



# YOUR **COMPASS** TO PARENTS RIGHTS IN SPECIAL EDUCATION:

A GUIDANCE DOCUMENT FOR  
THE **PROCEDURAL SAFEGUARD NOTICE**

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Ohio Coalition for the Education  
of Children with Disabilities

2025



## WHERE DO I START?

The special education process can seem like a long road. The Compass Toolkit is a companion document that can help you navigate more successfully when combined with the parent notice.

The partnership between you and your school district begins here. The best outcome for a child is achieved through a respectful, trusting relationship between school districts and families. A strong parent-school partnership contributes to student success. It takes a commitment from both parties to develop and implement solutions.

We understand that your rights (procedural safeguards) can be overwhelming as you begin learning about the landscape of the special education process. This document is crucial to understanding and using this document as a toolkit to guide your understanding. We encourage you to read as much as you can; however, a great starting point would be to refer to the evaluation roadmap.

### **Steps for working with your school district:**

When a problem arises between your family and your child's school, it is best to try to work out a solution at the local school district level. Take these steps. Talk with the teacher or building administrator (principal, assistant principal, or guidance counselor), or the district's special education director to resolve your concern.

If you have not resolved the situation at the building level, contact your district's special education director or student services director. If that is unsuccessful, contact the district superintendent, or if your child attends a charter school, contact the school sponsor. See the Directory of Community Schools for contact information. If the matter is still unresolved, contact the members of your local school board of education, who have approved the policies and procedures of your child's school.

Find contact information for your district's special education/student services director, superintendent, and school board members on your district's website or in your student handbook.



**Department of  
Education &  
Workforce**

<https://education.ohio.gov/Parents/Having-a-problem-with-your-school-or-district>

# Special Education Contact Information

## YOUR SCHOOL CONTACT FOR SPECIAL EDUCATION

District: Please add the following information to this section:

Special Education Director: \_\_\_\_\_

Phone number: \_\_\_\_\_

Email address: \_\_\_\_\_



Ohio Department of Education and Workforce Contact for Special Education

25 S. Front St., Mail Stop 409, Columbus, OH 43215

Phone: 614-466-2650 | Toll-Free: 877-644-6338 | Fax: 614-728-1097

Email: [Exceptionalchildren@education.ohio.gov](mailto:Exceptionalchildren@education.ohio.gov)

TTY: Ohio Relay Service, 800-750-0750

[Additional Contact Information](#)



### Contact-Information

Your local State Support Team (Region # \_\_\_\_\_

at phone # \_\_\_\_\_

The parent and family consultant at the State Support Team will work with you. Check to see if your school district has a local parent mentor. This information can be found at



A parent mentor provides information and support to families of a child with a disability and school districts. The parent mentor is a district employee and also a parent of a child with a disability.

My Parent Mentor is: \_\_\_\_\_

<https://parentmentor.osu.edu/>



Ohio Coalition for the Education of Children with Disabilities (OCECD)

The OCECD is a statewide nonprofit organization that serves families of infants, toddlers, children and youth with disabilities in Ohio, and educators and agencies who provide services to them. OCECD's programs help parents become informed and effective representatives for their children in all educational settings.

For more information, contact the OCECD at (740) 382-5452

or visit the OCECD website at: [www.ocecd.org](http://www.ocecd.org)



Disability Rights Ohio is a non-profit corporation with a mission to advocate for the human, civil and legal rights of people with disabilities in Ohio. Since October 2012, Disability Rights Ohio has served as Ohio's Protection and Advocacy (P&A) system and Client Assistance Program (CAP). It is governed by a Board of Directors, primarily consisting of people with disabilities and family members of people with disabilities. For more information call 614-466-7264 or 1-800-282-9181 during intake hours of Monday-Friday, 9 a.m. to 12 p.m. and 1 p.m. to 4 p.m.

You can also send a letter at:

Disability Rights Ohio | Attn: Intake | 200 Civic Center Dr. | Columbus, Ohio 43215

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# KEYS TO SUCCESS IN THE FAMILY-SCHOOL PARTNERSHIP

## Parents as School Partners

As a parent, you are your child's first and most important teacher. When your child enters school, you and the school become partners in what you both hope will result in the successful development and education of your child. Years of research show that the more families are actively involved in the education of their children, the more successful the child will be, not only in school, but in life.

Research has demonstrated that the education of children with disabilities can be made more effective by strengthening the role of parents to ensure that families of such children have meaningful opportunities to participate in their children's education, both at school and at home.

Many parents feel intimidated when talking with school professionals. It is important to remember that the discussion is about your child, whom you know better than anyone else. When Congress reauthorized the Individuals with Disabilities Education Act in 2004, parents were included as equal partners in their child's education.

This document will provide you with tips for creating successful interactions with the school, leading to a positive, productive partnership for the meaningful benefit of your child.

As a parent, you want to ensure that your child receives the best educational opportunities appropriate for your child's needs, in order to better prepare them for life as an adult. One aspect of this is the provision of FAPE, which stands for Free Appropriate Public Education, for every child. Your child may receive any service or support necessary to attend school and make progress in the general education curriculum.





## GOOD COMMUNICATION

- Introduce yourself to your child’s teachers, the principal, and other school staff. An open house or other “back-to-school” event is a great time to start. Simply shaking hands and saying, “Hi, I’m looking forward to working with you this year,” can set a positive tone.
- It is important to know the appropriate time to talk with school staff. Whenever students are present, school staff typically do not have time to talk to parents for more than a few minutes. If a personal meeting is needed, you should schedule it with the teacher.
- If you are communicating by phone, please keep in mind that teachers usually check voicemail or email only when they are not with their students. If you have an urgent need, ask the school secretary to write down your message and have it delivered directly to the teacher.
- Find out the best method for communicating with school staff. Some staff prefer phone calls, while others will respond best to email or written notes. Important information should be communicated in writing, if possible.
- If you use email to communicate, try to keep it brief and factual. If you want to express your feelings to someone, it is best to talk to that person directly or on the phone.
- Provide the school with the best times and methods to communicate with you. Update contact information, such as your home or cell phone number, whenever there is a change. Respond as quickly as possible when someone contacts you.

- Check your child’s backpack daily for notes, newsletters, or other communications from the school.
- Find out how to use the school website and online resources, and check them regularly for information.
- If English is a second language for you, ask for information to be provided in your primary language.
- If you are meeting with the teachers, request a language interpreter ahead of time.

## RESPECTFUL INTERACTIONS

- Treat others with the same respect you would like to receive, and expect others to treat you in the same way.
- When discussing school around your child, maintain a positive attitude. If you have a negative attitude about the school, your child will pick up on it, which can directly affect their educational progress.
- Try to respect the variety of needs and concerns of other students and staff members, while also speaking up for your child’s individual needs.
- Keep your commitments. Put school conferences and meeting dates on your calendar and check it frequently. If you can’t attend a meeting, call ahead of time to reschedule.



## POSITIVE PROBLEM-SOLVING

- When mistakes are made, resolve them quickly and completely, then move forward. The goal is the successful education of your child.
- Approach each new school year as an opportunity for a fresh start, regardless of past issues or conflicts.
- You are the expert on your child, while each school staff member has their own area of educational expertise and experience. Together, you can learn how to best meet your child’s developmental and educational needs.
- It is important for parents to understand their rights, responsibilities, and how the system works. Ask for and read the school district’s parent handbook. If you do not understand something, ask for clarification.
- Address your questions or concerns to the most appropriate person, whether that is the teacher, principal, or superintendent of schools.
- If you have an ongoing conflict with a particular staff member and are unable to resolve the issue directly, request to speak with their immediate supervisor.
- Disagree without being disagreeable. Separate the person from the problem, and keep adult issues between adults. In most cases, you and your child will continue to have a relationship with the school long after the conflict is resolved.
- When you feel upset or confused, ask questions rather than becoming angry. Ask school staff to explain things in terms you understand. Communicate assertively rather than passively or aggressively.
- Focus on possible solutions rather than the problem itself. Clearly define the “problem” before working toward a resolution.
- If there is a disagreement about how to approach a concern, be open to trying something new on a trial basis. Ensure a plan is in place to collect information during the trial period to determine whether the new approach should continue.
- While working together in partnership may be challenging, it can also be rewarding. A strong parent-school partnership can help your child succeed in learning and in life.



