

**A**

**Parent’s**

**Guide**

**to**

**Partnership**

**in**

**Special**

**Education**

**May**

**2015**

Introduc)on

This **Guide** was developed by the **Special Parent Informa4on Network (SPIN)** and the **Special Educa4on**

**Advisory Council (SEAC)**-­‐-­‐Hawaii’s state advisory panel on special educa)on-­‐-­‐with support from the Department of Educa)on. This **Guide** gives basic informa)on about the *special educa+on* process and encourages *parents* to be true partners in their child’s educa)on.

We believe that children beneﬁt most when our educa)onal system supports partnership between parents, students, teachers, related services professionals and school administrators. This partnership includes welcoming families into the school community, communica)ng eﬀec)vely, and working together to support a student’s learning at home and at school. A parent’s exper)se about their child’s unique needs, strengths and future goals is key to ensuring that his or her educa)onal program is individualized to support success.

In this partnership, students are also valued as experts about their own concerns, goals and dreams for the future. With support and encouragement from their parents and teachers, they will grow to be happy and produc)ve adults who will be able to advocate for themselves.

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**How to Use This Guide**

**A Parent’s Guide to Partnership in Special Education** is divided into sections that include the steps of the *special education* process and your rights and responsibilities under the law. As you go through each section, look for words and acronyms that are in *italics*. You can find a definition for each of them in the last section, **WORDS TO KNOW**.

The **Guide** reflects the amendments to Part B of the *Individuals with Disabilities Education Act (IDEA)* of 2004, recently enacted rules regarding parent consent, and Hawaii’s local law that implements IDEA, *Chapter 60*. For a constantly updated version of the **Guide** with links to additional information go to: [**http://spinhawaii.org/**](http://spinhawaii.org/) **education-parent-guide/**.

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Acronyms



Overview of Laws Impac)ng Students with Disabili)es

Four Federal Laws aﬀect students with disabili)es. Two are civil rights laws meant to prevent discrimina)on in school se^ngs and in the community.

•

**Sec4on 504 of the Rehabilita4on Act of 1973** requires that students with disabili)es have

equal access to educa)onal services. For students who qualify, an individualized 504 Plan is developed that provides modiﬁca)ons and accommoda)ons to ensure that the student receives an educa)on comparable to non-­‐disabled students. Sec)on 504 also applies to extracurricular ac)vi)es (like a`er-­‐school ac)vi)es on school grounds and school-­‐sponsored clubs). All students who have a disability that aﬀects their educa)on are covered under Sec)on 504. However, 504 Plans are generally developed for students with milder delays who do not qualify under IDEA’s eligibility criteria.

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**The 1990 Americans with Disabili4es Act (ADA)** also bars discrimina)on on the basis of disability in employment, public transporta)on, government services, and places where the

public gathers for a service or ac)vity (like restaurants, stores, libraries, parks and schools). ADA’s applica)on to students with disabili)es is generally in providing informa)on in alternate formats (like American Sign Language or Braille), modifying tests, and improving accessibility by redesigning equipment or building features.

•

**The Family Educa4onal Rights and Privacy Act (FERPA)** protects the privacy of student records

for all public school students. It gives parents the right to review their child’s educa)on records and request changes in the record, when appropriate. (See more under School Records).

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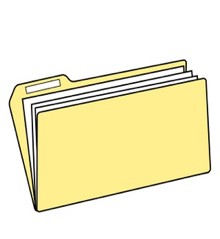
**The Individuals with Disabili4es Educa4on Act (IDEA)** is the educa)on law passed by Congress

in 1975 that ﬁrst deﬁned special educa)on and spelled out what schools must provide to students with disabili)es. Special educa)on is specially designed instruc)on, at no cost to the parent, to meet the unique needs of a student with a disability. IDEA provides a free appropriate public educa)on (FAPE) to children who, because of a qualifying disability, need special educa)on and related services to beneﬁt from educa)on.

Like Sec)on 504, IDEA requires an unbiased evalua)on to determine needs and eligibility, an individualized educa)onal program, and service provision in the least restric)ve environment.

Unlike Sec)on 504 and ADA, IDEA provides par)al federal funding for the costs associated with educa)ng students with disabili)es. IDEA also oﬀers more safeguards to ensure that parents are included in decision-­‐making and have more op)ons to resolve conﬂicts around their child’s iden)ﬁca)on, evalua)on, program, placement or discipline. This Guide is primarily meant as a reference to parents whose children are currently, or may become, eligible for special educa)on under IDEA.

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Child Find & Referral

The Department of Educa)on (DOE) must make an eﬀort to iden)fy, locate and evaluate children with disabili)es who are in need of special educa)on and related services. This child ﬁnd campaign, called Opera)on Search, must include students who are in private school and students who are highly mobile, homeless or wards of the state. Children under three years of age are referred to the Department of Health, Early Interven)on Sec)on for evalua)on.

**Seeks out children who might need special educa4on.**

If you suspect that your child may need special educa)on services because of learning diﬃcul)es, physical disabili)es or behavior

problems, you can request an evalua)on by the DOE. A request for evalua)on may be made to your child’s home school either: 1) verbally, in person or on the phone, 2) in a wrihen leher, mailed, faxed or emailed, or 3) on the State of Hawaii Request for Evalua)on Form.

**Parents and teachers can refer a child for evalua4on.**

Once the school receives your request, it will gather important

informa)on to help in deciding whether an evalua)on is needed. Examples are report cards, class work, statewide assessments, teacher observa)ons, medical records, and any reports that you have to oﬀer from a previous program or a medical professional. You may be invited to a mee)ng at school to review the informa)on, discuss your child’s needs and determine whether an evalua)on, including addi)onal informa)on or *assessments*, is needed.

**You can help the school gather**

**informa4on about your child’s needs.**

A`er all the informa)on is reviewed, a determina)on is made to evaluate or not evaluate and communicated to the parent through a

Prior Wrihen No)ce (PWN), If there is a suspicion of a disability that aﬀects learning, the PWN will describe what tests that will be used and the other ways it will collect informa)on about your child to determine eligibility for special educa)on.

**Within 15 days the school must let you know in wri4ng**

**if you child will be referred for an evalua4on.**

**Consent is needed for an**

**evalua4on.**

You will be asked to give your informed wrihen consent. Your permission doe not mean that you have also given your consent for the

school to start providing special educa)on and related services to your child.

Other op)ons you and the school may consider include:

**If the school decides not to evaluate your child, other**

**op4ons are available.**

•

Addressing your child’s needs through regular educa)on classroom

interven)ons or addi)onal supports like counseling or referral to a community program.

Using exis)ng informa)on (if suﬃcient) to determine your child’s

eligibility for special educa)on.

Referring your child for a Chapter 61 (Sec)on 504) evalua)on.

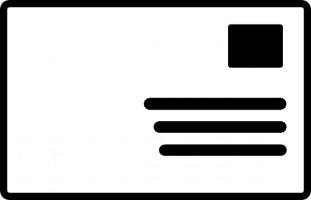
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If you disagree with the decision not to evaluate or do further

assessments, you may request a due process hearing (See Due Process).

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Parental Consent & No)ce

*Consent* means that a parent understands the ac)vity that is being processed and agrees in wri)ng that it can be carried out. Parental consent or permission must be obtained before an ini)al *evalua+on* or a *reevalua+on* involving tests, and before special educa)on and related services are provided for the ﬁrst )me. The school must also get parental consent to seek reimbursement from the government for providing related services to Medicaid-­‐eligible students with disabili)es.

**Your consent is needed to begin**

**many of the steps of the special educa4on process.**

Once your child is receiving services, you have the right to revoke (or take back) your consent for your child to con)nue to receive special educa)on

and related services. The school will provide a prior wrihen no)ce conﬁrming when your child’s IEP services will end. Your child will then be treated as a regular educa)on student, and special educa)on protec)ons and beneﬁts will not apply.

**If you take back consent for services, your child will**

**no longer have an IEP.**

**You have the right to be**

**informed and receive 4mely no4ces.**

As the parent of a child with a disability or suspected disability, the school must provide you with enough informa)on to make an informed decision

about any ac)on that the school is proposing. You must also be informed about mee)ngs planned to discuss your child’s special educa)on and receive no)ce early enough to give you an opportunity to ahend. The proposed mee)ng )me must be at a )me and place that is convenient for both you and school personnel. If you cannot make the mee)ng, the school must try to call or write to you to get your input.

As the parent of a child with a disability or suspected disability, the school must provide you with enough informa)on to make an informed decision

about any ac)on that the school is proposing. You must also be informed about mee)ngs planned to discuss your child’s special educa)on and receive no)ce early enough to give you an opportunity to The PWN must be given to you a reasonable )me before the school 1) proposes to begin or change the *iden+ﬁca+on*, evalua)on or *placement* of your child or to revise his or her *Individualized Educa+on Program,* or 2) refused to do any of the above at the parent’s request. This no)ce must be wrihen in a language understandable to you and contain:

**A Prior WriSen No4ce (PWN) gives you advance**

**informa4on about what the school is proposing or refusing to do.**

PWN

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•

•

A descrip)on of the ac)on proposed or refused

An explana)on of why the school proposes or refuses the ac)on A descrip)on of what other op)ons were considered, and why they weren’t chosen

A descrip)on of each evalua)on procedure, record, *assessment* or report that was used to make the decision to ini)ate or refuse the ac)on

How to get a copy of the *procedural safeguards* no)ce and agencies that parents may contact for assistance in understanding the special

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educa)on process.

