

LIVE LEARN WORK PLAY

## A GUIDE TO THE EDUCATION OF STUDENTS WITH DISABILITIES

### A Companion Guide to Article 7

(updated to include the June 2002 revisions to Article 7)\*

Indiana Department of Education

Division of Exceptional Learners

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\*Live/Learn/Work/Play is a companion guide to Indiana's special education rules promulgated in the Indiana Administrative Code at 511 IAC 7-17 through 7-31 (commonly known as Article 7).

The reauthorized *Individuals with Disabilities Education Act* (known as the *Individuals with Disabilities Education Improvement Act* or the IDEIA) was signed into law on December 3, 2004. The law took effect on July 1, 2005. However, Article 7 will not be amended by the Indiana State Board of Education to reflect the changes in the IDEIA until federal regulations interpreting the IDEIA are adopted by the U.S. Department of Education. Nevertheless, beginning on July 1, 2005, local educational agencies (LEAs) must comply with provisions in the IDEIA that either:

- (1) Impose a requirement that is absent from Article 7 or
- (2) Impose a higher requirement than what is currently included in Article 7.

For more information about the IDEIA and how it affects Article 7, access the Division of Exceptional Learners' website: <http://doe.state.in.us/exceptional/speced/whatsnew.html>

This version of Live/Learn/Work/Play is based on the current Article 7, with the exception of the Mediation and Due Process Hearing sections. These sections have been updated to incorporate the IDEIA provisions that became effective on July 1, 2005.

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-Dr. Suellen Reed, State Superintendent of Public Instruction

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## A GUIDE TO THE EDUCATION OF STUDENTS WITH DISABILITIES



This booklet is intended as a companion guide to Article 7 (Rules 17-31), Indiana's special education rules. It has been designed to help parents, advocates, school personnel and others gain a better understanding of procedures relating to the provision of educational services to Indiana's students with disabilities. The hope is that a common understanding will help promote effective partnerships between parents and schools to appropriately serve the needs of students with disabilities.

### Being a partner with the school

Parental involvement in a student's education is an important part of a student's success at school. For parents of students with disabilities, involvement in the educational process may be even more important.

Parents of students with disabilities play a very active role in working with school personnel to identify the student's disability and determine the appropriate special education and related services to meet the student's needs. Participating as a member of the case conference committee presents parents with a unique opportunity to become partners with the school in ensuring that the student receives a free appropriate public education. Because a student with a disability may receive special education services from the public school from the time the student is 3 until he or she is 22 years old, establishing a good working relationship at the beginning is important for both the school and the parents.

Being a member of the case conference committee may seem intimidating or overwhelming to some parents. The following suggestions may help parents feel more comfortable during case conference committee meetings:

- make a list of questions so you don't forget them during the case conference committee meeting; if there's an evaluation report, talk with someone who can explain it in easy to understand terms;
- talk with the student's teacher or other school personnel before the meeting;
- talk to other parents who have participated in case conference committee meetings;
- take someone with you who knows the student; or
- take this booklet with you to the case conference committee meeting

Communication between parents and school personnel is one of the most important components of a successful working partnership. Effective communication can prevent misunderstandings and disagreements, as well as resolve some of the problems that may arise. Also essential to a successful parent - school partnership are collaboration and cooperation. Working together for the benefit of the student is the common goal of parents and school personnel.

### About Article 7

Indiana's special education rules are called "Article 7" and are found in the Indiana Administrative Code (511 IAC Article 7). Article 7 is based on the federal Individuals with Disabilities Education Act (IDEA '97) and the federal regulations. It is made up of 15 rules describing how special education and related services are to be determined and provided by Indiana's public schools. Article 7 requires that each student with a disability between the ages of 3 and 22, enrolled in a public school, be provided with a **free appropriate public education** – sometimes called a **FAPE**.

**FAPE** means special education and related services that, among other things:

- are provided at no cost to the parent;
- meet state standards and comply with Article 7;
- include early childhood, elementary, and secondary education;
- provided in accordance with an individualized education program (IEP);
- provided in such a way that a student with a disability has an equal opportunity to participate in activities and services that are available to all other students; and
- earning course credits and a diploma if academic standards and other requirements for receiving a regular high school diploma are met.

**Special education** is specially designed instruction, provided at no cost to the parent, and designed to meet the unique needs of a student who has been determined eligible for special education services.

**Related services** are services, such as physical therapy, counseling, or transportation, that are designed to supplement the student's instructional program and are necessary for the student to benefit from special education.

**Student with a disability** means a student who has been identified as having a disability listed in Article 7 AND who needs special education and related services because of that disability. Rule 26 lists the eligibility categories and the criteria for each category. The eligibility categories include:

- Autism spectrum disorder
- Communication disorder
- Deaf-blind
- Developmental delay (early childhood)
- Emotional disability
- Hearing impairment
- Learning disability
- Mental disability
- Multiple disabilities
- Orthopedic impairment
- Other health impairment
- Traumatic brain injury
- Visual impairment

**Case conference committee (CCC)** is the group of individuals, including school personnel and the parents, that decides whether a student is eligible for special education, and if eligible, decides what special education and related services will be provided, based on the student's needs.

**Individualized education program (IEP)** is a written document developed by the school and the parents at a case conference committee meeting. Among other things, an IEP describes any needed accommodations or modifications in the general education environment, as well as any special education and related services that will be provided to the student. An IEP must be reviewed and updated by the CCC at least every twelve months.

Article 7 requires that certain things be done within a specified number of days. If the rule says **calendar days**, it means every day. If it says **business day**, it means Monday through Friday, except federal and state holidays. **Instructional day** means any day or part of a day that the students are expected to be in school.

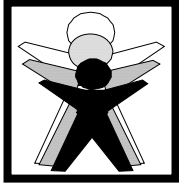
Article 7 also describes the school's responsibilities in providing a FAPE to a student with a disability, including evaluating a student, working with the parent as part of the case conference committee to determine if a student is eligible and to develop an IEP, implementing the student's IEP, and ensuring that procedural safeguards are implemented. Article 7 also describes the parent's rights and responsibilities as a participant in identifying the student's needs and the special education and related services to meet those needs.

**A copy of Article 7 may be obtained:**

From the Internet at [http://doe.in.us/exceptional/pub\\_article7\\_2002.html](http://doe.in.us/exceptional/pub_article7_2002.html)

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## EVALUATION



An educational evaluation:

- is conducted by a team of qualified professionals using a variety of procedures designed to provide information in all areas that may be related to a student's disability or suspected disability
- may include assessments of or information on the student's health, vision, hearing, emotional status, general intelligence, academic performance, communication skills, and motor skills. is required in order to determine if a student is eligible to receive special education and related services and to determine if the student continues to be eligible for services.

### Referral for Initial Evaluation

A student may be referred for an initial educational evaluation by school personnel or the parent. A parent may make a verbal or written request for an educational evaluation. If the parent makes a verbal request, the 60 instructional day timeline for conducting the evaluation does not begin until the parent has also provided written consent. If the parent puts the request for an evaluation in writing, signs the request, and gives it to any *certified personnel* (teacher, school counselor, administrator, school social worker, principal, or school psychologist), the timeline begins from the date the request is given to the certified personnel. The school must meet with or send information to the parent as described below.

When a referral or request for an evaluation is made, school personnel must meet with the parent. If the parent is not able to meet in person, the school must send the information to the parent in writing. The parent must provide written consent before the evaluation can be conducted.

The meeting before the evaluation will include a discussion of:

- why the school or the parent believes the evaluation is necessary;
- what information currently exists about the student and what additional information is needed;
- what strategies have been tried with the student;
- what the evaluation process will include and how long it will take;
- how the parent may obtain a copy of the evaluation report and an explanation of the evaluation results prior to the CCC meeting; and
- the timeline for conducting the evaluation and having the CCC meeting.

The school must also provide the parent with:

- written notice of the procedural safeguards; and
- a list of sources the parent may contact for assistance in understanding special education.

At this meeting, the school must ask if the parent would like to have the evaluation results explained prior to having the CCC meeting. If the parent wants to learn about the results of the evaluation, the school must make arrangements for the parent to meet with an individual who can explain the evaluation and the results. This meeting must occur within 5 instructional days prior to the date of the scheduled CCC meeting. A copy of the report will be provided to the parent at the meeting.

The evaluation must be conducted and the CCC must be convened within 60 instructional days from the date of the parent's written consent. After the evaluation has been conducted, an evaluation report will be written. If the parent has not requested a meeting to discuss the evaluation results, the parent may obtain a copy of the evaluation report within 5 instructional days before the CCC is scheduled to meet. The report will be available at the school the student attends, and the parent may go to the school to pick up the report.

If the parent does not pick up a copy of the evaluation report prior to the CCC meeting, a copy of the report will be provided to the parent at the CCC meeting.

### Independent Educational Evaluation

If a parent disagrees with the evaluation conducted by the school, he or she may request that the school pay for an independent educational evaluation. This is an evaluation that is conducted by a qualified individual who is not an employee of the school.

When a parent requests that the school pay for an independent educational evaluation, either before or after the parent obtains the independent evaluation, the school has 10 business days after receipt of the parent's request to:

- notify the parent in writing that the school will pay for the independent educational evaluation; or
- initiate a due process hearing to show that the school's evaluation is appropriate.

The school may ask the parent why he or she believes an independent educational evaluation is necessary, but the school may not delay its response to the parent's request for the independent educational evaluation if the parent decides not to answer the school's question.

If an independent educational evaluation is paid for by the school, the results of the evaluation must be considered by the CCC. If an independent educational evaluation is paid for by the parent, the parent decides if the evaluation results will be shared with the CCC. If the parent shares the information with the CCC, the CCC must consider the information in making decisions about the student's educational needs.

### **Reevaluation**

A student who receives special education services must be reevaluated at least every 36 months. The CCC reviews available information about the student and decides if it needs additional information to determine:

- if the student continues to have a disability;
- the student's present levels of performance and educational needs;
- if the student continues to need special education services; and
- if the student needs additional services or modifications.

Parental consent is not required before the CCC reviews available information on the student. If the CCC decides there is sufficient evaluation or assessment information to make those determinations, the school does not need to do any additional assessments at this time unless the parent requests that an assessment be done. The school must notify the parent that it does not plan to do a reevaluation, as well as the parent's right to request that the school conduct the reevaluation anyway.