## ROLE OF A PARENT

Every family dynamic is unique, and each family may be at a different stage of their journey in the special education process. The role of a parent can look different for each family. To support the unique needs of all families, this document is designed to achieve equity by identifying and eliminating barriers that prevent the full participation of some groups and by embracing diversity and the full inclusion of strengths. The goal of this document is to make your rights easier to understand whenever possible and to keep it accessible to all family dynamics.

### **In Ohio, a parent is defined as:**

- A biological or adoptive parent.
- A guardian.
- An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare.
- A surrogate parent.

(NOTE: A foster parent is forbidden by Ohio law from serving as a parent because legal custody of the foster child is held by a children services agency, not by the foster parent. However, a foster parent may be appointed as a surrogate parent if they meet applicable requirements.)

# SURROGATE PARENT

What is a Surrogate Parent?

The surrogate parent maintains the same rights as a parent and is an individual who may represent a child with a disability in all matters related to qualifying for and receiving special education services.

The school district where you live appoints a surrogate parent whenever any of the following occur:

- ▶ A child who has reached 18 years old requests a surrogate parent.
- ▶ The parent cannot be identified.
  - The educational agency, after reasonable efforts cannot locate the parent;
  - The child is an unaccompanied homeless youth.
- ▶ The child is a ward of the state. The term “ward of the state” means a child who is determined by his or her state of residence to be a foster child, a ward of the state, or in the custody of a public child welfare agency.

**The duties of the school district of residence include: the assignment of an individual to act as a surrogate for the parents. This must include a method:**

- ▶ For determining whether a child needs a surrogate parent.
- ▶ For assigning a surrogate parent to the child as soon as possible but no later than 30 days from the date it is determined that the child needs a surrogate parent.

**The school district of residence must ensure that a person selected as a surrogate parent:**

- ▶ Is not an employee of the Ohio Department of Education and Workforce, the educational agency, or any other agency that is involved in the education or care of the child.

- ▶ Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents.
- ▶ Has knowledge and skills that ensure appropriate representation of the child.
- ▶ Has successfully completed the training prescribed by the Ohio Department of Education and Workforce prior to acting on behalf of the child.

## SURROGATE PARENT DUTIES

The surrogate parent will:

- ▶ Review a child’s educational records as needed to make informed special education decisions for the child.
- ▶ When appropriate, provide consent to evaluations and reevaluations.

**Agree or disagree with the following:**

- ▶ Individualized Education Programs.
- ▶ Results of an evaluation team report.
- ▶ Changes in educational placement.

**Disagree with or dispute the recommendations of the educational agency by:**

- ▶ Requesting mediation.
- ▶ Filing a formal written complaint.
- ▶ Requesting a due process hearing.



# PROCEDURES FOR ASSIGNMENT OF A SURROGATE PARENT

- ▶ Whenever parents have retained legal rights to make educational decisions and can be contacted by the educational agency to act as the parent on behalf of their child in the special education process, the educational agency must treat the parent as the educational decision-maker.
- ▶ The educational agency cannot appoint a surrogate parent for a child when there is another person in the child's life who qualifies as a parent under IDEA and whose rights to make educational decisions for the child have not been terminated.
- ▶ For a child who is eligible or thought to be eligible for special education services and requires the appointment of a surrogate parent, the school district of residence must ensure that a surrogate parent is appointed to represent the child in all matters related to identification, evaluation, placement, and the provision of a free appropriate public education, in accordance with the procedures outlined in 34 C.F.R. 300.519.

If you are interested in becoming a surrogate parent, the Ohio Department of Education and Workforce offers an online course. To learn more, visit <https://ohiosurrogateparent.org/>

## PARENT PARTICIPATION

Each educational agency must provide notice to parents of a child with a disability in order to ensure that you have the opportunity to participate in meetings, with respect to:

- ▶ Identification, evaluation, and educational placement of the child.
- ▶ Providing a Free Appropriate Public Education. This requirement is met by:
  - ▶ Notifying you of the meeting early enough to ensure that you will have an opportunity to attend.

All notices must be provided in a language that is understandable to the general public and it also must be written in your native language or other mode of communication.

Scheduling the meeting at a mutually agreed on time and place. If neither parent can attend a team meeting, the educational agency must use other methods to ensure parent participation, including individual or conference telephone calls, or video conferencing. The school district or educational agency must make three attempts to contact the parent to schedule a meeting.

- ▶ The educational agency must take whatever action is necessary to ensure that you, the parent, understands the proceedings of team meetings, including arranging for an interpreter for those individuals who are deaf or whose native language is other than English.

### **Provide you with a written notice that:**

- ▶ Indicate the purpose, time, and location of the meeting and who will be in attendance and their role in your child's ETR or IEP meeting.

### **If your child turns fourteen, or younger if determined appropriate by the IEP team, the notice also must:**

- ▶ Indicate that a purpose of the meeting will be the development of a statement of postsecondary goals and the transition service needs of the child.
- ▶ Indicate that the school district will invite the child.
- ▶ Identify any other agency that will be invited.

# COMMON LANGUAGE



As you navigate the path through your child’s education, there will be many new words/phrases that you will hear/read often. These words may slow you in your tracks but with the help of these definitions, these words will be easier to understand. Being familiar with these words can put you in the driver’s seat to becoming an effective team member.

## **Behavior Intervention Plan (BIP):**

A plan to address a behavior of your child that is impacting your child's education in school.

## **Calendar Days:**

If it is not specified that it is a business or school day then it is considered a calendar day.

## **Child with a Disability:**

A child with a disability is a student who has a diagnosed disability and needs special education services to learn and make progress in school.

## **Complaint:**

A formal written document (a form) that a parent or other party files with the Ohio Department of Education and Workforce, Office for Exceptional Children, which claims that a school district or other public agency is not following laws or regulations related to a child qualifying for or getting special education and related services.

## **Developmental Delay:**

A child 3 to 9 years old that an evaluation team of qualified professionals determines is experiencing a delay in one or more of the following areas: physical development; cognitive development; communication development; social or emotional development; or adaptive development. The term may be used in place of the following disability categories: cognitive disability; emotional disturbance; speech or language impairment.

## **Educational agencies:**

Educational Agencies When we say “educational agency,” we are talking about the public schools and programs that are responsible for providing education to children with disabilities. This includes:

- Your local school district
- County Boards of Developmental Disabilities
- Community schools (charter schools)
- Other state or local public agencies that provide education.

In short, it means the public school system and related public programs must make sure students with disabilities get the education and services they need.

## **Educational Advocate:**

An educational advocate, also known as a parent advocate, child advocate, student advocate, or independent advocate, assists parents of students with disabilities in navigating the complex world of special education. For a fee, professional advocates provide information, guidance and support throughout the IEP process to encourage decisions that meet the needs of the student.

## **Parent Training Information Center**

In Ohio, the Ohio Coalition for the Education of Children with Disabilities (OCECD) serves as the state’s Parent Training and Information Center (PTI). OCECD’s information specialists provide families with guidance, resources, and support to help them navigate the special education process. Their goal is to empower parents to understand their rights and become confident advocates for their children and themselves. For many families who are new to special education, simply knowing what questions to ask is half the battle. Parent Training and Information Centers, which are federally funded, offer free support, resources, and information. Many families find that these services give them the tools they need to successfully work with schools and ensure their child receives the education and services they deserve.

