions and sharing your thoughts about your child.
- Visit your child's class (with the school district's permission).
- Make sure that all necessary evaluations have been done. You can ask for more evaluations if you think your child needs them. You may want to have a professional such as your child's pediatrician or a social worker look at your child's records to see if more evaluations are needed.
- Invite professionals to the PPT meeting who will support your suggestions about your child's IEP or placement. These professionals must have evaluated your child or looked at your child's records.

What information should be in the IEP?

It is important to make sure that the IEP includes following:

1. Information about how your child is doing in school both in academics and in everyday activities.
2. Goals that describe what the team thinks your child can accomplish during the year.
3. Information about the progress your child is making toward the IEP goals.
4. A list of the special education services that will be given to your child.
5. Information about how your child will participate in regular education.
6. Details about your child's school plan, including
 - where your child will receive special education;
 - who will work with your child;
 - number of hours of special education; and
 - the start and end dates of the services.
7. A list of changes your child may need to the length of the school day or year. This could include a longer school year, summer school, or services before or after school.
8. An explanation of changes your child may need while taking state tests or district-wide tests.
9. Transition goals and services your child may need in order to prepare for life after school.

After the meeting to develop the IEP, the school district must give you a written report about what was talked about at the meeting and what will be in the IEP.

NOTE: If the IEP is missing information or has incorrect information, you can ask for it to be changed or to have additional notes or

documents attached to it.

Placement in Special Education

Where will my child get special education services?

Your child's special education program may be given in

- *regular classes with support services,*
- *special classes or schools,*
- *your home,*
- *a hospital, or*
- *a residential program.*

Your child must be placed in the Least Restrictive Environment (LRE) possible. This means your child should stay in the regular classroom unless the team decides that your child cannot be successful there even with support services. Support services might include

- *an aide in the classroom;*
- *more time with the special education teacher or other service providers, such as a speech and language therapist;*
- *use of computers or other technology; or*
- *changes to the regular education curriculum.*

Remember: The school district must pay for the special education program and the services recommended by the Planning and Placement Team in the IEP.

What happens after my child is placed in special education?

After your child has been placed in a special education program, a PPT meeting must be held

- *at least once a year,*
- *whenever you ask for one (within reason),*
- *if your child is suspended for 10 or more days,*
- *before the PPT can change or remove your child's special education services.*

The school district must tell you in writing every time a PPT meeting is scheduled. The school district must also give you a written explanation in your native language of your legal rights once during each school year and whenever you ask for one (within reason).

The annual PPT meeting

At the annual PPT meeting, you and the other team members will talk about your child's progress towards the goals and objectives in the current IEP and develop an IEP for the next school year. The team should consider

- *your child's strengths and weaknesses,*
- *your child's areas of improvement,*
- *your concerns,*
- *the results of any evaluations,*
- *behaviors that may interfere with your child's learning, and*
- *whether your child needs technology to help them communicate.*

Can my child's IEP be changed?

Yes. Make sure any changes are put in writing and given to all of the team members. You should ask for a copy of the revised IEP for your records, too.

A PPT meeting will usually be held before a child's IEP is changed, but there may be times when you and the school district agree to a change without having to hold a meeting. This type of change is called an Amendment to the IEP. There is a form you must fill out (form ED634), and the agreement is only official after you've signed and returned it.

Will my child be evaluated again?

Yes. Your child must be reevaluated at least once every three years unless you and the school district agree otherwise. Evaluations must also be held

- before any significant changes are made to a child's special education placement, and
- before a child is removed from special education.

Discipline of Special Education Students

Can my child be disciplined?

Yes, but there are limits on how the school district can discipline a child with a disability. Children with disabilities get extra protections if they are suspended from school for more than 10 days or if the child's behavior was caused by the disability.

Suspension for 10 or fewer school days

Suspension is the removal of your child from the classroom for at least 90 minutes and up to 10 school days.

The school district must notify you within 24 hours that your child has been suspended. Your child has the right to get their homework assignments and make up all missed work and tests during suspension. Ask the school district for this work so that your child can keep up with the class.

Suspension for more than 10 school days

For a child in special education, a removal or suspension for more than 10 school days (whether all at once or total over the school year) is considered a change in placement.

