

### **STEP 5. IMPLEMENTATION AND ANNUAL REVIEW/REEVALUATION**

After the CSE meeting has concluded, appropriate follow-up is necessary to ensure proper implementation of the IEP.

1. **Notice and Consent.** Parents should receive a notice and a copy of the evaluation report and documentation of eligibility in his/her native language.
2. **Implementation.** The Board of Education must arrange for implementation of the IEP with no delay. All the recommendations made during the meeting should be implemented according to the timeline specified on the IEP. A copy of IEP must be provided to the parents, and the CSE minutes should be available to the parents as well. Teachers and other service providers must receive a copy to be informed of their responsibilities. The Board is required to implement the IEP **with no delay**:
  - Within 60 school days of receipt of consent to evaluate, if the student was not previously classified; or
  - Within 60 school days of the referral for review.
  - (Exception) Within 30 school days of the Board's receipt of the CSE recommendation in case of placement in an approved in-state or out-state private school.
3. **Annual Review.** At least once a year, the CSE will review the IEP. The meeting may be requested sooner at a parent's request. The child's parents, teachers, and school service providers are invited to the meeting.
4. **Reevaluation.** Each student with an IEP should be re-evaluated every three years. Reevaluation may also be conducted if condition warrant one or upon request of you or your child's teacher. Prior to any testing, parent's "consent to evaluate" is required. A CSE is then convened to discuss the results and to ensure that the child is receiving the proper services.

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# **THE FIVE STEPS OF THE SPECIAL EDUCATION PROCESS IN NEW YORK STATE**

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## **Syracuse University Parent Advocacy Center (SUPAC)**

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***IN COLLABORATION WITH THE DISABILITY RIGHTS CLINIC  
THE SU COLLEGE OF LAW AND LEGAL SERVICES OF CNY***

**ABOUT SUPAC:** SUPAC is a university-based center in New York State that brings together faculty, students, and staff with members of the local community to provide parents of children with disabilities information, training, expertise, and support necessary to promote meaningful involvement in their children's education. SUPAC The Mid-State Special Education Parent Center is funded by a grant from the New York State Office of Special Education and is a project of the SU Center on Human Policy, Law, and Disability Studies located on the Syracuse University campus.

## **THE FIVE STEPS OF THE SPECIAL EDUCATION PROCESS**

1. Initial Referral for Special Education Services
2. Individual Evaluation Process
3. Determining Eligibility for Special Education Services
4. Individualized Education Program (IEP)
5. Implementation & Annual Review/Reevaluation

### ***STEP 1. INITIAL REFERRAL FOR SPECIAL EDUCATION SERVICES***

If your school-aged child is having difficulty in school, you may wish to first talk to the teacher. Many schools offer support for students such as psychological services, speech and language improvement services, and instructional modifications without classifying your child as a student with a disability. These services may be called “Response to Intervention” services or “RTI services.”

However, you may also choose to refer your child—in writing—to the school’s Committee on Special Education (CSE) without your child first receiving RTI services.

This written referral to the CSE should state that you are asking the school district to evaluate your child to determine if he or she needs special education services. You should list of all your concerns regarding your child’s educational difficulties.

You, the parent, can always make a referral for your child. Your child’s teacher or a professional in your child’s school, doctors, or judicial officers may also request a referral to the CSE. If someone other than a parent requests a referral, the CSE must ask the parent to consent to the evaluation or provide the parent with a copy of the request within 10 days of receiving the request.

### ***STEP 2. INDIVIDUAL EVALUATION PROCESS***

After the CSE receives the written referral, the CSE will ask for your written consent to have your child evaluated. The CSE has 60 days from the time it receives the written consent to complete the evaluation. The tests determine what your child’s learning difficulties may be and how those difficulties affect his or her participation and progress in the general education curriculum. The evaluation is at no cost to the parent.

An initial evaluation to determine your child’s needs must include: a physical examination, a psychological evaluation, a social history, observation of your child in his or her current education setting, and other tests or assessments that are appropriate for your child.

The results of the evaluation must be provided to the parents. If the parent disagrees with the results of an evaluation conducted by the CSE, the parent can sometimes request that the school district pay for an Independent Educational Evaluation (IEE).

### ***STEP 3. DETERMINING ELIGIBILITY FOR SPECIAL EDUCATION SERVICES***

After the evaluation is completed, you will be invited to a CSE meeting to talk about the results. This meeting must be held at a time when both the parent and the school district personnel are available. If you are not available at the time the school schedules the meeting, the school should reschedule the meeting.

The CSE, of which the parent is a member, decides if your child is eligible to receive special education programs and/or services. In order to be eligible, a child must have a disability that affects his or her ability to learn.

The members of the CSE meeting include but are not limited to the parents; a regular education teacher and a special education teacher; a school psychologist or physician; a representative of the school district who is qualified to provide or supervise special education; an individual who can interpret the instructional implications of evaluation results; an additional parent member; the student, if appropriate; other persons having knowledge or special expertise regarding the student; and anyone else the parent wants to attend.

### ***STEP 4. INDIVIDUALIZED EDUCATION PROGRAM (IEP)***

When your child is eligible for special education services/programs, the CSE must develop a plan to meet your child’s needs, called the Individualized Educational Program (IEP). The IEP must provide a free appropriate public education (FAPE) for your child in the least restrictive environment (LRE) appropriate to your child’s needs.

Things to be considered when developing the IEP:

- Your child strengths;
- Your concerns for your child’s education;
- Evaluation results;
- Test or assessment results; and
- Any unique needs related to the child’s disability.

Key Components of the IEP:

- Your child’s current abilities, needs, and evaluation results;
- Educational Goals to address those needs;
- Special equipment your child needs in school;
- Information about the special education programs or services to be provided;
- Classroom and testing modifications;
- How/when you will receive reports on your child’s progress;
- Where the special education services will be provided.