**Evaluation Team:**

The evaluation team is made up parents(always), teachers, a person qualified to interpret assessment results and a district representative should all be a part of the meeting. Any additional person directly involved in assessing your child should also be present at the evaluation meeting.

**Free Appropriate Public Education (FAPE):**

FAPE is what public schools are required to provide to each child with a disability in their least restrictive environment, at no cost to the child's parents through an individualized educational program that is designed to meet the unique needs of a child and from which they receive educational benefit, and prepares them for further education, employment, and independent living.

**Independent Educational Evaluation (IEE):**

If you disagree with the school's evaluation, you can request an IEE at the school's expense. An IEE, also called an outside evaluation, is a second opinion about your child's educational needs. The evaluator must be independent and not employed by the school and must have qualifying credentials. Parents may also choose to arrange and pay for their own outside evaluation at any time

**Facilitation:**

Facilitation refers to a neutral, third-party role that helps IEP teams, evaluation planning meetings, or other educational teams be productive and focus on the student's needs, ensuring a thoughtful and collaborative process.

**Least Restrictive Environment (LRE):**

As much as possible, children with disabilities are educated with children who do not have disabilities. A child with a disability is removed from the regular educational environment only when the child's disability is severe enough that the child cannot be educated in regular classes with the use of supplementary aids and services.

**Manifestation Determination:**

A determination that your child's conduct was caused by, or was the result of, your child's disability. This determination is made by the school district, you the parent and relevant members of the IEP team ("relevant members" are determined by you and the school district).

**Parent Mentor:**

Ohio Parent Mentors have helped families navigate local and state special education processes and services so that children with disabilities can get the most out of their educational experience. Using their lived experience and an evidence-based approach, they work in collaboration with families, schools, and agencies to create the conditions for success for your child.

**Native Language:**

For an individual with limited English proficiency, includes:

- The language normally used by that individual, or, in the case of your child, the language normally used by you as the parents of your child, except as stated in the following bullet.
- In all direct contact with your child (including an evaluation of your child), the language normally used by your child in the home or learning environment. For an individual with deafness or blindness, or for an individual with no written language, the means of communication is that normally used by the individual (such as sign language, Braille, or verbal communication).

**Placement:**

In special education, "placement" refers to the type of setting where a student's Individualized Education Program (IEP) is implemented, ranging from a general education classroom to specialized schools or residential facilities, always striving for the Least Restrictive Environment (LRE).

**Procedural Safeguards:**

Procedures established in federal and state law and regulations that protect the rights of children with disabilities and their parents in regard to a child receiving a free appropriate public education.

**School District of Residence (DOR):** The school district where the parents of a child with a disability live. If your child is enrolled in a community school, the community school is considered to be your child's school district of residence.

### **Special Education:**

Specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions and in other settings; and instruction in physical education, and includes the terms specified in the federal regulation at 34 C.F.R. 300.39.

### **Stay-Put:**

Your child's educational status during a due process hearing. Your child must remain in their present educational setting unless the state or local agency and the parent agree otherwise.

### **Administrative Review:**

Administrative reviews are one option for conflict resolution in which parents or an agency may present a complaint to the superintendent regarding the identification, evaluation, or educational placement of a child with a disability, or the provision of a free appropriate public education (FAPE). This step is not required before filing a state complaint or a due process complaint. The school district encourages parents and other agencies to deal with conflicts as soon as significant disagreements emerge, recommends the scheduling of an administrative review, and points out some advantages of this type of review: It provides a quicker way of resolving disputes and can be employed quickly; It may produce quicker results when the focus is on educational outcomes for the child; and It may result in a collaborative resolution that addresses the interests of families and schools and can often preserve a working relationship.

### **Change of Placement for Discipline:**

A removal from school for disciplinary reasons is considered a change of placement when:

- The removal is for more than ten school days in a row in the same school year.
- Your child has been subjected to a series of removals that suggest a pattern.
- Because the series of removals add up to more than ten school days in a school year.
- Because your child's behavior is very similar to your child's behavior in previous instances that resulted in the series of removals.

- Because of such additional factors as the length of each removal, the total amount of time your child has been removed and the proximity of the removals to one another. **Complaint:** A formal written document (a form) that a parent or other party files with the Ohio Department of Education and Workforce, Office for Exceptional Children, which claims that a school district or other public agency is not following laws or regulations related to a child qualifying for or getting special education and related services.

### **Continuum of Alternative Placement Options:**

The continuum of educational placements refers to the range of options available for students with disabilities, from full-time general education to specialized settings, ensuring a student's placement is in the least restrictive environment (LRE) while receiving a free, appropriate public education (FAPE).

**PLEASE NOTE:** A change in the amount of time a child with a disability spends in a particular place is **NOT** considered a change of placement (educational setting) and does not require the parents' permission. A change from one building to another is also not a change of placement that requires parental permission as long as the new placement is in the like environment (for example a resource room) that it was in the previous building. For example, if a child was in the regular classroom part-time and a resource room part-time, and moves to a new building where the child is in the regular classroom part-time and the resource room part-time, there is no change of placement that requires the parents' permission. If the child is in the regular classroom for four classes and the resource room for two classes and the child's schedule is changed to three classes in the regular classroom and three classes in the resource room, it is not a change of placement that requires parents' permission.

### **Due Process:**

In special education, "due process" is a formal, legal process for resolving disputes between parents and schools regarding a student's IEP, placement, or special education services, ensuring fairness and protecting the rights of students with disabilities.

### **Due Process Complaint and Due Process Hearing (Impartial):**

An impartial due process hearing is a formal hearing that is held at the request of a parent or public agency. This is done to resolve a due process complaint related to a child qualifying for or getting special education and related services.

### **Educational Records:**

Records that are directly related to one specific student, sometimes called personally identifiable information by schools. Records that are kept by an education agency or institution (for example, your school district) or by a party acting for that agency.

### **Legally binding:**

Means that if you or the school district do not stick to the agreement, a court can require either you or the district to do so.

### **Limited English Proficient (LEP):**

If English is not your primary language and you have difficulty communicating effectively in English, you may need an interpreter or document translation in order to have meaningful access to programs funded by the Department of Health and Human Services (HHS). Title VI of the Civil Rights Act of 1964 requires recipients of Federal financial assistance to take reasonable steps to make their programs, services, and activities accessible by eligible persons with limited English proficiency.

<https://www.hhs.gov/civil-rights/filing-a-complaint/index.html>

### **Nonpublic School:**

A nonpublic school is an institution of learning organized and maintained by private individuals or by a private corporation or organization. Chartered nonpublic schools are considered “private schools” that must meet the applicable “Operating Standards for Ohio’s Schools” established in Chapter 3301-35 of the Administrative Code. Non Chartered, nontax-supported schools are not chartered or seeking to be chartered by the State Board of Education because of truly held religious beliefs.

### **Public Expense:**

Paid for by the school district, or otherwise provided at no cost to the parents.

### **Reevaluation:**

The process used to determine if a child continues to have a disability and the educational needs of the child.

### **Resolution Meeting:**

When a trained, neutral professional is called to a resolution meeting set up by the school district to try to resolve a due process complaint, this is called resolution meeting facilitation. The facilitator or mediator tries to help the parents and members of the IEP team resolve the disagreement.

### **Review of Records**

Review of existing evaluation data (Review of records): A reevaluation can be waived if you and the school district are in agreement. A record review of existing information may be done instead of a reevaluation. Your child’s right to a reevaluation only should be waived with extreme caution. If data is needed to determine your child’s progress, or to better identify your child’s educational needs, the reevaluation should not be waived.

### **State-Level Review:**

A review of a due process hearing decision which either the parent or school district has appealed. It is conducted by a state-level review officer appointed by the Office for Exceptional Children.