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Parental Consent & No)ce con)nued

The **Procedural Safeguards No4ce for Parents and Students under IDEA and Hawaii Law and Regula4ons** is a booklet that must be provided to you once in a school year in a language or form of communica)on that you understand. A copy of this no)ce must also be given to you when you request it, as well as when:

**A procedural safeguards no4ce explains all of your**

**legal rights under IDEA and Hawaii Chapter 60.**

•

You ask to have your child evaluated or your child is referred for

evalua)on

A decision made to discipline your child will result in a change of placement

You ﬁrst request a *due process hearing* or ﬁle a State *complaint.*

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Evalua)on & Reevalua)on

**Schools have up to sixty days to complete an ini4al**

**evalua4on and decide if a child needs special educa4on.**

**If no addi4onal tests are needed, the evalua4on 4me**

**may be shorter.**

If there is enough informa)on available early in the process to meet

*eligibility* requirements, the )me line may be shorter. Should the whole process take longer than 60 days due to excep)onal reasons, the school must inform you in wri)ng of the expected date of comple)on and the reason for the delay.

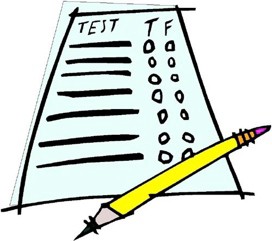
**The evalua4on will cover all areas of academics and**

**behavior where your child is not making good progress.**

A comprehensive evalua)on is the process of collec)ng informa)on about a student’s learning needs, strengths and interests. A complete

evalua)on will cover all areas related to your child’s learning or behavior that may get in the way of his or her learning or the learning of others. This may include looking at your child’s health, vision, hearing, social and emo)onal well-­‐being, general intelligence, academic performance, communica)on skills and motor skills. The evalua)on should also look for your child’s strengths – special interests, talents and abili)es that can contribute to her or his educa)on success.

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Evalua)on & Reevalua)on con)nued

*Assessment* means the speciﬁc tests, instruments, tools, strategies and other materials used, while *evalua+on* refers to the process of determining whether a student has a disability and the nature and extent of the *special educa+on* and *related services* needed. A variety of assessment tools and strategies should be used to gather func)onal, developmental and academic informa)on about your child, including informa)on from you.

**Assessment is one part of the evalua4on process.**

These tests and tools must be given in the language and form most likely to give the most accurate informa)on about what your child

knows and can do academically, developmentally and func)onally. They should be given by people who are trained and knowledgeable about how to administer the test. The tests must be fair and not discriminate on the basis of race or culture. If your child has impaired *sensory,* manual or speaking skills, tests must be selected and given to accurately reﬂect his or her natural ability or achievement level.

For students who are suspected of having a *speciﬁc learning disability,* the evaluators will look for evidence that the student is not performing

at grade-­‐level standards **and** demonstrates a severe discrepancy between actual achievement and what they are expected to be able to achieve based on their intellectual ability **or** exhibits a pahern of strengths and weaknesses in performance and/or achievement rela)ve to other students in their age groups.

**The evalua4on of students for learning disabili4es**

**requires looking at actual and expected performance.**

The screening of a student by a teacher or specialist to determine the best teaching strategy for the student is not considered to be an

evalua)on for eligibility for special educa)on. Parents are not required to be no)ﬁed when screening occurs.

**Screening is not the same as evalua4on.**

**The results of the evalua4on must be given to you upon**

**request.**

The school will prepare an Evalua)on Summary Report with key ﬁndings from the evalua)on. You should request a copy prior to the

*eligibility* mee)ng in order to be prepared to discuss the evalua)on results. It is the school’s responsibility to explain what these results mean. If you don’t understand something in the evalua)on summary, ask ques)ons. And if the results don’t seem to match your understanding of your child’s abili)es and needs, share your special insights with team members.

7



Evalua)on & Reevalua)on con)nued

Should you disagree with the results of the evalua)on, you may request an independent educa)onal evalua)on (IEE). An IEE is an evalua)on conducted by a qualiﬁed examiner who is not employed by the Department of Educa)on. Your child’s school can provide you with informa)on about where you can obtain an IEE. Parents can either pay for the IEE out of their own pocket or request an evalua)on at public expense (this means the school pays for it).

**You have the right to an independent**

**evalua4on.**

**If you obtain an evalua4on on your own, the school**

**must consider the results.**

If you obtain the IEE at your own expense, the results of the evalua)on must be considered by the school in any decision rela)ng to the

provision of FAPE to y0our child. These results may also be presented as evidence in a due process hearing regarding your child.

**Some requests for a no-­‐cost**

**independent evalua4on lead to a due process hearing decision.**

Parents are en)tled to only one IEE at public expense each )me the school conducts an evalua)on of your child with which you disagree.

A`er a parent makes a request for an independent evalua)on at public expense, the school must either pay for an IEE or ini)ate a *due process hearing* to defend the appropriateness of its own evalua)on. Should the decision of the hearing oﬃcer be that the school’s evalua)on is appropriate, you s)ll have the right to an IEE, but not at public expense.

Reevalua)on

Once your child receives *special educa+on* services, a re-­‐evalua)on is conducted once every three years. The re-­‐evalua)on can take place sooner for the following reasons:

**Reevalua4ons take place at least every three years.**

•

The student’s educa)onal or related service needs have changed

(either through improved academics and func)onal performance or because the student is not progressing and more informa)on is needed to change his or her program);

A change in *eligibility* is being considered (for example, from the eligibility category of *developmental delay* to *speciﬁc learning disabili+es;*

The student’s teacher or you, the parent, requests a re-­‐evalua)on.

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Reevalua)on con)nued

A`er looking at the exis)ng informa)on, you and the members of the *IEP* team may agree that no addi)onal informa)on is needed to design an appropriate program for your child and that your child’s eligibility is not likely to change. In that case, a re-­‐evalua)on is not required.

**Addi4onal tes4ng is not always necessary.**

If a student progresses to the point that it seems he or she no longer needs special educa)on services, a team of qualiﬁed professional and

the parent must re-­‐evaluate the student to determine that he or she is no longer a “student with a disability” under Chapter 60 and IDEA before services and supports are terminated. However, a re-­‐evalua)on is not required, if the student has graduated with a regular diploma or is beyond the age of eligibility for special educa)on.

**A reevalua4on is needed before a student loses**

**special educa4on services.**

Determining Eligibility

The purpose of this mee)ng is to discuss the results of the evalua)on process, including test results and state assessment data, and decide if your child is eligible to receive *special educa+on* and *related services*.

**An eligibility mee4ng is held when the evalua4on process**

**is complete.**

**Eligibility for children in early interven4on**

**programs is made by age 3.**

Eligibility for Part C (early interven)on) services under IDEA end at age three, so early interven)on programs and schools work together to

ensure that the young child’s evalua)on and eligibility is determined by his or her third birthday. Usually the eligibility process begins 90-­‐120 days before the child turns three.

**In order to be eligible, a student must meet**

**three requirements.**

First, he or she must meet the deﬁni)on of a “student with a disability” under one of the disability categories for Chapter 60 (see box below).

Secondly, the disability must have a nega)ve eﬀect on the student’s involvement and progress in regular educa)on. Lastly, because of this disability, the student must need special educa)on and related services in order to learn.

Any student who is 3 through 21 may qualify for special educa)on, if it is determined that he or she needs specially designed instruc)on in

order to beneﬁt from educa)on. Eligibility ends on a student’s 22nd birthday or upon gradua)on with a regular diploma.

**The child or young adult must also be between the**

**ages of 3 and 22.**

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Determining Eligibility con)nued

If a student is doing poorly in school just because he or she does not speak or understand English well, he or she may not be iden)ﬁed as having a disability. Likewise, a student who has not had appropriate instruc)on in math or reading will not be seen as a child with a disability, if he or she does not otherwise meet the eligibility requirements. In determining whether a student received appropriate instruc)on in reading and math, the eligibility team considers the student’s ahendance, as well as the evidence-­‐based instruc)on that was provided and any targeted interven)ons and their results.

**A lack of schooling or diﬃcul4es with**

**English do not necessarily qualify a child for special educa4on.**

**If your child is found eligible, your**

**consent is needed before an IEP is held.**

By consen)ng to the ini)al provision of services, you are agreeing to con)nue the process of ﬁnding the appropriate services to meet your

child’s needs. By law, the IEP mee)ng must occur within 30 days of ﬁnding your child eligible, and once you sign consent, it typically convenes within ﬁ`een days.

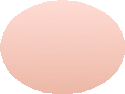
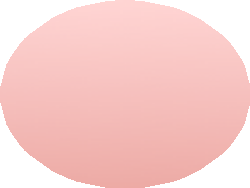
**If your child is NOT found eligible, you may consider**

**other op4ons.**

If you disagree with the determina)on that your child is not eligible, you can request an Independent Educa)onal Evalua)on (as discussed

in **EVALUATION**). You may also request media)on or a due process hearing (see **DUE PROCESS**). The team should discuss how the school plans to help your child with learning diﬃcul)es.

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Program / IEP

The *Individualized Educa+on Program* (IEP) is the heart of the *special educa+on* process. Its goal is to help prepare your child for a successful life a`er high school. To achieve this goal, your child must have opportuni)es to be involved and make progress in the same curriculum set for all children. That is why the IEP process emphasizes access to the *general educa+on curriculum.* It also stresses the importance of shared decision making by you, your child, his or her teachers and administrators, along with other key individuals to support your child’s educa)onal success. Together you set reasonable learning goals for your child and spell out the services that will be commihed to help them meet their unique learning needs.

**The IEP is designed to meet**

**your child’s special needs and prepare her or him for future success.**

**IEP mee4ngs are held at least once a year.**

If your child has had an ini)al *evalua+on*, and you have given your consent for special educa)on services to be provided, the IEP mee)ng

will be held within 30 days a`er your child is determined eligible for special educa)on.

