

Know Your SPECIAL EDUCATION RIGHTS

**A Guide for Parents and
Students in Kansas**

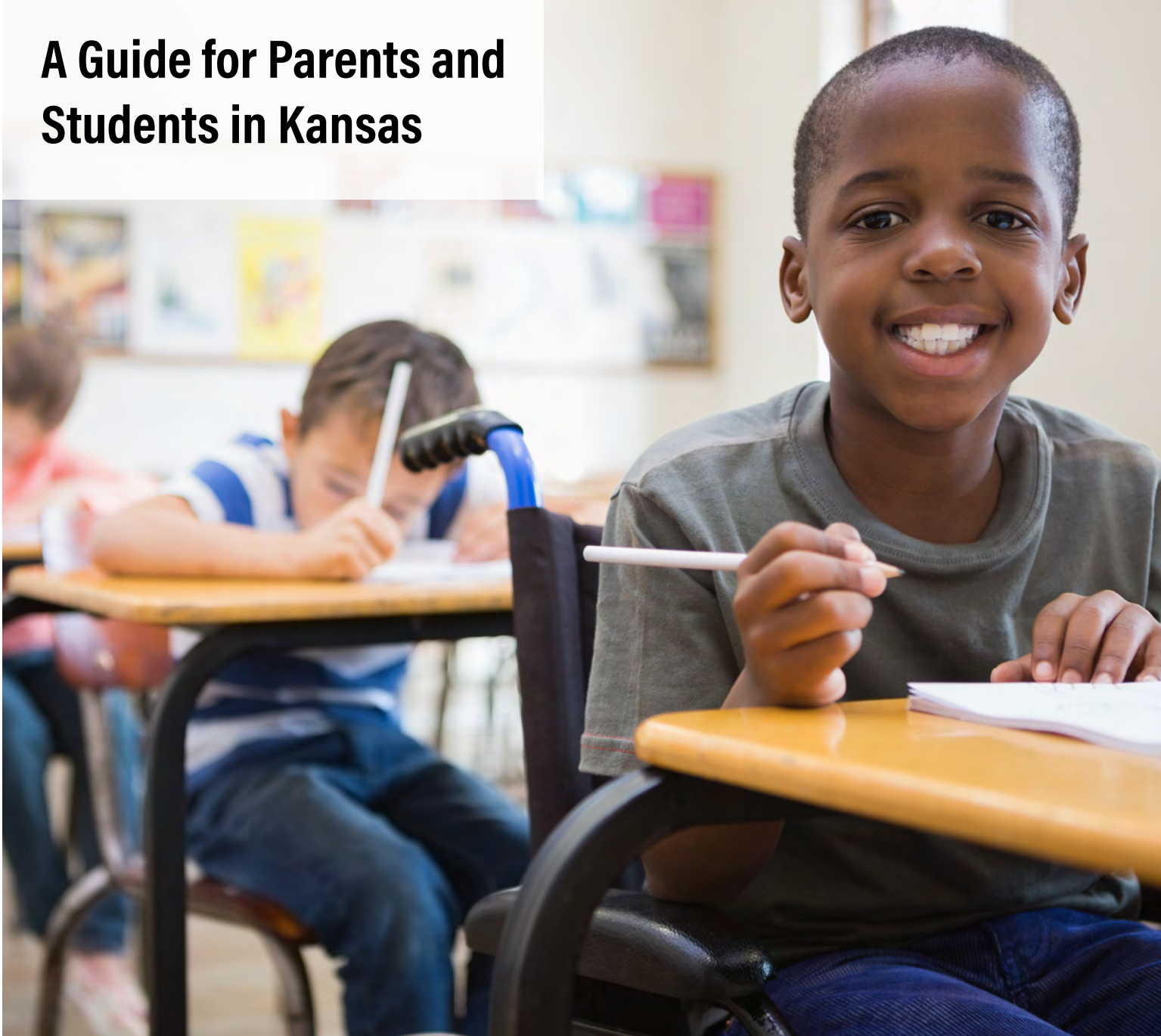


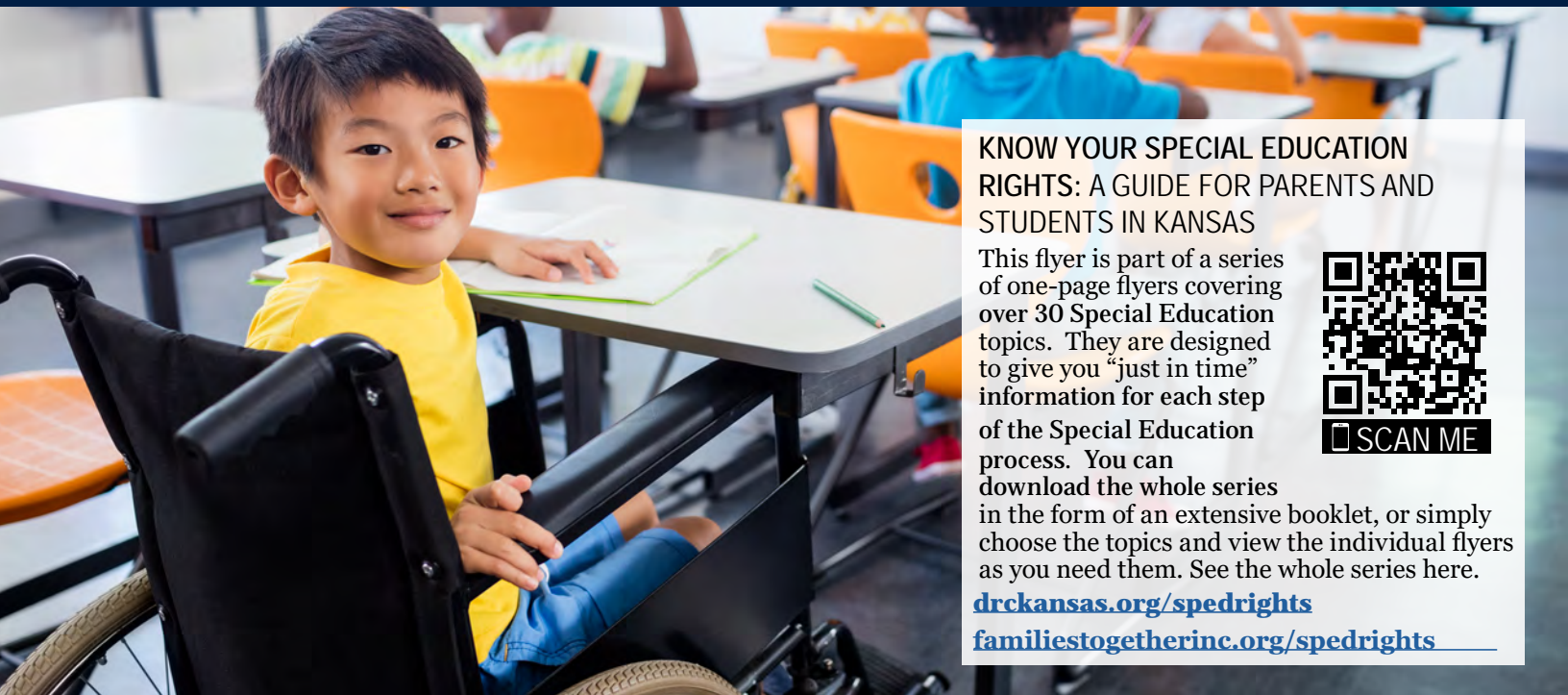
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WHAT IS IDEA?



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IDEA stands for Individuals with Disabilities Education Act (IDEA).

Why is IDEA important?

IDEA is the ground-breaking civil rights law that guaranteed the right of students with disabilities to attend public school. IDEA provides numerous rights to eligible students with disabilities. Those rights are detailed in the various flyers of this series.

IDEA has six important elements. These are:

- 1) Individualized Education Program (IEP)
- 2) Free Appropriate Public Education (FAPE)
- 3) Least Restrictive Environment (LRE)
- 4) Appropriate Evaluation
- 5) Parent and Student Participation
- 6) Procedural Safeguards

What does IDEA do?

The federal IDEA law makes sure that any eligible child with a disability has access to a Free Appropriate Public Education (FAPE)

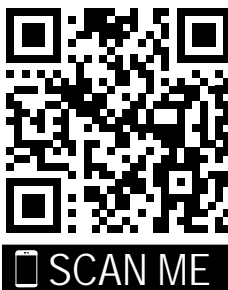
The IDEA also says that every eligible child with a disability must have special education and related services that meet their individual needs.

How does IDEA work in Kansas?

Kansas schools must follow the IDEA. Kansas also has extra rules and regulations that help the State carry out the IDEA. Schools also have to follow those rules.

Read more about the IDEA in Kansas here:

[**Parent Guide to Special Education.**](#) Kansas State Department of Education.
<https://tinyurl.com/wx-3z8yhn>



See more: [**What is FAPE?**](https://tinyurl.com/yujpjbfb)
<https://tinyurl.com/yujpjbfb>



Sources & Additional Resources:



[**Kansas Special Education Process Handbook.**](#) Kansas State Department of Education.
<https://tinyurl.com/442w2dt3>

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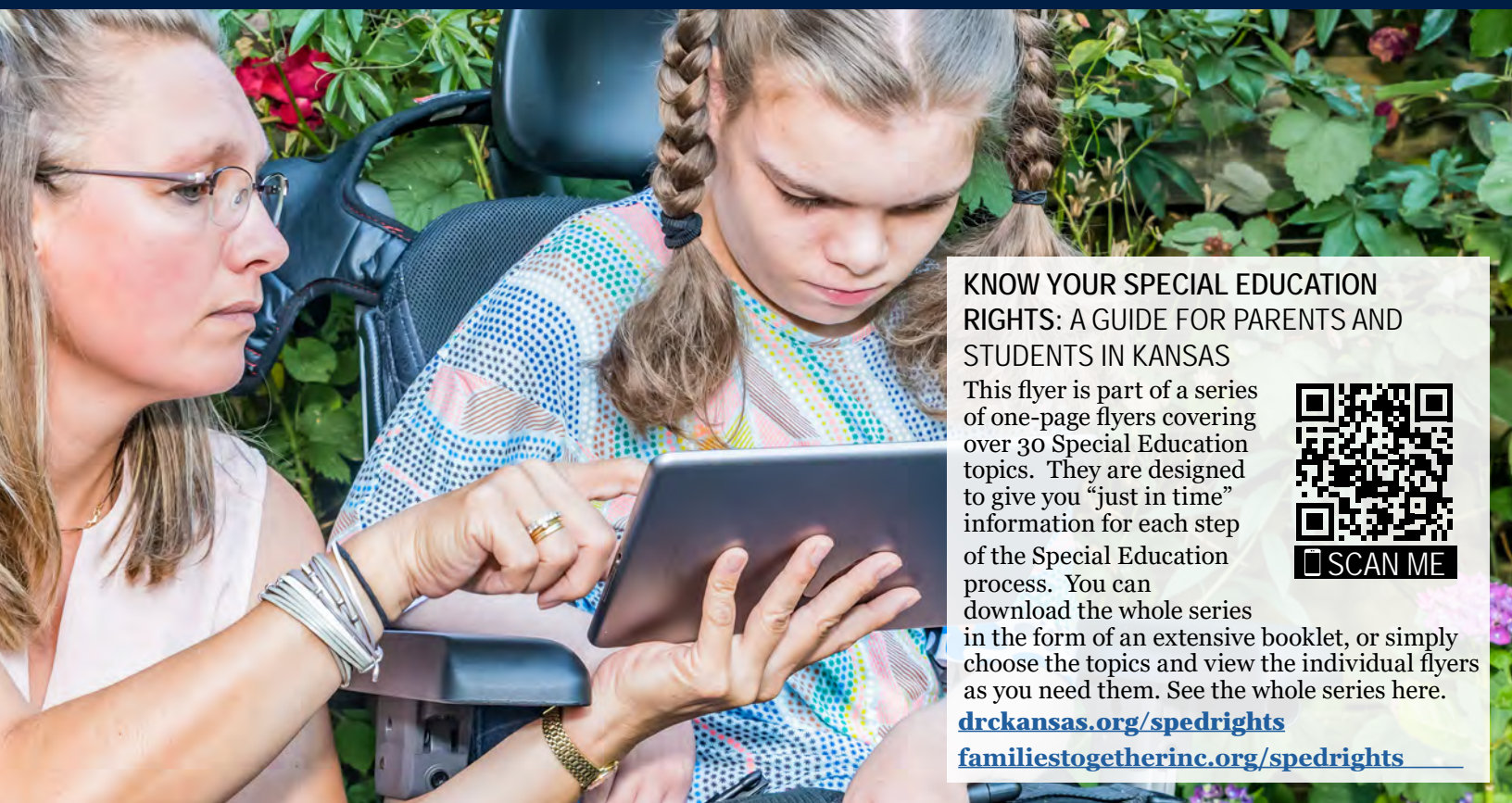
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WHO CAN MAKE A REFERRAL FOR AN EVALUATION TO DETERMINE IF MY CHILD NEEDS SPECIAL EDUCATION SERVICES?