### **Surrogate Parent:**

A surrogate parent is someone appointed by the school district or court to act as a child’s parent for educational purposes, especially in special education, when a child’s biological or adoptive parents are unavailable or unable to fulfill this role. The surrogate parent acts as the child’s representative in all matters related to the identification, evaluation, and educational placement of the child, as well as the provision of a free appropriate public education (FAPE).

### **Ward of the State:**

The term “ward of the state” means a child who is determined by their state of residence to be a foster child, a ward of the state, or in the custody of a public child welfare agency.



## PARENTAL CONSENT

There will be times when your school district or educational agency needs to request your consent.

### **Parental Consent:**

Informed parental consent means that you and/or the district-appointed surrogate parent give permission, in writing, for the school district to take action.

### **Consent means:**

- You have been fully informed of all information necessary to make a decision about a proposed action. This information must be provided in your native language or another mode of communication that you use.
- You understand and agree in writing to the proposed action. The consent you sign must describe the proposed action, list any records on your child that will be released, and also list who will receive these records.
- You understand that giving your consent is voluntary and that you may withdraw your consent at any time.
- You understand that if you withdraw your consent, you are taking away your permission, but it does not change what action has taken place prior to you withdrawing your consent.

### **Parental Consent for Initial Evaluation:**

The school district must get your consent before they evaluate your child for the first time to find out if your child needs special education and/or related services. For initial evaluations only, if the child is a ward of

the state and is not living with the parents, the school district is not required to get consent from the parents to determine whether the child is a child with a disability if:

- After reasonable efforts, the school district cannot locate the child's parents.
- The rights of the child's parents have been taken away according to state law.
- According to state law, a judge has taken away the parent's rights to make educational decisions for the child and has given those rights to another individual.

### **What happens if I do not consent to my child's initial (first) evaluation?**

If you do not give consent for a first evaluation of your child or you do not respond to a request to give consent, the school district may:

- File a "due process hearing complaint" against you.
- Request that you come to a mediation hearing with the school district offered by the Ohio Department of Education and Workforce (the purpose of the mediation is for the school district and you to come to an agreement on what needs to happen to help your child learn); or
- Decide not to pursue the evaluation. In this case, the district may consider your child not eligible for special education and related services.



## CHILD FIND

1. Requesting an Evaluation in Writing (best practice)
2. The district must respond to your request in writing
3. PR-01 Prior Written Notice

### **Requesting an Evaluation**

At any time, if you think your child may have a disability that is affecting their education, you can ask the district to evaluate your child to determine whether they would be eligible for special education, meaning considered a child with a disability under IDEA. The district must respond to your request with a prior written notice (PR-01) within 30 days of receiving your request.

Child Find requires all school districts to identify, locate and evaluate all children with disabilities, regardless of the severity of their disabilities. This obligation to identify all children who may need special education services exists even if the school is not providing special education services to the child. If school staff, the Ohio Department of Education and Workforce or another public agency think your child may have a disability and may need special education and related services, a referral for evaluation may be made by them. Someone from the school district may contact you to inform you about this referral and obtain your permission to complete an evaluation. After the school district has gotten your permission (consent) in writing, it must finish the initial (first) evaluation within 60 calendar days. This evaluation is what determines your child's eligibility for special education.

It's important to keep a copy of all communication shared by educational agencies. This helps you as a parent maintain recordkeeping of your child's educational history.

A 'child with a disability under IDEA' is legal language that simply means a child with a disability that causes them to need special education services in order to learn. Not all children with disabilities need, or are identified as needing special education and/or related services.

### **Response to Intervention (RTI)**

On January 21, 2011, a memorandum from the Office of Special Education Programs, US Department of Education, to State Directors of Special Education stated that a Response to Intervention (RTI) process cannot be used to delay or deny an evaluation under the Individuals with Disabilities Education Act (IDEA).

# IDEA ELIGIBILITY CATEGORIES

**Autism:** means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

- Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance.
- A child who manifests the characteristics of autism after age three could be identified as having autism.

**Deaf-blindness** means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

**Deafness** means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.

**Developmental Delay** children aged three to nine who are experiencing delays in their growth and development. This includes children with disabilities in the same age group who, as determined by the State and using proper assessment tools, show delays in one or more areas such as physical growth, thinking skills, communication, social or emotional skills, or daily living skills. Because of these delays, they may need special education support and related services to help them succeed.

**Emotional disturbance** means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- Inappropriate types of behavior or feelings under normal circumstances.
- A general pervasive mood of unhappiness or depression.
- A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

**Hearing impairment** means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

**Intellectual disability** means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance. The term "intellectual disability" was formerly termed "mental retardation."

**Multiple disabilities** Multiple disabilities means concomitant impairments (such as intellectual disability-blindness or intellectual disability-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf-blindness.

**Orthopedic impairment** means a severe orthopedic impairment that adversely affects a child’s educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

**Other health impairment** means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that—

Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and adversely affects a child’s educational performance.

**Specific learning disability**—

General. Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

- Disorders not included. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

**Speech or language impairment** means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child’s educational performance.

**Traumatic brain injury** means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child’s educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

**Visual impairment** including blindness means an impairment in vision that, even with correction, adversely affects a child’s educational performance. The term includes both partial sight and blindness.

Federal regulations under the IDEA define who qualifies as a “child with a disability” (see U.S. Department of Education, Sec. 300.8).





## PRIOR WRITTEN NOTICE (PR-01)

A school district must give you a written notice (called a [Prior Written Notice, PR-01](#)) within a reasonable amount of time before it proposes or refuses to take certain actions. These actions include the district initiating or changing the identification, evaluation, or educational placement of your child, or the provision of a free appropriate public education to your child. Prior Written Notice is a required special education form.

### **Prior Written Notice (PR-01) Contents**

A prior written notice must provide enough detail to allow you to participate in decisions about your child's educational services in an informed way.

### **Prior Written Notice (PR-01) in an Understandable Language**

Prior written notice must be provided in a language that is understandable to the general public, and it also must be written in your native language or other mode of communication. If the parent's native language or other mode of communication is not a written language, then the district needs to take steps to verbally translate the prior written notice, or in another understandable way, in the parent's native language or other mode of communication. The district will need to make sure it can document, in writing, that the prior written notice was translated appropriately and that the parent understood its contents.

## **Prior Written Notice Must Include:**

- ▶ A description of the action proposed or refused by the educational agency.
- ▶ An explanation of why the educational agency proposes or refuses to take the action.
- ▶ A description of each evaluation procedure, assessment, record, or report the educational agency used to make its decision.
- ▶ A statement that parents have protection under the IDEA's procedural safeguards, and if the notice is not an initial referral for evaluation, the means by which a parent can get a description of the procedural safeguards.
- ▶ Sources for parents to contact for assistance in understanding the requirements of the IDEA.
- ▶ A description of the other options the IEP team considered and the reasons why those options were rejected.
- ▶ A description of other factors relevant to the educational agency's proposal or refusal.

[PR-01 Parent Invitation Form](#)



## Parental Consent for Reevaluation

The school district must obtain your consent before it conducts the required three-year reevaluation of your child to determine if your child's needs have changed. A reevaluation can take place before the third year if you and the school district decide that it is necessary. Parental Consent for Initial and Annual Individualized Education Program (IEP)

The school district must get your consent before giving your child the special education services listed in their first Individualized Education Program, also called an IEP. You have the option to refuse to consent to one or more specific services, and your child will be provided with the other services on the Individualized Education Program (IEP).

If you do not consent to a specific service or agree that a specific service should be provided on your child's annual Individualized Education Program (IEP) after the initial IEP, that disagreement must be resolved using dispute resolution procedures.

## Withdrawing Parental Consent

If you initially consent to special education services and then change your mind, you can withdraw your consent at any time. This withdrawal must be made in writing. When this is done, the school district will continue to implement your child's Individualized Education Program (IEP) as written until the school district provides you with a prior written notice (PR-01). Then the school district will provide education to your child as they would provide education to any child without a disability under IDEA and will not be liable for providing your child with a "free appropriate public education."