**You can request an IEP mee4ng**

**at any 4me during the year.**

If your child already has an IEP, then the annual IEP mee)ng is held on or before the anniversary date of his/her last mee)ng. Your school will

no)fy you of a date, )me, purpose and loca)on for the mee)ng, as well as who will ahend. The mee)ng should be convenient to both you and the people at school who will be ahending the mee)ng. If the date or

)me set is not convenient for you, let the school know as soon as

possible, so that other arrangements can be made.

**The IEP lists all the services that your child needs.**

Everything that your child needs to beneﬁt from educa)on must be spelled out in the IEP. Included may be *related services* like *speech*

*therapy, audiology services, interpre+ng services, transporta+on, assis+ve technology services, recrea+on* (including therapeu)c recrea)on), *counseling services, psychological services, physical therapy, medical services* for diagnos)c and evalua)on purposes, *occupa+onal therapy, orienta+on and mobility services, social work services, rehabilita+on counseling services* designed to enable a child with a disability to receive FAPE. The IEP should also list any *accommoda+ons* (for example, more )me to complete an exam, special sea)ng arrangements) and program *modiﬁca+ons* he or she requires, supports for school personnel, and *assis+ve technology devices and services,* if needed.

Speech

Supports

OT

IEP

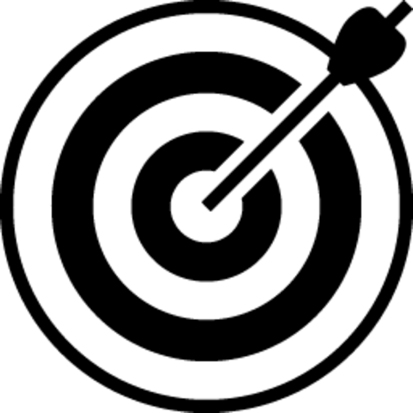
AT Program

PT

Nursing

Counseling

11



Program / IEP con)nued

Informa)on required in the IEP includes:

**The IEP tells you how your child is doing and sets a plan**

**to help him/her to learn for the next year.**

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Your child’s present levels of academic achievement and func)onal

performance (referred to as the PLEP) in each area of need iden)ﬁed in the evalua)on such as reading, math, self-­‐help skills, communica)on and language skills, sensory and motor skills, social skills, voca)onal skills and behavior. PLEP also states how your child’s disability aﬀects his or her progress in the general curriculum

Annual goals addressing academic and func)onal needs for your

child to meet within a year, including short-­‐term instruc)onal

*objec+ves or benchmarks*

The standard, methods and )melines used to measure progress toward each goal

The *special educa+on* and *related services* and *supplementary aids*

*and services* to be provided (type, frequency, loca)on and how long they will be provided

An explana)on of the extent that your child will NOT par)cipate

with children without disabili)es in regular educa)on classes, in the *general educa+on curriculum* and in extracurricular and other nonacademic ac)vi)es

*Accommoda+ons* or *modiﬁca+ons* needed for regular educa)on par)cipa)on

Posi)ve ways to address your child’s behavior, if it aﬀects his/her learning or the learning of other students

Accommoda)ons, if any needed for your child will take standardized assessments given to all students and, if an alternate assessment is needed, why that assessment is appropriate *Extended school year services* (ESY), if appropriate

When and how your child’s progress toward IEP goals will be

reported

Transi)on planning and service needs beginning at age 14, or younger, and appropriate, measurable *post-­‐secondary* goals beginning not later than the IEP in eﬀect when your child is 16 (see PLANNING FOR TRANSITION)

By age 17, a statement that at age 18, considered the age of majority, all rights will transfer to the student (see PLANNING FOR TRANSITION).

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Program / IEP con)nued

To be an eﬀec)ve IEP team member, its’ always a good idea to prepare for the annual IEP mee)ng. You can ask your child’s special educa)on teacher for any proposed goals and *<objec+ves* and current reports in advance of the mee)ng. Then make a list of everything you would like discussed. Since the IEP discussion usually involves some compromise, you’ll want to priori)ze those requests for your child’s program that are most important to his or her success. If you are able to share your list with your child’s IEP team ahead of the mee)ng, it will help with communica)on and the eﬃcient use of )me.

**It’s important to plan for the IEP mee4ng.**

**The IEP team includes people**

**who know your child and/or who know how to meet his or her needs.**

In addi)on to you, the IEP team must include the principal or someone able to act on his/her behalf to commit resources for your child, at

least on of your child’s general educa)on teachers, your child’s special educa)on teacher, and *related service* providers, if needed. If your child is entering preschool from an *early interven+on program*, ,you may ask the new school to invite someone from that program to the ini)al IEP mee)ng. Once your child is a teenager, and at a younger age if appropriate, your child should ahend the IEP conference. The school must invite your child, if a purpose of teh mee)ng is the considera)on of transi)on services. (See PLANNING FOR TRANSITION)

**IEP team members may be excused from the mee4ng.**

While your child’s principal or designee (the individual ahending on his or her behalf) must be present at the IEP mee)ng, other members may

be excused for all or part of the mee)ng with your agreement if:

•

The team member’s area of teaching or related services is not

being changed or discussed, or

The team member’s area of teaching/related services is being changed or discussed, and he or she has given you and the IEP members wrihen input for the development of the IEP prior to the mee)ng

•

In either situa)on, you and the principal must both agree to excuse the

team member in wri)ng before the mee)ng takes place.

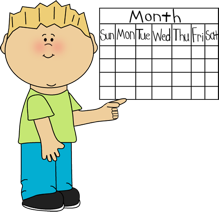
**Parents may bring someone**

**with them to the IEP mee4ng.**

You may invite others to the mee)ng who might help set goals and objec)ves for your child (for example, a close family friend, you child’s

psychologist, an *advocate,* etc.). You should no)fy the principal that you plan to bring someone along. If you need a translator or a sign language interpreter, you should also no)fy the principal well before the mee)ng.

13



Program / IEP con)nued

The decision on whether your child needs *special educa+on* and *related services* during extended school breaks (like summer vaca)on) in his or her program is made at the IEP mee)ng. Generally, the guideline used to determine whether services during extended school breaks are part of your child’s program is based on 1) the nature and severity of his/her disability, 2) areas of learning that are key to your child becoming independent, 3) the extent that he/she will lose skills if not in school (regression), and 4) the amount of )me needed to regain those skills (recoupment).

**If your child needs an ESY**

**(extended school year) program, it will be included in the IEP.**

**Beginning at age 14, your child’s IEP will include**

**planning for life aaer high school.**

In intermediate/middle school transi)on planning means choosing classes needed to prepare him/her to pursue his or her goals a`er he/

she leaves school. At age 16, the IEP must also include goals and informa)on about the services needed to transi)on successfully out of high school and into college, employment and/or living in the community. (see PLANNING FOR TRANSITION)

**You can make minor changes to the IEP without a**

**mee4ng.**

IEP amendments (changes to the original document) without a mee)ng can only be made with your wrihen *consent*. All IEP members must be

informed of the changes and provide their input when it is appropriate. Once the IEP is revised, you will be given a copy of the new IEP that includes the changes that were made. Amendments without a mee)ng should not take the place of a full IEP team discussion when you are deciding on placement or when members of the team do not agree on the suggested changes.

Your child’s teachers and other service providers should also have access to a copy of the IEP. Your child’s IEP coordinator is generally

responsible for informing each teacher about his or her responsibili)es to implement the IEP and any *accommoda+ons, modiﬁca+ons* and supports that must be provided to your child.

**You must be given a copy of the ﬁnal IEP within 10 days**

**of the mee4ng.**

You are more knowledgeable of your child’s strengths and needs at home or in the community. O`en a student’s behavior diﬀers from

what is seen in the classroom. You can also oﬀer important informa)on about what mo)vates your child, such as any special interests that can be used in the classroom to encourage learning. In order to maximize the partnership between home an school, teachers and principals are encouraged to plan ways of increasing your involvement in the IEP process. This is especially important because the IEP mee)ng can be stressful. Important decisions are being made about a child’s future by people who may not know each other and who are coming from very diﬀerent backgrounds. All IEP members need to be encouraged to

**Parents are key partners in the IEP process.**

14

share informa)on and ideas about how to address a student’s

strengths and needs.



Planning for Transi)on

Examples of transi)on are when your child moves from an early interven)on program to preschool, from one grade to another or from one kind of educa)onal *placement* to another. Moving from high school into the adult world is another big transi)on. There are also

)mes when a student experiences a major life change outside of the school se^ng (for example, a serious illness or death in the family) that impacts their learning and may trigger the need for transi)on planning.

**Transi4on means moving from one**

**stage or place to another.**

**All transi4ons have several things in common.**

Whether your child is transi)oning into preschool or college, his or her transi)on will have these three things in common: 1) a period of

uncertainty and ques)oning 2) a change in the support system for your child (new teachers, friends, service providers, etc.) and 3) and increase in stress.

**Planning ahead helps make transi4ons smoother.**

Transi)ons require some advance planning in order to make the move less hec)c, more eﬃcient and successful. They also require the input

and support of your child’s IEP team.

**By the 4me your child gets to intermediate/middle**

**school, transi4on planning for adulthood is included in the IEP.**

Beginning at age 14 (or younger if appropriate), your child’s IEP will include a focus on what courses are needed to match up to future

goals. By age 16, the IEP will also include appropriate, measurable goals for a`er high school that are based on your child’s strengths and interests and on age-­‐appropriate transi)on assessments. The plan should state what services are needed to transi)on successfully into college, employment and/or living inn the community. Transi)on services may include actual training (for example, job training or independent living skills training), as well as links to adult service agencies that provide services to the student a`er high school.

**Transi4on planning for**

**students age 16 and older looks at the major needs they may have as adults.**

There are at least 10 areas that should be considered in planning for the future:

1.

2.