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There are different ways to refer a student for special education services. They are:

- The school makes the referral
- It comes as a result of a *Child Find Screening*
- The parent(s) make a written request to the school
- A student that is 18 years or older requests it for themselves



How does my child qualify for an IEP?

<https://tinyurl.com/vzmjmjcc>

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What is Child Find?

<https://tinyurl.com/jmvcapd7>

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What are the school's responsibilities if they make the referral?

The school must provide a copy of the parental rights.

The school must give you what is called a Prior Written Notice about the evaluation. This will explain the evaluations that they want to do. It must include:



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Parent Rights in Special Education (Procedural Safeguards).

<https://tinyurl.com/fv7p7znd>

- What they want to do for the evaluation
- Why they want to do the evaluation
- What they used to decide to refer your child for an evaluation
- Information about your rights as a parent
- Who you can contact to understand your and your child's rights

What happens after the school receives a referral from a parent or someone else?

The school will determine if they have enough information to decide if they are going to do an evaluation or not. If they need more information, they might observe your child or review your child's files. They will tell you what information they need and how they plan to get it. This will include a timeline. If they do not need more information, they will let you know.

If they decide that an evaluation is needed, the school will send you a *Prior Written Notice*. This will include why they made this decision. The school cannot start additional evaluations until you give your written consent on the Prior Written Notice form.

The school can decide that an evaluation is not needed. They may do this if there is not enough evidence to support the request. They have to let you know if they make this decision. They must do this with a Prior Written Notice. If you disagree, you have the right to ask for mediation or a due process hearing.

The school has to get your permission before doing an evaluation. They cannot do an evaluation without this consent. They can use different forms of communication to contact you. It could be phone calls, letters, emails, visits, or other ways. The school needs to make reasonable attempts to contact you. They need to make a record of these attempts.



Sources & Additional Resources:



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Kansas Special Education Process Handbook.

Kansas State Department of Education.

<https://tinyurl.com/442w2dt3>

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WHAT IS AN IEP TEAM MEETING?

If your child with a disability has an IEP (Individualized Education Program), you must have an IEP team meeting at least once a year. The whole IEP team goes to the meeting. You and your child are the most important members of the IEP team. At the meeting, the team will talk about your child's progress and what they need. You will also talk about changes that need to be made in the IEP.

Every three years, your child needs to have a re-evaluation. This must happen unless you and the school agree that it isn't needed. Usually, the IEP team meeting is at the school. If this isn't possible, it can happen somewhere else.

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Who attends the IEP team meetings?

- The **parent(s)** of the child must be on the IEP team
- The **student** must be included if they are 14 or older. They can be included if they are younger than 14
- At least one **special education teacher** of the child must be on the IEP team
- At least one **general education teacher** of the child must be on the IEP team
- At least one **school representative** that can provide or supervise special education services and that has knowledge of the general education curriculum and the school's resources must be on the IEP team.
 - This could be a principal, assistant principal, school psychologist, or someone else
 - Other school representatives may attend based on your child's specific needs
- A **person who can interpret the results** of your child's evaluations must attend
 - This person may also be part of the evaluation team
- You and the school can invite **other people** to the meeting. These people are known as *others with special knowledge or expertise about the child*. We recommend that you bring one or more people who also have knowledge about your child's needs. Don't go alone. You do not need permission from the school to bring others with you to the meeting.
 - This could also be someone from another agency, such as Vocational Rehabilitation, the local mental health center, a developmental disability provider, etc.
- A **representative of Part C services** can attend if your child received those services
 - Part C services are early intervention services for babies and toddlers age birth up to age 3
 - The school and the parent(s) should make sure this person is invited

Who on the IEP team needs permission to miss a meeting?

Anyone on the IEP team can miss part or all of the meeting. However, if certain people miss the IEP team meeting, you must give your written permission. These include:

- Regular Education teacher of your child
- Special Education teacher of your child
- Person explaining the evaluation or testing results
- Person who supervises the services of your child

The people listed above should absolutely be at the IEP team meeting. You should only grant your permission for them to miss the meeting if it is a true emergency. You can always ask to reschedule the meeting if needed.

It is important that you attend every IEP team meeting. If the school cannot reach you, they can have an IEP meeting without you. You should prevent that. The school must try more than once to reach you. They must document each time they try and must use more than one way to reach you.

When does the school inform you of an IEP meeting?

The school needs to send you a notice before each meeting. They have to send this at least 10 days before the meeting. If your child is 14 or older, the school has to let you know that they invited your child to the meeting, too. If your child is 18 or older, both you and your child will receive the notice.

If the parents are divorced, both parents must be invited. It does not matter which parent has custody of the child. Only one parent has to give permission for a special education service or action when the school asks for it, but both parents have the same rights in the IEP meeting and planning.

Sources & Additional Resources:



[What is an IEP?](https://tinyurl.com/7vbdh9wv)
<https://tinyurl.com/7vbdh9wv>



[What can I do if my child's IEP is not working?](https://tinyurl.com/3t2fvx9s)
<https://tinyurl.com/3t2fvx9s>



[Who can make a referral for an evaluation to determine if my child needs Special Education services?](https://tinyurl.com/2h46s8r4)
<https://tinyurl.com/2h46s8r4>



[What should an IEP include?](https://tinyurl.com/wwwyv4998)
<https://tinyurl.com/wwwyv4998>



[Advocating for your child at an IEP meeting](https://tinyurl.com/yuursm8p)
<https://tinyurl.com/yuursm8p>



[Kansas Special Education Process Handbook](https://tinyurl.com/442w2dt3), Kansas State Department of Education.
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WHAT IS AN IEP?



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What is an IEP?

IEP stands for Individualized Education Program. It is a “road map” to guide you and your child’s school in meeting your child’s needs. The IEP consists of education goals. It includes a list of special education services and disability accommodations to meet your child’s needs. The IEP team writes the IEP. You are a key member of the team!

When will the IEP be created and updated?

The IEP team makes the IEP after the school has done an evaluation for your child. The evaluation is key. Your child will get an IEP only if the team determines that your child is eligible for special education services. The initial IEP must be in place within 60 school days of the beginning of the evaluation process. The IEP team will meet at least once a year to review and update your child’s IEP.

What is an IEP team?

An IEP team is a group that meets at least once a year to create or update your child’s IEP. The school can write a draft of the IEP before the meeting. As a parent, you should ask for a copy of the draft IEP prior to the meeting. That draft is discussed in the meeting. As a parent, your input must be considered. You and your child are the most important members of the IEP team.



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[Who can make a referral for an evaluation to determine if my child needs Special Education services?](https://tinyurl.com/2h46s8r4)

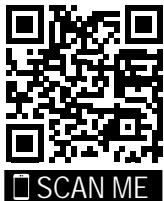
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Who is on the IEP team?

- The **parent(s)** of the child must be on the IEP team
- The **student** must be included if they are 14 or older. They can be included if they are younger than 14
- At least one **special education teacher** must be on the IEP team
- At least one **general education teacher** must be on the IEP team
- At least one **school representative** that can provide or supervise special education services and that has knowledge of the general education curriculum and the school's resources must be on the IEP team
 - This could be a principal, assistant principal, school psychologist, or someone else
 - Other school representatives may attend based on your child's specific needs
- A **person who can interpret the results** of your child's evaluations must attend
 - This person may also be part of the evaluation team
- You and the school can invite **other people** to the meeting. These people are known as *others with special knowledge or expertise about the child*. We recommend that you bring one or more people that also have knowledge about your child's needs. Don't go alone. You do not need permission from the school to bring others with you to the meeting.

The IEP meeting intimidates me. What else should I know?

We agree that these meetings may seem intimidating at first. However, your participation in the IEP meeting is very important to the success of your child in school. You know your child best. You are an equal partner on the IEP team. You must be a part of each decision the IEP team makes about your child's services. You help the team know your child's strengths, needs, interests, abilities, and history. Please contact Families Together and the Disability Rights Center of Kansas for more tips on how to make IEP team meetings a success.



It can help to see an example of an IEP. See one example here:
<https://tinyurl.com/98rtansw>

Sources & Additional Resources:



[***What should an IEP include?***](https://tinyurl.com/wwyv4998)
<https://tinyurl.com/wwyv4998>



[***How can I advocate for my child at an IEP meeting?***](https://tinyurl.com/yuursm8p)
<https://tinyurl.com/yuursm8p>



[***What can I do if my child's IEP is not working?***](https://tinyurl.com/3t2fvx9s)
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[***How does my child qualify for an IEP?***](https://tinyurl.com/vzmjmcjc)
<https://tinyurl.com/vzmjmcjc>



[***Kansas Special Education Process Handbook.***](https://tinyurl.com/442w2dt3) Kansas State Department of Education.
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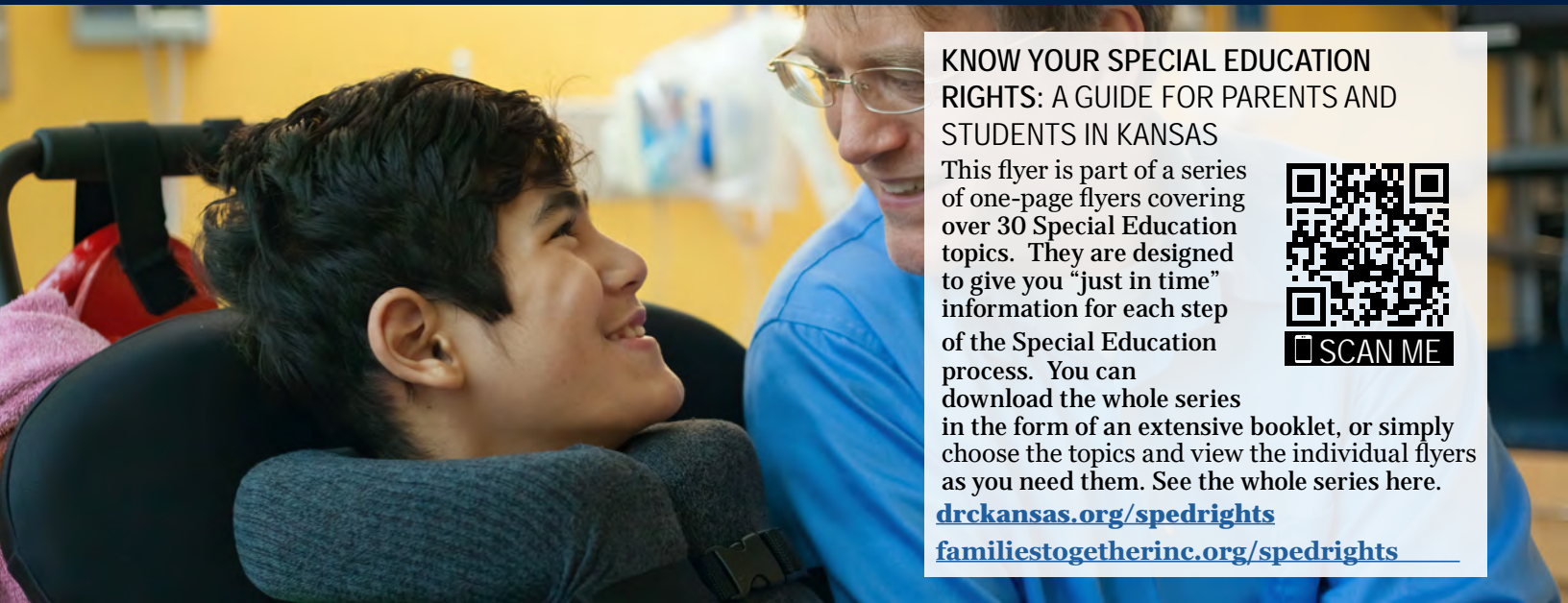
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HOW DOES MY CHILD QUALIFY FOR AN IEP?



