

# Basic Parent Guide to Special Education in Virginia



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## MISSION STATEMENT

The mission of 4 PEAKS Educational Consulting, LLC is to provide positive collaboration between families and professionals at all stages of the child's development, ensuring the child's unique needs are met. We provide advocacy, resources, and connections to all participants on the child's journey that will ensure high expectations of success for the child in education, employment, and community. It is our belief that every student can reach the PEAKS!

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4 PEAKS Educational Consulting, LLC nor its staff offer any legal advice. No one is a lawyer, practices law, and makes no claims to be an expert in Special Education Law.



Hello,

The Staff at 4 PEAKS Educational Consulting, LLC understand the struggles that you are facing when deciding if your child requires special education services in Virginia. We view each child's educational journey as a series of peaks and valleys, of success and obstacles. It is our hope that we act as your tour guide through this unfamiliar process and provide you with the tools and knowledge to give you direction on this journey. In the following pages, you will find very basic information to become a better advocate for your child. We encourage you to seek further information and we hope you will reach out to us and allow us to help you and your child on this journey.

Respectfully,

*Courtney E. Pugh*

Courtney E. Pugh  
Owner/Educational Advocate

# Common Acronyms in Special Education

AAC-Alternative Augmentative Communication

ABA-Applied Behavior Analysis

APE-Adaptive Physical Education

AT-Assistive Technology

BIP-Behavior Intervention Plan

ESY-Extended School Year

FAPE-Free Appropriate Public Education

FBA-Functional Behavioral Assessment

FERPA-Family Education Rights Privacy Act

IA-Instructional Assistant/paraprofessional

IEE-Independent Educational Evaluation

IEP-Individualized Education Program

LRE-Least Restrictive Environment

OT-Occupational Therapy/Therapist

PBS-Positive Behavioral Supports

PLOP-Present Levels of Performance

PT-Physical Therapy/Therapist

PWN-Prior Written Notice

RTI-Response to Intervention

SLP-Speech Language Pathologist

SPED-Special Education

# Should I Have My Child Evaluated?

Having a child evaluated for special education services can be a daunting decision. Just because the child may have a medical diagnosis does not automatically qualify the child for special education services. Some factors to consider include:

- Did your child receive early intervention services before entering kindergarten?
- Has your child had 6 weeks or more of small group interventions (often called RTI) and made little to no progress?
- Does the child's grades tend to go down as the year progresses or failing SOLS?
- Is the child having peer relationship issues beyond normal childhood expectations?
- Does the child need specific instruction in skills not normally associated with academics (i.e. functional life skills, speech, occupational therapy, etc)?
- Is the child continually being disciplined or sent home due to behaviors?
- Does your child have a disability that impacts hearing or vision beyond normal expectations?

If you answered YES to any of these questions, you may want to consider having the child evaluated for special education services.