3.

4.

5.

6.

7.

8.

9.

Adult, voca)onal or higher educa)on Employment

Financial support Health care

Living arrangements Transporta)on Social networks

Recrea)on or leisure ac)vi)es

Legal representa)on (for example, guardianship or Power of Ahorney)

15

10.

Self-­‐advocacy skills needed by your child



Planning for Transi)on

Self-­‐determina)on means living a life of your own choosing. When planning for transi)on, it is essen)al that you and your child’s teachers take the )me to understand your child’s choices and life preferences. The more your child relates to the transi)on plan, the more he or she will be invested in working toward future goals.

**Make sure your child is ac4vely involved in planning**

**his or her life.**

**Encourage your child to speak up**

**at the IEP mee4ng.**

Having your child at the IEP table is an excellent way to keep team members focused on the impact of their decisions. Talk with your child

about her or his needs and desires before the mee)ng to build conﬁdence toward par)cipa)ng as a full team member. All students need to learn self-­‐advocacy skills. Ask your child’s teachers if some of these can be taught in the classroom.

**Your child has the right to make all educa4onal**

**decisions when he or she is 18.**

When a student with a disability reaches the age of 18 (called the age of majority), all rights that have been granted to parents under *IDEA*

transfer to the student. That means that your child, and not you, has the right to consent to services or refuse them and has the right to u)lize due process op)ons, like *media+on* and *due process hearing* requests.

**Your adult child can give you or someone else the right to**

**make decisions through a limited Power of ASorney.**

Some)mes students prefer for their parents to con)nue to advocate on their behalf, or they may want a friend or other trusted adult to do so.

This can be done through a Power of Ahorney for Special Educa)on. Your child will name his or her agent in wri)ng, and either have two witnesses document the signing of the document or have it notarized.

“Decisional capacity” refers to an adult student being able to understand, reason and act on his or her own behalf. If the student

lacks decisional capacity, it means they are unable to provide informed *consent* for their educa)onal program. Some parents will opt to become their child’s legal guardian. This requires going to court and having a judge declare you child legally incompetent to make certain decisions for himself or herself. Another op)on that doesn’t require legal ac)on is to become your child’s educa)onal representa)ve for special educa)on purposes. All that is required is a wrihen statement by a qualiﬁed professional (a physician, psychologist, psychiatrist, a representa)ve from the Developmental Disabili)es Division, etc.) that your child lacks decisional capacity due to his or her disability.

**A guardian or an educa4onal**

**representa4ve can be appointed.**

**A Summary of Performance is given when your child**

**leaves school.**

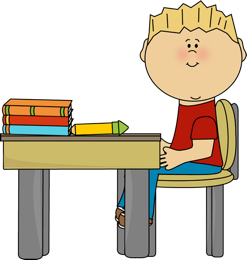
It is intended for post high school planning and lists academic achievement and func)onal performance including informa)on such

as: ﬁnal report card, progress reports from the IEP, recent scores in

reading and math, and skill levels related to communica)on,

independent living, mobility and social skills (as appropriate).

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Placement

Placement does not mean a speciﬁc class or school. It is where your child’s program is provided. Your child’s placement is based, among other factors, on the needs and services described in the *IEP*. Unless your child needs a program that is not oﬀered at your neighborhood school (for example, instruc)on in American Sign Language), his or her school should be the same one ahended by other children in your neighborhood.

**Placement is the sefng in which**

**your child’s needs can be met.**

**Your child should have a chance to learn with other**

**children without disabili4es while at school.**

Placement must be made in the least restric)ve environment (LRE)*.* LRE means educa)ng your child with peers without disabili)es to the

maximum extent appropriate (to the extent that it will best meet his or her needs). This means that your child should only be removed from the regular educa)on classroom and peers without disabili)es when the nature or severity of the disability prevents her or him from beneﬁ)ng from educa)on in the regular educa)on classroom, even when supplementary aids and services are provided.

If your child is placed in a special educa)on school or classroom for all or part of the day, he or she should s)ll par)cipate as able with

children without disabili)es in academic and nonacademic ac)vi)es (like lunch, recess, physical educa)on, assemblies, clubs, recrea)onal ac)vi)es, etc.).

**Placement is determined aaer your child’s needs and**

**services are decided upon.**

The decision on where your child is placed is usually added at the IEP mee)ng a`er all other informa)on has been discussed. This decision is

based on the unique needs of your child and the goals and *objec+ves* developed for your child’s educ)on, NOT on your child’s *eligibility* category for special educa)on. In deciding an appropriate placement, the team must also consider any harmful eﬀect of a poten)al placement, such as social, emo)onal or medical. Placement decisions should be reviewed at least once a year at the IEP mee)ng.

**Your child’s placement cannot be changed without**

**the agreement of the IEP team.**

Because diﬀerent children have diﬀerent needs, the law requires that the Department of Educa)on have a con)nuum or range of diﬀerent

placement choices available for children with special needs–from the regular educa)on classroom (with or without supports) to a special educa)on classroom (for all or part of the day) to a private or special school, to a hospital or residen)al program, or even the child’s home. Once a placement decision is made, the IEP team (including you) must agree to any subsequent change in placement. If the school is considering a new placement, it must no)fy you through Prior Wrihen No)ce of any proposed change in placement. If you disagree with the

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proposed change, see **DUE PROCESS** for possible ac)ons.



Placement con)nued

Upon arrival in Hawaii, give your child’s current IEP (from the previous state) and other related documents to school personnel at your home school (the school serving your new neighborhood). The home school will provide comparable services through an interim IEP and follow the out-­‐of-­‐state IEP to the extent possible un)l a new *evalua+on* determines eligibility under Hawaii’s eligibility criteria and a new IEP is developed. Implementa)on of the interim IEP is not a guarantee that your child will be found eligible for special educa)on and related services in Hawaii.

**If your child transfers from another state and has an**

**IEP, comparable services will be provided.**

**If your child’s public school places him or her in a**

**private school, the protec4ons of IDEA are s4ll in eﬀect.**

When the school or school complex cannot provide a program for your child that meets the needs iden)ﬁed in the IEP, the Department of

Educa)on may oﬀer to place your child in a private school at no cost to you. It must ensure that the services provided at the private school meet the student’s individual needs and that your rights under the law are protected. A representa)ve of the home school or the school complex must be involved in IEP decisions as a member of the team.

**If you enroll your child in a private**

**school, your child may lose IDEA services.**

Once the public school has oﬀered a *free appropriate educa+onal program (FAPE)* for your child, you may choose to voluntarily place

your child in a private school instead. However, the state is not obligated to pay for private school tui)on or to guarantee that some or all of the special educa)on and related services needed by the student are provided in the private school se^ng. Some related services may be oﬀered through the **Private School Par4cipa4on Project (PSPP)**. Ask your home school principal for more informa)on about this op)on.

**You may request a due process hearing to request**

**payment for the private school program.**

If you disagree that a FAPE is available for your child in the public school, you can ﬁle a request for a due process hearing to request

payment for the private school program within 180 days of enrolling your child in private school. If the hearing oﬃcer ﬁnds that the Department of Educa)on (DOE) did not provide FAPE to your child in a

)mely manner and that the private placement is appropriate, it may

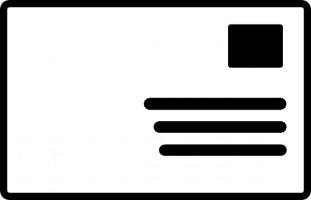
require DOE to reimburse you for the cost of the private placement.

This cost of the reimbursement may be reduced or denied for the following reasons: 1) you did not give wrihen no)ce of your inten)on

to reject the school’s oﬀer of FAPE and to place your child in private school 10 business days prior to removing him or her from public school, or 2) the public school oﬀered to evaluate your child available for the evalua)on. The reimbursement cost must NOT be reduced, if the school failed to no)fy you of your responsibility to give wrihen

no)ce of your inten)on.

18



Discipline

For students with disabili)es, the focus should always be on addressing behavior problems early, so that they don’t recur. While students with disabili)es are not exempt from discipline if they break a school rule, *special educa+on* law requires schools to address behavior problems in the IEP that interfere with his or her learning or the learning of others and to look at whether a student’s misbehavior is aﬀected by his or her disability. School rules are covered in *Chapter 19.*

**Discipline means the ac4on taken**

**by the school when your child breaks a school rule.**

**The school can suspend your child for ten days or less**

**without special ac4on.**

Schools can suspend a student for up to ten days in a school year without having to take special steps and without having to provide

educa)onal services during the suspension. This might include several suspensions of several days each.

Parents must be no)ﬁed that the school intends to suspend their child and be given a copy of their rights. Any suspensions that occur a`er a

total of 10 days in a school year also require the IEP team to take speciﬁc steps. The 10 days refers to either consecu)ve (in a row) or cumula)ve (added up) school days. An IEP mee)ng must be called not later than 10 school days a`er the decision was made to suspend your child and place him or her in an *interim alterna+ve educa+onal seMng (IAES).* An IAES is any place where your child receives educa)onal services that is not his or her regular placement. It could be a diﬀerent class in the same school, a diﬀerent school or a special program in the community.

**Suspensions of more than 10 days are considered a**

**change of placement.**

PWN

**Crisis removals may or may not be a change of**

**placement.**

When students are removed from school immediately because their conduct presents a threat to their safety or others, and their removal,

plus any previous days of suspension, add up to more than 10 days, it will only be considered a change of placement if: 1) the students behavior is similar to that of other suspensions and 2) the closeness of the suspensions or their length show a pahern.

First, the IEP team will look at the current program to see if this behavior has been addressed. If your child’s behavior has not been

formally assessed, then a *Func+onal Behavioral Assessment (FBA)* will be done and a *Behavior Interven+on Plan (BIP)* developed. If your child already has a behavior plan, the IEP team will review and modify it, as necessary.