If the CCC decides it needs more information to make a determination in any one of those areas, the school will seek written parental consent to do the necessary tests and assessments designed to provide the needed information. Written parental consent is required. However, the school may conduct the testing without parental consent if the school can document its attempts to obtain parental consent and the parent failed to respond.

If the school conducts reevaluation tests or assessments, it must send written notice to the parent that the reevaluation has been done. The notice must be sent within 20 instructional days after the reevaluation is completed.

The school must send the parent a copy of the reevaluation report and must let the parent know if the school plans to hold a CCC meeting to discuss the report. Otherwise the report will be reviewed at the next scheduled CCC meeting. The parent may request a CCC meeting to discuss the reevaluation at any time.

### **Additional Evaluation**

Any evaluation that is not an initial evaluation or a reevaluation is considered an additional evaluation. This may include an evaluation to consider a different category of eligibility, an assessment for a specific related service or any other evaluation that is requested between the time of an initial evaluation and a reevaluation or between the time of reevaluations. Written parental consent is required to conduct an additional evaluation. The additional evaluation must be finished and the CCC convened within 60 instructional days of the date written parental consent is obtained.

For more information on evaluations, see 511 IAC 7-25

## CASE CONFERENCE COMMITTEE (CCC)



### What is a Case Conference Committee?

The Case Conference Committee (referred to as the "IEP Team" in IDEA '97) is the group of people who decides if a student is eligible for special education services and who develops, reviews, and revises the student's individualized education program (IEP).

### When does the CCC meet?

The CCC must meet:

- after an initial or additional evaluation is conducted;
- within 12 months of the previous CCC meeting;
- when requested by a parent or school personnel;
- when a change of placement is being considered;
- when a special education student moves into the school district from another district or state;
- when certain disciplinary action is being taken; and
- at least every 60 instructional days when a student is receiving homebound instruction.

### How is the CCC meeting scheduled?

A CCC meeting must be scheduled at a date, time, and place mutually agreeable to both the parent(s) and the school. If neither parent can attend in person, the school must use other methods to allow the parent(s) to participate, such as by telephone. The school must give the parent(s) adequate notice of the meeting in the parent's native language or other mode of communication, early enough to ensure that one or both parents have the opportunity to attend. The student must be invited to attend the CCC meeting when transition services will be discussed. Once the student turns 18, the school must send notice of all CCC meetings to the student, as well as to the parent.

### Who is on the CCC?

The CCC must include:

- a representative of the school, other than the student's teacher, who is qualified to provide or supervise the provision of specially designed instruction, and who is knowledgeable about the general education curriculum and knowledgeable about the availability of the school's resources;
- the student's current teacher of record (TOR);
- one of the student's general education teachers;
- the parent of the student if the student is less than 18;
- the student (if transition will be discussed or if the student is over 18 and no guardian has been appointed); and
- other individuals depending on the purpose of the CCC (as described in 511 IAC 7-27-3(e)).

The parent (and the school) may invite others to attend the CCC if he/she believes the individual has special knowledge or expertise about the student.

### How does the CCC make decisions?

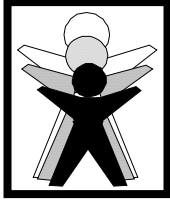
Though a CCC may be comprised of many individuals, the parent(s) and the school's representative are the key participants. Issues are discussed by all CCC members, but decisions are made by the parent(s) and the school's representative. Decisions are not made by a unanimous or majority vote or a consensus of all of the people attending the CCC. Agreement between the parent(s) and the school's representative is what counts, although others attending the CCC may offer a written opinion that differs from that agreement.

### What happens after the CCC meeting?

The school must send the parent a written report of the CCC meeting that describes who attended the meeting, any evaluations considered, what was discussed, any decisions made, the reasons for some of the decisions, and notice of the proposed placement or denial of placement. The parent must receive this report within 10 business days of the CCC meeting. The parent must provide written consent for the student's initial or change in eligibility, initial special education services, change of placement, or termination of services.

For more information about the CCC, see 511 IAC 7-27

## INDIVIDUALIZED EDUCATION PROGRAM (IEP)



An individualized education program (IEP) is the written plan that is developed by the CCC and describes the special education and related services to be provided to a student with a disability. The school must provide the services as stated in the IEP. Each student with a disability must have an IEP in effect at the beginning of each school year. Generally, an IEP cannot be more than 12 months old.

### **An IEP must state:**

- the student's present level of educational performance;
- measurable annual goals including benchmarks or short-term objectives;
- what special education, related services, supplementary aids and services, and program modifications or supports to be provided to the student;
- whether the student will participate in statewide or districtwide assessments including any necessary accommodations, and if not, what alternate assessment will be used;
- when the services will start and stop, as well as the length, frequency, and location of services
- an explanation of any situation in which the student will not participate with nondisabled students in educational, nonacademic, and extracurricular activities;
- how the student's progress will be measured and how the parent will be notified of the progress
- whether the student needs extended school year services;
- the transition services the student needs (if the student is at least 14 years old);
- what the student's placement will be in the least restrictive environment (LRE);
- that the student and parents have been informed of the transfer of rights when the student turns 18; and
- any additional services or devices necessary to provide a free and appropriate public education.

### **Parent consent**

Parents must provide consent for the school to provide special education services for the first time. Consent is also required for any change of placement that occurs after that. A "change of placement" is a change in:

- identification of a student's disability (including deciding that a student no longer has a disability);
- amount or location of services if the change affects the goals and objectives in the IEP; or
- the student's actual placement within the continuum.

Graduation from high school with a regular high school diploma is also considered a change of placement.

### **Implementing an IEP**

An IEP, developed by the CCC and agreed to by the parent, is considered an "agreed-upon IEP." The school must provide the services described in the agreed-upon IEP as written. The services must start on the beginning date listed in the IEP.

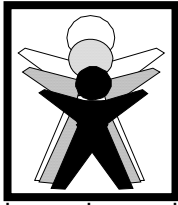
When a student with an IEP moves from one school district to another within Indiana, the school must implement the IEP immediately. A student with an IEP from another state who enrolls in an Indiana school is not automatically eligible for special education services in Indiana. The school must convene a CCC meeting within 10 instructional days to determine the student's eligibility, and if an IEP is developed, the IEP must be implemented within 10 instructional days from the CCC meeting.

The school must assign a teacher of record for each student with a disability. The student's teacher of record is responsible for many tasks, including monitoring the implementation of the student's IEP and providing needed technical assistance and consultation.

The parent or the school may request the CCC meet at any time if either believes the IEP is not working for the student. If the parent believes the school is not implementing the IEP as it is written, the parent may contact the local director of special education or file a complaint with the Division of Special Education.

For more information on IEPs, see 511 IAC 7-27-6; 7-27-7; and 7-27-8

## LEAST RESTRICTIVE ENVIRONMENT



Regardless of the student's disability, the student's special education and related services must be provided in the least restrictive environment, sometimes referred to as the LRE. LRE means that a student with a disability is educated with students without disabilities to the maximum extent appropriate for that student.

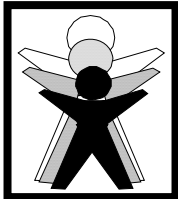
Unless the CCC determines otherwise, a student with a disability should attend the school he or she would attend if not disabled. A student with a disability should also be in classes and school buildings with his or her same age peers unless the CCC decides the student should be somewhere else. The CCC discussion of the least restrictive environment for the student should begin by considering the provision of services in the general education setting in the student's home school. Consideration for more restrictive environments should occur only as less restrictive placement options are determined inappropriate.

The school must make available to a student with a disability the educational programs and services that are made available to students without disabilities. The school must also provide a student with a disability an equal opportunity to participate with nondisabled students in nonacademic and extracurricular activities. This includes things such as:

- vocational education
- art
- music
- industrial arts
- home economics
- field trips
- meal periods
- recess
- athletics
- clubs
- employment assistance
- graduation ceremonies

The student may participate in any programs and activities available to nondisabled students unless the CCC determines otherwise the student may participate in programs or activities with nondisabled students. Reasons for a student not participating with nondisabled peers must be included in the IEP.

## SERVICES TO STUDENTS IN PRIVATE SCHOOLS



For students with disabilities whose parents have enrolled them in a private school (private, parochial, or home school), the public school must make available some special education services. A student who has been enrolled by his or her parent in a private school is not entitled to all of the services he or she would receive if enrolled in the public school – a FAPE.

The public school must evaluate any private school student referred for an educational evaluation and convene the case conference committee to determine if the student is eligible for special education services. If the student is eligible, the case conference committee develops an IEP in accordance with Article 7 IEP requirements. The school determines where the service will be provided – at the public school, the private school, or a neutral location.

Parents who have chosen to enroll their son or daughter in a private school:

- **may** file a complaint if they believe that the public school is not complying with special education laws.
- **may** request mediation or a due process hearing to resolve disagreements about identification, the appropriateness of an evaluation, or eligibility.
- **may not** request mediation or a due process hearing to resolve CCC disagreements about the type, length, frequency, duration, or location of services.

For more information on least restrictive environment, see 511 IAC 7-27-9  
For more information about services to students unilaterally enrolled in private schools, see 511 IAC 19

## TEACHER OF RECORD



Each student with a disability must have a teacher of record identified and assigned to him/her. The teacher of record must be appropriately licensed in the area of the student's disability. For disabilities such as autism, other health impaired, deaf-blind, and traumatic brain injury for which no state licensure is available, the teacher of record must be appropriately trained.

The teacher of record does not have to be one of the student's teachers of service. A teacher of service is one who actually provides instruction to the student. There may be several teachers of service, but there will be only one teacher of record for each student.

The teacher of record must:

- participate in the student's case conference committee meeting to assist in developing the IEP;
- provide direct or indirect services to the student according to the IEP;
- monitor IEP implementation and provide progress reports to parents;
- make sure the IEP is available to teachers and others who implement the IEP;
- tell each teacher and service provider of his or her service responsibilities in implementing the IEP;
- make sure that supplementary aids and services and modifications and supports are provided as required in the IEP;
- serve as consultant and resource person to those who serve the student;
- make sure that accommodations on state and district-wide assessments are implemented in accordance with the IEP; and
- participate in the ongoing or three-year reevaluations of the student.