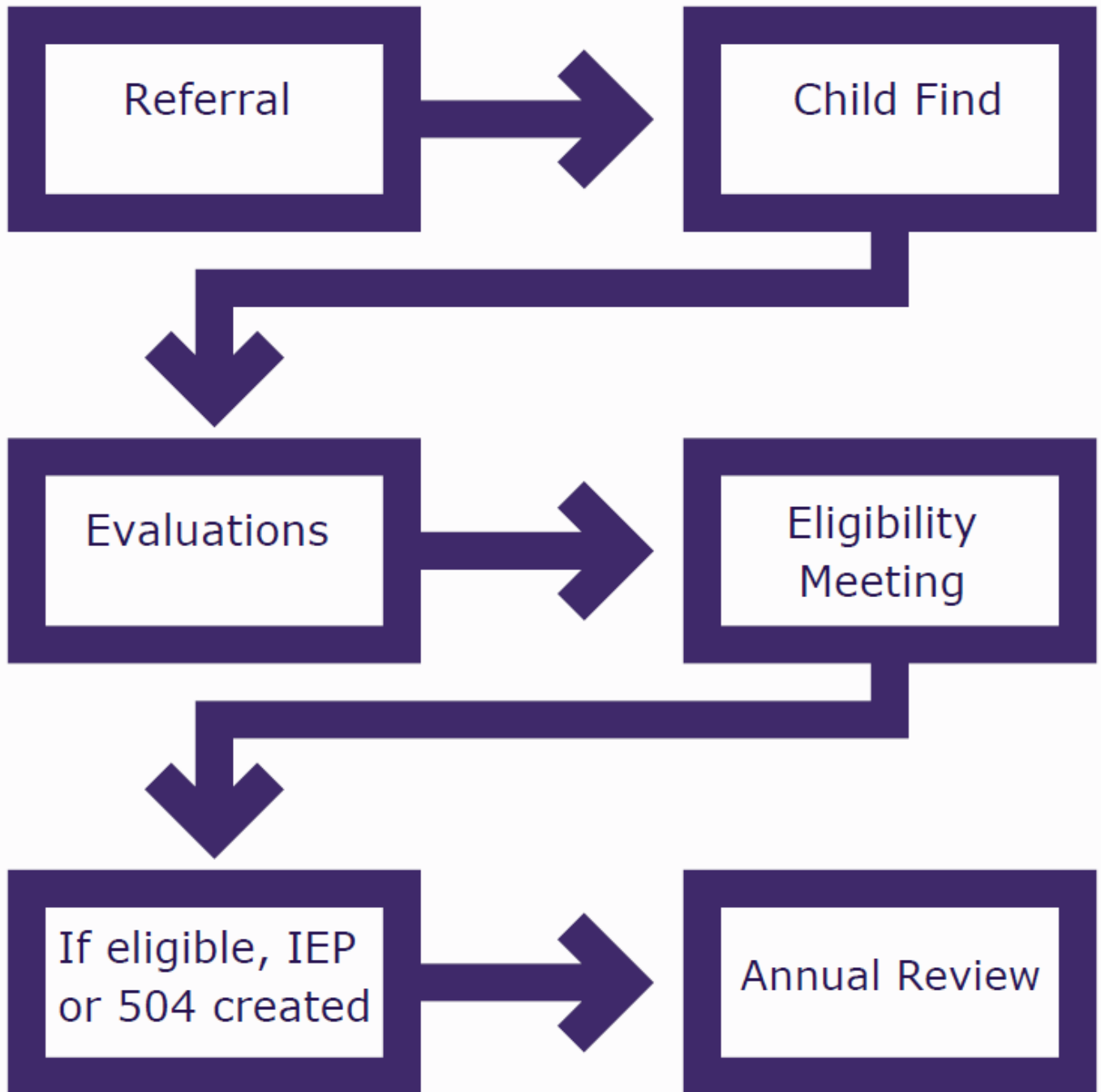
# Ready to Refer Your Child for Special Education Services?

Some recommended steps to take before submitting your referral:

- Be sure to supply the school with any medical information/diagnosis including any recommendations for addressing the unique needs of the child.
- Discuss your concerns with the teacher and other school staff.
- If your child has been receiving RTI, be sure to bring information on progress.
- Collect your data of work samples, report cards, disciplinary actions, etc. to share at the Child Study meeting.
- Document your discussions and who you contacted. Try to use written communication as much as possible and/or document phone calls with an email synopsis to capture what was discussed.

A child should be making meaningful progress toward meeting grade-level expectations within a reasonable amount of time. If the child is not making meaningful progress, then a special education evaluation referral should be recommended by the parent or school staff.

# Special Education Process in Virginia



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## **Referral**

A referral is made by anyone with concerns about the student's performance. Referrals can be made orally or in writing. The Special Education Director then determines if the school team should initiate the initial evaluation procedures, refer the child to the school-based team to review the data and consider response to intervention or deny the request to evaluate the child and provide the Prior Written Notice.

## **Child Find**

A meeting is held to discuss the concerns, review current data, and a decision is made to evaluate the child or not. The team will discuss any interventions the child has previously received, grades, assessments, behaviors, and any other information to determine if the team should move forward to evaluate the child. If the decision is made to evaluate, the team discusses the types of evaluations to be conducted and parental consent is then requested.

## **Evaluations**

The staff conduct the evaluations that were chosen then write up their findings. The evaluations should be comprehensive enough to evaluate all suspected areas of the disability including behaviors, social, communication, adaptive skills and academics. The eligibility reports should be shared with the parent/guardian at least 2 business days before the eligibility meeting is held.



# Special Education Process in Virginia

## **Eligibility Meeting**

At the eligibility meeting, the results of the evaluations are reviewed and criteria worksheets completed to determine the disability's impact on the education of the student. The team determines if there is an adverse impact on education (needs an IEP), a significant impact on a critical life skill (needs a 504 Plan) or found not eligible. Parental consent is required on the eligibility determination.