**The IEP team will look at how to**

**address the behavior through the IEP.**

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Discipline con)nued

This is called a *Manifesta+on Determina+on.* If the team agrees your child’s behavior is a manifesta)on (demonstra)on) of the disability, the school must discipline him or her diﬀerently than if the behavior was not related to the disability. The Manifesta)on Determina)on process involves determining if: 1) your child’s IEP and placement were appropriate and the services and strategies were in tune with the IEP and placement at the )me of the misbehavior 2) the disability aﬀected your child’s ability to understand the impact and consequences of the behavior and 3) the disability aﬀected your child’s ability to control his or her behavior.

**The IEP team must determine if your child’s**

**behavior was caused by or related to his or her disability.**

**If it *was* related to your child’s disability, he or she**

**may not be suspended.**

If her/his IEP or placement did not address this behavior problem, then steps must be taken immediately to put appropriate behavior supports

in place. School staﬀ will conduct or review the FBA and the BIP.

However, services that help your child achieve his or her IEP goals must be provided on the eleventh school day that a student is removed from

school. If he or she is placed in an interim alterna)ve educa)onal se^ng (IAES), it can not be longer than 45 calendar days.

**If it *was not* related to the**

**disability, your child may be**

**disciplined just like any student who breaks the rules.**

**Your child may be sent to an IAES for certain misbehaviors.**

A student may be legally removed to an IAES for not more than 45 calendar days if:

•

He or she carries or possesses a weapon to school or a school

func)on

He or she possesses, uses, sells or tries to buy illegal drugs at school or a school func)on

He or she inﬂicts *serious bodily injury* upon another person

while at school, on school premises or at a school func)on

•

•

The interim alterna)ve educa)onal se^ng must be determined by

the IEP team and enable your child to progress in the *general educa+on curriculum* and meet IEP goals.

**If you disagree with the school over a suspension**

**that results in a change in placement you may request an expedited due process hearing.**

In the case of removal from school for more an 10 days, a due process hearing can be expedited or sped up, so that a hearing is held within 20

days of the date of your request, and a decision is rendered within 10 days a`er the hearing. A resolu)on session will be held within 7 days of the receipt of your hearing request to try to reach agreement prior to the hearing. If your child has been placed in an IAES, he or she will “stay put” un)l the hearing oﬃcer makes a decision.

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Discipline con)nued

If your child is not currently eligible to receive special educa)on services, in order to receive considera)on as a special educa)on student, the parent needs to show that the school had knowledge that their child had a disability. This knowledge is assumed when: 1) the parent expressed concern to the school in wri)ng prior to the incident that the child was in need of special educa)on 2) the parent requested an evalua)on and did not deny consent for the evalua)on or services or 3) the child’s teacher or other school personnel expressed concern about his or her behavior or performance in accordance with referral procedures or, for a pahern of behavior, to supervisors.

**Children who are not yet receiving special educa4on**

**services may be eligible for special considera4on when they break a school rule.**

**Special Situa4on:**

“In school” suspensions are some)mes not counted towards the 10-­‐day suspension rule. The deciding factor is whether or not the student’s placement ha been changed. If in the “in-­‐school” suspension, your child received the services on his or her IEP and par)cipated with students with and without a disability to the same degree as in his or her regular placement, then it would not be considered a suspension for coun)ng purposes.

School Records

School records provide an important source of informa)on for principals, teachers and parents. Your child’s school record ﬁle may

contain such things as test scores, health records, behavior reports, *evalua+on* results, *IEP*s, grades received, etc. You can ask the school to provide you with a list of the types and loca)ons of the educa)onal records for your child.

**You can ask to see your child’s educa4onal records**

**at any 4me.**

**You can get copies of these records.**

You have the right to look at all of your child’s school records and to have copies made for you. Ask the school to help you. They must allow

you to see the records within a reasonable )me, but not more than 45 days a`er your request. If you want to review the records for an IEP mee)ng or a *due process hearing*, the school must honor your request to see the records BEFORE the mee)ng or hearing is held. Some)mes parents are asked to pay a small charge for copying the records, but i you are unable to pay for the copies, the school must provide them free of charge.

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School Records con)nued

Ask for an explana)on of anything that appears in your child’s records that you don’t understand. You may also ask the school to correct or remove informa)on that you think is inaccurate, misleading or a viola)on of your child’s privacy. If the school disagrees with your request, you have the following op)ons: 1) you may write an explana)on of why you feel the informa)on is inaccurate, misleading or a viola)on of privacy and have it kept in the records 2) you can request a mee)ng with the school to try to resolve your diﬀerences or

3) you can request a Chapter 34 hearing where the complex area

superintendent or someone ac)on on his/her behalf hears both sides of the disagreement and gives you a wrihen decision within ﬁve days.

**You can ask that certain**

**informa4on be taken out of your child’s record.**

Your child’s educa)onal records are conﬁden)al. That means that only a limited number of people should have access to that

informa)on – usually your child’s teachers, related services providers, the principal and key people from the district and state special educa)on oﬃces. A list is kept of those persons who are allowed to review those records. Another list ahached to your child’s ﬁle documents who has looked at your child’s records (except for authorized persons), the date, and the purpose. You may ask that copies of these lists be given to you. Your *consent* is required before anyone who is not authorized may review the records. You may want to give you consent for a friend or advocate to review you child’s ﬁle, if they are helping you to make decisions about his/her educa)on.

**Your child’s records are kept private.**

**At 18, your child can ask to see his or her own records.**

When your child turns 18, your right to review the school records is transferred to him or her. An excep)on is made for students who have

a court-­‐appointed guardian or educa)onal representa)ve, which in many cases is the parent. (See PLANNING FOR TRANSITION).

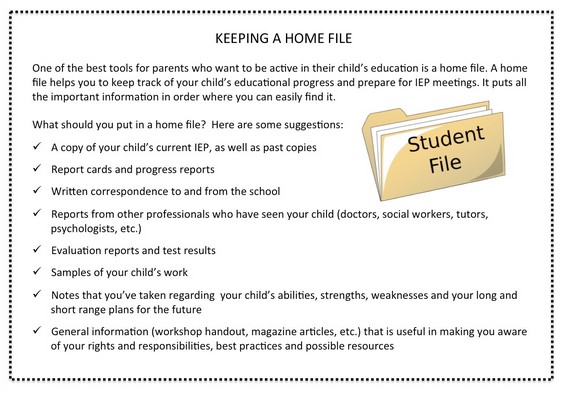
**When records are no longer needed to provide services**

**to your child, they may be destroyed.**

Basic informa)on about your child’s ahendance, grades and gradua)on status is stored by the school for many years a`er he or she graduates.

Conﬁden)al informa)on (for example, IEP’s or evalua)on results) may be destroyed three years a`er a student leaves school. The school district oﬃce must no)fy you or your child (at age 18 and older) that they plan to destroy his or her records. As your child is preparing to leave school, you may want to look at the records one last )me and decide whether you want copies for your own ﬁles. Certain records may be needed to access adult services for your child.

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School Records con)nued

Handling Disagreements & Due Process

Parents some)mes disagree over their child’s *iden+ﬁca+on, evalua+on,* program, *placement* and discipline. It is usually best to try to solve this

disagreement when it comes up by talking directly with the individual at school who is closest to the problem – either your child’s teachers, therapists, counselor or others. If you are not able to work things out, you can go to the principle with your concerns.

**Handling disagreements**

**early is a key to maintaining your partnership with the school.**

*IDEA* and *Chapter 60* include a number of *procedural safeguards* or protec)ons to make sure that student and parent rights are not

violated. Some are aimed speciﬁcally at resolving conﬂicts. These include *Independent Educa+onal Evalua+ons* (see EVALUATION), ﬁling a State *complaint, media+on,* and impar)al *due process hearings.*

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**If you cannot solve the problem informally, there**

**are more formal steps you can take.**



Handling Disagreements & Due Process con)nued

Any person can ﬁle an *IDEA* State complaint with the Complaints Management Program, if they think they school has not followed

*special educa+on* law. The complaint must be in wri)ng and be made within a year of the )me the law was violated, unless a longer period is reasonable because the viola)on is con)nuing. Within 60 days state special educa)on personnel will carry out an inves)ga)on and issue a wrihen decision to the person who made the complaint. If the school has not followed the law, it will be required to show the state how it plans to correct its ac)ons. State complaints can be made to:

**You have the right to ﬁle a**

**State complaint.**

Complaints Management Program/Special Projects Department of Educa)on

P. O. Box 2360 Honolulu, Hawaii 96804

*Media+on* is a voluntary process in which a neutral person (a mediator) helps two par)es nego)ate and resolve their diﬀerences by mee)ng

with them in both joint and private conﬁden)al sessions. Media)on can clarify important issues, help you understand each others point of view and come to agreements both sides can live with.

**You have the right to**

**media4on.**

Media)on is automa)cally oﬀered to parents when they ﬁle a due process hearing request, but you can ask for it any )me you are at odds

with your child’s school over an important issue regarding your child’s educa)on. The media)on process was wrihen into special educa)on law to oﬀer a )mely and inexpensive way to resolve conﬂicts and preserve the posi)ve working rela)onship between home and school. If you have already ﬁled for due process, media)on will not interfere or delay your right to a due process hearing, should you not reach agreement through the media)on process. A successful media)on results in a wrihen media)on agreement that is enforceable in any State court.

**Media4on is wriSen into special educa4on law.**

Most parents see a due process hearing as the last resort, when all other ahempts to resolve a conﬂict fall short. This is because hearings

are adversarial in nature (someone wins and someone loses), very stressful, and can be costly in )me and money. However, due process hearings oﬀer an important protec)on through the opportunity to have an impar)al hearing oﬃcer hear evidence from you and from the school in order to make a decision about whether your child is receiving appropriate and )mely supports and services under the2la4w.