## RELATED SERVICES



Related services are services that are supplemental to the student's instructional program. Related services may be of a developmental, corrective, or supportive nature.

The case conference committee decides if a student needs related services in order to benefit from special education. Related services cannot be provided if the student is not receiving any special education services.

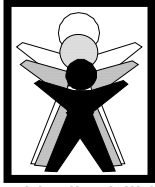
**Related services include (but are not limited to):**

- Audiological services
- Counseling
- Early identification and assessment
- Medical services for evaluation
- Occupational therapy
- Orientation and mobility services
- Parent counseling and training
- Physical therapy
- Psychological services
- Recreation services
- Rehabilitation counseling
- School health services
- Social work services in schools
- Transportation
- Other supportive services

The IEP must state the type of special education and related service to be provided, when the service will begin and end, how frequently the service will be provided (daily, weekly, monthly, etc.), the length of the service (15 minutes, 30 minutes, one hour, etc.), and where the service will be provided. The IEP should be specific enough so that both parents and staff can easily tell how much of a particular service the student should be receiving at any one time.

For more information on teacher of record, see 511 IAC 7-17-72 and 7-27-7  
For more information on related services, see 511 IAC 7-28

## EARLY CHILDHOOD SPECIAL EDUCATION



The school must make a free appropriate public education available to any student with a disability beginning at the student's third birthday. Some students may have participated in an early intervention program for infants and toddlers and, at the age of 3, if eligible, will transition to early childhood special education provided by the school. Participating in an early intervention program is not a requirement for receiving early childhood special education services when the student turns 3. Early childhood special education is available for students with disabilities from the student's third birthday until the student is eligible for kindergarten.

### Transition into early childhood special education

If the student has been participating in an early intervention program, such as First Steps, there is to be a "transition planning conference" prior to the student's third birthday. The school is required to participate in this conference as long as the parents agree to the school's participation.

By the time of the student's third birthday, the school must have:

- completed its evaluation of the student;
- convened the CCC to determine the student's eligibility for special education services;
- developed an IEP (if the student is determined eligible); and
- begun implementing the student's IEP.

If the student's third birthday occurs during the summer, services must be provided during the summer if the student's IEP requires extended school year services. Otherwise, the IEP should indicate that services will start at the beginning of the school year.

### Early childhood special education services

The CCC determines how many hours per day and how many days per week of instructional time, as well as any related services, the student needs. A student who needs full-time special education instruction must receive at least 12½ hours of special education services per week.

A public school early childhood special education program that is designed primarily for students with disabilities can have no more than 10 students with disabilities, although the program may have more than a total of 10 students (students with and without disabilities) as long as the number of students with disabilities does not exceed 10. Each early childhood special education program must have one teacher and one instructional assistant when there are eight or fewer students with disabilities. If there are 9 or 10 students with disabilities, there must be one teacher and two instructional assistants.

The choice of placement options for early childhood special education programs includes:

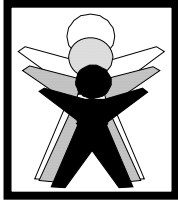
- community programs designed primarily for students without disabilities;
- programs designed primarily for students with disabilities that are located in a general education or community setting;
- home-based services; and
- separate facilities.

### Developmental delay

A 3 year old, 4 year old, or 5 year old (who is not yet eligible for kindergarten) may be eligible for special education as a student with a developmental delay. A developmental delay is defined as a delay in the student's development of gross motor, cognitive, receptive or expressive language, social or emotional, self-help, or other adaptive skills. To be eligible for special education services as a student with a developmental delay, the degree to which a student's skills are delayed must meet specific criteria.

For more information on early childhood special education, see 511 IAC 7-21-4 and 7-28-2  
For more information on developmental delay, see 511 IAC 7-26-5 and 7-25-4

## TRANSITION FROM SCHOOL TO ADULT LIFE



When a student turns 14 (or earlier if the CCC determines it to be appropriate), the CCC must begin to plan for the student's transition from high school to adult life. Identifying what the student needs to successfully make the transition from high school depends on the student's post-secondary plans. Such plans might include post-secondary education, vocational training, employment, adult services, and/or independent living.

Any time the CCC meets to discuss transition services, the student must be invited. If the student does not attend the CCC, the school must make sure that the student's preferences and interests are considered in the student's absence. If other agencies may be providing or paying for transition services, representatives from those agencies must be invited to the CCC meeting. If the representative cannot attend in person, the school will make alternative arrangements for the representative's participation.

### What must be included in the student's IEP regarding transition?

- Beginning at age 14, the IEP must include a statement of the student's *transition service needs*, based on career considerations and the student's course of study and indicate whether the student will pursue a high school diploma or a certificate of completion.
- At age 16, the IEP must include a statement of the student's *needed transition services* that will guide the student's course of study and special education services, including:
  - a coordinated set of activities designed to promote a successful transition from the school setting to post-secondary activities, consisting of instruction, related services, community experiences, development of adult living objectives and/or acquisition of daily living skills;
  - ✓ designation of individuals or agencies responsible for implementing the activities before the student leaves school; and
  - ✓ an indication of the student's need for adult services provided by state or local agencies after the student leaves school.
- At age 17, the IEP must include a statement that the student and parent have received written notice that all rights will transfer to the student when the student turns 18.

If the student's IEP states that another agency is responsible for providing transition services and that agency fails to provide the services, the school must reconvene the CCC to determine an alternate strategy for providing those transition services.

### What is the difference between *transition service needs* and *needed transition services*?

***Transition service needs*** generally refers to courses of study that will help the student achieve his or her desired post-school goals (such as participation in advanced-placement courses or vocational education).

***Needed transition services*** refers to things such as specific instruction, related services, community experiences, and development of employment and other post-school adult living objectives.

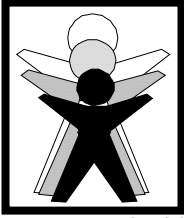
## TRANSFER OF RIGHTS AT THE AGE OF MAJORITY

When a student reaches his or her 18<sup>th</sup> birthday (the age of majority), all special education rights given to parents under the state and federal special education laws transfer to the student unless a court has appointed a guardian for the student. If a parent believes the student needs a guardian and wants to become the guardian, the parent must petition the court to be appointed. Students who have reached the age of majority are entitled to make decisions about their own education, such as the right to consent to an evaluation or a change of placement and request a CCC meeting, mediation or a due process hearing.

At a CCC meeting before the student turns 17, the school must provide the student and the parent with written notice that the rights will transfer at the age of 18. The school must also provide the student and the parent with written notice of the transfer of rights at the time the student turns 18. Although the parent will continue to receive notice of the CCC meetings and may attend, the student has the decision-making authority unless a guardian has been appointed for the student.

For more information on transition and transfer of rights, see 511 IAC 7-28-3 and 7-28-4

## DISCIPLINE



In being a partner with the school, it is important to read and understand the school's rules!

### **Suspension**

A student with a disability may be suspended:

- for up to ten consecutive school days for the same reasons as a student without a disability may be suspended.
- for additional periods of suspension for up to ten consecutive school days for

separate incidents of misconduct.

The school is not required to provide educational services during the first ten days of suspension.

After the total number of days of suspension reaches ten days in a school year, the school must:

- provide educational services to the student during the suspension whether the suspension is served in school or at home. The school principal and the student's special education teacher decide what educational services will be provided.
- convene the CCC within ten business days to develop a plan for a functional behavioral assessment (if the student does not have a current behavioral intervention plan) or review the current behavioral intervention plan for needed changes.

### **Expulsion**

A student with a disability may be expelled for the same reasons as a student without a disability. However, before a student with a disability can be expelled, the CCC must meet to determine if the student's misconduct is a manifestation of or caused by the student's disability, an inappropriate IEP or placement, or the failure to appropriately implement the IEP.

If the CCC determines the student's misconduct was not caused by the disability or problems with the IEP, the student may be expelled in accordance with school policy. If the student is expelled, the school must provide educational services to the student during the period of expulsion. The CCC determines what services must be provided.

If the CCC determines the student's misconduct was caused by the disability or problems with the IEP, the student may not be expelled. The CCC must review the student's current placement and IEP and determine what changes are needed to address the student's needs.

If a parent disagrees with the CCC about the manifestation determination, the parent may request mediation or an expedited due process hearing.

### **Interim Alternative Educational Setting (IAES)**

A student with a disability may be moved to an *interim alternative educational setting* for up to 45 calendar days if the student:

- carries a weapon to school or to a school function, or
- knowingly possesses or uses illegal drugs at school or at a school function, or
- sells or solicits the sale of a controlled substance while at school or a school function.

In the case of a weapon or drug offense, the school makes the decision that the student will be moved to an IAES, but the CCC determines where the actual placement will be. The parent may request mediation or an expedited due process hearing if the parent disagrees with the IAES placement proposed by the CCC.

An IAES may also be used if the school believes the student poses a substantial risk of harm to himself or others if the student remains in or returns to the placement identified in the student's IEP. If the school and the parents cannot agree on a change of placement for the student, the school may request an expedited due process hearing and ask a hearing officer to change the student's placement to an IAES. The student may not be placed in an IAES unless the hearing officer orders it.

### **Functional Behavioral Assessment and Behavioral Intervention Plan**

A Functional Behavioral Assessment (FBA) is the organized collection and analysis of information about a student's behavior in order to:

- clearly define and describe the problem behaviors;
- understand the conditions under which the problem behaviors occur;
- determine why the problem behavior occurs; and
- understand what individual factors, such as lack of personal or academic skills, impact the occurrence of the problem behaviors.

A Behavioral Intervention Plan (BIP) is developed by the CCC and describes what modifications, positive intervention strategies, and skill instruction will be used in an effort to change the student's behavior. The BIP is developed from the information gathered in the FBA.

The CCC must meet within 10 business days of expulsion, placement in an interim alternative educational setting, or the 11<sup>th</sup> cumulative day of suspension in order to:

- develop a plan for a functional assessment the student's behavior if no FBA been conducted or if the student does not have a BIP; or
- review and revise an existing BIP.