## The school district must also get your consent:

Before the district conducts any evaluations with your child, for example, a Functional Behavior Assessment; Before the district changes your child's educational placement, which does not have to mean a change in location.

Instead, a change in educational placement implies a change in your child's educational program. Consent must be obtained before the district gives information about your child to someone other than those listed in state or federal law.

## Informed parental consent is not required when any of the following occur:

- A change of placement if the educational agency can demonstrate that it has made reasonable efforts to obtain parental consent.
- The educational agency can demonstrate that it has made reasonable efforts to obtain consent, and you have failed to respond. The educational agency must document its attempts to obtain parental consent to meet the reasonable efforts requirement.
- The district is reviewing existing student information. For example, when the district is conducting a review of records as a part of an evaluation or reevaluation.
- The district conducts assessments with your child that are administered to all students.
- A change of placement of a child with a disability is the result of disciplinary action.

## EVALUATION PROCESS

An evaluation is a process used to gather information that will help determine whether your child is a child with a disability under IDEA. It also will help determine your child's educational needs. The reason for evaluating your child is to:

- Get a complete picture of your child's abilities as a starting point for planning educational services. This includes a picture of how your child is performing academically and how your child is developing;
- Make recommendations about ways to meet your child's educational needs; and
- Determine whether your child needs special education and related services.

Requesting an evaluation for special education is not the same as interventions. Interventions must be conducted before, or during, the evaluation. A school district may not use interventions to delay an evaluation. If interventions have not been conducted, they must happen at the same time as the evaluation. To request an evaluation, contact your building

principal, special education director, and school psychologist. These contacts may be found in your school and district websites or contact your district board office. When requesting an evaluation, while it may not be required, it is important that it is submitted in writing to document the date of request for your records. This will start the 30 calendar-day timeline for the district to respond to your request.

The district must send you a prior written notice (PR-01) that either:

Proposes to initiate an evaluation. At this time, the district will provide you a copy of the Special Education Procedural Safeguards Notice.

or

States that the district does not suspect a disability and will not be conducting an evaluation. If the district does not suspect a disability, your child will continue with general education. If you disagree with the district's decision, you may pursue a dispute resolution option through the Ohio Department of Education and Workforce.

If the district proposes to initiate an evaluation, it must obtain written parent consent (consent form is called a PR-05: Parent Consent for Evaluation) to conduct the evaluation. The school district then has 60 calendar days to complete the evaluation.

## EVALUATION PROCEDURE/PLANNING MEETING

A planning meeting includes you, as the parent, and a team of qualified individuals. This all must be documented on the Evaluation Team Report (ETR) Planning form.

### **Your child's evaluation must:**

- Use a variety of reliable and unbiased assessment methods and activities to gather information that shows how much of your child's intellect, behavior, physical state, and level of development contribute to your child's suspected disability;
- Include information provided by you, the parent. This may include any reports from professionals outside the school district;
- Not use any one measure or assessment as the single reason for determining whether your child is a child with a disability and for determining a proper educational program for your child;
- Use assessment tools that are in your child's native language or other mode of communication and that are given in the form most likely to give accurate information;
- Gather information useful in helping your child progress in the general curriculum that is intended to show educational needs and not simply to measure intelligence.
- The evaluation must assess all of the areas related to your child's suspected disability and any other areas you wish to request, at no cost to you, the parent.

# Evaluation Roadmap

FOR FAMILIES WITH CHILDREN AGES 3-21

 - Click on these icons throughout for additional information.



## Interventions vs. Evaluation Request

Educational agencies are required to adjust instruction to help all struggling students. Evaluation requests are NOT the same as interventions.

1

## You have concerns about your child's learning

Speak to your child's teacher or the special education director for the educational agency.



2



## Request for Evaluation

You can request a special education evaluation at any time.



3

Educational agency does not suspect a disability

Continue with general education ...

30 days

OR pursue a dispute resolution option through the Ohio Department of Education and Workforce" with this link.



## Disability is suspected Consent for Evaluation



4

60 days

## Evaluation Procedure

A team of qualified individuals, including parents, will gather to plan for an evaluation in all areas of concern.



## Initial Evaluation Team Report completed

The team, including parents, meet to review the results.



6

## Eligibility Determination



30 days

Eligibility team determines child not eligible

Continue with general education



## Initial IEP developed

If the team, including parents, determines that the child is eligible, an IEP will be developed.



8

## Initial IEP implemented

The educational agency is required to provide the services included in the student's IEP.



9



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## **PRESCHOOL (AGES 3-5) AND SPECIAL EDUCATION ELIGIBILITY**

To determine if your preschool-aged child (3-5 years) has developmental or academic delays, contact your local school district or educational agency. District contact information is usually on the district's website.

If eligible for special education under IDEA, your child may receive services for delays in areas such as:

- Adaptive behavior
- Cognition
- Communication
- Sensory/motor functioning
- Social/emotional or behavioral development

### **Evaluation**

- All developmental areas must be assessed using at least one of five methods or data sources. [The preschool evaluation planning form](#) differs from those for older students.
- Evaluations must be comprehensive and address all special education needs, even those unrelated to the child's primary disability category.

### **If Ineligible**

- The district may provide a list of local preschool programs if your child is not eligible or enrolled in a preschool.

### **Transition and Reevaluation**

- Transition from early intervention (birth-2 years) to preschool services (3-5 years) must begin 120 days before the third birthday.
- Reevaluations occur when moving to school-age special education services.

### **IEP for Preschoolers**

The IEP should explain how your child's disability affects participation in age-appropriate activities, focusing on play-based and functional (not academic) goals.

### **Definition of a Preschool Child with a Disability**

A child aged 3-5 is eligible: if they have significant delays in areas like physical, cognitive, or social/emotional development, or if they meet criteria for a disability category (e.g., intellectual disability, speech impairment).





## WHAT HAS CHANGED IN OHIO WITH DEVELOPMENTAL DELAY?

As of April 6, 2023, the definition of a child with a disability under developmental delay may include a child who is at least 3 years of age and less than 10 years of age.

Children in preschool identified as having a developmental delay disability in special education no longer need to be re-evaluated in advance of turning age 6 or moving to kindergarten. Any child with a disability in preschool during this academic year who has or will turn 6 years old on or before June 30, 2023 is permitted to remain in preschool and shall continue to be identified as having a developmental delay.

While a child with a disability can be re-evaluated at any time, a child may now enter kindergarten with the developmental delay disability category without needing to be re-evaluated for continuing special education eligibility, unless the three-year-timeframe requires it. The Office of Early Learning and School Readiness and the Office for Exceptional Children have guidance materials to support school districts in implementing this change. The resources will be posted on the following department webpage:

Preschool Special Education | Ohio Department of Education and Workforce.

[School-Age Development Delay Questions & Answers](#)

For questions regarding preschool special education, please email the Preschool Special Education team at - [preschoolspecialeducation@education.ohio.gov](mailto:preschoolspecialeducation@education.ohio.gov)

For questions about school-age special education, please email the Office for Exceptional Children at - [exceptionalchildren@education.ohio.gov](mailto:exceptionalchildren@education.ohio.gov)



## DISPUTE RESOLUTION PROCESS

### FACILITATION

#### **Who Can Initiate the Process?**

Parent or public agency, but must be voluntary for both.

#### **Purpose**

Any meeting related to an evaluation or an Individual Education Program (IEP)

#### **Timeline to Resolve Issues**

There is no timeline, but meetings must meet Individual Education Program (IEP) or evaluation deadlines.