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In order to qualify for an IEP and Special Education your child would have to have an evaluation done by the school. Not every child with a disability has an IEP (Individualized Education Program). Either the parent or the school can make a request for the evaluation. If the school thinks an evaluation is needed, they must give the parents what’s called a Prior Written Notice. This tells parents what the school plans to do in the evaluation and why. There are rules on what this notice must include.

The evaluation will likely include observations, parent input, a review of existing information, and formal tests. A student who is 18 or older can also request their own evaluation.

How do I request an evaluation?

Make the request in writing. It can be an email or a paper letter. Keep a copy.

Describe what’s going on with your child. Tell them about your child’s disability and needs. Be clear about your concerns. Example: if your child is struggling with homework, or has behavior issues, be sure to include that in your written request.

Read the document at the link to the right that describes the *eligibility indicators* for Special Education. These indicators show you which category or categories fit your child best. When you make your written request, tell the school which *eligibility indicators* your child qualifies for and why.



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Rules on what a Prior Written Notice must include:

[***Kansas Special Education Process Handbook, pg. 35.***](#) Kansas State

Department of Education.

<https://tinyurl.com/442w2dt3>



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[***Eligibility Indicators.***](#) Kansas State Department of Education.

<https://tinyurl.com/9fzccbsp>

The school must respond in writing within 15 school days of your request for an evaluation. The school must let you know whether or not they will do an evaluation. They must also let you know what they based their decision on.

The entire process of the evaluation must be completed within 60 school days of your written consent to initiate the evaluation. This request for your written consent will come in the form of a Prior Written Notice. Within this 60 school day timeline several things must happen. This includes the school doing the evaluation, bringing the school and parent together to review the results and make an eligibility decision, putting an IEP (Individualized Education Program) in place, and starting Special Education Services. If you need additional help understanding this process, feel free to contact Families Together and the Disability Rights Center of Kansas.

I requested an evaluation for my child, but the school refused. What can I do now?

The school may refuse an evaluation. They must provide you a Prior Written Notice that says why they refused. If you still want your child to be evaluated, these are some things you can do:

- Request a meeting with the school to talk about it.
 - Make this request in writing.
 - Ask the school to explain why they are refusing the evaluation. If the school says they have data and information explaining their decision, have them to provide it to you.
- If someone outside the school has either done an evaluation or has information that relates to your child's eligibility, you should share that with the school.
- Call Families Together at 800-264-6343 or visit famiestogetherinc.org.
 - They can give you free information on Special Education in Kansas.
- Call the Disability Rights Center of Kansas at 877-776-1541 or visit drckansas.org.
- Request mediation if nothing else has worked.
- You can request a due process hearing if mediation is not an option (see the Dispute Resolution link to the right).

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<https://tinyurl.com/442w2dt3>



[Dispute Resolution](https://tinyurl.com/3uj4583v). Kansas State Department of Education.
<https://tinyurl.com/3uj4583v>



[Parent's Guide to Special Education](https://tinyurl.com/57at2vhc). Families Together, Inc.
<https://tinyurl.com/57at2vhc>



[What is an IEP?](https://tinyurl.com/7vbdh9wv)
<https://tinyurl.com/7vbdh9wv>



[Who can make a referral for an evaluation to see if my child needs Special Education services?](https://tinyurl.com/2h46s8r4)
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WHAT SHOULD AN IEP INCLUDE?



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An IEP (Individualized Education Program) is a written document that includes how your child is doing, your child’s goals, and what your child needs.

The IEP must include how your child is doing in school. The school may call this a *present level of achievement and functional performance (PLAFP)* report. It explains how their disability affects them at school. It can also include skills that your child uses to be independent. These are called functional skills and they could include:

- **Life skills:** used to take care of themselves (feeding, dressing, using the toilet, walking, etc.)
- **Functional academic skills:** academic skills also used to be independent (counting, telling time, budgeting, reading, etc.)
- **Social skills:** skills used to interact with others (expressing feelings, needs, and wants, having conversations, etc.)
- **Community-based social skills:** skills used to live independently in a community (using public transportation, shopping, going to restaurants, walking safely outside, etc.)

The IEP must include your child’s goals for the next year. The IEP team looks at how your child is doing in school and sets the goals for the next school year based on what areas they need help with. The goals must be measurable and achievable within one year. It will explain how the school will measure your child’s progress and how the school will update you.

- A measurable goal means that the goal will state an action. It will say how much of that action your child will be able to do (ex: read 96 words per minute with 85% accuracy). It says when your child will be able to do it (ex: in 20 weeks, by the end of the school year). It will say under what conditions your child will do the action (ex: when given third grade reading materials).

- Measurable goals help you and your child’s school know whether your child is making progress or not.

- An achievable goal means the goal is something that your child will be able to do within a one-year period. However, the goal also must be ambitious. Don’t let the school set a goal that is easily achieved. The goal needs to be based on the strengths and needs of your child. You and the rest of the IEP Team must focus on goals that are meaningful.

The IEP must state how your child’s progress will be reported to you. The IEP must also state specific services and supports your child needs to progress in regular education. The IEP will list specific things the school must provide, such as services, aids, accommodations, assistive technology, modifications and supports.

It’s very important for you to speak up for your child. Look at the IEP closely. Does it reflect how your child learns best? Will the services and supports in the IEP help your child? Ask about other ways that your child’s needs can be met. Offer ideas. Remember, you know your child best.

Review the services that are listed on the IEP and must be provided to your child. Does each one list when, where and who is responsible for giving these to your child? If not, make certain the IEP includes that information.

The IEP must include when and where your child will learn. Every service must say when it will start, how long it will last, how often your child will receive the service, and where your child will receive it. Details are important. These details are required by the law.

The law requires that your child be taught in the least restrictive environment (LRE). This means your child should be in the same classrooms as other children as much as possible. They will participate in what schools may call the “general education curriculum.” The IEP must explain the times and situations that your child will not be with students who don’t have disabilities.

Extracurricular and/or nonacademic activities are also included in the IEP. These are not part of general education classes but are school sponsored. Examples include sports teams, band, field trips, after-school programs, etc. The IEP must include how your child will be a part of these activities.

The IEP will also show if your child qualifies for Extended School Year (ESY) services. ESY services are usually provided in the summer.

If your child has behavioral needs, the IEP may also include a behavioral intervention plan. If your child is 14 or older, the IEP must include how your child will transition out of high school. This is sometimes called a “transition plan”. The transition plan includes their goals for after high school and the services that they will need.

These services could include the Kansas Vocational Rehabilitation (VR) program. VR is critical to helping your child get a job after high school. If your child is interested in VR services, a Kansas VR representative should come to the IEP meeting. VR can provide lots of services to help your child transition to adult life.

You and everyone else on the IEP team will sign that you attended the IEP team meetings and obtained a copy of your rights. You will also sign whether or not you agree with the IEP. If you disagree with the IEP, you should work with team to try to reach an agreement. It is best to keep meeting until you can agree. Do not sign that you agree with the IEP until you are comfortable with the final version. However, your refusal to sign may not stop the school from implementing the IEP. Talk to Families Together and the Disability Rights Center of Kansas for more information. There is not a time limit for how long the IEP Team meeting can last. Some meetings can last longer than others. It may take more than one meeting to make sure the IEP document is what your child needs.



What is Least Restrictive Environment?
<https://tinyurl.com/3ayc873u>



What is Extended School Year?
<https://tinyurl.com/2m4xcpcp>



What is a Behavioral Intervention Plan?
<https://tinyurl.com/4d5dydjv>



Transitioning from high school as a student with a disability
<https://tinyurl.com/jdsd86su>



How can VR help with my child's transition?
<https://tinyurl.com/5mczjhyk>

Sources & Additional Resources:



What is an IEP?
<https://tinyurl.com/7vbdh9wv>



Kansas Special Education Process Handbook. Kansas State Department of Education.
<https://tinyurl.com/442w2dt3>

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HOW CAN I ADVOCATE FOR MY CHILD AT AN IEP MEETING?

KNOW YOUR SPECIAL EDUCATION RIGHTS: A GUIDE FOR PARENTS AND STUDENTS IN KANSAS

This flyer is part of a series of one-page flyers covering over 30 Special Education topics. They are designed to give you “just in time” information for each step of the Special Education process. You can download the whole series in the form of an extensive booklet, or simply choose the topics and view the individual flyers as you need them. See the whole series here.



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Advocating for your child at an Individualized Education Program (IEP) meeting can seem overwhelming. With the right preparation, the IEP process can be incredibly productive for your child. This information will help you prepare. This information can help you prepare. Nobody knows your child better than you do. This is why you are an important member of the IEP team. You can be your child's best advocate by guiding the IEP team to address your child's unique needs.

What can I do *before* the meeting?

- **Keep a log** of people who work with your child (teachers, other school staff, doctors, therapists, etc.). It may help to have a notebook just for this log.
 - Include their name, phone number, and email address.
 - Write down the dates and times that you talk to them.
 - Write down notes when you talk to them, including anything they said that they would do for your child.
- **Communicate in writing** when you talk to the school (email or letters).
 - If you write a letter, keep a copy for yourself.
- **Invite someone** to go with you to the IEP meeting.
 - Bring someone that knows your child. This could be:
 - Someone that works with your child outside of school (social worker, counselor, doctor, etc.)
 - A family member or friend
 - An advocate from an organization related to your child's disability
 - If they can't go, they can also write a letter to the school about what they think your child needs in school.
 - You don't need permission from the school to bring someone. You can bring anyone you'd like to the IEP meeting.
- **Ask the school for a copy** of your child's current IEP.
- **Prepare for the meeting.** Use the guide on the next page and bring it with you.

Parent Guide to Special Education



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<https://bit.ly/3xhXhp9>

Request for Evaluation



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<https://bit.ly/37mMKhT>

1. What is my child good at? (in school and outside of school)	2. What does my child need that they are not getting at school?
3. What is working in the IEP? What can we celebrate?	4. What needs to be changed or added in the IEP?
5. Of the needs listed in #2 and #4, which ones would I compromise on?	6. Of the needs listed in #2 and #4, which ones will I not compromise on? (This is where you may need to advocate the most.)

What can I do *during* the meeting?

- If the school agrees to something, **ask that they write it in the IEP**. Agreements should be written down.
- **Note Taking Options** – You can record IEP meetings, take notes, or ask a friend or IEP team member to take notes.
- **Be respectful** while speaking up for your child.
- **Try to stay calm**. Ask to take a short break or to continue the meeting later, if necessary.

Remember, parents may choose to not sign the IEP. However, in general, the services in the IEP will still be provided even if a parent refuses to sign the final version. It is better to **work with the IEP team to resolve issues** before it ever comes to that.

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WHAT CAN I DO IF MY CHILD'S IEP IS NOT WORKING?



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At the IEP (Individualized Education Program) meeting, you and the rest of your child's school team agreed on the services and support to provide your child. This will be written down in the IEP.

What do you do if you realize your child is not getting these services at school?

1. Ask for a copy of your child's IEP, if you don't have it.
2. Review the IEP carefully.
3. Answer the 4 questions on the next page to prepare for a meeting with the school.
4. Request an IEP meeting.
5. Attend the IEP meeting.



Advocating for your child at an IEP meeting

<https://tinyurl.com/youursm8p>

Which goals are being followed? How do you know?	Which goals are not being followed? How do you know?
Which supports are not working and need to be changed?	What are some examples?

I followed all the above steps and nothing got better. What can I do now?

You still have some options:

- Call the Disability Rights Center of Kansas at 877-776-1541
- Call Families Together at 800-264-6343
- Call the Kansas State Department of Education (KSDE) at 800-203-9462
- Consider filing a formal complaint with KSDE. This is your right as a parent.
 - There are some things that you have to include. See page 171 of the Kansas Special Education Process Handbook (linked at the bottom of this page).