### **Manifestation Determination**

A manifestation determination is a decision by the CCC about whether a student's misconduct is a manifestation of (caused by) the student's disability, an inappropriate IEP or placement, or the school's failure to implement the IEP as written.

The CCC must meet within 10 instructional days of expulsion or placement in an interim alternative educational setting to make a manifestation determination. This meeting may occur at the same time the CCC meets to discuss an FBA and a BIP. The local special education director or his/her designee must serve as the public agency representative to the CCC.

The CCC must review all relevant information and determine:

- whether the student's IEP and placement are appropriate;
- whether the student's IEP was implemented as written;
- whether the student's disability impaired his/her ability to understand the impact and consequences of the misbehavior; and
- whether the student's disability impaired his/her ability to control the misbehavior.

If the CCC determines that the student's misconduct is a manifestation of or caused by the student's disability, the student may not be suspended or expelled (see **Expulsion** on previous page).

### **Protections for Students not yet Eligible for Special Education**

A student being subjected to school discipline, who has not yet been identified as eligible for special education, may be covered by the protections of Article 7 and the IDEA '97 if the school has knowledge that the student may be a student with a disability.

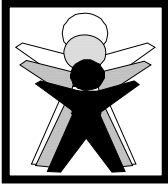
A school may have knowledge that the student may have a disability if:

- the parent has expressed concern in writing to the school that the student needs special education;
- the student's behavior or performance demonstrates a need for special education services;
- the parent has requested an evaluation of the student; or
- the student's teacher or other certified personnel has expressed concern to the local director of special education about the student's performance.

If the parent requests an educational evaluation of the student after the student is subjected to disciplinary proceedings, the evaluation must be conducted and a CCC convened within 20 instructional days (instead of the usual 60 instructional days). If the student is determined to be a student with a disability, the student is afforded all of the protections of state and federal special education laws.

For more information on discipline, see 511 IAC 7-29

## PROCEDURAL SAFEGUARDS



The notice of procedural safeguards is sometimes referred to as the notice of parent rights. The notice must contain information about the following:

- the right to meet with school personnel to discuss a variety of issues;
- the requirement of parental consent for evaluations, initial special education services, and for a change of placement;
- the right to participate as a member of the case conference committee (CCC);
- how to obtain a copy of the initial educational evaluation report prior to the CCC meeting;
- the right to request a CCC meeting;
- the right to request an evaluation;
- the right to receive prior notice of action proposed by the school related to the student's special education services;
- the right to obtain an independent educational evaluation at the school's expense;
- the right to have the student placed in the least restrictive environment, as determined by the CCC;
- the right to review, challenge, amend, and consent to disclosure of the student's educational record;
- how to request mediation or a due process hearing to resolve a disagreement in the CCC;
- how to file a complaint;
- the requirements for placing the student in a private school at the public school's expense;
- the procedures for appointing an educational surrogate parent;
- the protections for a student who has not yet been determined eligible for special education services;
- the protections and procedures for students placed in an interim alternative educational setting (IAES);
- the transfer of rights to the student when the student turns 18; and
- the names and addresses of agencies who may provide assistance in understanding Article 7.

The school must give the parent a copy of the notice of procedural safeguards when the student is referred for an initial educational evaluation;

- sending the parent a notice of a CCC meeting;
- the student is reevaluated;
- a due process hearing has been requested;
- a change of placement is proposed or denied;
- the school decides to place the student in an interim alternative educational setting (IAES); and
- the school files expulsion charges.

## CONFIDENTIALITY OF EDUCATIONAL RECORDS



When a parent asks to review the student's educational record, the school must allow the parent access to the record:

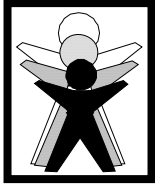
- before any meeting about the student's IEP, interim alternative educational setting, CCC for a manifestation determination, or due process hearing; or
- in all other cases, within 45 calendar days.

Under the Family Educational Rights and Privacy Act (FERPA), the school must generally obtain consent to disclose personally identifiable information from a student's educational record. However, there are situations in which parental consent is not required, and the school is permitted to release information without consent.

If there is information in the student's educational record that the parent believes is inaccurate, misleading, or otherwise a violation of the student's rights, the parent may request, in writing, that the information be changed or deleted. The school has 10 business days to decide if it will amend the information as the parent requests. If the school declines to amend the information, the parent may request a hearing to decide whether the educational record should be changed. This hearing is different from a special education due process hearing. The school must tell the parent how to request a hearing, as well as the procedures for the hearing.

For more information on procedural safeguards, see 511 IAC 7-22-1  
For more information on confidentiality of educational records, see 511 IAC 7-23

## INSTRUCTIONAL AND ASSESSMENT ACCOMMODATIONS



Students with disabilities may require instructional and assessment accommodations. An *accommodation* is different from a *modification*. Generally, accommodations “level the playing field” for students with disabilities. *Accommodations* do not change what is being taught or tested, but accommodate the individual’s special needs. For example, a student might be allowed to take more time to finish a spelling test. *Modifications* actually change what is being taught or tested. For example, a student’s spelling list might be modified to include only 10 words rather than 20 words, or a student might be given 2 choices instead of 4 on a multiple choice test.

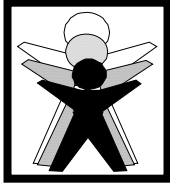
Accommodations that are utilized during statewide, district-wide, or other testing should have a relationship to the accommodations that are used for instructional purposes. Accommodations in testing should generally not be allowed in situations where the student does not require the accommodation in instructional settings. Some standardized tests don’t allow the use of certain accommodations because the accommodations may affect the validity or reliability of the test. Though certain accommodations may be permitted in standardized testing situations, modifications are generally not permitted as this would actually change what is being tested.

Testing and instructional accommodations must be described in the student’s IEP or, if the student is served through Section 504 of the Rehabilitation Act, in the written service plan.

### EXAMPLES OF ACCOMMODATIONS (actual accommodations allowed on tests will vary)

- ✓ Student has additional breaks as needed
- ✓ Test is administered in several sessions
- ✓ Student uses word processor/electric Braille writer (without access to spell-check or grammar-check)
- ✓ Student has special lighting, seating, furniture or assistive technology environmental control
- ✓ Student is tested individually
- ✓ Student is tested in a small group
- ✓ Student uses visual magnification device, large print or expressive/receptive assistive technology device
- ✓ Student has directions read or signed to him
- ✓ Student is provided auditory amplification devices and/or noise buffers
- ✓ Student is provided extended test time (but not unlimited time)
- ✓ Student responds orally or signs to an interpreter
- ✓ Student uses Braille version of the assessment
- ✓ Student has access to a scribe for writing dictated or signed responses
- ✓ Student has access to a calculator, but must show work
- ✓ Student is provided additional examination examples
- ✓ Questions are read to the student (though reading comprehension measures may not be read in many standardized testing situations)

## FILING A COMPLAINT



A complaint is a claim that the school:

- has violated federal or state special education laws; or
- has failed to comply with an order issued by an independent hearing officer or the Board of Special Education Appeals.

A complaint may be filed by any individual, group of individuals, or organization.

The alleged violation must have occurred within the year before the complaint is filed, unless the alleged violation involves an ongoing problem. If you believe the student should have compensatory services because of the ongoing violation, the alleged violation must have occurred within the past three years.

A complaint is NOT used to resolve a disagreement within the case conference committee regarding the identification, evaluation, placement, or educational program of a student.

A complaint must:

- be in writing,
- describe the action that you believe is a violation and any related facts,
- be signed by the individual filing the complaint, and
- be faxed, mailed, or hand delivered to the Division of Special Education.

A complaint investigator (assigned by the Division):

- talks with the individual filing the complaint, as well as school personnel;
- reviews all information and documentation available and determines whether a violation occurred;
- writes a report that includes findings of fact and conclusions about whether a violation occurred;
- identifies any corrective action the school is required to take and the deadline for completing the corrective action; and
- mails the report to the school and the individual filing the complaint within 30 calendar days from the date the Division received the complaint (unless an extension of time is granted).

### SAMPLE COMPLAINT LETTER

March 4, 2000

Indiana Department of Education  
Division of Exceptional Learners  
Room 229 State House  
Indianapolis, IN 46204-2798

Dear Director:

This is to inform you that, in my opinion, the ABC School Corporation is not complying with Indiana's requirements for a free appropriate public education for Billy Smith, as stated in Article 7. I am filing a complaint because I believe the following practices or actions are in violation of Article 7:

Billy's IEP says that he is to get speech therapy 3 times each week for 30 minutes each time. He actually gets only 15 minutes of speech therapy twice a week.

Please investigate this matter and notify me of your response.

Sincerely,

*[Signature]*

Jane Smith  
617 Walnut Street  
Circle City, IN 5555  
(222) 123-4567

The school and the individual filing the complaint have 15 calendar days from receiving the complaint report to ask the Director of the Division of Exceptional Learners to reconsider (review) the report if either believes the report contains errors. The request for reconsideration must be submitted in writing and identify the errors.

In a reconsideration, the Director of the Division of Exceptional Learners:

- reviews the file and any new information and determines if the original report contains errors.
- issues a revised complaint report if errors are found.
- issues a letter of response if no errors are found.
- has until the 60<sup>th</sup> calendar day from the date the complaint was received to issue a revised report or letter of response.

The complaint investigator ensures that the school complies with the corrective action.

For more information about complaints, see 511  
IAC 7-30-2

**MEDIATION**



Mediation:

- may be used when parents and the school cannot reach agreement through the case conference committee process or other means.
- may be used to resolve disagreements between the parent and the school about the student's identification, evaluation, placement or program.
- allows an impartial trained mediator to help the parent and the school reach an agreement on the issues raised.
- is a voluntary process and both the parent and the school must agree to meet with the mediator in order for the mediation to occur.
- is conducted locally at no cost to either party.
- is confidential.
- may be requested before or at the same time as a request for a due process hearing.
- may NOT be used to delay or interfere with a due process hearing.

A Request for Mediation form:

- may be obtained from your local special education office or from the Division of Exceptional Learners;
- must be completed and signed by both the parent and the school representative; and
- must be faxed, mailed, or hand delivered to the Division of Exceptional Learners.