## **IEP or 504 Meeting**

If found eligible under IEP or 504 Plan, another meeting is held within 30 days to prepare the plan to address the needs of the student. The 504 would focus on accommodations to help access the child's education. An IEP would focus on accommodations, goals, specially designed instruction, and placement for the child's education. Parental consent is needed for the IEP to begin.

## **Annual Review**

With an IEP, progress reports are sent out quarterly on goal progress to the parent for review. Anyone can call for a 504 or IEP meeting when there are concerns to be addressed. The team meets at least annually to discuss the IEP or 504, the progress of the student, and if any changes are needed to the plan.

## Section 504 versus an IEP Eligibility

<u>504 Plan</u>	<u>IEP</u>
Americans with Disabilities Act (ADA)	Individuals with Disabilities Education Act (IDEA)
Significantly impact a critical life skill	Adverse impact on education only
Accommodations for access	Must meet strict eligibility criteria
Can be used in employment	Requires specialized instruction (services)

Section 504 has similar requirements as IEP in that a student must be found eligible; however, it is not just for impact on education. The disability must have a significant impact on a critical life skill (i.e. breathing, walking, learning, concentrating, etc.). It is supposed to be reviewed annually. There are no requirements for collecting data to determine if 504 Plan is being implemented with fidelity. Complaints about the 504 Plan must go through the Office of Civil Rights as discrimination against a person with a disability.

# Eligibility Categories under IDEA

Autism • Deaf-Blindness • Developmental Delay  
Emotional Disturbance • Hearing Impairment  
Intellectual Disability • Multiple Disabilities • Orthopedic  
Impairment • Other Health Impairment • Specific Learning  
Disability • Speech/Language Impairment • Traumatic Brain Injury  
• Visual Impairment (including Blindness)

Eligibility evaluations under IDEA must be comprehensive enough to identify all of the child's special education, related services, and educational needs. Once the evaluations are complete, an eligibility meeting is held to discuss criteria for eligibility in each of the categories listed above that are applicable to the child. There must be an adverse impact on the education of the child and a need for specifically designed instruction as part of the eligibility criteria consideration.

# Timelines in Virginia for Special Education



- 3 business days for referral to special education administrator or designee to initiate evaluation process, require school-based team to review and respond to request, or deny the request. If sent to a school-based team, team must meet within 10 business days following receipt of the referral.
- 65 business days for eligibility evaluations to be completed and an eligibility determination meeting held.
- 30 calendar days from eligibility meeting to create the initial IEP.
- 3 years from date of Eligibility to complete triennial evaluations and Eligibility meeting to determine if still eligible for special education services under IEP.
- Annually to review the IEP for progress on goals and/or make changes.

# Key Points to Remember

- The parent/guardian is an equal IEP team member. Meetings should not be held about special education services without the parent being notified in advance to be able to attend and at a mutually agreeable date and time.
- Virginia is a parent consent state. No evaluations, eligibility determination, IEP implemented, changed, or services terminated without parental consent.
- Remember to bring your own data to meetings. Data can include communications with school staff, work samples, outside provider reports, etc.
- Parents must be provided with a Prior Written Notice for all actions the IEP team approved or refused during the meeting.
- Be sure to ask questions about things you do not understand and before signing any documents.
- Parents/guardians are allowed to provide partial consent to an IEP. Ask for paper copy of IEP and write your statement on it before signing and always ask for copies of documents before leaving a meeting.
- Know your rights. Read your procedural safeguards. Ask for a draft of documents ahead of a meeting to review them and prepare your meaningful input and questions. Prepare your parental concerns to share with the IEP team.

# So, What To do Next?

This guide is written to give a broad overview of how special education works in Virginia. It does not provide an in-depth discussion on these topics or how to prepare fully for each step on this journey.

You may be feeling confused and overwhelmed with all of this. You may feel like you cannot do this alone. So, what to do next?

In short, reach out to our staff at 4 PEAKS Educational Consulting, LLC for a complimentary 30-minute call to discuss your concerns and how we can be of assistance. Our staff have been in your situation and have had similar challenges of our own. We know how important it is to have someone by your side through this journey. We look forward to hearing from you and seeing how we can be of assistance.