#### **Who Oversees Process**

Coordinator from the Ohio Department of Education and Workforce

#### **Decision Makers**

Individual Education Program (IEP) or Evaluation Team (which includes you the parent)

### MEDIATION

#### **Who Can Initiate the Process?**

Parent or public agency, but must be voluntary for both.

#### **Purpose**

Any matter under Individuals with Disabilities Education Act (IDEA) including matters arising from a formal written complaint or due process (with some exceptions)

#### **Timeline to Resolve Issues**

None

#### **Who Oversees Process**

Coordinator from the Ohio Department of Education and Workforce

#### **Decision Makers**

District administrator and parent and others that they might want to invite.

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## THE 6 GUIDING PRINCIPLES OF IDEA

### (Individuals with Disabilities Education Act)

The Individuals with Disabilities Education Act (IDEA) is the federal law that protects the rights of children with disabilities. It is built on 6 guiding principles that every parent should know.

#### **Free Appropriate Public Education (FAPE)**

Every child with a disability has the right to a free education designed to meet their unique needs.  
Why it matters to parents: Ensures your child gets the services they need at no cost to you.

#### **Appropriate Evaluation**

Schools must use fair, accurate, and complete evaluations to determine eligibility and services.  
Why it matters to parents: Protects your child from being misidentified or overlooked.

#### **Individualized Education Program (IEP)**

A written plan is created with parents, teachers, and specialists to outline goals and services.  
Why it matters to parents: You help design the plan that shapes your child's learning and supports.

#### **Least Restrictive Environment (LRE)**

Children with disabilities should learn with peers without disabilities as much as possible.  
Why it matters to parents: Promotes inclusion, friendships, and access to the general curriculum.

#### **Parent and Student Participation**

Families and students are equal partners in making decisions about education.  
Why it matters to parents: Gives you a strong voice and ensures your input is valued.

#### **Procedural Safeguards**

Legal protections help resolve disagreements and safeguard students' rights.  
Why it matters to parents: Ensures fairness and provides options if you disagree with the school.

In short: These six principles guarantee that your child has the right supports, in the right setting, with your voice included every step of the way. They empower families to be strong advocates and help children succeed in school and beyond.

### **How the 6 Guiding Principles Connect to a State Complaint**

The 6 guiding principles of IDEA are not just values—they are legal rights. If a school does not follow these principles, parents have the right to file a state complaint.

**FAPE (Free Appropriate Public Education):** If a child is denied the services they need, parents can file a complaint to ensure access to appropriate education.

**Appropriate Evaluation:** If evaluations are not fair, timely, or complete, a complaint can require the school to correct them.

**IEP (Individualized Education Program):** If the IEP is not being followed or developed properly, families can use a complaint to hold the school accountable.

**LRE (Least Restrictive Environment):** If a child is unnecessarily separated from peers, a complaint can enforce the right to inclusion.  
**Parent/Student Participation:** If schools exclude parents from decisions, a complaint protects their role as equal partners.  
**Procedural Safeguards:** If the school does not respect parents' rights or timelines, a complaint helps enforce those protections.

In short: The state complaint process is one way parents can make sure the six guiding principles of IDEA are upheld for their child.



## FERPA

The Family Educational Rights and Privacy Act, or FERPA, provides parents with certain parental rights regarding their children’s education records. This guide provides general information on a parent’s rights under FERPA.

It gives these rights to custodial and noncustodial parents alike unless there is a court order, which is a legally binding document, or State law, that explicitly denies their rights. When a student reaches 18 years of age or attends an institution of postsecondary education at any age, they become an “eligible student,” and all rights under FERPA transfer from the parent to the student.

Given that the target audience for this document is parents, this guide is intended to discuss parents’ rights under FERPA. Under FERPA, the term “parent” means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. A companion document discussing eligible students’ rights under FERPA is available on our website at: <https://studentprivacy.ed.gov/resources/eligible-student-guide-family-educational-rights-and-privacy-act-ferpa>

FERPA is a Federal law administered by the Student Privacy Policy Office (SPPO) in the U.S. Department of Education (Department). FERPA protects “education records,” which are generally defined as records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. An “educational agency

or institution,” referred to as a “school,” generally means a school district, a public elementary or secondary school, or an institution of postsecondary education, such as a college or university. There are also a few exceptions to the definition of education records, such as law enforcement and sole possession records. More information is available at: <https://studentprivacy.ed.gov/faq/what-records-are-exempted-ferpa>

FERPA applies to schools that receive funding under any program administered by the U.S. Department of Education. Private and faith-based schools at the elementary and secondary levels generally do not receive such funding and are, therefore, usually not subject to FERPA.

In addition, the confidentiality of personally identifiable information (PII) in the education records of children with disabilities is further protected by Part B of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1417(c) and 34 CFR §§ 300.610-300.626).

These regulations contain confidentiality provisions similar to, but broader than, FERPA. The IDEA-FERPA crosswalk contains additional information comparing IDEA and FERPA and is available at:

<https://studentprivacy.ed.gov/resources/ferpaidea-crosswalk>



## FERPA CONTINUED

### OPPORTUNITY TO EXAMINE RECORDS

Each educational agency shall adopt and implement written policies and procedures that afford parents the opportunity to examine education records and ensure protection of the confidentiality of any personally identifiable information in regard to the collection, use, storage, disclosure, retention, and destruction of that information.

The parents of a child with a disability must be afforded an opportunity to inspect and review all education records with respect to:

- The identification, evaluation, and educational placement of the child.
- The provision of Free Appropriate Public Education to the child.

**Examine records does not equal printed copy!**

### CONDUCTING A TEAM MEETING WITHOUT A PARENT IN ATTENDANCE

A meeting may be conducted without a parent in attendance if the school district is unable to convince the parents that they should attend. In this case, the school district must keep a record of its attempts to arrange a mutually agreed-upon time and place.

- Detailed records of telephone calls made or attempted and the results of those calls.
- Copies of correspondence sent to the parents and any responses received.
- Detailed records of visits made to the parent's home or place of employment and the results of those visits.
- Any other documentation showing that the district made reasonable efforts.

A meeting does not include informal or unscheduled conversations involving educational agency personnel and conversations on issues such as teaching methods, lesson plans, or coordination between staff of services provided. The school district can have a meeting to prepare a response or develop a proposal, as long as no decisions are made without convening the IEP team, which includes you, the parent.



## WHAT IS ESY? HOW AND WHEN IS DETERMINATION MADE?

Extended School Year (ESY) is educational programming beyond the traditional 180-day school year for students with disabilities in accordance with the student's Individualized Education Program (IEP) at no cost to parents. Every student with a disability must be considered for ESY when it is necessary for a student with a disability to receive a free appropriate public education (FAPE). A school cannot limit eligibility to a particular category of disability.

Determination for ESY is made on an individual basis and must be made even if you, the parent or guardian have not specifically requested it. No single criterion should be used when determining ESY.

ESY can be used to maintain identified skills; prevent or avoid substantial loss of previously acquired skills; prevent or avoid substantial loss of emerging skills; and prevent loss of behavior control.

Ask for an Individualized Education Program (IEP) meeting to discuss ESY. You should specifically request that ESY be discussed at an Individualized Education Program (IEP) meeting. This can be done in a separate letter to the district or in the same letter used to refer your child for ESY. This letter should request a response by a certain date to help the scheduling process. The following is a sample letter. For more detailed information please visit... [REQUESTING EXTENDED SCHOOL YEAR.docx \(ocecd.org\)](#)



### Advocacy Tip

Because ESY services are provided outside of the regular school programming, it is important to begin discussing the need for ESY at your annual Individualized Education Program (IEP) meeting or well before the end of the school year. Beginning the discussion early will allow the Individualized Education Program (IEP) team to investigate options for ESY services and provide time to resolve disputes over ESY through available remedies and to collect data.



### Advocacy Tip

An individualized ESY program will look different for each child, and generally does not look like a regular school year program. ESY is based on the unique needs of the child and their Individual Education Program (IEP) goals.