I want to file a complaint. What happens next?

See the flyer to the right on the formal complaint process and what to expect.



What is a formal complaint?

<https://tinyurl.com/4d2uwz97>

Sources & Additional Resources:



Dispute Resolution. Kansas State Department of Education.
<https://tinyurl.com/3uj4583v>



Kansas Special Education Process Handbook. Kansas State Department of Education.
<https://tinyurl.com/442w2dt3>

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HOW DO I TRANSFER MY CHILD TO A NEW SCHOOL WITH AN IEP?



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The new school needs to try to get your child’s records from the school your child is coming from. You don’t need to sign anything for the old school to send the records to the new school. It helps if you get a copy of your child’s current IEP (Individualized Education Program) and give it to the new school.

The new school needs to provide FAPE (Free Appropriate Public Education) to your child. The special education services that they give your child need to be similar or the same as what your child received in their old school. The school will use the IEP from your child’s old school until they have a meeting with you and get a new IEP in place.

What if I am moving to Kansas from a different state?

The new school can either use your child’s old IEP or they can start a new process. This process includes an initial evaluation to decide if your child is still eligible for special education services. You have to give written permission for this evaluation. If your child is eligible for services, then the new IEP is put in place. The IEP Team will create the new IEP. You and your child are key members of the IEP Team.



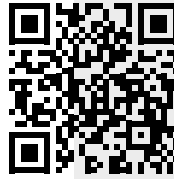
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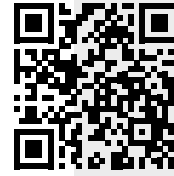
See more on IEPs here:



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What is an IEP?

<https://tinyurl.com/7vbdh9wv>



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What should an IEP include?

<https://tinyurl.com/wwwv4998>

What if I don't agree with the services that the new school wants to provide?

First, try to talk with the IEP team. Remember, you and your child are key members of the team. Let them know about the services provided at your old school and why those services are needed. The fact that those services worked before is a strong reason to keep them. If that doesn't work, you could use mediation. You can also file for due process.

Sources & Additional Resources:



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Kansas Special Education Process Handbook. Kansas State Department of Education.

<https://tinyurl.com/442w2dt3>

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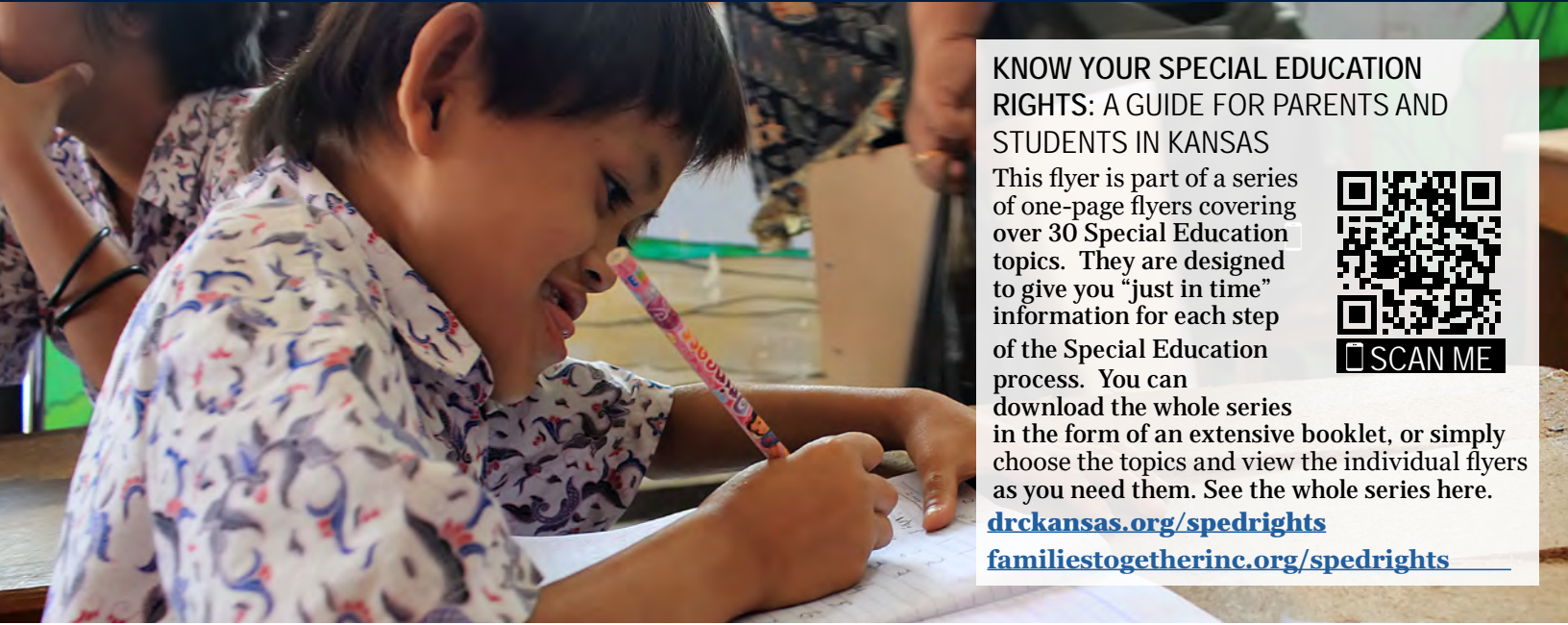
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WHAT IS FAPE UNDER SPECIAL EDUCATION?



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FAPE means Free Appropriate Public Education. It is part of the Individuals with Disabilities Education Act (IDEA). Sometimes this is called *Special Education*. FAPE is the foundation of your child's special education program.

Every eligible child with a disability has the right to FAPE. An IEP (Individualized Education Program) provides services to make sure students with disabilities get FAPE. The services fit your child's unique needs. The IEP should also prepare them for the future. This involves education, employment, or independent living.

Under FAPE, your child's special education and related services have to follow these rules:

- The services are at no cost to you or your child
- The services meet the Kansas State Board of Education's standards for children with and without disabilities
- FAPE applies from preschool until high school graduation (from birth through age 21)
- FAPE must follow IEP requirements anywhere in Kansas



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What is IDEA?

<https://tinyurl.com/bpz5rz32>



What are my rights as a parent?

Your child's school must give you a copy of your parent rights. Ask for a copy if you don't get one. You can find a copy of the Kansas State Department of Education Parent Rights document below ... it could look different from what your school gives you but your rights will be the same.



Parent Guide to Special Education
<https://tinyurl.com/wx3z8yhn>

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The *Kansas Special Education for Exceptional Children Act* lists your responsibilities as a parent of a child with a disability.

These are:

- Make sure that your child goes to school
 - A child with an IEP has to start going to school at age 3 in Kansas
- Give an education to your child if they don't go to public school
 - Private school or homeschooling is allowed

For your child to receive FAPE, it is important for you to meet these responsibilities. Not doing so may result in penalties. This includes a child being reported as truant (not being in school) and a parent being investigated for neglect of their child.



Sources & Additional Resources:



Parent Guide to Special Education. Kansas State Department of Education.

<https://tinyurl.com/wx3z8yhn>



Parent Guide to Special Education
Families Together, Inc.

<https://bit.ly/3xhXhp9>



Kansas Special Education Process Handbook. Kansas State Department of Education.

<https://tinyurl.com/442w2dt3>



What is IDEA?

<https://tinyurl.com/bpz5rz32>



Who can make a referral for an evaluation to determine if my child needs Special Education services?

<https://tinyurl.com/2h46s8r4>



IEP Essentials for Parents. Tourette Syndrome Association, Inc.

<https://tinyurl.com/3bsuwcp7>

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WHAT IS THE LEAST RESTRICTIVE ENVIRONMENT (LRE)?



KNOW YOUR SPECIAL EDUCATION RIGHTS: A GUIDE FOR PARENTS AND STUDENTS IN KANSAS

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LRE stands for Least Restrictive Environment, and is part of the Individuals with Disabilities Education Act (IDEA). It refers to the placement that your child is in. It means that your child needs to spend as much classroom time as possible with same-age peers who do not receive special education services.

Your child’s placement still needs to meet their needs. This means that the LRE may look different from child to child. Sometimes, placing a child in a regular education classroom isn’t the right fit because a specific service or program can’t be provided there. The IEP team decides on placement together. You and your child are important members of the IEP team. Placement decisions are made after you and the rest of the team decide on IEP services.

How does the IEP team decide my child's placement?

The IEP team must consider your child's needs and the goals written in the yearly IEP, not their type of disability. If your child is not going to learn in the regular education classroom, the school needs to make sure that your child has opportunities to participate and engage with students without disabilities as frequently as possible. This can be through extracurricular or other nonacademic activities as well.

You are a key part of your child's IEP team. This means that you have input on your child's placement. If the placement that your child is in isn't working, you have the right to ask for a change.

Who can make changes to my child's placement?

The school must notify you of any changes they want to make. Once the changes affect 25% or more of your child's school day, or a 25% or more change to services, such as speech therapy, it counts as a change in placement or a material change in services. The parent has to agree in writing to a change in placement. The school has to send you what is known as a "Prior Written Notice (PWN)" if they want to do this.



Sources & Additional Resources:



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[Kansas Special Education Process Handbook, Chapter 6.](#) Kansas State Department of Education.
<https://tinyurl.com/442w2dt3>

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WHAT IS EXTENDED SCHOOL YEAR?



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When you and the rest of the IEP (Individualized Education Program) team write your child's IEP, you can talk about the option of Extended School Year (ESY). ESY means your child will keep receiving special education services during the summer. It is not the same as summer school and may or may not be along with with general education summer school.

ESY is offered so that students can keep making progress while school is out for the summer. Not all students with IEPs need extended school year services. You and the IEP team will decide if your child should have ESY based on their needs. Students in gifted education do not qualify for ESY.



When would ESY be a good idea for my child?

- You and the rest of the IEP team think your child might regress during the summer,
- Your child needs extra help with skills like dressing or eating, or
- Your child needs help with certain behavior

Teachers will have documentation that will help the IEP team make a decision. You can also provide information that will help.

Is ESY offered during the school year?

Yes. However, like ESY in the summer, it is not available to everyone with an IEP. You and the rest of the IEP team will use the same information mentioned above to decide if your child should have ESY during the school year. This would mean longer hours on school days. This increased time can help your child with their needs.

Sources & Additional Resources:



[Kansas Special Education Process Handbook, Chapter 5.](https://tinyurl.com/442w2dt3) Kansas State Department of Education.
<https://tinyurl.com/442w2dt3>

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[Services beyond the school year for students with IEPs.](https://tinyurl.com/j279n8xy) Center for Parent Information & Resources.
<https://tinyurl.com/j279n8xy>

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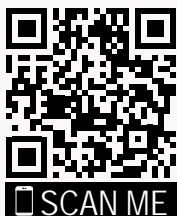
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WHAT IS A FUNCTIONAL BEHAVIORAL ASSESMENT (FBA) & A BEHAVIORAL INTERVENTION PLAN (BIP)?

KNOW YOUR SPECIAL EDUCATION RIGHTS: A GUIDE FOR PARENTS AND STUDENTS IN KANSAS

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Functional behavioral assessments (FBA) and behavioral intervention plans (BIP) are for students who have challenging behaviors.

What is an FBA?

A functional behavioral assessment (FBA) is used to figure out why your child behaves the way he or she does, what your child gets from that behavior, what triggers your child's behaviors and what supports your child might need. This can be done as part of your child's evaluation for an IEP. If your child already has an IEP, you can ask for an FBA if your child's behaviors are making it hard for them to learn. Request this from the principal and IEP team. Do this in writing.

The school can also ask for the FBA. They will let you know if they want to do this.

What is included in an FBA?

- The problems that your child is having
- When these problems happen
- What may be making these behaviors happen
- How to reduce or stop the behaviors from happening

This information should be gathered by looking at your child's records, observing your child, and through testing. The school may ask you to fill out a questionnaire about your child's behaviors. Parents often do not see themselves as part of the IEP team. They view the school as the IEP team. You know your child best and your input is very important. The school should make a written summary of the results of the FBA.