The law requires the school district to have a PPT meeting within 10 school days of a change in placement. This meeting is called a Manifestation Determination.

At the meeting, the PPT must decide whether your child's behavior

- was caused by or related to your child's disability, or
- happened because the school district did not carry out your child's IEP.

The child's parents, other members of the PPT, and school staff attend the manifestation determination meeting. You may invite a professional or a friend to support you.

The school district must tell you in writing about the meeting at least 5 days ahead of time, along with a written statement telling you about your rights. The manifestation determination meeting is **important**. If you can't go to the meeting, you have a right to call the school district and ask them to reschedule it.

If the PPT determines that your child's disability **did not** cause your child's behavior, your child can be disciplined or expelled just like any other child, except that the school district must keep providing special education services.

If the PPT determines that your child's behavior **was** caused by their disability or that it happened because the IEP was not followed, then your child cannot be expelled. However, if the behavior involved weapons, drugs, or serious injury, your child can still be moved to an Interim Alternative Educational Setting for 45 school days.

If your child's behavior was caused by their disability, the PPT must also do these things:

- Try to find out why the behavior is happening. This is called a Functional Behavioral Assessment (FBA).
- Create a plan to stop the behaviors and teach the child proper behavioral and social skills. This plan is called a Behavioral Intervention Plan (BIP).

If your child already has a BIP, the PPT must look at it and make changes as needed. Your child must be returned to the placement they

were in before being removed unless the PPT agrees to a change in placement.

NOTE: If your child is repeatedly suspended or removed from the classroom, you should ask the school district to hold a PPT meeting.

NOTE: If you disagree with any decisions made about your child, you can ask for a due process hearing to be held without delay. See [Due Process](#).

Expulsion

If your child is facing expulsion, you should talk to a lawyer **right away**. The school district must give you an expulsion notice that includes contact information for low cost or free legal help. You can also call Statewide Legal Services at 1-800-453-3320. If you are eligible, they may give you advice over the phone, mail you information, or try to help you find an attorney.

NOTE: Expulsion hearings happen very quickly. You have the right to ask for a postponement if you can't attend, you need more time to prepare, or you need time to find an attorney.

What should happen if the school district is thinking about expelling my child?

A manifestation determination PPT must be held before an expulsion hearing is held.

If the PPT decides that the behavior was caused by your child's disability or because the IEP wasn't followed, then your child cannot be expelled and will return to school.

If the PPT decides that your child's behavior was not caused by your child's disability, then the school district may schedule an expulsion hearing.

If you don't agree with the PPT decision, you can ask for a due process hearing (see below). Your child must stay in their current placement until due process is completed. If the school thinks keeping your child in school will result in your child or someone else getting hurt, then it may ask for an expedited hearing (see below).

NOTE: If your child is in special education and seriously hurts someone or the incident involves weapons or drugs, the school district could place your child in an Interim Alternative Education setting (IAES) for up to 45 school days. This is not an expulsion, but your child may be temporarily placed in the same program as expelled students or receive tutoring instead.

What happens at an expulsion hearing?

While an expulsion hearing is not as formal as a court trial, it is still a legal proceeding and it may be the only chance you get to tell your story to a decision-maker. There is generally no right to appeal the decision in court if you are not happy with the outcome. The decision-maker will listen while each side tells its story and will then decide

- if your child broke the rules;
- if your child should be expelled; and
- if your child is expelled, how long the expulsion will last.

If your child is expelled,

- your child is still entitled to special education services; and
- a PPT meeting must be held after the expulsion hearing to talk about where your child will receive special education services, and to make sure your child will get enough services to be able to make progress on their goals and objectives.

Also see the legal aid booklet, [School Expulsions](#).

Want legal information sent to your phone? Text the word **EXPEL** to 203-780-0962 and we will send you legal information.

What can I do if I disagree with the school district about what is right for my child?

You have the right to disagree with the school district's decisions about your child. If you disagree, try to come to an agreement. If you still disagree, there are other ways to resolve a disagreement.

NOTE: It is best to talk to a lawyer before going ahead with **any** of the options below.

Complaint Resolution Process

If you think the school district broke a special education law, you can file a written complaint with the State Department of Education.

How do I make a complaint?