## EXTENDED SCHOOL YEAR:

The purpose of an extended school year is to prevent, or slow, severe skill regression caused by an interruption of special education services during extended periods when school is not in session. It is not to enhance the present levels of educational performance exhibited by children with disabilities at the end of the regular school year.

The need for extended school year services is based on a construct of skill regression and a child's limited capacity for recoupment. An extended school year may be provided only when it is determined a child might regress in a critical skill area to such an extent that recoupment of the skill loss would require an unusually long period of time or make it unlikely, or impossible, to recoup the present level of educational performance.

Within the categories marked by a severe disability, it is not appropriate to assume a significant regression or recoupment factor exists. Some children with severe disabilities may consistently demonstrate a limited array of skills, but not demonstrate a significant regression/recoupment factor in any of the skills. Therefore, these children would not be appropriate candidates for extended school year services.

The following are questions to consider when determining if extended school year services should be provided to a student who receives special education services

- Will the student lose critical skills without continued support and teaching?
- Will it take a long time for the student with disabilities to regain those skills—longer than it would take a child without a disability?

- Does the student have difficulty retaining skills over shorter breaks?
- Does the student have known issues with working memory?
- Does the student need continual reinforcement to keep his or her skills during the regular school year?
- Does the student have behavior issues that get in the way of learning during the school year? Will that be a problem next year without continued support over the summer?
- Is the student making steady progress toward meeting his or her IEP goals? Will a break in services threaten that progress?
- Are there goal areas of concern that need to be acquired or maintained without interruption for the student to meaningfully benefit from FAPE?
- Has there been (or is there a potential for) significant regression during periods of interruptions that would require significant recoupment?
- Are there rare and unusual circumstances that necessitate continuous instruction for service?
- Are there other factors to be considered in determining the need for extended school year services?

Consider whether the learning that occurred during the regular school year will be significantly jeopardized if extended school year service is not provided.

The primary criteria in determining a student's need for extended school year services are the likelihood of significant regression of previously learned skills during a break in service and limited or delayed recoupment of these skills after services resume.





## STUDENTS EXPERIENCING HOMELESSNESS

The McKinney-Vento Homeless Education Assistance Act ensures that educational agencies identify children and youth experiencing homelessness have access to a free and appropriate public education by removing barriers due to homelessness. As advocates for educational rights, there are various services in the program to assist families in transition.

The term “children and youth experiencing homelessness” means individuals who lack a fixed, regular and adequate night-time residence. It includes those who are:

- Sharing the housing of other persons due to loss of home.
- Economic hardship, or similar reason.
- Living in motels or hotels.
- Staying in trailer parks or campgrounds due to the lack of alternative adequate accommodations.
- Living in emergency or transitional shelters.
- Abandoned in hospitals.
- Living on their own, such as youth who have run away or have been put out of their home.

The purpose of the McKinney-Vento Homeless Children and Youth Program is to ensure that all children and youth, including preschoolers, have equal access to the same free and appropriate public education as non-homeless children and youth.

### **Finding a Local School District Homeless Education Liaison**

The Ohio Educational Directory System (OEDS) has the name, phone number, and email address of each local school district homeless education liaison. A local school district homeless education liaison is required in every district. This liaison works with families, community agencies, and partners to best support students experiencing homelessness.

To access the information for a homeless education liaison, follow these steps:

1. Go to the OEDS Directory
2. Search the school district name and then click on the district.
3. Once on the district’s page, select “Personnel” from the top search bar.
4. In “Roles Available to this Organization,” search: Homeless Liaison – ESSA.



## **AGE OF MAJORITY**

At the age of majority, young adults are granted specific legal rights, such as the right to vote, marry, obtain a credit card, consent to medical treatments, make living arrangements, and sign contracts, including their Individualized Education Program (IEP). The Individuals with Disabilities Education Act 2004 (IDEA) gives states the authority to transfer educational decision-making rights to students who receive special education services at the age of majority. All rights granted to you, the parent, under IDEA transfer to your child. These rights also transfer to your child if they are incarcerated in an adult or juvenile, state, or local correctional institution. The school district of residence must provide the notice required by this IDEA rule to notify both you and your child of the transfer of rights.

In Ohio, individuals are recognized as adults with complete legal rights and responsibilities when they turn 18. It's important to address this topic during the IEP meeting when the individual is 17.

**What options are available if my child cannot maintain these duties properly?**

## **SUPPORTED DECISION-MAKING**

Supported decision-making is a framework that helps people with disabilities make their own decisions about their life, education, employment, healthcare, and legal matters. This approach builds on providing information, skills, and guidance to decide where support is needed—similar to how we seek out advice from friends, families, and supporters.

There are no specific laws about Supported Decision Making in Ohio.

## **CHOSEN REPRESENTATIVE**

A person receiving services in the developmental disabilities system can choose a “chosen representative,” an adult authorized to make decisions about developmental disabilities programs and services, if the person receiving disability services does not have a guardian and is not comfortable making those decisions on their own.

## **CHOOSING A SUBSTITUTE DECISION MAKER/POWER OF ATTORNEY**

A person may also choose someone else to make decisions on their behalf relating only to developmental disabilities services, and not to services or programs provided by agencies outside the developmental disabilities system. A power of attorney would be necessary for other agencies.

For more information, refer to the following links:

- [DODD Toolkit on Guardianship](#)
- [Chosen Representative Form](#)



## GUARDIANSHIP

Parents are already the guardians of their children until their 18th birthday; therefore, guardianship is only established for individuals over the age of 18. The process can begin before the 18th birthday, usually at 17 years and six months at the earliest.

To establish guardianship of an adult, the person must be considered incompetent. This is a legal determination. A person is considered incompetent if they are incapable of taking proper care of themselves or their property.

A guardianship cannot be established without an expert evaluation, completed by a medical professional, stating that the proposed ward is “incompetent.”

If you, as the parent, choose to pursue guardianship, the transfer of parental rights at the age of majority may not apply.



<https://www.disabilityrightsohio.org/guardianship-frequently-asked-questions#some>

## ADDITIONAL RESOURCES



School House Connection An Interview Checklist for Supporting School Selection and An Interview Checklist for Supporting School Selection: Unaccompanied Youth.

[Learn More](#)



**Department of  
Education &  
Workforce**

Ohio Department of Education and Workforce Ohio's Attendance Laws

[Learn More](#)



**Department of  
Education &  
Workforce**

Homeless-Youth/Liaisons/Identification Eligibility and Enrollment

[Learn More](#)



**Department of  
Education &  
Workforce**

Students Experiencing Homelessness

[Learn More](#)



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# FAQ

## FREQUENTLY ASKED QUESTIONS

### WHAT IF I DECIDE TO SEND MY CHILD TO A PRIVATE SCHOOL?

If you decide to send your child to a private school, your school district does **not** have to pay for tuition or services there, as long as the district offered your child a **Free Appropriate Public Education (FAPE)** in the public school.

However, if you believe the district did **not** provide FAPE, you may file a **due process complaint**. An impartial hearing officer will review your case. If the officer decides your district failed to provide FAPE, you may be reimbursed (paid back) for the cost of your child's private school placement.

How much the district may be required to reimburse you may be reduced or you may forfeit reimbursement altogether if any of the following occur:

- At the Individualized Education Program (IEP) meeting that occurred before you removed your child from the school, you did not tell the school that you were not going to accept the educational placement proposed by the Individualized Education Program (IEP) team and tell them about your concerns, and that you planned to enroll your child in a private school.
- You did not tell the school in writing at least 10 business days before withdrawing your child from the district that you are not accepting the Individualized Education Program (IEP) and you plan to enroll your child in a private school. These 10 business days include holidays that fall on weekdays.
- If before removing your child from the school, the district gave you proper written notice that it planned to evaluate your child, and you did not make your child available for the evaluation.
- A court determines that you acted unreasonably. The reimbursement (amount you are to be paid back) cannot be reduced, or repayment cannot be denied to you if:
  - The district prevented you from providing notice.
  - The district did not tell you that you were required to provide notice; or providing the notice could result in physical harm to your child.
  - Also, a court or hearing officer may find that the cost of reimbursement may not be reduced or denied to you for failure to provide this notice if you cannot read or write in English; or providing the notice could result in serious emotional harm to your child.