The mediator:

- is specially trained and has knowledge of special education and the needs of students;
- is assigned by the Division of Exceptional Learners;
- works with the parent and the school to schedule a convenient date, time, and location for the mediation;
- helps the parent and the school identify and talk about the issues causing the disagreement;
- gives everyone the opportunity to present his or her point of view;
- helps the parent and the school look at what they have in common; and
- helps the parent and the school find a solution to the disagreement that is acceptable to both sides.

If the mediation process results in full or partial agreement, the mediator will prepare a written mediation agreement that must be signed by both the parent and the school's representative. In addition to describing the things the parties agreed to, the mediation agreement will state that all discussions that occurred during the mediation are confidential and may not be used as evidence in a due process hearing or other civil court proceeding. The signed agreement is legally binding on both parties and is enforceable in court.

<i>MODEL REQUEST FOR MEDIATION</i>	
Student's Name _____	
Date of Birth _____	Disability _____
School Corporation _____	Planning District _____
We request that a mediator be assigned to assist in resolving disagreements regarding: ***Please number the issues***	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">                 Has a due process hearing been requested in addition to mediation?    <input type="checkbox"/> Yes    <input type="checkbox"/> No                  The mediation process will not deny or delay a due process hearing or other rights.             </div>	
I understand that mediation is voluntary. This Request for Mediation cannot be sent to the Indiana Department of Education, Division of Exceptional Learners until both School and Parent/Guardian agree to participate.	
My signature indicates that I agree that discussions during the mediation process are confidential and may not be used in any subsequent due process hearing or court case.	
Signature of Schl. Corp. Rep. _____	Signature of Parent/Guardian _____
Printed Name and Title of Rep. _____	Printed Name of Parent/Guardian _____
Street Address _____	Street Address _____
City    State    Zip Code _____	City    State    Zip Code _____
Telephone ( ) _____	Telephone ( ) _____
Home	Work
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <b>MAIL TO: INDIANA DEPARTMENT OF EDUCATION, DIVISION OF EXCEPTIONAL LEARNERS Room 229 State House, Indianapolis, IN 46204 OR FAX TO: (317) 232-0589</b> </div>	

For more information about mediation, see 511 IAC 7-30-1

## DUE PROCESS HEARING



A due process hearing may be requested:

- only by the parent, the school, or the Department of Education;
- when there is a disagreement within the case conference committee regarding the student's identification, evaluation, placement or educational program; or
- when the school denies a parent's request for reimbursement for educational services.

A request for a due process hearing must be made within two years of the date that a party knew or should have known about the alleged action forming the basis of the disagreement. This two year limit does not apply to a parent if the parent was prevented from requesting the hearing due to specific misrepresentations made by the school that it had resolved the disagreement or if the school withheld pertinent information from the parent.

To request a due process hearing, a person must send a **signed**, written request to the addresses set forth below in the left-hand column of the chart. The request must contain all of the information set forth below in the right hand column of the chart.

<b>DUE PROCESS HEARING</b>	
<b>What information is needed</b>	<b>The request must be sent to:</b>
<ul style="list-style-type: none"> <li>• The name, address, and telephone number and relationship to the child (parent, guardian, etc) of the person requesting the hearing;</li> <li>• The child's name and address (if different);</li> <li>• The name of the school corporation and the school the child attends;</li> <li>• A statement of the reason for the hearing request, including a description of the problem and a statement of the facts relating to the problem; and</li> <li>• A proposal for resolution of the problem, to the extent known to you.</li> </ul>	<p>Indiana Department of Education Division of Exceptional Learners Room 229, State House Indianapolis, IN 46204-2798 Phone: (317) 232-0570 Fax: (317) 232-0589</p> <p style="text-align: center;"><b>AND</b></p> <p>Dr. Suellen K. Reed Superintendent of Public Instruction Indiana Department of Education Room 229, State House Indianapolis, IN 46204-2798 Fax: (317) 232-8004</p> <p style="text-align: center;"><b>AND</b></p> <p>Superintendent of the school corporation or public agency that serves the child.</p>

A model form to assist with a request for a due process hearing is set forth on page 20.

After receiving a hearing request, the Division of Exceptional Learners, on behalf of the Superintendent of Public Instruction, appoints an independent hearing officer. The independent hearing officer must be an impartial individual who has received training to serve in this capacity.

Within 10 days of receiving a request for a due process hearing:

- The non-requesting party must provide a written response ("answer") to the hearing request specifically addressing the issues identified in the hearing request.
- If the non-requesting party is the school, it must (if it has not already done so) provide prior written notice to the parents on the subject matter of the hearing request.

Within 15 days of receiving a request for a due process hearing:

- If the non-requesting party believes that the requesting party's hearing request did not contain all of the necessary information listed above, the non-requesting party may send notice to the independent hearing officer and the requesting party of its belief. Within 5 days of receiving this notice of insufficiency, the independent hearing officer must make a decision on the sufficiency of the hearing request and immediately notify the parties in writing.

- If the party requesting a hearing is a parent, the school must convene a meeting called a resolution session with the parent and relevant members of the CCC, including a public agency representative, to allow the parents to discuss the facts that form the basis of the hearing request and provide the school with an opportunity to resolve the issues. The school's attorney may not attend the resolution session unless the parent's attorney attends. The resolution session may be waived by mutual written consent of the school and the parent OR if the parent and school agree to mediate.

Within 30 days of receiving a request for a due process hearing:

- If a resolution session or mediation does not resolve the dispute, a due process hearing can proceed, and a 45-day timeline for the due process hearing begins.
- If the matter is resolved, the parties must execute a legally binding agreement, signed by both parties that shall be enforceable in court. Either party may void the agreement within three business days of executing the agreement.

Within 45 days of the determination that the dispute has not been resolved:

- A hearing must be conducted and a written decision rendered unless the hearing officer grants a party's request for an extension of time.
- Mediation may occur during this time, but may not delay the timelines.

At the hearing, both parties may call witnesses and present documents. The independent hearing officer will conduct the hearing in accordance with Article 7 and state law governing administrative hearings.

Both parties have the right to:

- be accompanied and advised by legal counsel or other advocate;
- present evidence, call witnesses, question the other party's witnesses;
- require that witnesses be separated;
- be provided an interpreter or other accommodations, if necessary; and
- obtain a copy of the written decision at no cost.

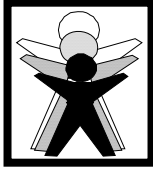
The parent has the right to:

- have the student attend the hearing;
- have the hearing open or closed to the public;
- inspect the student's educational records prior to the hearing;
- recover attorney's fees if it is determined that the parent ultimately prevailed at the hearing; and
- obtain a transcript of the proceedings at no cost.

If either party disagrees with the written decision of the independent hearing officer, the party has 30 calendar days from the date of the receipt of the written decision to file a request for review by the Board of Special Education Appeals.

For more information on due process hearings and appeals, see 511 IAC 7-30-3 through 7-30-6 and 20 U.S.C. §1415 (b),(c), and (f)

## DUE PROCESS HEARING APPEAL



A parent or the school may appeal the independent hearing officer's written decision by requesting that the Board of Special Education Appeals review the hearing officer's decision or the procedures used to conduct the hearing.

The Board of Special Education Appeals is a three-member board appointed by the Superintendent of Public Instruction.

A petition for review of the decision of the independent hearing officer must:

- be filed within 30 calendar days of the date the party received the written decision from the independent hearing officer;
- be in writing;
- be filed with the Department of Education and the other party at the same time; and
- state the reasons the party believes the hearing officer's decision is wrong including identifying the findings of fact, conclusions of law or orders the party believes are erroneous. If the party believes the hearing was not conducted according to state requirements, the party needs to state the reasons for that belief.

The other party may file a written reply to the petition for review, but must do so within 10 calendar days of receiving the petition for review.

The Board may request that the parent (or the parent's attorney if the parent is represented) and the school appear before it and present an oral argument on the issues. The Board must issue a written decision within 30 calendar days of the date the petition for review was filed. The written decision is sent to both parties and is final unless either party files an action in court within 30 calendar days of the date the party received the Board's written decision.

## EXPEDITED DUE PROCESS HEARING AND APPEAL



An expedited due process hearing may be requested when a parent disagrees with the CCC about a manifestation determination or an interim alternative educational setting. An expedited hearing may also be requested when the school believes a student poses a substantial risk of harm to him/herself or others if the student returns to the placement identified in the student's IEP. An expedited due process hearing must be completed within 10 business days (instead of 45 calendar days). An appeal of an expedited hearing must be requested within 3 business days of receipt of the hearing officer's written decision. The Board of Special Education Appeals must make its decision within 10 business days of receiving the request for review.

### SAMPLE PETITION FOR REVIEW

Date

Superintendent of Public Instruction  
Indiana Department of Education  
Room 229 State House  
Indianapolis, IN 46204

Dear Superintendent

This letter is to request that the Board of Special Education Appeals review the hearing officer's decision in hearing #1234 that was issued on May 1, 2000. The hearing was to determine the appropriate placement for my daughter.

I believe the following findings, conclusions, and orders are incorrect for the following reasons:

Finding of Fact #3 states that Jane's reading skills are at the third-grade level. However, the independent evaluation report states that Jane is reading at slightly above first-grade level and is not prepared for academics at the third-grade level. The first progress report from the classroom teacher states that Jane has great difficulty reading the third-grade texts.

Finding of Fact #4 states that Jane receives one-to-one reading instruction three days a week from the remedial reading teacher in accordance with her IEP. However, the teacher testified and the teacher's logs show that Jane gets reading instruction in a small group with three other children two days a week.

Conclusion #1 states that, based on her reading level and individual instruction, Jane's placement in the third grade is appropriate. In Order #1, the hearing officer ordered her continued placement in the third grade classroom. The conclusion and order are based on incorrect findings and, therefore, are inaccurate. The hearing officer's decision should be changed.