**You have the right to request**

**an impar4al due process hearing.**



Handling Disagreements & Due Process con)nued

There are two excep)ons: 1) if you are ﬁling a request for reimbursement of the cost of private school placement, the )me line is

180 days from enrollment and 2) if the school withheld informa)on or mislead you, and it prevented you from reques)ng a due process hearing, the two-­‐year statue of limita)ons doesn’t apply.

**Hearing requests must be made in wri4ng within two**

**years of when you ﬁrst were aware of the problem.**

**The due process hearing**

**request must have certain informa4on to go forward.**

When you do ﬁle your *due process hearing* request you must give your child’s name, address and school, and a descrip)on of the

disagreement or problem. You must also include informa)on about how to solve the problem (to the extent that you know how) in your hearing request. If you do not include all of this informa)on, the hearing oﬃcer will no)fy you within 15 days that your request is “insuﬃcient” to proceed to hearing.

Unless you and the school agree in wri)ng to waive this mee)ng – called a resolu)on session – or agree to use media)on, the school must

convene the resolu)on session with you and relevant members of the IEP team within 15 days of receiving your request. This is an opportunity for your and the school to resolve your disagreement with their proposal or refusals. A wrihen *seSlement agreement* is binding on both par)es, but you and the school have three business days to black out of the agreement.

**Once you have ﬁled your request, the school will**

**invite you to a mee4ng to try to solve the problem before the hearing is held.**

Should you not be able to resolve your *complaint* through the resolu)on session, media)on or a sehlement agreement, a hearing

oﬃcer will review your request and hold a hearing. The hearing is similar to a court trial and includes witnesses, ques)oning and cross-­‐ examina)on, and presenta)on of evidence by each side.

**The due process hearing will proceed, if no agreements**

**are reached.**

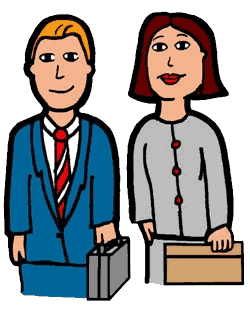
**A due process hearing decision should be given to**

**parents within 75 days of the date a request was ﬁled.**

This includes 30 days for the resolu)on process and 45 days for the hearing process. O`en the )meline is exceeded, however, because the

hearing oﬃce grants one or both par)es extensions for good cause. Once the hearing oﬃcer has heard all tes)mony, he or she has the power to order any solu)on to the problem that is reasonable.

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Handling Disagreements & Due Process con)nued

**Parents may use a lawyer to represent their child in a**

**hearing.**

Although the law does not require it, most parents hire an ahorney to help them prepare a case and guide them through the complicated

hearing process. The Department of Educa)on (DOE) will give you a list of free or low cost ahorney’s. if you request it. The DOE will also reimburse you for legal fees if you “prevail” in the hearing process – if the hearing oﬃcer decides in your favor, or if the school sehles your case before the hearing by making the changes you requested. Be aware that your ahorney can be required to pay DOE’s legal fees, if DOE prevails and the court decides a hearing request was trivial, unreasonable or without basis. Parents and/or their ahorney may also be required to pay legal fees for DOE when DOE prevails, and the court believes the purpose of the hearing request was to harass DOE, delay a decision or increase court costs.

**Parents have speciﬁc rights in the due process hearing.**

Some of these rights include: deciding whether the hearing should be open or closed to the public, reques)ng that no evidence be

introduced that was not shared ﬁve business days before the hearing, receiving records that the school district will present and being made aware of who their witnesses will be at least 5 business days before the hearing, and receiving the record of the hearing and the ﬁndings of fact and decisions at no cost.

Unless you agree to have your child placed in another se^ng, or unless your child has been placed in an *interim alterna+ve educa+onal seMng*,

he or she will remain in the current educa)onal placement while you wait for the hearing decision. (see DISCIPLINE).

**While you are involved in the hearing process, your**

**child “stays put” in his or her placement.**

If you do not agree with the hearing oﬃcer’s decision, you may appeal it within 30 days. Your appeal is made by ﬁlling a complaint in federal

or state court. The court will make its decision based on its review of the due process hearing and new informa)on presented in court.

**You have the right to appeal a due process hearing**

**decision.**

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Words to Know

The following words and phrases are o`en used in discussions about special educa)on.

\*All IDEA eligibility categories require that the disability adversely aﬀects educa)onal performance.

A change made to teaching or tes)ng to provide a student with access to informa)on and create an equal opportunity to demonstrate knowledge and

skills. Tes)ng accommoda)ons can include changes in format, response, se^ng, )ming or scheduling.

**Accommoda4on**

A person skilled at assis)ng parents or persons with disabili)es when they

have need of informa)on and support to secure appropriate educa)onal and related services.

**Advocate**

The administra)on of speciﬁc tests, instruments, tools, strategies and other

materials used in the evalua)on process.

**Assessment**

Any item or piece of equipment that is used to increase, maintain or improve the func)onal abili)es of individual with disabili)es.

**Assis4ve technology device**

A related service that assists a student with a disability in the selec)on, purchase, loan or use of an assis)ve technology device.

**Assis4ve technology services**

A related service that includes the iden)ﬁca)on, determina)on and

treatment of hearing loss.

**Audiology services**

A developmental disability generally evident before age 3 that signiﬁcantly

aﬀects verbal and nonverbal communica)on and social interac)on.

**Au4sm Spectrum**

**Disorders \***

A plan of posi)ve behavioral interven)ons for a child whose behaviors

interfere with his or her learning or that of others.

**Behavior**

**interven4on plan**

Monday through Friday, except for federal and state holidays.

**Business day**

The Hawaii Department of Educa)on rules for Student Misconduct,

Discipline, School Searches and Seizures, Repor)ng Oﬀenses, Police Interviews and Arrests, and Res)tu)on for Vandalism of all students.

**Chapter 19**

The Hawaii Department of Educa)on’s rules for the protec)on of Educa)onal

Rights and Privacy of Students and Parents, including school records and conﬁden)ality.

**Chapter 34**

The Hawaii Department of Educa)on’s rules for special educa)on.

**Chapter 60**

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Words to Know

The following words and phrases are o`en used in discussions about special educa)on.

\*All IDEA eligibility categories require that the disability adversely aﬀects educa)onal performance.

The Hawaii Department of Educa)on’s rules for students with disabili)es who qualify for a free appropriate public educa)on under Sec)on 504 of the

Rehabilita)on Act of 1973; generally these students are not eligible for special educ)on but can receive accommoda)ons or modiﬁca)ons in the general educa)on classroom as part of their individualized educa)on plan.

**Chapter 61**

The statewide eﬀort by DOE to locate and iden)fy children and youth ages

0-­‐22 who are suspected of having a disability and may be in need of special educa)on services.

**Child ﬁnd**

A wrihen claim that the Department of Educa)on has violated the IDEA or Chapter 60 rights of a student with disabili)es or those of his or her parents.

**Complaint**

Parent understanding and agreement to an ac)vity a`er receiving

informa)on in the parent’s na)ve language or means of communica)on and with the understanding that the parent can change his or her mind.

**Consent**

Guidelines or standards on which a judgement may be based.

**Criteria**

A related service that includes services provided by social workers,

psychologists, guidance counselors or other qualiﬁed personnel.

**Counseling services**

A combina)on of hearing and visual impairments which causes severe communica)on and other developmental and educa)onal needs.

**Deaf-­‐Blindness \***

A hearing impairment so severe that the child is impaired in processing linguis)c informa)on through hearing, with our without ampliﬁca)on.

**Deafness \***

A developmental delay in a child ages 3 through 9 that includes one or more

of the following areas: physical development, cogni)ve development, communica)on development, social or emo)onal development, or adap)ve development.

**Developmental**

**delay \***

An administra)ve hearing before an impar)al hearing oﬃcer to resolve a

dispute between parents and the Department of Educa)on.

**Due process hearing**

A program providing therapy and skill building ac)vi)es to infants and

toddlers (0-­‐3 years old) who have one or more developmental delays.

**Early Interven4on**

**Program**

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Words to Know

The following words and phrases are o`en used in discussions about special educa)on.

\*All IDEA eligibility categories require that the disability adversely aﬀects educa)onal performance.

**Eligibility**

Able to qualify for special educa)on.

**Emo4onal disability \***

Emo)onal and/or behavioral problems that aﬀect a child’s learning and which cannot be explained because of intellectual, sensory or health reasons.

**Evalua4on**

Procedures used to determine whether a student has a disability and the

nature and extent of the special educa)on and related services the student needs.

**Extended School**

**Year (ESY)**

Educa)onal and related services provided to students during extended

school breaks to help maintain cri)cal skills and prevent regression.

**Free Appropriate Public Educa4on**

**(FAPE)**

Special educa)on and related services that are provided at no cost to the parent and individualized to meet a student’s unique learning needs.

**Func4onal**

**Behavioral Assessment**

A problem-­‐solving process that relies on diﬀerent strategies and techniques

to determine the func)ons of the behavior and events or condi)ons that trigger the behavior.

**General educa4on curriculum**

The curriculum or coursework oﬀered to students without a disability.

**Hard of hearing \***

A permanent or ﬂuctua)ng impairment in hearing that is not included in the

category of Deafness.

**Iden4ﬁca4on**

The process of iden)fying children with disabili)es who need special

educa)on.

**Individual Educa4on**

**Program (IEP)**

The plan that addresses the unique educa)onal needs of a child and

describes the instruc)on and related services that will be provided, including annual goals and objec)ves or benchmarks.