# FAQ

## FREQUENTLY ASKED QUESTIONS

### I RECEIVED A NOTIFICATION ABOUT SCHOLARSHIP PROGRAMS FOR STUDENTS WITH DISABILITIES. WHAT DOES THAT MEAN?

Each time a school district completes an evaluation for a child with a disability, or begins developing, reviewing or revising a child's Individualized Education Program (IEP), the district must tell your child's parent about the Autism Scholarship Program and the Jon Peterson Scholarship Program.

**A child who participates in the Autism Scholarship Program** is a unilaterally privately placed student, and is **not entitled to Free Appropriate Public Education (FAPE)**. If your child is receiving special education services under the category of autism, you may qualify for the Autism Scholarship Program. Under the program, you may choose to send your child to a special education program other than the one operated by your educational agency, where your child will receive the education and services outlined in his or her Individualized Education Program (IEP).

**Any student may qualify for the Autism Scholarship Program if they meet at least one of the following criteria:**

- A student who has been identified by their district as a child with autism and for whom the district has created an individualized education plan (IEP). The student must have a current IEP from the district of residence that is finalized and all parties, including the parent, must be in agreement with the IEP.

OR

- A student who receives a private diagnosis of autism and reflects this in their individualized education program (IEP) or in an autism education plan (AEP) developed by the district of residence.

A child is eligible to apply to participate in the program when the child turns three.

**A child who participates in the Jon Peterson Scholarship Program** is a unilaterally privately placed student, and is not entitled to Free Appropriate Public Education (FAPE). If your child is receiving special education services, you may qualify for the Jon Peterson Special Needs Program. Under this program, you may choose to send your child to a special education program other than the one operated by your educational agency, where your child will receive the education and services outlined in his or her Individualized Education Program (IEP). To qualify for a Jon Peterson Special Needs Scholarship, your child:

- Must have been educationally identified by your local educational agency to be a child with a disability.
- Must have a current Individualized Education Program (IEP) from the educational agency that you agree with and that has been finalized.
- Must qualify to attend kindergarten through grade 12. For information on the Scholarship Program, visit the Ohio Department of Education and Workforce website at <https://education.ohio.gov/Topics/Other-Resources/Scholarships>

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# FAQ

## FREQUENTLY ASKED QUESTIONS

### **WHAT HAPPENS IF I DO NOT CONSENT TO SPECIAL EDUCATION AND RELATED SERVICES FOR MY CHILD'S INITIAL INDIVIDUALIZED EDUCATION PROGRAM (IEP)?**

If you refuse to consent to the district providing special education and related services on your child's initial Individualized Education Program (IEP), or if you do not respond to a request to provide your consent, then the school district is not violating the requirement to make free appropriate public education available to your child if it does not provide your child with special education and related services. The district also is not required to provide your child with an IEP.

#### **What happens if I refuse to consent to one service or action but agree to others on an initial IEP?**

A school district or other public agency may not use your refusal to give consent to one service or activity to deny you or your child any other services or activities your child qualifies for. On an initial IEP only, you have the option to refuse to consent to one or more specific services, and your child will be provided with the other services on the IEP.

If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the educational agency:

- Shall include mediation procedures or due process procedures, in order to obtain agreement or a ruling that services may be provided to the child.
- Will not be considered to be in violation of the requirement to make Free Appropriate Public Education (FAPE) available to the child for the failure to provide the child with the special education and related services for which the educational agency requests consent.
- Is not required to convene an Individualized Education Program (IEP) team meeting or develop an IEP for the child for the special education and related services for which the educational agency requests such consent.
- If the parent of a child enrolled in a school district or seeking to be enrolled in a school district does not provide consent for initial evaluation, or the parent fails to respond to a request to provide consent, the educational agency may, but is not required to, pursue the initial evaluation of the child by utilizing the procedural safeguards of the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Improvement Act of 2004, December 2004 (IDEA) (including the mediation procedures or the due process procedures).

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# FAQ

## FREQUENTLY ASKED QUESTIONS

### WHAT ARE SUSPENSIONS?

A suspension is a “disciplinary” removal of your child from the current placement (educational setting) for misconduct. A suspension can be for up to ten school days in a row in the same school year.

**Note:** that the school district may remove your child for additional periods of up to ten school days in a row in that same school year for separate incidents of misconduct, as long as those do not move the child out of the educational setting.

There are different types of suspensions, including:

- A formal suspension.
- An emergency removal.
- A bus suspension, if transportation is a related service on the Individualized Education Program (IEP) and there is no other transportation provided.
- An in-school suspension when special education services are not provided. If your child’s Individualized Education Program (IEP) is being carried out, the in-school suspension does not count toward ten days of suspension.
- An in-school suspension where your child is moved to another location in the school (such as the office) where your child’s Individualized Education Program (IEP) is not carried out for long periods of time or for repeated periods of time - National Disability Rights Network, Out of the Shadows. 2022, January.

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# FAQ

## FREQUENTLY ASKED QUESTIONS

### WHAT ARE INFORMAL REMOVALS/ UNDOCUMENTED SUSPENSIONS?

#### **Best Practice**

Informal Removal is an undocumented suspension or a request to pick up your child as a result of behaviors related to their disability. National Disability Rights Network (NDRN) defines “informal removal” as: “Any time a child with a disability is removed from school for a sufficient period of time to constitute a “change of placement.” When school personnel regularly require a child with a disability to leave school early and miss instructional time due to their behavior, it is likely that the child’s opportunity to be involved in and make progress in the general education curriculum has been significantly impeded; in such circumstances, sending the child home early would constitute a disciplinary removal from the current placement.

Your child has the right to attend school. Students can only be kept away from school if they have been officially suspended. The first question to ask when you have been requested to pick up your child because of behavioral issues is whether they have been suspended. The school, when they call you for a pick-up, in essence, is requesting that you voluntarily take your child home when there is a behavioral situation that doesn’t warrant suspension. Schools are required to provide your child with the necessary support to benefit your child’s education, and schools must find a way to deal with your child’s behavior.

The best place for a child is in a school setting with other children. Calling parents for early pick-up is a quick route for schools not wanting to deal with the underlying issues and causes. School personnel and professionals have far superior training in dealing with behavioral issues stemming from disabilities than most parents do. That is why school is the best place for your child during the school day.

# WHAT ARE THE DIFFERENCES BETWEEN A 504 AND AN INDIVIDUALIZED EDUCATION PROGRAM (IEP)

<p>Section 504 of the Rehabilitation Act of 1973</p>	<p>Title II of the American with Disabilities (ADA)</p>	<p>Individuals with Disabilities Education Act (IDEA)</p>
<p>Civil Rights Statute</p>	<p>Civil Rights Statute</p>	<p>Special Education Mandate</p>
<p>Prohibits discrimination/ harassment on the basis of disability by schools that receive federal financial assistance. Requires a free, appropriate, public education. (FAPE)</p>	<p>Prohibits discrimination against people with disabilities by schools regardless if they receive federal financial assistance.</p>	<p>Focuses on special educational services. Ensures students with a disability have access to a free, appropriate, public education. (FAPE)</p>
<p>No disability category based funding to school district</p>	<p>No funding to school districts</p>	<p>Funding to states to guarantee special education and related services to eligible children as identified under federal special education categories</p>





[www.ocecd.org](http://www.ocecd.org)