



SPECIAL EDUCATION REFORM FACT SHEET

The Department of Education (DOE) is in the second year of a far-reaching [special education reform effort](#). The stated goals of this reform are to improve access to more challenging academic curricula and to achieve better outcomes for students with disabilities by providing significantly more students with disabilities the opportunity to attend the schools they would attend if they did not have Individualized Education Programs (IEPs).

The members of the ARISE Coalition urge you to be open to considering new ways of educating your child with special needs. This may include more flexible scheduling or increased time in general education classrooms, as long as both your child and his or her teachers receive all the support necessary to make that move successful.

YOUR RIGHTS AS PARENTS HAVE NOT CHANGED.

In order to help you navigate the changes you may see in your schools as part of the reform efforts, the ARISE Coalition has created this fact sheet.

When does the reform take place?

Plans for the reform were announced at the start of 2010. Since then reform efforts have been piloted in 260 schools throughout the city. The reform will scale up to include most of NYC's 1,700 public schools for the 2012-13 year.

Who is affected by the reform?

Parents of students entering kindergarten, middle school, and high school and "over-the-counter" students (those new to NYC's public schools) with special education needs may be asked to consider different service and placement recommendations than in the past. Of course, all students, with and without disabilities, will potentially be affected as service delivery models change at their schools.

If your child has an IEP and is moving to/enrolling at a new school, how will things be different and what should you expect in the next few months?

- The reform is intended to provide more students with disabilities access to their zoned schools and other schools of choice. Most NYC public schools will be expected to meet the needs of most of their students with IEPs.
- The DOE will offer a number of "specialized community school programs" which are not currently expected to exist in every community school. Those programs include ASD Nest and ASD Horizons programs for some students on the autism spectrum, bilingual special education programs, barrier-free programs, and programs for students with intellectual disabilities. If your child needs one of these programs, or requires District 75 services, the DOE will work with you to identify an appropriate placement for you after your IEP meeting.
- The process for enrolling students with disabilities in kindergarten has changed. All families of students entering kindergarten, whether their children had special education needs or not, were encouraged to apply to their zoned school and other schools of interest through the regular kindergarten admissions process. Whether or not you applied to schools through the kindergarten admissions process, you should receive a Notice of Recommendation by June 15th listing the school where your child's kindergarten IEP services will be provided. In most cases, because of the reform effort, that school will be your zoned school or the school that accepted your child through the kindergarten admissions process. For students recommended for an ICT or special education class in a community school, the DOE

The members of the ARISE Coalition (Action for Reform in Special Education Coalition) have joined together to provide a collective and powerful voice on behalf of students with special needs in New York City. We seek to compel systemic reform to improve special education, promote greater transparency and accountability of the education system, and most critically, assure more positive outcomes and options for all students.

www.arisecoalition.org

is *not* assigning a student to a specific ICT or special class, but is assigning a student to a community school that is expected to implement the IEP. You should ask your child's assigned school if it plans to have the type of class and services recommended on your child's kindergarten IEP. If the answer is "no," you should report this information to kindergarten@afcnyc.org. If the school recommended for your child to attend did not develop your child's kindergarten IEP, the school has been urged to meet with you before June to talk again about the IEP recommendations. You may also request a meeting with the school. As always, and discussed below, you have the right to disagree with the services and placements being recommended for your child, and to seek due process (mediation or an impartial hearing) if you cannot come to agreement.

What rights do you have under the reform?

Parental rights in special education flow from federal and state law. **The reform is a local policy matter and it does nothing to change your legal rights as a parent. Your child has the right to receive the type of class and services on his/her IEP regardless of whether or not the school currently has them.**

While this fact sheet cannot replace a full examination and understanding of parents' rights, it is important to remember a few key points. As parents, you continue to have the right to:

- Actively participate as an IEP team member at all meetings where your child's special education plan is written, modified, or amended. If you receive notice that the school would like to amend your child's IEP, you have the right to have another IEP team meeting to discuss the matter. At all IEP meetings you should also be able to view text as it is being written.
- Agree or disagree with suggestions schools make that could lead to changes to your child's IEP regarding supports, services, and placement recommendations. If you and the rest of the team cannot come to agreement about amendments they propose, and your child already has a school-age IEP, you continue to have the right to file for an impartial hearing or mediation to make your own case. And if you file for a hearing, the DOE cannot move your child until the hearing has been resolved.
- Assure that any modifications to supports and services on your child's IEP are based on his or her strengths and needs and not simply on what services or settings the school has available to offer.
- Know the group size and location where your child will receive his or her related services.
- Receive a copy of the IEP once it has been completed at, or immediately following, the IEP meeting.
- Assure that your child receives all services and supports needed to progress in any setting, including a less restrictive setting.

For more information on your rights as a parent, we urge you to spend some time reviewing the resources on the ARISE Coalition's Resources page, <http://www.arisecoalition.org/resources.php>, and the DOE's own Parent's Guide to Special Education Services for School Aged Children, http://schools.nyc.gov/documents/teachandlearn/ELL/Parent_Guide_English.pdf.

Where can you go for more information on the reform?

Contact us at ARISE, www.arisecoalition.org or (212) 822-9523.

Contact the DOE directly, <http://schools.nyc.gov> or 311.

Where can you go when you are seeking additional support?

- You can email the DOE at Turning5@schools.nyc.gov if you have problems specific to students with disabilities entering kindergarten.
- You can also write to us at kindergarten@afcnyc.org if you are having trouble specific to students with disabilities entering kindergarten and cannot find help within the DOE.
- You can call 311 and ask to be connected to someone from the DOE's Special Education Call Center.
- You can visit the ARISE website's About Us and Resources pages (www.arisecoalition.org) or call (212) 822-9523 for a list of referrals to agencies and attorneys that may provide support.

This factsheet does not constitute legal advice. This factsheet attempts to summarize existing policies and laws without stating the opinion of the ARISE Coalition. If you have a legal problem, please contact an attorney or advocate.