**Independent**

**Educa4onal Evalua4on**

Tes)ng done by a qualiﬁed evaluator who does not work for the Department

of Educa)on.

**Intellectual Disability \***

Signiﬁcantly below average general intellectual func)oning along with delays in adap)ve behavior.

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Words to Know

The following words and phrases are o`en used in discussions about special educa)on.

\*All IDEA eligibility categories require that the disability adversely aﬀects educa)onal performance.

**Interim alterna4ve educa4onal sefng**

A temporary placement where a child receives educa)onal services while being disciplined for breaking a school rule.

**Interpre4ng services**

A related service for children who are deaf or hard of hearing that includes

sign language interpre)ng, cued speech and oral translitera)on.

**Media4on**

An informal process conducted by an impar)al mediator to sehle disputes

related to a child’s iden)ﬁca)on, evalua)on, program or placement.

**Medical services**

A related service provided by a licensed physician to determine a child’s

medically related disability that results in the child’s need for special educa)on and related services.

**Modiﬁca4on**

A change in what the student is expected to learn and/or demonstrate.

**Mul4ple disabili4es \***

A combina)on of impairments (such as intellectual disability and blindness, or intellectual disability and an orthopedic disability) which cause severe

educa)onal needs.

**Objec4ves/bench**

**marks**

Measurable intermediate steps between present levels of educa)onal

performance (PLEP) and the annual goals.

**Occupa4onal therapy**

A related service that includes therapy to maintain and/or increase ﬁne motor skills.

**Orthopedic disability \***

A severe orthopedic impairment from birth (e.g. clubfoot, absence of limbs, etc.) disease (e.g. polio, bone tuberculosis, etc.) or other causes (e.g. cerebral

palsy, amputa)ons, etc.)

**Orienta4on and**

**mobility services**

A related service that includes services to students who are blind and/or

have a visual disability to enable them to move and func)on safely at home, school and in the community.

**Other health**

**disability \***

Limited strength, vitality or alertness due to a chronic or acute health

problem such as asthma, ahen)on deﬁcit disorder, diabetes, epilepsy, a heart condi)on, hemophilia, etc.

**Parent**

A natural or adop)ve parent, a guardian, a person ac)ng in the place of a parent (for example, a grandparent or stepparent), a surrogate parent or a

foster parent who is willing to par)cipate in the special educa)on process, has a long term rela)onship with the student, and has not conﬂict of interest.

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Words to Know

The following words and phrases are o`en used in discussions about special educa)on.

\*All IDEA eligibility categories require that the disability adversely aﬀects educa)onal performance.

**School nurse service**

A related service provided by a qualiﬁed school nurse to enable a child with a disability to receive FAPE as described in his or her IEP.

**Sec4on 504**

A key sec)on of the federal Rehabilita)on Act of 1973 that prohibits school

from discrimina)on against students on the basis of disability and requires the provision of a free appropriate public educa)on to students whose disability aﬀect their learning.

**Sensory**

Related to the ﬁve senses (smell, touch, hearing, sight and taste).

**Serious bodily injury**

Bodily injury that involves a risk of death, extreme physical pain, prolonged disﬁgurement or prolonged loss or impairment of the func)on of a body

member, organ or mental faculty.

**SeSlement**

**agreement**

A wrihen agreement that is legally binding resul)ng from the sehlement of a

due process complaint.

**Special Educa4on**

Specially designed instruc)on, at no cost to the parents, to meet the unique needs of a student with a disability.

**Speciﬁc learning disability**

A disorder in one or more of the basic psychological processes involved in understanding or using spoken or wrihen language; it may result in an

imperfect ability to listen, think, speak, read, write, spell or do mathema)cal calcula)ons.

**Speech-­‐language pathology services**

A related service that includes the iden)ﬁca)on and diagnosis of speech or language impairments and the provision of speech or language therapy.

**Speech or language**

**disability \***

A communica)on disorder, such as stuhering, impaired ar)cula)on, a

language disability or a voice impairment that adversely aﬀects a child’s educa)on performance.

**Standards**

Statements that describe what students are expected to know and do in each grade and subject area.

**Social work services**

A related service that includes group and individual counseling with the student and family and mobilizing school and community resources to meet

the student’s needs.

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Words to Know

The following words and phrases are o`en used in discussions about special educa)on.

\*All IDEA eligibility categories require that the disability adversely aﬀects educa)onal performance.

**Supplementary aids and services**

Aids, services and other supports, including assis)ve technology devices and services that are provided in regular educa)on classes to enable a student

with a disability to be educated with students without disability to be educated with students without disabili)es to the maximum extent appropriate.

**Transporta4on**

A related service that includes specialized equipment if required to provide

special transporta)on for a child with a disability.

**Trauma4c brain**

**injury (TBI)\***

An acquired injury to the brain caused by an external physical force that

results in total or par)al func)onal disability and/or psychosocial impairment.

**Visual disability**

**including blindness \***

An impairment in vision suﬃcient enough to interfere with normal

func)oning and to require special or adapted techniques, materials and/or equipment to meet educa)onal demands.

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Acronyms

An acronym is a shortcut for a string of words that go together. It is usually formed by taking the ﬁrst

lehers of the word and capitalizing them.

special educa)on and early interven)on.

Here are some of the acronyms you are likely to hear in

33

A+ A`er-­‐School Plus Program

ASPIRE Accelera)ng Successful Performance in Regular Educa)on

AA Alterna)ve Assessment

AT Assis)ve Technology

ABA Applied Behavior Analysis

ATRC Assis)ve Technology Resource Centers of Hawaii

ACFN Academic & Financial Plan

AV Audio Visual

ACT Au)sm Consul)ng Teacher

AYP Adequate Yearly Progress

Act 51 Reinven)ng Educa)on Act for the Children of Hawaii (2004)

BASC Behavior Assessment System for Children

ADA Americans with Disabili)es Act

BIP Behavior Interven)on Plan

ADH Adult Day Health

BISS Behavior Intensive Support Service

ADHD/ Ahen)on Deﬁcit Hyperac)vity ADD Disorder/ Ahen)on Deﬁcit Disorder

BOE Board of Educa)on

ADR Alterna)ve Dispute Resolu)on

BSP Behavioral Support Plan

AIDS Acquired Immune Deﬁciency Syndrome

CA Communica)on Aide

AG Ahorney General

CAFAS Child & Adolescent Func)onal Assessment Scale

ALC Alterna)ve Learning Center

CAMH Child & Adolescent Mental Health D Division (DOH)

AP Advanced Placement

CAP Correc)ve Ac)on Plan

APERT Adapted Physical Educa)on Resource Teacher

CAPA Content Area Performance Assessment

APR Annual Performance Report

CAPD Central Auditory Processing Disorder

ASAD Aloha State Associa)on for the Deaf

CAS Complex Area Superintendent

ASD Au)sm Spectrum Disorder

CASSP Child & Adolescent Services System Program

ASL American Sign Language

Acronyms Con)nued

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CAST Complex Area Support Team

CoP Community of Prac)ce

CBE Competency-­‐Based Educa)on

COFA Compact of Free Associa)on

CBHSD Competency-­‐Based High School P Diploma Program (Adult Ed)

COTA Cer)ﬁed Occupa)onal Therapy Assistant

CBI Community-­‐Based Instruc)on

COW Commihee on Weights

CBT Cogni)ve Behavior Therapy

CP Cerebral Palsy

CC Care Coordinator

CPI Crisis Preven)on Interven)on

CCC Community Children’s Council

CPR Cardio-­‐Pulmonary Resuscita)on

CCCO Community Children’s Council Oﬃce

CPSS Con)nuum of Proac)ve Student Supports

CCSS Common Core State Standards

CSA Community School for Adults

CCRO College and Career Readiness Oﬃce

CSHNB Children with Special Health Needs Branch (DOH)

CD Conduct Disorder

CSP Coordinated Service Plan

CDPA Consumer Director Personal Assistance (DDD)

CSR Coordinated Services Review or Comprehensive School Reform

CDS Center on Disability Studies

CSSS Comprehensive Student Support System

CFR Code of Federal Regula)ons

CTE Career and Technical Educa)on

CIL Center for Independent Living

CWS Child Welfare Services

CIMIP Con)nuous Integrated Monitoring

& Improvement Process

DAGS Department of Accoun)ng & General Services

CM Case Manager

DAP Developmentally Appropriate Prac)ces

CMISB Case Management & Informa)on Services Branch )DOH)

DARE Drug Abuse Resistance Educa)on

CMP Complaints Management Program (DOE)

DB Deaf/Blindness

CNA Cer)ﬁed Nurses Aide

DCAB Disability & Communica)on Access Board

Acronyms Con)nued

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DD Developmental Disabili)es or Developmental Delay

EBS Evidence Based Services

ECE Early Childhood Educa)on

DDC Developmental Disabili)es Council

eCSSS Electronic Comprehensive Student Support System

DDD Developmental Disabili)es Division (DOH)

ED Emo)onal Disability

DES District Educa)onal Specialist

EI Early Interven)on or Educa)onal Interpreter

DHS Department of Human Services

DI Direct Instruc)on

EIS Early Interven)on Sec)on

DLT Distance Learning Instruc)on

ELA English Language Arts

DME Durable Medical Equipment

ELL English Language Learner

DOE Department of Educa)on

EO Educa)onal Oﬃcer

DOH Department of Health

EPSDT Early & Periodic Screening, Diagnosis and Treatment

DPR Department of Parks and Recrea)on (City and County)

ES Educa)onal Specialist

DRT District Resource Teacher

ESEA Elementary & Secondary Educa)on Act

DQUA District Quality Assurance Team T

ESY Extended School Year

DSI Data for School Improvement

ETV Educa)onal Television

DSM/V Diagnos)c Sta)s)cal Manual (Fi`h Edi)on)