What is a BIP?

A Behavioral Intervention Plan (BIP) is a plan for the school to follow to help your child learn and stay in his or her current educational setting. It is best practice for an FBA to be done before a BIP is written. If your child is suspended, a BIP has to be created. If your child already has a BIP, it must be reviewed. The BIP should address behaviors to prevent future suspensions.

If the school does not bring up the BIP, you should ask for it. Do this in writing.

What is included in a BIP?

Not every BIP looks the same. You can look up examples on the internet. It should include things like:

- Information about your child.
- Target behaviors - these are descriptions of behaviors that are causing issues at school.
- Replacement behaviors - these are the behaviors the team wants to see.
- Your input - you are part of the team.
- Your child's input if you think this is a good idea.
- Interventions - things the school will use if the behaviors happen.
- Things the team will track to know if the behaviors are getting better.

Sources & Additional Resources:



[Kansas Special Education Process Handbook, Chapter 3.](#) Kansas State Department of Education.
<https://tinyurl.com/442w2dt3>

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WHAT IS A MANIFESTATION DETERMINATION REVIEW?



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The manifestation determination review (MDR) team is the same as your IEP (Individualized Education Program) team. The team decides if the behavior that caused the suspension was a because of your child’s disability. When the school wants to remove your child to a different placement a manifestation determination review (MDR) must be held. Removals that are a change of placement are for more than ten days in a row or a series of short-term removals that show a pattern of behavior.

The team must consider all important information, including evaluations, your input, your child’s IEP and placement including behavioral intervention plans (BIP), related services, and other supports. The team must decide if:

1. Your child’s behavior was caused by, or had a direct relationship to their disability; or
2. The behavior was a direct result of the school district’s failure to follow the IEP

This meeting typically happens if your child has been expelled or suspended out of school for more than 10 days. Whole days and partial days count as part of these 10 days.

The meeting must happen within 10 school days of when the school decided to suspend your child. The school must let you know about the meeting.

The team will decide whether the behavior was or was not related to your child’s disability. The team will also determine whether the school failed to follow the IEP.

If the team decides that the behavior was related to the disability, your child will return to the same placement, and the school will:

- Not continue with the suspension or expulsion
- Conduct a functional behavioral assessment (FBA)
- Change your child's behavioral intervention plan (BIP) or make a BIP for your child if they do not have one.

The team might also decide that your child's behavior was not related to their disability. If this happens, they can continue with the suspension. Your permission is not required for this to happen. However, your child still needs to get all the services from their IEP and BIP during the time that they are in a different setting. You can still ask for the BIP or other parts of the IEP document to be reviewed. Your child will receive the same discipline measures that the school would give to a child without a disability. This could include sending your child to another setting called an interim alternative educational setting. This cannot be for more than 186 school days.

There are times when it does not matter if a behavior was related to your child's disability. In these situations, your child can be taken out of the place where they usually learn and put into a new setting for up to 45 school days. This is called an interim alternative educational setting. These situations are:

- Your child brings a weapon to school or to a school activity
- Your child has or uses illegal drugs at school or at a school activity
- Your child seriously injured someone else at school or at a school activity

If the school believes your child is a danger to self or others, they cannot take your child out of their current educational setting without the decision of a hearing officer. This decision must come through a due process hearing. You can attend the hearing and make your points. If you disagree, you can provide your facts.

If you do not agree with the decision that was made at an MDR team meeting or with the placement to an interim alternative education placement, you can appeal. To do this, you must request a due process hearing. Your child will stay in the alternative setting until a decision is made or the suspension is done. See the Dispute Resolution link below.

Sources & Additional Resources:



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[Kansas Special Education Process Handbook, Chapter 13.](https://tinyurl.com/442w2dt3) Kansas State Department of Education.
<https://tinyurl.com/442w2dt3>



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[Dispute Resolution.](https://tinyurl.com/3uj4583v) Kansas State Department of Education.
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SUSPENSIONS & EXPULSIONS



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What is a suspension?

Suspension is when your child is taken out of the place where they usually learn. Suspensions are supposed to happen only because your child's behavior was not allowed in the school code of conduct. A suspension can be for part of a day or for a full day. The school can send your child home or to another place in the school building. They are both suspensions. If your child is sent home, that is called *out-of-school suspension* or OSS. If they are suspended at school, that is called *in-school suspension* or ISS. Schools must document every time a student is suspended.

The Individuals with Disabilities Education Act (IDEA) lets the school suspend your child even though they have a disability. However, the school cannot suspend your child for more than 10 days for something that happened because of your child's disability. Partial days count as a full day.

Once your child has been suspended for more than 10 days, this is considered a change in placement. This means there needs to be an IEP (Individualized Education Program) meeting. Sometimes, these 10 days do not have to be in a row. A change in placement can also happen if there is a *pattern of suspensions*. A *pattern of suspensions* may exist if the suspensions are close together, depending on the total number of days your child has been suspended. Your child's behaviors must show a pattern of same or similar behaviors to show that as a change in placement is needed.

An in-school suspension does not count toward the 10 days if the child is getting educational services and continues to work on their IEP goals.

What is an expulsion?

Expulsion is when your child is taken out of school for a long period of time for behaviors at school. It is supposed to happen only because this behavior was not allowed in the school's code of conduct rules.

If the IEP team determines that your child's behavior happened because of their disability, your child cannot be expelled. This is called a *manifestation* of the child's disability. Here is an example: A child has a behavioral health disability that sometimes causes them to act out in ways that would violate the school's code of conduct. If the acting out was caused (or manifested) by the child's disability, the child cannot be suspended. You have the right to what is called a manifestation determination review (MDR). At the MDR, the IEP team, including you and your child, will decide if the behavior happened because of your child's disability. The team will also decide if the school did not follow your child's IEP or behavior intervention plan.



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**[What is a Manifestation
Determination Review?](https://tinyurl.com/3tcf3tb8)**
<https://tinyurl.com/3tcf3tb8>

If your child has an IEP, they still need to be educated while they are out of school. Your child needs to continue to learn what other children are learning and must progress on the goals in his or her IEP. It is up to the school leader and your child's special education teacher to decide how this will happen. But, it must happen.

Are there exceptions to these rules?

If your child brings a weapon or illegal drugs to school or to a school event, the school can still suspend or expel your child even if the behavior was a manifestation of their disability. They can also do this if your child seriously injures someone else at school.

Does the school still have to give my child services while they are suspended or expelled?

Starting on the 11th day of suspension or expulsion, the school still needs to educate your child while they are out of school. These requirements are only for children who have an IEP for a disability. It is up to the school leader and your child's special education teacher to decide how the services will be provided.

How can I advocate for my child?

It is best practice that the school work to prevent suspending or expelling your child. If you know that your child might be having challenges with behavior at school, you can advocate for your child. Try to advocate for your child before they get to 10 suspensions. Look closely at your child's IEP. Ask yourself these questions:

- Does the IEP talk about your child's behaviors?
- Does the IEP talk about ways the teachers can help your child reduce any challenging behaviors or learn new behaviors that are acceptable?

If your child has behavior challenges and the IEP does not fully address or prevent the behaviors from worsening, you can ask for an IEP meeting. You can also ask the school to do a functional behavioral assessment (FBA) and create a behavior intervention plan (BIP). If your child already has a BIP, and behaviors are still occurring, then changes might need to be made to the BIP.



What are FBAs and BIPs?

<https://tinyurl.com/4d5dydjv>

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Do these suspension and expulsion rules apply to my child with a disability if they don't have an IEP yet?

Yes, if the school knows or suspects your child has a disability through one of these three ways: 1) you have expressed in writing to your child's principal or teacher that your child needs special education and related services; 2) you have requested an evaluation of your child; 3) your child's teacher or other school staff expressed concern about your child's behavior to the school leader, such as a principal or special education director.

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Sources & Additional Resources:



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Kansas Special Education Process Handbook. Chapter 13. Kansas State Department of Education.

<https://tinyurl.com/442w2dt3>



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Kansas Compilation of School Discipline Laws and Regulations.

United States Department of Education.

<https://tinyurl.com/54beyxac>



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WHAT IS DUE PROCESS IN SPECIAL EDUCATION?

KNOW YOUR SPECIAL EDUCATION RIGHTS: A GUIDE FOR PARENTS AND STUDENTS IN KANSAS

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If you have a disagreement with your child’s school about their special education services, you have some options to solve it. One option is Due Process. Due Process is only for students in special education. This is a formal, legal way to resolve a dispute. It is a last resort for resolving a complaint with the school. It is often not a quick process. It may take up to two years for a decision to be made.

Who requests Due Process?

The parent(s) can request Due Process. The school can also request it. The student can request it if they are 18 or older.

You or the school must request Due Process within two years of both of you knowing about the issue that triggered the request for Due Process.

How do you file a request for Due Process?

BEFORE you request Due Process, you should contact both Families Together and the Disability Rights Center for free help about your rights. The Kansas State Department of Education has a Due Process form that you fill out. The Due Process form includes the instructions on where to send it. Once the school receives it, they will provide you with information about free or low-cost legal services. They will also send you a copy of your Parents’ Rights.



Dispute Resolution.
<https://tinyurl.com/3uj4583v>

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Do I have to pay for Due Process?

No. Requesting a Due Process hearing is free. However, a Due Process proceeding is often long and difficult. The school does not pay for your attorney. You will have to pay the legal bills if you choose to be represented by an attorney in this process. You do not have to have an attorney. You may represent yourself and your child without an attorney. However, if you lose the due process hearing, you could be responsible for all of the school's attorney's fees.

What is “Stay Put”?

Once the request for Due Process is filed, your child will stay in the school setting that they are in. This is called “stay put.” If you and the school agree to move your child to a different setting, that is allowed. But, if you file Due Process, the school cannot change your child's setting without your approval.

What happens at the Due Process hearing?

First, there will be a preliminary meeting between you and the school. This is called a resolution session. This has to happen within 15 days of you filing the complaint. Someone from the school that is allowed to make decisions on your child's special education services needs to be there. The school cannot have their attorney present unless the parent also has an attorney there. This meeting is a chance for the school to solve the issue without you continuing to proceed with a Due Process hearing.

If the complaint is not resolved to your satisfaction within 30 days of that meeting, then there can be a Due Process hearing. There will be hearing officer appointed to the case. They cannot be an employee of a State or local educational agency. At the hearing, the parent(s) and the school present information about the issue. They can only talk about the issue that led to the complaint. Neither side can bring up new issues.

What happens if we reach an agreement?

If you and the school agree to a solution, there will be a written agreement. This is legally binding. You and the school will both sign it.

Sources & Additional Resources:



**Kansas Special Education
Process Handbook, Chapter
11.** Kansas State Department of
Education.
<https://tinyurl.com/442w2dt3>

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WHAT IS MEDIATION?

KNOW YOUR SPECIAL EDUCATION RIGHTS: A GUIDE FOR PARENTS AND STUDENTS IN KANSAS

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Mediation brings in a third party to guide you and the school during a disagreement regarding your child's special education services. The mediator is neutral. They are trained to help you and the school come to an agreement. The State of Kansas pays for this service. You do not have to pay.

The parent(s) and the school have the choice to participate or not. Mediation only happens if both sides agree to do it.

When should I request mediation?

You should first try to solve the disagree with the school or district. Then, you may request mediation if you do not agree with what the school is or is not providing for your child. This could be related to your child's IEP, evaluation, placement, or another special education issue.

Mediation should be convenient. It should be provided in a timely manner. It also must take place somewhere that works for you and the school.

How does mediation end?

If an agreement is reached, the mediator will put the agreement in writing and everyone will sign it. If an agreement is not reached, the mediation ends. The mediator will declare that the two sides could not agree. Anything said in a mediation is confidential. It cannot be used as evidence in a due process hearing.

Should I request mediation or a due process hearing?

It is generally good to request mediation first. Then, you may not need to request a hearing. This can be helpful because it will take less time and less money. It is also friendlier. Both sides can offer solutions and decide on an agreement. In a hearing, it is the hearing officer that makes the decision. You may not like the decision of the hearing officer. Mediation can also strengthen the relationship between you and the school. However, mediation can also take place while you wait for a due process hearing.

