

Special Education Mandates

Board of Education Budget Workshop

Fairfield Public Schools

January 18, 2022

IDEA (Individuals with Disabilities Education Act) Child Find Requirement

Federal law requires that all students suspected of having a disability that reside (or attend school) within the the town of Fairfield, whether attending public schools or private schools, be identified, located and evaluated to determine eligibility for special education and related services (speech, counseling, OT, PT, etc.).

Referral to Special Education

A Planning and Placement Team (PPT) meeting must convene when a student is suspected of having a disability and members of the PPT meeting (including parents) must:

- review and discuss referral concerns and
- determine if the student should be evaluated in all areas of suspected disability.

Process of Evaluating Students for Special Education Eligibility

- Once the parent provides written consent to conduct an evaluation the school district has 45 school days to complete the evaluation and determine special education eligibility
- IF the student is determined eligible for special education the PPT MUST:
 - develop an Individualized Education Program (IEP)
 - develop individualized annual goals and objectives in identified areas of need

Process of Evaluating Students for Special Education Eligibility

- IF the student is determined eligible for special education the PPT MUST also :
 - determine the specific services the student qualifies for AND
 - determine the Least Restrictive Environment in which the student's IEP will be implemented (home school, in district program, outplacement in a CSDE Approved Private Special Education Program, etc.)
 - meet annually to review student progress toward mastery of IEP goals and objectives (Annual Review PPT)

General Outplacement Process

At times, based on the nature and severity of a student's disability or lack of progress on IEP goals and objectives within a school based or district based program the PPT will convene to discuss a potential change in placement.

If there IS agreement between district staff and parents on a change in placement to a CSDE Approved Private Special Education Program contact by district staff will be made to potential schools.

General Outplacement Process

- Once an appropriate outplacement is determined the PPT convenes:
 - to officially change placement and review the student's IEP
 - after 30 days to review the student's initial transition to the outplaced school and
 - a minimum of annually to review student progress (Annual Review PPT)

Student readiness for return to FPS is under consideration at each PPT

General Outplacement Process

- If there IS agreement between district staff and parents on a student's return to FPS from outplacement the PPT will:
 - develop a transition plan back to district
 - organize district staff to observe the student in his/her current school prior to return to FPS
 - develop a timeline for return to FPS
 - develop student's schedule prior to return to FPS
 - update all student program documents prior to return to FPS
 - collaborate and plan with families throughout this process

General Outplacement Process

- If there IS NOT agreement between district staff and parents on a change in placement:
 - The parents or the District may file for Due Process at which point “Stay Put” is enacted and the student’s last agreed upon IEP is implemented
 - If Parent files for Due Process:
 - The district must offer a Resolution Meeting
 - Parties may agree to go right to Mediation
 - The case will go to a Due Process Hearing if unable to be resolved

THIS PROCESS REMAINS THE SAME AS WELL IF ONE PARTY WANTS A CHANGE IN PLACEMENT BACK TO DISTRICT FROM AN OUTPLACEMENT

General Unilateral Placement Process

- Parents notify the District of their intent to unilaterally place their child in a private school and that they are seeking the district to pay cost of tuition
- The District sends a written response to parents
- Parent and District Attorneys are generally involved
- District may convene a PPT to review parent concerns and may revise IEP as appropriate
- IF the parent files for Due Process a Resolution Meeting must be offered by the district in an effort to resolve disputes

General Unilateral Placement Process

- The parties can agree to waive the Resolution Meeting and go to Mediation with a CSDE appointed Mediator prior to going to a Due Process Hearing to avoid a prolonged and costly process
- The District with its Attorney reviews the facts of each unilateral placement to determine the District's risk and exposure along with the potential cost if the case proceeds to a Due Process Hearing
- A determination of Settlement is typically decided upon at Mediation with legal advice

Potential Cost of Due Process Hearings to District

- Legal costs of Due Process Hearings average \$7,000 -\$10,000 per day
- The average Due Process Hearing lasts 5-7 days at an approximate cost of \$35,000 - \$70,000 to the District
 - If the District is not the prevailing party in a Due Process Hearing the school district may be responsible for the additional cost of parent attorney fees AND the tuition cost of the school placement

Questions