EVAL Evalua)on

FAPE Free Appropriate Public Educa)on

DTT Discrete Trial Training

FBA Func)onal Behavioral Assessment

DVR Division of Voca)onal

Rehabilita)on (DHS)

FELIX Felix vs Cayetano Consent Decree

EA Educa)onal Assistant

FERPA Family Educa)on Rights and Privacy Act of 1974

EAP Emergency Ac)on Plan

FGC Family Guidance Center (CAMHD)

EBA Emo)onal Behavioral Assessment

FHSD Family Health Services Division

EPB Evidence Based Prac)ces

Acronyms Con)nued

6

FOL Focus on Learning (School Accredita)on)

HFAA Hawaii Families as Allies

HH Hard of Hearing

FSC Fully Self Contained (Placement)

HHI Home/Hospital Instruc)on

FSP Family-­‐School Partnership

HIDA Hawaii Interna)onal Dyslexia Associa)on

FY Fiscal Year

GE Geographical Excep)on

HIDOE Hawaii Department of Educa)on

GED General Educa)onal Development (Test)

HIPAA Health Insurance Portability and Accountability Act of 1996 (DHS)

GLC Grade Level Chair

HIS Hawaii Interpre)ng Service

GLO General Learning Outcomes

HIV Human Immunodeﬁciency Virus

GPA Grade Point Average

H-­‐KISS Hawaii Keiki Informa)on Services System

GT Gi`ed and Talented

HLIP Hawaii Language Immersion Program

HACS Hawaii Associa)on of Charter Schools

HQT Highly Qualiﬁed Teacher

HAEYC Hawaii Associa)on for the Educa)on of Young Children

HRS Hawaii Revised Statues

HAIS Hawaii Associa)on of Independent Schools

HSA Hawaii State Assessment

HSAA Hawaii State Alternate Assessment

HAR Hawaii Administra)ve Rules

HSDB Hawaii School for the Deaf and Blind

HCBS Home and Community Based Services

HSSRA Hawaii State School Readiness Assessment

HCFA Health Care Financing

Administra)on

HSTA Hawaii State Teachers Associa)on

HCO Homeless Concerns Oﬃce

HYCF Hawaii Youth Correc)onal Facility

HCRC Hawaii Civil Rights Commission

IAES Interim Alterna)ve Educa)onal Se^ng

HDRC Hawaii Disability Rights Center

HE’E Hui for Excellence in Educa)on

IBT Intensive Behavioral Treatment

HEICC Hawaii Early Interven)on Coordina)ng Council

ID Intellectual Disability

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Acronyms Con)nued

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IDEA Individuals with Disabili)es Educa)on Act

MAPS McGill Ac)on Planning System

MD Muscular Dystrophy/Mul)ple Disability

IDEIA Individuals with Disabili)es Educa)on Improvement Act of 2004

MF Medically Fragile

IEP Individualized Educa)on Program

MH Mental Health

IFSP Individualized Family Support Plan

MHA Mental Health America

ILC Intensive Learning Center

MOA Memorandum of Agreement

IPE Individual Plan for Employment (Voca)onal Rehabilita)on)

MP Modiﬁca)on Plan (Sec)on 504)

MS Mul)ple Sclerosis

IPP Individually Prescribed Program

MSL Mul)-­‐sensory Structured Learning

IQ Intelligence Quo)ent

MST Mul)-­‐Systemic Therapy

ISC Integrated Self Contained (Placement)

MTP/ Master Treatment Plan/Master MP Plan (for mental health)

ISP Individualized Service/Support Plan

MV McKinney-­‐Vento Homeless Assistance Act

ISS In-­‐School Suspension

ITP Individualized Transi)on Plan

NAEP Na)onal Assessment of Educa)onal Progress

JROTC Junior Reserve Oﬃcer Training Corps

NCLB No Child Le` Behind Act of 2001

JVEF Joint Venture Educa)on Forum (Military Schools Partnership)

NEP Non-­‐English Proﬁcient

NICHC Na)onal Informa)on Center for Y Children & Youth with Disabili)es

LD/SLD Learning Disability/Speciﬁc Learning Disability

NOS Not Otherwise Speciﬁed

LDAH Learning Disability Associa)on of Hawaii

OCD Obsessive Compulsive Disorder

LEA Local Educa)on Agency

OCISS Oﬃce of Curriculum, Instruc)on & Student Support

LEP Limited English Proﬁciency

OCR Oﬃce of Civil Rights

LPN Licensed Prac)cal Nurse

ODD Opposi)onal Deﬁant Disorder

LRE Least Restric)ve Environment

Acronyms Con)nued

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OHD Other Health Disability

PEP Peer Educa)on Program

OD Orthopedic Disability

PHAO Public Health Administra)on Oﬃce

OS Occupa)onal Skills

PHN Public Health Nursing

OSEP Oﬃce of Special Educa)on Programs (US DOE)

PI Parent Involvement

PICL Partnerships in Community Living Program (DDD)

OSERS Oﬃce of Special Educa)on & Rehabilita)on Services (US DOE)

PIDF Partners in Development Founda)on

OT Occupa)onal Therapy

OYS Oﬃce of Youth Services

PL Public Law

PA Personal Assistant

PLAAF Present Levels of Academic P Achievement & Func)onal

Performance

PAB Personal Assistance Habilita)on

PLEP Present Levels of Educa)onal Performance

PACT Parents & Children Together

PASS Plan to Achieve Self Suﬃciency

POMS Pre-­‐School Outcomes

Measurement System

PBIS Posi)ve Behavioral Interven)ons and Supports

PPT Para-­‐Professional Tutor

PBS Posi)ve Behavioral Supports

PREL Paciﬁc Resources for Educa)on & Learning

PCNC Parent Community Network Center

PSAP Primary School Par)cipa)on Project

PCS Public Charter Schools

PSN Procedural Safeguards No)ce

PD Professional Development

PSPP Private School Par)cipa)on Project

PDD Pervasive Developmental Disorder

PSSAS Program & Services for Secondary Alienated/At-­‐Risk Students

PDF Portable Document File

PDSP Pre-­‐School Developmental Screening Program

PT Physical Therapy

PTA/ Parent-­‐Teacher-­‐Student PTO/ Organiza)on/Associa)on PTSA

PE Physical Educa)on

PECS Picture Exchange Communica)on System

PTI Parent Training & Informa)on Center 3

Acronyms Con)nued

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PTP Personal Transi)on Plan

SBRC Standards-­‐Based Report Card

PTSD Post Trauma)c Stress Disorder

SBS School-­‐Based Services

PTT Part-­‐)me Temporary Teacher

SBSR School-­‐Based Services Review

PWN Prior Wrihen No)ce

SCC School Community Council

QA Quality Assurance

SCHIP State Children’s Health Insurance Program

QExA QUEST Expanded Access

SD Speech or Language Disability

QUEST Quality Care, Universal Access, Eﬃcient U)liza)on

SDRT Stanford Diagnos)c Reading Test

REACH Reinven)ng Educa)on Act for the Children of Hawaii (2004)

SE Supported Employment

SEA State Educa)on Agency

RCP Resource Caregiver Provider

SEAC Special Educa)on Advisory Council

RDA Results-­‐Driven Accountability

SEBD Support for Emo)onal & Behavioral Development (CAMHD)

RFP Request for Proposal

RN Registered Nurse

SECOH Suppor)ng Excep)onal Ci)zens of Hawaii

RT Resource Teacher

SEPS Senior Exit Plans Survey

RTI Response to Interven)on

SES Special Educa)on Sec)on

RTTT Race to the Top

SES Supplemental Educa)on Services

SAO School Accountability Oﬃce

SESAT Stanford Early School Achievement Test

SASA School Administra)ve Services Assistant

SEVR Special Educa)onal Voca)onal Rehabilita)on (Program)

SAT Stanford Achievement Test/ Scholas)c Assessment Test

SI Sensory Integra)on

SBAS Smarter Balance Assessment System

SID Standards Implementa)on Design

SBBH School-­‐Based Behavioral Health

SIG State Improvement Grant

SBE Standards-­‐Based Educa)on

SIP Strategic Implementa)on Plan

Acronyms Con)nued

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SIS Student Informa)on System

STEAM Science, Technology, Engineering, Arts and Mathema)cs

SLD Speciﬁc Learning Disability

STEPS Sequenced Transi)on to Educa)on in Public Schools

SLEP Students of Limited English Proﬁciency

STS Speech to Speech (Relay Services)

SLO School-­‐Wide Learning Outcomes

STWO School-­‐to-­‐Work Opportuni)es

SLP Speech Language Pathologist

SUPT Superintendent

SOP Standards of Prac)ce

SY School Year

SpEd Special Educa)on

TA Technical Assistance

SPIN Special Parent Informa)on Network

TANF Temporary Assistance for Needy Families

SPP State Performance Plan

TBI Trauma)c Brain Injury

SQS School Quality Survey

TDI Temporary Disability Insurance

SRS School Renewal Specialist

TTY Teletypewriter

SSA Social Security Administra)on

TS Tourehe Syndrome

SSC Student Services Coordinator

UHM University of Hawaii at Manoa

SSI Supplemental Security Income

UIPA Uniform Informa)on Prac)ces Act

SSDI Social Security Disability Insurance

USDOE United States Department of Educa)on

SSIP State Systemic Improvement Plan

VCO Voice Carry Over

SSIS Safe School Informa)on System

VD Visual Disability

SST Student Support Team

VP Vice Principal

SSW School Social Worker

WD Waiver Day

ST Service Tes)ng/Skills Trainer

WIC Women, Infants & Children (Nutri)onal Program)

STEM Science, Technology, Engineering and Mathema)cs

WSF Weighted Student Formula