How do I request mediation?

You should first ask the school if they will participate in mediation. Then, you can fill out a form to request it. This is a form from the Kansas State Department of Education. You can ask the school for this form. You can also find it at the link below.



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[Request for Mediation](https://tinyurl.com/f8pjss6b)

<https://tinyurl.com/f8pjss6b>

Sources & Additional Resources:



SCAN ME

[Kansas Special Education Process Handbook, Chapter 10.](https://tinyurl.com/442w2dt3) Kansas State Department of Education.

<https://tinyurl.com/442w2dt3>



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[Dispute Resolution.](https://tinyurl.com/3uj4583v) Kansas State Department of Education.

<https://tinyurl.com/3uj4583v>



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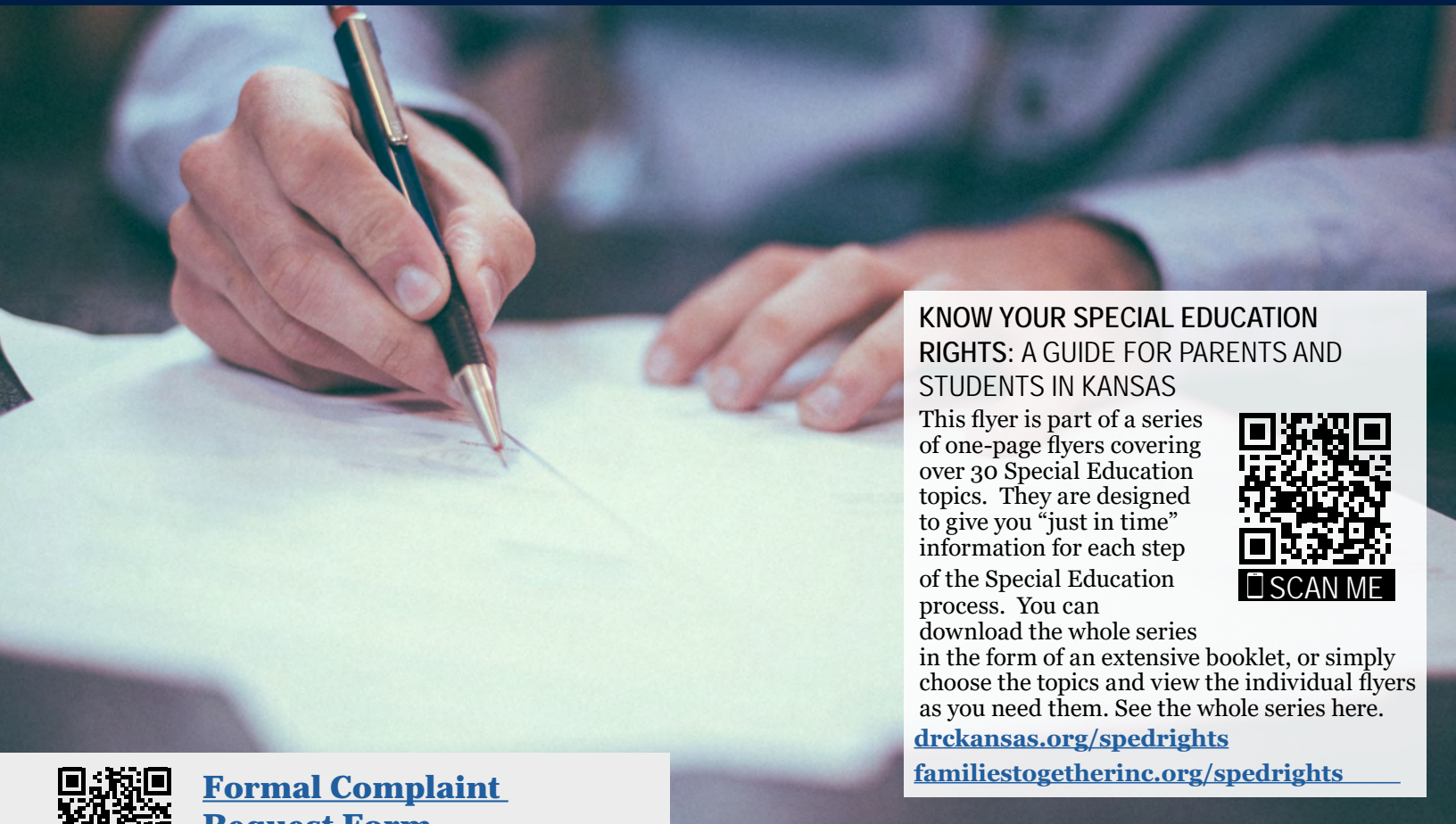
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WHAT IS A FORMAL COMPLAINT?



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Formal Complaint Request Form

<https://tinyurl.com/4ybc3wsb>

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A parent, or any person or organization, may file a formal complaint if they believe that the school is not following

the requirements of the state or federal special education law.

A formal complaint is a written document that you fill out and sign. Then, it goes to the State Department of Education. You can find the document at the link above.

This is a right that you have as a parent of a child receiving special education services. If your child has a 504 plan and it is not being followed, you can contact the U.S. Department of Education Office for Civil Rights.

When should I file a formal complaint?

The complaint must be something that has happened in the past calendar year. Before filing a formal complaint, try to find a solution with the school. If they are still not following the law, then you may want to file a formal complaint.



What is a 504 Plan?

<https://tinyurl.com/drthb93t>

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Example: The school is not carrying out your child's IEP in the way that you agreed. You bring this up with the IEP team. They do not make any changes. Then, you may decide to file a formal complaint.

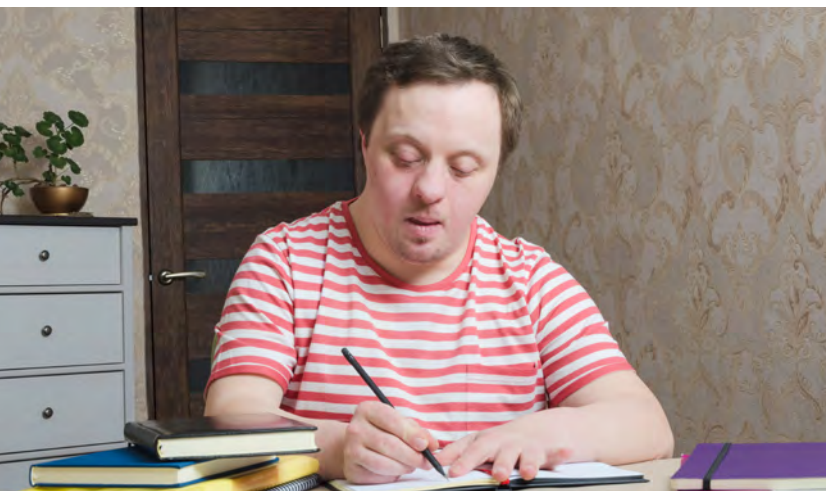
What happens after I file a formal complaint?

The Kansas State Department of Education (KSDE) has a Special Education Services Team. They will look into your complaint within 30 calendar days, unless there are exceptional circumstances. They will talk to both you and the school. Then, they will write a report. You will receive this report and so will the school.

If they decide that the school needs to make a change, then the school has 10 calendar days to respond. They must submit one of the following things to the State Department of Education:

- Document accepting the corrective action
- A request for more time to complete the corrective action
- A written request of appeal

If the school does not respond within 10 calendar days, they may face some form of penalty. Once the school makes any needed changes, the Special Education Services Team from KSDE will let you know in writing. This closes the process.



Sources & Additional Resources:



[Kansas Special Education Process Handbook](https://tinyurl.com/442w2dt3), Kansas State Department of Education.
<https://tinyurl.com/442w2dt3>

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SPECIAL EDUCATION SERVICES & PRIVATE SCHOOL

KNOW YOUR SPECIAL EDUCATION RIGHTS: A GUIDE FOR PARENTS AND STUDENTS IN KANSAS

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Can the school district place my child in a private school?

Special Education law says that the school can place school-age children with disabilities into a private school. They can do this only if the IEP team believes that the public school cannot meet your child's needs. If your child receives gifted services only, this does not apply to them.

The public school has to provide a free appropriate public education (FAPE) to every child. If they can't do this in the public school, they must pay for your child to go to a private school that can meet their needs.

The IEP team must meet to talk with you about sending your child to a private school before it happens. Someone from the private school needs to attend the meeting. You must agree before this change is made.

You do not have to pay if the school decides to place your child in a private school. The private school must meet the standards of the Kansas State Department of Education.

The private school must let the public school and the parents know anytime there is an IEP meeting.

What if I make the choice to send my child to private school?

You may also choose to send your child with a disability to a private school. The public school still has to provide special education services to your student.

You can make a written request for an evaluation to be done by the public school district. If your child is found to be eligible for special education services, the public school needs to create an IEP for your child. To do this, the school must hold an IEP meeting. You and your child are key members of the IEP team.

The IEP team will decide where your child will get special education services. If the special education services are going to be provided at the public school, the school district must provide transportation for your child to get to the school. However, the school does not have to transport to an address outside of the school district's boundaries.

If your child is going to receive special education services at the private school, the cost cannot be more than it would be at the public school. You do not have to accept the public school's services. If you refuse any of those services, the school needs to send you a prior written notice stating the services that you have denied.

The public school does not have to provide special education services for any religious education or religious activity.

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See more: [Who can make a referral for an evaluation to determine if my child needs Special Education services?](https://tinyurl.com/2h46s8r4)

<https://tinyurl.com/2h46s8r4>



Sources & Additional Resources:



[Kansas Special Education Process Handbook, Chapter 14.](https://tinyurl.com/442w2dt3) Kansas State Department of Education.

<https://tinyurl.com/442w2dt3>



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HOMESCHOOLING & SPECIAL EDUCATION

KNOW YOUR SPECIAL EDUCATION RIGHTS: A GUIDE FOR PARENTS AND STUDENTS IN KANSAS

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Homeschooling is when your child learns at home instead of public school. A homeschool must be registered with the State of Kansas. This is not the same as remote learning (for example, virtual or online school). It is also not the same as private school.

If your child is homeschooled, they are not enrolled in public school. That means that the public school does not have to provide special education and related services. When you start homeschooling your child, their right to special education stops. If they had an IEP (Individualized Education Program), it is not valid anymore. This means that the special education and related services will end.

The school can still offer to give your child special education services but is not required to offer them. You can accept or deny the special education services. Public schools have to locate, identify and evaluate all children in the district. This is done through “Child Find.” It includes students that are homeschooled.

If your child is identified as a student with a disability, the public school has to provide a free appropriate public education (FAPE). However, you have to enroll your child in public school to receive it. If you choose not to enroll in public school, you are required to provide your child’s special education services through your homeschool.

Kansas has requirements for homeschools. This includes documenting your child's education. You can find the requirements at <https://hslda.org/legal/kansas>. If you do not follow them, the school district can report your child as a *child in need of care* to the Department for Children and Families (DCF).



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Kansas Homeschool Laws



Sources & Additional Resources:



SCAN ME

Kansas Special Education Process Handbook, Chapter 5. Kansas State Department of Education.
<https://tinyurl.com/442w2dt3>



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Homeschooling in Kansas. Kansas State Department of Education. <https://tinyurl.com/u3zxnz3z>

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WHAT IS EMERGENCY SAFETY INTERVENTION (ESI)?



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An Emergency Safety Intervention (ESI) is the restraint and/or seclusion of a student. The law allows it when a student is at immediate risk of hurting themselves or someone else or is damaging property. Seclusion and restraint must only be used in an emergency. Schools must attempt less restrictive ways first. When this is not possible, the law may allow restraint and/or seclusion. The school must stop the seclusion or restraint as soon as the student is no longer a threat to themselves or others.

Restraint and seclusion are not punishments. The school cannot use them in this way. They are only used when a student's behavior is immediately harmful.

What is restraint?

Restraint is used to make a person move less. It is done in two ways:

- A person uses their body to stop a student from moving as much
- A tool is used to stop someone from moving as much (for example: handcuffs)

There are types of restraint that cannot ever be used. These include restraint where the student is face-down, face-up, or where the student can't breathe or cannot communicate.