Sincerely,  
*Signature*  
Mary Jones  
448 Baker Street  
Circle City, IN 55555  
(222) 345-6789

cc: Superintendent, ABC School Corporation

For more information on due process hearings and appeals, see 511 IAC 7-30-3 through 7-30-6

Request for Due Process Hearing

Indiana Department of Education/Division of Exceptional Learners  
Rm. 229, State House Indianapolis, IN 46204  
Telephone: (317)232-0570 Fax: (317)232-0589

INSTRUCTIONS: Complete this form and mail or fax it to the Division of Exceptional Learners. NOTE: Requests without requester's signature will not be processed.

STUDENT INFORMATION

Name/Address of Student:	Age	Date of Birth (M/D/Y	Grade
Name/Address of Parent/Guardian (if different from above):		Home Telephone ( )	Daytime Telephone ( )

Name/Address of Attorney representing Student and Parent/Guardian: (If this section is completed, all information and Correspondence regarding due process will be forwarded to named.)

TELEPHONE: ( )

SCHOOL INFORMATION

Name of School Student attends:	
Name/Address of School Corporation:	Name/Address of School Corporation Attorney:

DISPUTE ISSUES

The dispute involves:

- The student's identification and eligibility for services under Article 7
- The appropriateness of the educational evaluation
- The appropriateness of the student's proposed or current level of special education services or placement
- The provision of a free appropriate public education for the student
- Reimbursement for services obtained by the parent

Please include the facts relevant to the dispute. Attach additional pages as necessary.

Briefly explain the resolution you are seeking:

EXPEDITED DISPUTE ISSUES (May only be requested in the instances listed below)

An expedited hearing can only be requested if: (Check applicable choice)

- The parent disagrees with a determination regarding the manifestation of a student's disability.
- The parent disagrees with the public agency's decision regarding the student's disciplinary change of placement under 511 IAC 7-29-3.
- The public agency is requesting a hearing because it is dangerous for the student to return to the current placement (placement prior to removal to the interim alternative educational setting) after the expiration of the student's placement in an interim alternative educational setting.

Briefly explain the resolution you are seeking:

PRINTED NAME OF REQUESTER

SIGNATURE OF REQUESTER

DATE

copy IDOE/DEL      copy to Dr. Reed      copy to superintendent/public agency

## SECTION 504 OF THE REHABILITATION ACT OF 1973



Section 504, prohibits discrimination on the basis of a physical or mental disability in programs that receive federal financial assistance. Because Indiana's public schools receive federal funds, they are required to comply with Section 504. Private schools receiving federal funds are also subject to Section 504. Schools must provide assurances of compliance with Section 504 and designate a person to serve as the 504 Coordinator.

Section 504 has some similarities to the Individuals with Disabilities Education Act (IDEA), although eligibility is broader than under the IDEA. Section 504 does not have specific eligibility categories as Article 7 does. Section 504 uses the term *qualified handicapped person* and includes any individual who:

- has a physical or mental impairment that substantially limits one or more major life activities (activities such as self-help, walking, seeing, hearing, speaking, learning, and working); OR
- has a record of such an impairment (such as a student who was once determined eligible for special education and related services); OR
- is regarded as having such an impairment.

A student may qualify for services under Section 504, even though he or she may not qualify under Article 7. For students who qualify under Section 504, the school must provide general or special education and related aids and services designed to meet the student's individual educational needs. The process for determining a student's eligibility under Section 504 is similar to the process in Article 7.

- A referral for evaluation is made by the parent or school personnel.
- A meeting is held to discuss the referral with the parent. Written parental consent is required to conduct an evaluation.
- Evaluation occurs and may include information gathered from a variety of sources.
- A conference is convened to:
  - ✓ discuss the evaluation information;
  - ✓ determine whether the student needs an evaluation for special education services;
  - ✓ determine whether the student is eligible for services under Section 504;
  - ✓ if eligible, identify needs, develop a plan for placement and services (sometimes called a "504 Plan"), and determine appropriate placement; and
  - ✓ fully explain parent and student rights.

Section 504 requires that the placement decision be made by a group of persons knowledgeable about the student, about the evaluation information, and about the placement/service options. The group may consist of only the parent and the school representative, or it may include other individuals with knowledge or information to share.

Section 504 does not require an annual review or a reevaluation every three years. However, under Section 504, a student's needs must be met and an evaluation must be done prior to any significant change of placement. The school corporation must have procedures for periodic reevaluations of students receiving services under a Section 504 Plan.

Section 504 requires the school to provide an opportunity for an impartial 504 due process hearing and a review or appeal of the hearing decision as a means of resolving disagreements. Hearing officers for a Section 504 hearing are appointed by the school. Mediation is not a requirement, but is encouraged. The cost of a Section 504 mediation, hearing, or appeal is paid by the school.

There is no state agency charged with monitoring or enforcing compliance with Section 504. The U.S. Department of Education's Office for Civil Rights (OCR) is responsible for ensuring school compliance with Section 504 and investigating complaints alleging discrimination. OCR's Midwestern Division serves Indiana.

Office for Civil Rights, Chicago Office  
U.S. Department of Education  
111 N. Canal Street, Suite 1053  
Chicago, IL 60606-7204  
(312) 886-8434; FAX (312) 353-4888; TDD (312) 353-2540  
Email: OCR\_Chicago@ed.gov

**RESOURCES**  
**and**  
**OTHER INFORMATION**

## **STUDENTS — YOUR CHANGING ROLE**

### **Planning for Your Future**

#### **When you're 14 and 15:**

You'll be invited to attend the case conference committee meeting (CCC) to talk about your future plans and services.

At the case conference committee meeting you will get to:

- talk about what you like to do now;
- talk about what you want to do in the future;
- help decide what classes and services you need to work toward your future goals;
- talk about taking the Graduation Qualifying Examination when you're in the tenth grade;
- help decide if you'll work toward a high school diploma or a certificate of completion.

Your parents and the school make the final decision about the plan and what you'll be doing in school.

#### **When you're 16 and 17:**

You'll be invited to attend the case conference committee meeting to talk about your interests and what you want to do.

At the case conference committee meeting you will get to:

- learn about community services and educational and vocational opportunities;
- talk about and help decide what services you need to help you with what you want to do in the future;
- help decide what classes, services, or activities you need to help you get a job, continue your education, learn new skills, or live on your own;
- help write a plan for the services that will help you achieve your goals for the future.

You'll get a notice telling you that, when you turn 18, you will make the final decision with the school about your education plan and services.

Until you turn 18, your parents and the school will make the final decision about the plan and the services. You and your parents need to begin planning now if your parents feel you will need someone to continue to help you make decisions once you turn 18.

#### **When you're 18:**

You will attend the case conference committee meeting as a partner with the school in deciding about your education plan and services. Your parents will be invited to attend the case conference committee meeting.

You and the school will make the final decision about your education plan and services. You may decide to ask your parents or someone else to help you in making decisions or your parents may decide to ask the court to appoint someone to make the decisions for you.

### **NOW YOU'RE 18!**

When you turn 18, you are considered an adult in many areas of your life. Things will change. Some of the things that change are at school.

You will be a partner with the school in your case conference committee (CCC) meetings.

- You'll get to decide with the school on the date, time, and place of the CCC.
- The school must send you a notice of the CCC meeting.
- The school must send you notice of procedural safeguards (your educational rights).
- The school must send a notice of the CCC to your parents.
- You may invite other people to go with you to the CCC.
- You may attend and participate in the CCC.

Your parents may attend the CCC.

You will make decisions about your individualized education program (IEP).

You and the school decide what goes in your IEP.

You decide if you agree with a change of placement and sign your name.

You decide if you agree with your IEP.

You receive a copy of your IEP.

If you disagree with the plan and services the school proposes in the IEP, you and the school may ask for mediation or you may request a due process hearing.

You have the right to make other decisions.

If the school wants to do an evaluation, you decide if you want to participate in the evaluation.

If the school wants to give a copy of your educational records to someone else (other than the school), you decide if you want the school to do that.

If you want the school to give your educational records to someone else, the school must get your written consent to do that.

If you think the school's evaluation is not accurate or incomplete, you may ask for an independent educational evaluation to be done.

Other things to remember:

You should ask questions to make sure you understand your IEP.

You may ask for a CCC meeting any time you think you need one.

You may look at your school records.

You may ask that the school's records be changed if they are not accurate or complete.

You may file a complaint if you believe the school is not following your IEP.

You may ask for assistance to file a complaint or to get mediation or to start a due process hearing.

You may ask someone to be your advocate in a CCC meeting, mediation, or due process hearing.

You will receive a copy of the report of any evaluation the school does for you.

You may continue to receive special educational services until your 22<sup>nd</sup> birthday unless you have received a high school diploma.

You may also call the Indiana Department of Education/Division of Exceptional Learners with questions at 317-232-0570 or 1-877-851-4106 (toll free).

## QUESTIONS AND ANSWERS ABOUT GUARDIANSHIP

Parents of a child with a disability who is quickly approaching the age of 18 have probably thought a great deal about what that child's life will look like as an adult. More than likely, the child's case conference committee has been discussing the various aspects of this issue during development and review of the child's transition services. Once an individual turns 18, the State of Indiana, in most respects, views that individual as an adult, unless a court has determined that the individual is **incapacitated**, and a guardian has been appointed. Sometimes the word "incompetent" is used instead of "incapacitated."

Guardianship may be a serious consideration for parents who believe that their child is not capable of caring for him/herself, managing his/her affairs, or making good decisions, despite being 18 years old (or older). Because becoming a guardian requires going to court and having the court find that the individual is unable to care for him/herself or manage his/her affairs, there are significant emotional and financial concerns associated with the decision. For many parents, it is a difficult decision to make. There are several alternatives available, and parents may want to talk with an attorney about what may be the best choice for the family. **The following provides some basic background information - it does not and should not take the place of sound legal advice.**

### GUARDIANSHIP

#### **What is a guardian?**

A guardian is a person, appointed by the court, to make decisions for and/or manage the affairs of an incapacitated individual. An individual who has been determined to be incapacitated and for whom a guardian is appointed is considered a "protected person." (IC 29-3-5-1 and IC 29-3-6-1) A parent of an adult child (over the age of 18) is not the guardian of that adult child unless formally appointed by the court. The court may permit a guardian to make decisions in all areas of the protected person's life, or it may limit the guardian's decision-making authority to a single area.