1. Fill out a complaint form. You can get one from the State Department of Education at 860-713-6943 or on their website at <http://www.sde.ct.gov>. You can also write a letter. Your complaint letter should include
 - the name and address of the child,
 - the name of the child's school,
 - the reason for the complaint,
 - a proposed resolution to the problem (if possible), and
 - the parent's signature and contact information.
2. Send the complaint to:
State Department of Education
Bureau of Special Education
P.O. Box 2219, Room 364
Hartford, CT 06415-2219
FAX: 860-713-7153

What happens after I file a complaint?

After you send a complaint, an education consultant assigned by the State Department of Education will

- investigate your complaint,
- decide if the school district broke an education law, and
- issue a written decision within 60 days of receiving the complaint.

Mediation

What is mediation?

Mediation is a way to settle problems between parents and the school district. The State Department of Education will appoint a person called a mediator to try to help you and the school district come to an agreement. Everything discussed in mediation is confidential and cannot be used in any future hearings.

How do I ask for mediation?

The mediation process can only happen if both you and the school district agree to take part in it. Fill out a mediation form. You can get one from the State Department of Education at 860-713-6933 or on their website at www.sde.ct.gov. You can also write a letter ([Letter C](#)).

What happens during mediation?

The mediator will meet you and the school district separately and then together to hear about the disagreement and to try to help you reach an agreement.

If you and the school district reach an agreement, the agreement will be put in writing and signed by you and the school district. Once it is signed, the agreement becomes a legal document.

If you and the school district cannot reach an agreement, there are other things you can do to resolve the problem, such as ask for a due process hearing.

Due Process Hearing

A due process hearing is a legal proceeding where a State Department of Education hearing officer resolves a disagreement.

NOTE: The due process hearing may last anywhere from a few hours to a few days

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What happens at a due process hearing?

Both you and the school district will present evidence such as records, evaluations, and testimony from witnesses. At the end of the hearing, the hearing officer will make a decision.

How do I ask for a due process hearing?

It is best to speak with a lawyer before you ask for a due process hearing. You must ask for the due process hearing in writing within two years of the date that you knew there was a disagreement or problem. Fill out a due process hearing request form. You can get one from the State Department of Education at 860-713-6943 or on their website at www.sde.ct.gov. You can also write a letter (see [Letter D](#)).

Where will my child be during a due process hearing?

During a due process hearing, your child must stay in their current educational placement unless the school district and the parents agree otherwise. This is called the stay put placement and applies from the time the hearing is requested until all hearings and proceedings are finished.

Exception to stay put placement: If your child is placed in an interim alternative educational setting (IAES), your child will stay in the IAES for 45 days or until the hearing officer makes a decision—whichever happens first.

What if there is a disagreement about the results?

If you or the school district do not agree with the hearing officer's decision, then either of you can appeal to a state or federal court.

What is an expedited due process hearing?

An expedited due process hearing is like a regular due process hearing except it is held more quickly. You or the school district can ask for a due process hearing to be expedited when there is a disagreement about discipline issues including manifestation determination, change in placement, expulsion, and/or placement in an IAES.

Advisory Opinion

What is an advisory opinion?

An advisory opinion is a way to help you and the school district decide if it would be better to have a full due process hearing or try to settle your dispute through mediation. The advisory opinion process can only happen if both you and the school district agree to take part in it. It is only available after you have asked for a due process hearing.

How do I ask for an advisory opinion?

To ask for an advisory opinion, use [Letter E](#) or a form from the school district if one is available.

What happens at an advisory opinion meeting?

A hearing officer will meet with you and the school district in a confidential meeting. At the meeting:

- *Both you and the school district can bring one or two witnesses and/or a lawyer.*
- *You and the school district will each have 45 minutes to present your case.*
- *Each of you can present evidence and respond to the other side's presentation. (You can also continue with due process or ask for mediation.)*

After this meeting, the hearing officer will give an oral opinion. The opinion will not be in writing and it is not legally binding. You may choose to go to a full due process hearing or ask for mediation.

NOTE: The advisory opinion hearing officer will be a different hearing officer than the one assigned to the due process hearing.