Restraint & Seclusion
<https://tinyurl.com/mvksh834>



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What is seclusion?

Seclusion is all three of the following:

- A school employee puts a student in an enclosed area;
- The area is separated from other people on purpose; and
- The student is not allowed to leave the area or they think that they are not allowed to leave the area

Some schools have a separate seclusion room. Having a separate room is not a requirement for something to be seclusion. It may be a separate part of another room. A school person must be able to see and hear the student at all times. If the door is locked, it must open automatically, in case of a fire or storm.

Sources & Additional Resources:



[Notifying a parent of ESI](https://tinyurl.com/2j29a68m)
<https://tinyurl.com/2j29a68m>



[Options for complaints after ESI](https://tinyurl.com/y4rfus92)
<https://tinyurl.com/y4rfus92>



[Restraint & Seclusion](https://tinyurl.com/mvksh834)
<https://tinyurl.com/mvksh834>



[A Family Guide to the Use of Emergency Safety Interventions and Parental Rights](https://tinyurl.com/edyrzun). Families Together, Inc.
<https://tinyurl.com/edyrzun>



[Emergency Safety Intervention \(ESI\) Regulations](https://tinyurl.com/bae36ejs). Kansas State Department of Education.
<https://tinyurl.com/bae36ejs>

What rules does the school have to follow when using ESI?

Kansas has a specific law about ESI. It is referred to as the Kansas Emergency Safety Intervention Law. It is contained in Rules and Regulations of the State Board of Education. The school must follow it.

The school must tell the parents on the same day when a student is restrained and/or secluded. The school must also document the incident in writing. See the first link on the left called “Notifying a parent of ESI.”

If an ESI is used on your child, you may request a meeting with the school to talk about it. The school must hold this meeting within 10 school days of your request.

ESI cannot be used if your child has a health condition that will put them at risk of harm if it is used. To protect your child, have a health care provider write a statement explaining the health condition and why ESI cannot be used. It must also list things that the school could do instead of ESI. You must share that document with the school and they will put it in your child's file. If you do that, ESI cannot be used on your child.

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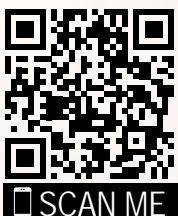
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RESTRAINT & SECLUSION

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Restraint is one form of an Emergency Safety Intervention (ESI). Kansas law allows restraint only in very limited situations. It must be an emergency situation. To be an emergency situation, the student must be actively hurting or about to hurt himself, herself or someone else. Or, the student must be significantly damaging property. Restraint is a last resort. Other things should be tried first.

Restraint is used to make a person move less. It is done when a person uses their body to stop a student from moving as much.

Not all types of touching are physical restraint. Kansas law lets school employees touch your child to offer comfort or to help them. They can briefly touch your child's arm, wrist, or back to help guide your child to go to a safe place.

There are some things that the school can never do. When using restraint, a school CANNOT:

- Lay a student on their stomach face down
- Lay a student on their back face up
- Do anything to block a student's airway
- Take away a student's ability to speak - If a student speaks with their hands, like sign language, the restraint cannot involve their hands.

- Use medication to stop a student from moving. There is one exception to this. If a student is prescribed medicine for a medical condition, the school can administer the medication in the prescribed dosage.

- Use any object or device to stop a student from moving (also called mechanical restraint).

There are two exceptions to this:

- A tool or object that is ordered by a professional can be used. This might be a stabilizing or protective device that the student needs.
- A tool or object that is required by law or law enforcement can be used. Examples of these are seatbelts and handcuffs. Only a law enforcement officer can use handcuffs.

If your child has a medical condition that will put them at risk if restraint is used, then restraint cannot be used. A health care provider must write a statement that says this. It will explain your child's diagnosis and why restraint cannot be used. It will also list things that the school could do instead of restraint. You must share that document with the school and they will put it in your child's file.

Seclusion is another form of an Emergency Safety Intervention (ESI). Kansas law sometimes allows it in emergency situations.

Seclusion is when three things happen:



- A school employee puts a student in an enclosed area
- The area is separate from other students and adults on purpose
- The student is not allowed to leave or they think that they are not allowed to leave the area

These are some of the rules the school must follow during seclusion:

- A school employee can see and hear the student at all times
 - For example: If there is a closed door and the student is alone, a window is needed to see and hear the student
- There cannot be anything dangerous in the secluded area
- The student needs enough air flow and light
- The area needs to be similar to other rooms where students go
- The student cannot be locked alone in a room
 - If the room has a door that locks, it cannot stay locked if a school employee walks away from the area

This list does not include all seclusion rules.

Will the school tell me if they use restraint and/or seclusion on my child?

When restraint and/or seclusion is used with your child, the school must notify you the same day it was used. You can require a meeting with the school to discuss the use of restraint and/or seclusion on your child. Contact the school to set this meeting. The team has to meet within 10 school days of your request. The focus of the meeting is to help prevent the use of restraint or seclusion against your child in the future.

Additionally, if your child has an IEP or Section 504 plan, you can ask for a meeting with your child's team to discuss how to prevent the need for restraint or seclusion. In the meeting, you will talk about your concerns. The team will describe what happened with the use of restraint and/or seclusion. You and the team should focus on ways to prevent restraint or seclusion in the future. This could mean evaluating your child or creating a behavioral intervention plan. If your child already has a behavioral intervention plan, the team should think about making changes.

If you find out that restraint or seclusion was used on your child and you were not told or the ESI did not follow the law, contact the Disability Rights Center of Kansas at 1-877-776-1541.

Sources & Additional Resources:



[Options for complaints after ESI](https://tinyurl.com/y4rfus92)
<https://tinyurl.com/y4rfus92>



[What is ESI?](https://tinyurl.com/hnab9pjw)
<https://tinyurl.com/hnab9pjw>



[Notifying a parent of ESI](https://tinyurl.com/2j29a68m)
<https://tinyurl.com/2j29a68m>



[A Family Guide to the Use of Emergency Safety Interventions and Parental Rights](https://tinyurl.com/edyrrzun). Families Together, Inc.
<https://tinyurl.com/edyrrzun>



[Emergency Safety Intervention \(ESI\) Regulations](https://tinyurl.com/bae36ejs). Kansas State Department of Education.
<https://tinyurl.com/bae36ejs>

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NOTIFYING A PARENT OF ESI

KNOW YOUR SPECIAL EDUCATION RIGHTS: A GUIDE FOR PARENTS AND STUDENTS IN KANSAS

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What happens if the school uses restraint or seclusion on my child?

The school must let you know if they use restraint or seclusion on your child on the same day they used it. Restraint and Seclusion are also called Emergency Safety Interventions (ESI). If the school cannot reach you, they will contact your child’s emergency contact. In total you will get two notifications – the day of and the follow-up in writing.

The next day the school must give you a written record of information including:

- Date and time the ESI was used
- Type of restraint or seclusion
- How long it lasted
- Name of the school employee that used the ESI
- What happened before the restraint or seclusion was used
- Your child’s behavior that caused the ESI to be used
- Steps that the school took to get your child back to his or her classroom after the use of restraint or seclusion
- Statement encouraging you to schedule a meeting about the event
- Email and phone number of who you should contact to schedule that meeting

The written record from the school will include space for you to give comments, or the school will provide you with a separate form for your comments.



Sources & Additional Resources:



How can I file a complaint if ESI was used on my child?

<https://tinyurl.com/y4rfus92>



What is ESI?

<https://tinyurl.com/hnab9pjw>



Restraint & Seclusion

<https://tinyurl.com/mvksh834>



A Family Guide to the Use of Emergency Safety Interventions and Parental Rights. Families Together, Inc.

<https://tinyurl.com/edyrrzun>



Emergency Safety Intervention (ESI) Regulations. Kansas State Department of Education.

<https://tinyurl.com/bae36ejs>

After the first time an ESI is used with your child, the school has to provide you with a printed form including:

- A document explaining when ESI can be used
- A copy of your parent rights
- How to file a complaint
- Information that can help you during the complaint process.
 - This includes information on Families Together, Inc. and the Disability Rights Center of Kansas

You can request a meeting to talk to the school about what happened. It is a good idea to make this in writing. They have to hold the meeting within 10 school days of your request.

If you are upset with the ESI that was used on your child, you have options. See the first link on the left for options for complaints after the use of ESI.

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HOW CAN I FILE A COMPLAINT IF ESI WAS USED ON MY CHILD?

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The use of seclusion and restraint is called Emergency Safety Interventions (ESI) in Kansas. If you have concerns, you have options when the school uses restraint or seclusion on your child. There are four ways to voice your concerns.

1. Have a meeting with the school about the ESI

You can request a meeting by either calling the school or making the request in writing. It is recommended to make your request in writing, either handwritten, typed, or by email. Then you have documentation. The school has to have the meeting within 10 school days of your request. You can ask for an extension if the school schedules a meeting at a time you can't go. The goal of this meeting is to try to prevent the need to use ESI in the future. The meeting should be about steps to take to reduce the use of ESI on your child. The meeting should include you, a school leader, one of your child's teachers, the school employee who used the ESI and others who are invited by the school. Your child can come to the meeting. In the meeting, you can talk about how to avoid restraint or seclusion in the future. You can also talk about your child's IEP or Section 504 plan. If changes need to be made to the IEP or 504 Plan, then an IEP or 504 plan team meeting should be scheduled. The team must talk about the ESI and consider a functional behavior analysis (FBA), make a behavior intervention plan (BIP) or change the FBA or BIP the student already has.

2. Have a meeting with the principal

You may want to talk to the principal if you are concerned about the incident. You may also want to talk to the principal if you are concerned that the law was not followed.

3. File a written complaint with the local school board

You can write a complaint to the local school board if you think that the school did not follow the law when they used restraint or seclusion on your child. You must file your complaint within 30 days after you were told about the incident. In your complaint, give details to the members of the school board why you believe that the law was not followed. The school board will do an investigation. They have 30 days to tell you the results of the investigation.

4. Request an administrative review by the state board of education

If you do not get a decision from the local school board within 30 days or you do not agree with the decision of the local school board's investigation, you can ask the State board of education to do an investigation. You must do this within 60 days of asking the local school board. The Kansas State Board of Education may talk to you and your local board or school staff. You will be informed of the decision 60 days after your complaint was received.

Sources & Additional Resources:



[A Family Guide to the Use of Emergency Safety Interventions and Parental Rights.](https://tinyurl.com/edyrrzun) Families Together, Inc.
<https://tinyurl.com/edyrrzun>



[Emergency Safety Intervention \(ESI\) Regulations.](https://tinyurl.com/bae36ejs) Kansas State Department of Education.
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WHAT IS AN IFSP?



KNOW YOUR SPECIAL EDUCATION RIGHTS: A GUIDE FOR PARENTS AND STUDENTS IN KANSAS

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IFSP stands for Individualized Family Service Plan. It is a written document that explains what services your child will receive. It is an agreement between your family and your local Tiny K program.. Tiny K is the Kansas Infant and Toddler program, which serves children with disabilities ages birth to three. The IFSP is a plan that will change every year as your child grows and develops.

Who gets an IFSP?

You will have a written IFSP and a family service coordinator who will work with you to create it if you meet these three things:

- Your child is three years old or younger
- Your child has exceptional needs, such as a disability
- Your child is eligible for Tiny K services in Kansas

What is the family's role in the IFSP?

The IFSP should center around your family. This means that your culture, values, and beliefs will be reflected in the IFSP. It also means that you will be a key part in creating the IFSP. You know your child's strengths, needs, and preferences/interests. Information you provide about your family will help you and the rest of the IFSP team write a plan that best serves your child.

You can decide how involved you want to be in providing the services listed in the IFSP with the guidance of the other team members. You can also decide which services you want to accept and how involved you and your child want to be in the program.

You should understand everything in the IFSP. Each step should be explained to you as you help write the plan. You will sign the IFSP when it's written, but only when you are satisfied and you agree with it.

What is an IFSP meeting?

An IFSP meeting is when the team gets together to talk about the plan for your child. The first IFSP meeting has to happen within 45 days of your child's first evaluation. The IFSP needs to be reviewed every 6 months. Changes can be made when that happens. It can be reviewed more often if it is needed.