#### **What does it mean to be an "incapacitated" person?**

According to IC 29-3-1-7.5, this is a person who:

- \* cannot be located on reasonable inquiry;
- \* is unable to manage property or to provide self-care or both because of insanity, mental illness, mental deficiency, physical illness, infirmity, habitual drunkenness, excessive drug use, incarceration, confinement, detention, duress, fraud, undue influence of others on the individual, or other incapacity; or
- \* has a developmental disability according to IC 12-7-2-61, which is a severe and chronic disability that:
  - (i) is attributable to a mental impairment or physical impairment, or both (other than the sole diagnosis of mental illness);
  - (ii) is manifested before the person is 22 years of age;
  - (iii) is likely to continue indefinitely;
  - (iv) reflects the person's need for services that are of lifelong or extended duration and are individually planned and coordinated; and,
  - (v) results in substantial functional limitations in at least three of the following: self-care, receptive and expressive language; learning; mobility; self-direction; capacity for independent living; and economic self-sufficiency.

#### **How do I begin the guardianship process?**

A good place to start if you're thinking about guardianship is to talk with an attorney, particularly one who has experience in probate matters or family law. If you decide that obtaining guardianship is what you want to do, a *Petition for Appointment of Guardian* must be filed with the court. Any person may file a petition with the court asking for the appointment of a guardian. The petition must be filed in the county in which the alleged incapacitated person lives and contain certain information about the person for whom guardianship is sought, as well as the person who wants to become the guardian.

#### **What happens after the petition is filed?**

Once the petition is filed, the court will set a hearing date. The court may appoint an attorney to represent the person who is alleged to be incapacitated. If no attorney is appointed or the court determines an attorney is not adequately representing the person, the court must appoint a *guardian ad litem* for the person (see below). The person who is alleged to be incapacitated, as well as any person who has care and custody of that individual, must be notified that a petition has been filed and that the court will be making a decision about a guardian for the alleged incapacitated person.

The court will conduct a hearing. Generally, the person alleged to be incapacitated must be present at the hearing. However, there are certain circumstances in which the court may decide that the person does not have to attend. The individual who filed the petition for a guardian to be appointed must present evidence to the court about the nature of the person's alleged incapacity. Educational records, including evaluation reports may be useful. The person alleged to be incapacitated (or the person's attorney) may present other evidence showing that the person is not incapacitated. Based on the information provided, the court must determine whether the person is incapacitated. Once this determination is made, the court decides if the appointment of a guardian is necessary, if the individual asking to become the guardian would be an appropriate guardian, and whether the guardian's authority should be limited in any way.

When a guardian is appointed, the court makes a determination whether the guardian will be required to post a bond. After the guardian accepts the appointment (and posts bond, if required), *Letters of Guardianship* are issued. These "letters" identify the guardian and describe the guardian's authority for the protected person.

### **What is a guardian ad litem?**

A guardian ad litem is an individual, appointed by the court, to represent the legal interests of the person for whom the guardianship is being sought for the duration of the guardianship proceeding. The court must appoint a guardian ad litem if it determines that the person alleged to be incapacitated is not represented or is inadequately represented by an attorney. A guardian ad litem may be responsible for explaining the guardianship process and hearing procedures to the individual, as well as gathering information about the individual's situation and making a recommendation to the court regarding whether a guardian is needed. The person appointed as the guardian ad litem is not the same person who wants to become the guardian of the person. (IC 29-3-2-3)

### **Are there different types of guardianships?**

Yes. A **temporary guardianship** may be granted by the court for up to 60 days when an emergency exists, the welfare of the incapacitated person requires immediate action, and no other person appears to have authority to act in the circumstances. The court generally limits the authority of a temporary guardian to only that which is necessary to resolve the emergency situation. (IC 29-3-3-4)

A **limited guardianship** does exactly as its name indicates – it is designed to limit the responsibilities and powers of the guardian to specific areas. For example, a guardian may be able to make decisions about the protected person's money, but not about other things in the protected person's life. The protected person continues to have authority over all other decisions not specifically part of the limited guardianship. Any limitations on a guardian's authority are explained in the "Letters of Guardianship" that the court gives to the guardian upon being appointed. (IC 29-3-8-8) If a guardian's authority is not limited in any way, a guardian generally has full authority to handle all the affairs and make all decisions for a protected person.

### **What are the responsibilities and duties of a guardian?**

The guardian is responsible for the care and custody of the protected person, and the preservation of the protected person's property to the extent ordered by the court. The guardian must also report the physical and mental condition of the protected person to the court as ordered by the court. The guardian has a duty:

- \* to protect and preserve the property of the protected person;
- \* to conserve property in excess of the current needs of the protected person;
- \* to encourage self-reliability and independence of the protected person;
- \* to consider recommendations of the protected person's parent concerning the standard of care, support, education and training of the protected person; to know the protected person's capabilities, disabilities, and limitations, etc. (IC 29-3-8-3 and IC 29-3-8-4)

### **Can the guardian's responsibilities and duties be modified?**

Yes, but only the court may modify the guardian's responsibilities. The modifications may be initiated by the court, requested by the protected person, or any other person approved by the court. Modifications may include increasing or decreasing the guardian's responsibilities and powers and must be identified in revised Letters of Guardianship. (IC 29-3-8-8)

### **Is there any risk of liability for the guardian?**

Generally, a guardian is not personally liable on any contracts entered into in good faith under the order of the court, unless the guardian fails to reveal his or her representative capacity and identify that capacity in the contract. Furthermore, a guardian is not personally liable to the protected person or others for any act or omission in good faith or for any act or omission of the protected person or others acting on behalf of the protected person. The guardian can be personally liable for a breach of duty to the protected person.

**What are some of the possible costs involved in obtaining a guardianship?**

Costs vary by location but may include an attorney’s fees, as well as fees for filing the petition in court. Once appointed, a guardian may also charge for the services he/she provides on behalf of the protected person. (IC 29-3-9-3) If the guardian is required to file with the court an accounting of money spent on behalf of the protected person, the guardian may require the assistance of an attorney to help with the preparation and filing of the account. There may also be a hearing on the accounting. (IC 29-3-9-6.5)

**Is it possible to terminate a guardianship?**

Yes. There are several reasons why a guardianship may be terminated - the protected person is no longer incapacitated, the protected person dies, the guardian resigns, dies, or is removed by the court. Once a person is determined by the court to be an incapacitated person, the court may specify a minimum period of time, not to exceed one year, during which no petitions to have the protected person declared as no longer incapacitated may be filed without court approval. (IC 29-3-12-1 and IC 29-3-12-4)

The court may terminate a guardianship for various reasons, including:

\*The guardian becomes incapacitated.

- \* The guardian is disqualified, unsuitable or incapable of performing his or her duties.
  - \* The guardian has mismanaged the protected person’s property or money.
  - \* The guardian fails to perform any duty imposed by law or any lawful order of the court.
  - \* The protected person no longer resides in Indiana, and a new guardian has been appointed in another state.
  - \* The guardianship property does not exceed or is reduced to \$3,500.
  - \* The guardianship is no longer necessary for any other reason.
- (IC 29-3-12-1)

**PROTECTIVE PROCEEDINGS**

**What is a protective proceeding?**

In certain situations, the court may issue a protective order for the benefit of a “protected person,” rather than appointing a guardian. However, as part of the protective proceeding, the court must determine that the person for whom the protective order is sought is an incapacitated person, just like in a guardianship proceeding. The individual asking for the protective order must file a petition with the court. The alleged incapacitated person has the same rights in a protective proceeding as he/she does in a guardianship proceeding. (IC 29-3-4-1)

A protective order is issued only for management and protection of property owned by the person alleged to be incapacitated, and generally does not include authority for other decisions such as care and education. In issuing such a protective order, the court must determine that the person is incapacitated, and that:

- (a) The incapacitated person:
  - \* owns property or has income requiring management or protection that cannot otherwise be provided; or,
  - \* has or may have financial or business affairs that may be jeopardized or impaired; or,
  - \* has property that needs to be managed to provide for the support or protection of the incapacitated person.
- (b) The incapacitated person is unable to manage his property and financial or business affairs effectively; and,
- (c) The protection sought is necessary.

The court may terminate a protective order if it has expired or because it is no longer necessary.

## ORGANIZATIONS AND AGENCIES

### THE ARC OF INDIANA

22 East Washington Street, Suite 110  
Indianapolis, IN 46204  
Telephone: (317) 977-2375  
Toll free: (800) 382-9100  
Fax: (317) 977-2385

### COUNCIL OF VOLUNTEERS AND ORGANIZATIONS FOR HOOSIERS WITH DISABILITIES (COVOH)

8708 Swiftsail Court  
Indianapolis, IN 46256  
Telephone: (317) 845-9878  
Cell: (317) 507-9176

### FAMILY & SOCIAL SERVICES ADMINISTRATION

Division of Disability, Aging and Rehabilitative Services  
402 West Washington Street, Room W451  
Indianapolis, IN 46204  
Telephone: (317) 232-7000  
Toll free: (800) 962-8408 TTY  
(800) 545-7763 V  
Fax: (317) 232-1240

### DEPARTMENT OF CHILD SERVICES

402 West Washington Street, Room W392  
Indianapolis, IN 46204  
Telephone: (317) 232-4704  
Fax: (317) 232-4490

### Division of Mental Health

402 West Washington Street, Room W353  
Indianapolis, IN 46204  
Telephone: (317) 232-7845  
Toll free: (800) 901-1133  
Fax: (317) 233-3472

### FIRST STEPS

Division of Family and Children  
Bureau of Child Development  
402 West Washington Street, Room W386  
Indianapolis, IN 46204  
Telephone: (317) 232-1144  
Toll free: (800) 441-7837  
Fax: (317) 232-7948

### GOVERNOR'S PLANNING COUNCIL FOR PEOPLE WITH DISABILITIES

143 West Market Street, Suite 404  
Indianapolis, IN 46204  
Telephone: (317) 232-7770  
(317) 232-7771 TDD  
Fax: (317) 233-3712

### INDIANA DEPARTMENT OF EDUCATION

Division of Special Education  
Room 229, State House  
Indianapolis, IN 46204-2798  
Telephone: (317) 232-0570 V/TTY  
Toll free: (877) 851-4106  
Fax: (317) 232-0589