Sample letters

Letter A: Request for Special Education Evaluation

[Name of Parent or Adult Student]

[Address]

[Telephone Number]

[Today's Date]

[Name of School Principal, Director of Special Education, or Director of Pupil Personnel]

[Address]

Dear [School Principal, Director of Special Education, or Director of Pupil Personnel]:

I request that [student's name], [date of birth], who currently attends [name of school], be evaluated for special education. I am requesting an evaluation because [the reason you are asking for an evaluation].

Please contact me at the above number to schedule a mutually convenient date and time for a PPT meeting.

Sincerely,

[Parent or adult student's printed name and signature]

Letter B: Request for School Records

[Name of Parent or Adult Student]

[Address]

[Telephone Number]

[Today's Date]

[School Principal]

[Address]

Dear [School Principal]:

Please send me one copy of all of the school records of [student's name], [date of birth], as provided by Section 10-76d-18(a)(1), Regulations of Connecticut State Agencies.

Please include any evaluations, special education or 504 records, attendance records, and/or disciplinary records which exist regarding [student's name].

I look forward to receiving a copy of the records within 10 days, as required by the above regulations.

Sincerely,

[Parent or adult student's printed name and signature]

Letter C: Request for Mediation

[Name of Parent or Adult Student]

[Address]

[Telephone Number]

[Today's Date]

Connecticut State Department of Education

Bureau of Special Education

Due Process Unit

P. O. Box 2219, Room 364

Hartford, CT 06145-2219

Fax #: 860-713-7153

We request a mediation. We understand that both parties must agree to mediation.

Parent Signature

Date

School District Representative Date
Signature

Letter D: Request for Impartial Due Process Hearing

[Name of Parent or Adult Student]

[Address]

[Telephone Number]

[Today's Date]

Connecticut State Department of Education

Bureau of Special Education

Due Process Unit

P. O. Box 2219, Room 364

Hartford, CT 06145-2219

Fax #: 860-713-7153

I request an impartial hearing concerning [student's name and date of birth], who is currently within the jurisdiction of the [name of school district] and attends [name of school].

I attended a PPT meeting on [date of the meeting at which you and the school district did not reach an agreement].

The issue(s) in dispute are as follows:

[List all the school district's actions and/or PPT meeting decisions with which you disagree.]

I suggest the following resolution to the dispute: [List the changes you would like to have happen for the student's school program].

Sincerely,

[Parent or adult student's printed name and signature]

cc: [Name of Director of Special Education and remember to send them a copy]

Letter E: Request for Advisory Opinion

[Name of Parent or Adult Student]

[Address]

[Telephone Number]

[Today's Date]

Connecticut State Department of Education

Bureau of Special Education

Due Process Unit

P. O. Box 2219, Room 364

Hartford, CT 06145-2219

Fax #: 860-713-7153

We request an advisory opinion. We understand that both parties must agree to an advisory opinion and that we are not required to pursue an advisory opinion prior to requesting a due process hearing.

Parent Signature

Date

School District Representative

Date

Signature

Both parties are available on the following dates: [list two dates]

We understand that one of these dates will be selected for the advisory opinion.

More reading

A Parent's Guide to Special Education in Connecticut

https://portal.ct.gov/-/media/SDE/Special-Education/Parents_Guide_SE.pdf

This guide provides information for parents, guardians, and other family members about laws, regulations, and policies affecting special education programs and services.

By: Connecticut State Department of Education, Bureau of Special Education

Special Education: I Can't Learn. What Can I Do?

There are a lot of students who feel frustrated in school. Students who have tried but are still not learning might need special education services. Special education means an education plan written just for the student so that he or she can learn.

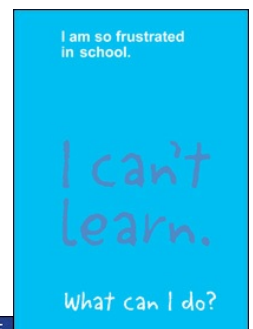
By: Center for Children's Advocacy

Starting College: Tips for Special Education and Disabled Students

By: Center for Children's Advocacy

Young people with learning, mental health, and/or physical disabilities have the same rights to access college programs as their non-disabled peers.

This article gives tips on starting college off on the right fit if the student is disabled and needs special education.



This article was produced by [Connecticut Legal Services](#), [Greater Hartford Legal Aid](#), [New Haven Legal Assistance Association](#), and [Statewide Legal Services of Connecticut](#).