### INDIANA FEDERATION OF TEACHERS

5925 West 71<sup>st</sup> Street, Suite B  
Indianapolis, IN 46278  
Telephone: (317) 299-5395  
Toll free: (800) 732-1476  
Fax: (317) 299-5396

### INDIANA PARENT INFORMATION NETWORK (IPIN)

4755 Kingsway Drive, Suite 105A  
Indianapolis, IN 46205  
Telephone: (317) 257-8683 V/TTY  
Toll free: (800) 964-4746 V  
Toll free: (800) 838-1131 TTY  
Fax: (317) 251-7488

### INDIANA PROTECTION & ADVOCACY

4701 North Keystone Avenue, Suite 222  
Indianapolis, IN 46205  
Telephone: (317) 722-5555 V/TTY  
Toll free: (800) 622-4845 V  
Toll free: (800) 838-1131 TTY  
Fax: (317) 722-5564

### INDIANA RESOURCE CENTER FOR FAMILIES WITH SPECIAL NEEDS (IN\*SOURCE)

1703 South Ironwood Drive  
South Bend, IN 46613  
Telephone: (574) 234-7101  
Toll free: (800) 332-4433  
Fax: (574) 234-7279

### INDIANA SCHOOL BOARDS ASSOCIATION

1 North Capitol Avenue, Suite 1215  
Indianapolis, IN 46204  
Telephone: (317) 639-0330  
Fax: (317) 639-3591

### INDIANA SCHOOL FOR THE BLIND

7725 North College Avenue  
Indianapolis, IN 46240-2504  
Telephone: (317) 253-1481  
Fax: (317) 251-6511

### INDIANA SCHOOL FOR THE DEAF

1200 East 42<sup>nd</sup> Street  
Indianapolis, IN 46205  
Telephone: (317) 924-4374 V/TTY  
Fax: (317) 923-2853

### INDIANA SPECIAL OLYMPICS

5648 West 74<sup>th</sup> Street  
Indianapolis, IN 46278  
Telephone: (317) 328-2000  
Toll free: (800)742-0612  
Fax: (317) 328-2018

**INDIANA STATE DEPARTMENT OF HEALTH**

2 North Meridian Street  
 Indianapolis, IN 46206  
 Telephone: (317) 233-1325  
 (317) 233-5577 TTY  
 Toll free: (800) 433-0746  
 Fax: (317) 233-7387

**INDIANA STATE TEACHERS ASSOCIATION**

150 West Market Street, Suite 900  
 Indianapolis, IN 46204  
 Telephone: (317) 263-3400  
 Toll free: (800) 382-4037  
 Fax: (317) 655-3700

**MENTAL HEALTH ASSOCIATION OF INDIANA**

55 Monument Circle, Suite 455  
 Indianapolis, IN 46204  
 Telephone: (317) 638-3501  
 Toll free: (800) 555-6424  
 Fax: (317) 638-3540

**INDIANA INSTITUTE ON DISABILITY AND COMMUNITY** (formerly ISDD)

2853 East 10<sup>th</sup> Street  
 Bloomington, IN 47408-2696  
 Telephone: (812) 855-6508

**INDIANA RESOURCE CENTER ON AUTISM**

2853 East 10<sup>th</sup> Street  
 Bloomington, IN 47408-2696  
 Telephone: (812) 855-6508

**INTERNET WEBSITES**

Arc of Indiana	<a href="http://www.arcind.org">www.arcind.org</a>
Council of Volunteers and Organizations for Hoosiers with Disabilities (COVOH)	<a href="http://www.acscp/us.comcovoh/INDEX.HTM">www.acscp/us.comcovoh/INDEX.HTM</a>
Family & Social Services Administration links to: First Steps Division of Disability, Aging, & Rehab Division of Mental Health	<a href="http://www.in.gov/fssa">www.in.gov/fssa</a>
Governor's Planning Council for People with Disabilities	<a href="http://www.in.gov/gpcpd">www.in.gov/gpcpd</a>
Indiana Department of Child Services	<a href="http://www.in.gov/dcs">www.in.gov/dcs</a>
Indiana Department of Education	<a href="http://www.doe.state.in.us">www.doe.state.in.us</a>
Indiana Division of Special Education	<a href="http://www.doe.in.us/exceptional/welcome/html">www.doe.in.us/exceptional/welcome/html</a>
Indiana Parent Information Network (IPIN)	<a href="http://www.ai.org/ipin/info.html">www.ai.org/ipin/info.html</a>
Indiana Professional Standards Board	<a href="http://www.in.gov/psb">www.in.gov/psb</a>
Indiana Protection & Advocacy	<a href="http://www.in.gov/ipas">www.in.gov/ipas</a>
Indiana Resource Center for Families with Special Needs (IN*SOURCE)	<a href="http://www.insource.org">www.insource.org</a>
Indiana State School Boards Association	<a href="http://www.isbs-ind.org">www.isbs-ind.org</a>
Indiana Special Olympics	<a href="http://www.specialolympicsindiana.org">www.specialolympicsindiana.org</a>
Indiana State Department of Health	<a href="http://www.in.gov/isdh">www.in.gov/isdh</a>
Indiana State Teachers Association	<a href="http://www.istain.org">www.istain.org</a>
US Department of Education	<a href="http://www.ed.gov">www.ed.gov</a>
– Office of Civil Rights	<a href="http://www.ed.gov/offices/OCR">www.ed.gov/offices/OCR</a>
-- Office of Special Education Programs	<a href="http://www.ed.gov/offices/OSERS/OSEP">www.ed.gov/offices/OSERS/OSEP</a>
– Family Policy Compliance Office (FERPA)	<a href="http://www.ed.gov/offices/OM/fpco">www.ed.gov/offices/OM/fpco</a>

**LOCAL SPECIAL EDUCATION CONTACT NUMBERS – 2005/2006 SCHOOL YEAR**

Adams-Wells Sp Svs 260/824-5880	Gibson-Pike-Warrick Sp Ed. 812/7354-3627	New Albany-Floyd Co 812/949-4250
Alexandria Comm Schs 765/724-5060	Grant Co Sp Ed 765/677-4456	New Castle Area Prog 765/521-7223
Anderson Comm Sch 765/641-2126	Greater Lafayette Area 765/771-6008	North Central Indiana Sp Ed 574/371/5098 x 2466
Avon Comm Sch Corp 317/272-3190	Greater Randolph Sp Ed 765/584-7602	Northeast Indiana Sp Ed 260/347-5236
Bartholomew Sp Svs 812/376-4460	Greene-Sullivan Sp Ed 812/847-8497	Northwest Indiana Sp Ed 219/769-4000
Blue River Sp Ed 317/398-4468	Hamilton-Boone-Madison 317/571-4027	Old National Trail Special Svs 765/653-2781
Blue River Valley Schs 765/836-4816	Hammond School City 219/933-2400	Orange, Lawrence, Jackson, Martin Joint Svs. 812/279-6651
Boone-Clinton-NW Hendricks 800/423-5107	Hancock-S Madison Joint Svs 317/462-9219	Plainfield Consolidated Schs 317/839-2578
Brown Co Sch Corp 812/988-6601	Harrison Co Sp Ed 812/738-2094	Porter County Sp Ed 219/464-9607
Brownsburg Comm Schs 317/852-5726	Huntington-Whitley Sp Svs 260/356-1730	Posey Co Sp Ed 800/779/6927
Carmel-Clay Schs 317/844-9961	Indianapolis Public Schs 317/226-4575	Richmond Comm Schs 765/973-3398
Centerville-Fayette-Rush Spec 765/827-8400	Jay School Corp 260/726-2511	Ripley-Ohio-Dearborn Sp Ed 812/623-2212
Clark Co Sp Ed 812/288-4802	Jennings Co Sp Prog 812/346-3043	RISE Sp Svs 317/789/1650
Clay Comm Sch Corp 812/448-8036	Johnson Co Sp Prog 317/736-7001	Scott Co Sp Ed 812/752-8953
Cooperative Sch Svs 219/866-8540	Joint Ed. Svcs in Sp Ed 800-388-0054	Smith Green-West Allen Sp Ed 260/431-2040
Covered Bridge Sp Ed 812/462-4364	Knox Co Sp Ed 812/882-0102	South Bend Comm Schs 574/283-8130
Daviess-Martin Sp Ed 812/254-1530	Kokomo Area Sp Ed 765/454/7120	South Central Area Sp Ed 812/755-4868
Delaware-Blackford Sp Ed 765/747-5448	Logansport Area Jt Sp Svs 574/753-3515	South LaPorte Co Sp Ed 219/325-0632
Dubois-Spencer-Perry 812/482-6661	Madison Area Ed. Sp Svs 812/265-3448	SW Jefferson Co Sp Ed 812/866-6200
East Allen Co Schs 260/446-0128	Madison Consolidated Schs 812/265-2720	Speedway Public Schs 317/241-6543
East Central Sp Svs 888/219/0004	Michigan City Area Schs 219/873-2000 x 334	Switzerland Co Sp Ed 812/427-2705
East Chicago City Schs 219/391-4080	Mishawaka-Penn-Harris- Madison 574/254-4520	Virtual Spec. Ed Co-op 765/285-3280
East Noble School Corp 260/347-2502	Monroe Co Schs 812/349/4757	Wabash-Miami Area Prog 260/563-8871
Elkhart Comm Schs 574/262-5542	Mooreville Consolidated Sch 317/831-0950	West Central Indiana Sp Svs 765/362-4022
Elkhart Co Sp Ed 574/533-3151	MSD of Lawrence Township 317/423-8430	West Central Joint Svs 317/243-5737
Elwood Comm Sch Corp 765/552-9861	MSD of Martinsville 765/342-4376	West Lake Co Sp Ed 219/865-1171
Evansville-Vanderburgh-Posey 812/435-8466	MSD of Pike Township 317/387-2214	Virtual Coop 765/285/57
Forest Hills Sp Ed 812/876-6325	MSD of Warren Township 317/869-4405	
Fort Wayne Comm Sch 260/467-1110	MSD of Washington Township 317/205-3332 x 230	
Gary Comm Sch Corp 219/881-5493	MSD of Wayne Township 317/227-8251	