You must receive a written notice before an IFSP meeting. This notice needs to come at least 10 days before the meeting. If you do not want to receive these notices, you can decline this option. You can bring any family member or other person that knows your child to the meeting. They can share thoughts and important information about your child.

The meeting needs to happen in a place and at a time that works for your family. In general, the meeting needs to be held in the language that your family uses (Spanish, American Sign Language, etc.).



Sources & Additional Resources:



[Kansas Special Education Process Handbook.](#) Kansas State Department of Education.
<https://tinyurl.com/442w2dt3>



[Kansas Infant-Toddler Services Procedure Manual.](#) Kansas Department of Health and Environment.
<https://tinyurl.com/j4h7upu3>



[Tiny-k website:](#)
<https://tinyurl.com/2z6x8eb5>



[Step Ahead at Age 3.](#) Families Together, Inc.
<https://tinyurl.com/3sk6uuct>

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WHAT IS TINY-K?



KNOW YOUR SPECIAL EDUCATION RIGHTS: A GUIDE FOR PARENTS AND STUDENTS IN KANSAS

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Tiny-k is a program in Kansas for children with disabilities that are younger than 3. It provides services to children with exceptional needs and their families in a comfortable, known location, such as home or a childcare center. A family that may need Tiny-k services will get a family service coordinator. That coordinator will help make sure that the family and child meet the requirements of the program. This process will include an evaluation of the child.

Tiny-k services are based on the needs of the family. They could include:

- Speech therapy
- Occupational therapy
- Physical therapy
- Vision services
- Hearing services
- Family training
- Assistive technology
- Social work
- Psychological services
- Nutrition services
- Transportation services
- Other types of medical services

After it has been decided that your family and child are eligible, you and the family service coordinator will write an IFSP. This stands for Individualized Family Service Plan. The IFSP will include goals and outcomes that your child will work towards.



See more: [What is an IFSP?](https://tinyurl.com/34yzuwu3)
<https://tinyurl.com/34yzuwu3>



Tiny-k services end when your child turns 3. However, before their third birthday, your Tiny-k team will help you plan for your child's next steps, whether they will receive special education services at school or participate in another program. Find your local Tiny-k program's information [here](https://www.tiny-k.org/tiny-k-map.html) or at the QR code on the left: <https://www.tiny-k.org/tiny-k-map.html>



Sources & Additional Resources:



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[Kansas Special Education Process Handbook, Chapter 3.](https://tinyurl.com/442w2dt3) Kansas State Department of Education.
<https://tinyurl.com/442w2dt3>



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[Kansas Infant-Toddler Services Procedure Manual.](https://tinyurl.com/j4h7upu3) Kansas Department of Health and Environment.
<https://tinyurl.com/j4h7upu3>



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WHAT IS KAN-BE-HEALTHY/EPSDT?

KNOW YOUR SPECIAL EDUCATION RIGHTS: A GUIDE FOR PARENTS AND STUDENTS IN KANSAS

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EPSDT stands for Early and Periodic Screening, Diagnostic, and Treatment. It is part of the federal Medicaid program which provides health and long-term care. Kansas must provide EPSDT to people under 21. In Kansas, EPSDT is called the Kan-Be-Healthy program.

Kan-Be-Healthy (EPSDT) requires that children get the healthcare and other services that they need. It covers anything Medicaid covers if those services will help with a condition or make it easier to live with. The services must be medically necessary.

What is covered under Kan-Be-Healthy?

There are four screenings that Kan-Be-Healthy can cover. Those are:

- Vision screenings - This includes eye glasses.
- Hearing screenings - This includes hearing aids and other devices that can help with communication.
- Dental screenings - This includes routine cleanings and x-rays.
- Medical screenings - This includes health and developmental examinations, immunizations, laboratory testing, long-term care needs, health, education and guidance.

Any condition or issue discovered under one of the above screens MUST be addressed and covered with health and long-term care services by Kan-Be-Healthy. Other examples of services that must be covered under Kan-Be-Healthy are home health services, attendant care services, in-home nursing services, and medical respite services. The key is that your doctor must note the condition on the screen they conduct for Kan-Be-Healthy.

How do I get Kan-Be-Healthy services for my child?

Meet with your child's doctor to talk about what your child might need. Have the doctor do a new screen detailing what is needed. The doctor will also need to document that the services that you talk about are medically necessary. They can do this with a letter from your child's doctor explaining why the service is medically needed. The doctor can also explain your child's disability in the letter.

Use the Kan-Be-Healthy screening form and checklist.



KDHE's Kan-Be-Healthy Screening Form

<https://tinyurl.com/2tf3rukn>



Checklist of EPSDT services

<https://tinyurl.com/33uhwmay>

The screening form is what you will submit to request Kan-Be-Healthy services. Your child's doctor needs to fill out the screening form.

Submit the form to your child's managed care organization (MCO). They have to respond to your request. They will mail you a "Notice of Action." This will say if your request is approved or denied.

If the request is approved, the MCO begins the process of getting services for your child. If the request is denied, the notice will include how to appeal the decision. If you want to appeal, make sure you keep the Notice of Action. You must appeal within 33 days of the denial. If you need help with this, contact the Disability Rights Center of Kansas.

Sources & Additional Resources:



EPSDT and Kan Be Healthy Early Periodic Screening, Diagnosis, and Treatment.

Families Together, Inc.

<https://tinyurl.com/2ksdfw96>



EPSDT: Early Periodic Screening, Diagnosis, and Treatment. Disability Rights Center of Kansas.

<https://tinyurl.com/f2xwme3h>



Kan-Be-Healthy Screening Form. Kansas Department of Health and Environment.

<https://tinyurl.com/2tf3rukn>



Fact Sheet: Medicaid EPSDT Case Trends and Docket. Perkins, J. National Health Law Program.

<https://tinyurl.com/ys8m4t87>

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WHAT ARE HOME & COMMUNITY BASED SERVICES?

KNOW YOUR SPECIAL EDUCATION RIGHTS: A GUIDE FOR PARENTS AND STUDENTS IN KANSAS

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Home and Community Based Service (HCBS) waivers are programs through Kansas Medicaid (KanCare). The Kansas Department for Aging and Disability Services (KDADS) directs these programs. HCBS waivers let someone receive services where they live in the community instead of an institution, like a nursing home or state hospital.

There are seven HCBS waivers in Kansas. Six of them provide in-home services for children and youth.

The waivers meet different needs depending on different disabilities. Some waivers may provide in-home assistance for your child. Others may provide services such as therapies, nursing care, case management, counseling, day services, or residential services.



The six waivers that serve Kansas children and youth are:

- **Autism Waiver (AU):** for children with autism ages 0-5
- **Brain Injury Waiver (BI):** for people who have a brain injury ages birth to 64
 - This brain injury can be acquired or traumatic
- **Intellectual/Developmental Disability Waiver (IDD):** for children ages 5+ who have an intellectual disability that started before they were age 22
- **Physical Disability Waiver (PD):** for people ages 16-64 that meet Social Security's definition of disability for SSDI or SSI
- **Severe and Emotionally Disturbed Waiver (SED):** for people ages 4-18 with a mental health diagnosis
 - This diagnosis must substantially disrupt the person's ability to function socially, academically, and/or emotionally
- **Technology Assisted (TA):** for people ages 0-21 who depend on a ventilator or other device to perform a vital bodily function

Who can receive HCBS waivers?

Your child must have KanCare Medicaid insurance to qualify for HCBS Waivers. They also must meet the definition of disability under the Social Security Act. They must meet the requirements of the specific Waiver.

More details can be found about each waiver at the [KDADS website](https://tinyurl.com/yschbhht). Find it here:
<https://tinyurl.com/yschbhht>



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WHAT IS CHILD FIND?



KNOW YOUR SPECIAL EDUCATION RIGHTS: A GUIDE FOR PARENTS AND STUDENTS IN KANSAS

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Child Find requires each school district to identify students that might need special education services. Federal law requires every state to operate a thorough Child Find process. It includes all children and youth from birth to age 21. They may be in private schools, home schools, homeless, in foster care, in institutions, etc.

It does not matter if your child is too young to be in school. If you think they might need special education services, Child Find still applies. Child Find in Kansas uses a screening process for children birth to age 5. If your child is 3 through 21, call the school district or special education director for a screening. If your child is birth through 2, contact your local Infant -Toddler Network to get a screening. Once a parent asks for a screening, it should happen within 30 calendar days.

You can find your local Infant -Toddler office at this website:
<https://tinyurl.com/56pnjrh5>



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If you think your child has a disability, you have the right to ask the school to evaluate your child. If you want your child to get an evaluation, write a request to the school. The school must generally respond in writing within 15 school days. The school district has 60 school days to complete the whole process which includes an evaluation, a meeting to see if your child needs an IEP, writing the IEP and putting the IEP into action. The evaluation timeline starts the day you sign and return the paperwork that you agree to the evaluation.

The law says that all schools have to identify children with disabilities through this Child Find program. If you have more questions about Child Find, contact the Disability Rights Center of Kansas or Families Together, Inc.

Sources & Additional Resources:



[Kansas Special Education Process Handbook, Chapter 2.](https://tinyurl.com/kr5bd2hm) Kansas State Department of Education.
<https://tinyurl.com/kr5bd2hm>



[Parent Guide to Special Education.](https://tinyurl.com/wx3z8yhn) Kansas Department of Health and Environment.
<https://tinyurl.com/wx3z8yhn>



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TRANSITIONING FROM HIGH SCHOOL AS A STUDENT WITH A DISABILITY



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What is a transition plan?

A transition plan helps your child prepare for life after high school. It is part of the Individualized Education Program (IEP). In Kansas, the transition starts when a student turns 14. The IEP must be updated every year. The transition plan should be reviewed and updated yearly.

Who gets a transition plan?

Every student with a disability who has an IEP will have a transition plan. This starts at age 14. This means that the student's input is required. The plan is all about what the student wants to do after high school.

What does a transition plan include?

A transition plan must have at least two goals – a postsecondary education/training goal and an employment goal. Postsecondary goals are about what education and training the students wants after high school. Employment goals are about where they want to work after high school. The goals should list the student's true hopes and dreams. Each student is different. Each student's hopes and dreams will be different, too. Examples of things that could be in the transition plan are:

- Education and/or training after high school
- Independent living skills (this could be things like making meals, budgeting, taking care of a home, paying bills, and how to take care of yourself)
- Employment
- Services that the student will need as part of transition
- Responsibilities of various agencies during the student's transition (when appropriate)
 - An example of this is Kansas Vocational Rehabilitation (VR) services. If VR or some other agency is added to the IEP, that agency can begin going to the IEP meetings. You have to give written permission for an agency to be invited to attend IEP meetings.

The iTransition app is a free, user-friendly, web and device-based app that empowers students to have a successful school to adult life transition. Try it out! www.iTransitionKS.org

Transition Planning - What happens before age 14:

The school should do a transition assessment. This will be in the areas of education and training, employment, and independent living skills (if necessary). It needs to be appropriate for the student's age. This assessment will be used to make the postsecondary goals for the transition plan.

When a student is 14, more services that they will need to transition out of high school will be added to the IEP and the transition plan. This could be community experiences like working, job training, banking, shopping, transportation, counseling, or recreational activities.

Age 14 is also when they might add daily living skills to the transition plan.

At age 14, a functional vocational evaluation might be done, if appropriate. This would cover things like job interests and skills. The IEP team can then use that information to make changes to the IEP or transition plan, if needed.

Transition Planning - What happens at age 16:

When a student is 16, more services that they will need to transition out of high school will be added to the IEP and the transition plan. This is also the age when the transition plan will add information about the responsibilities that various agencies will have during your student’s transition. This is only included if it is appropriate for the student. An example of this is Kansas Vocational Rehabilitation (VR) services. If VR or some other agency is added to the IEP, that agency can begin going to the IEP meetings. You must give written permission for an agency to be invited to attend IEP meetings.

Transition Planning - What happens at age 17:

When a student turns 17, the IEP team has to let them and their parents know that they will soon be old enough to make their own decisions. Under Kansas law, people can make their own decisions at 18. This is called age of majority. In the IEP, the school has to document that they explained this to the parents and student.

If the student is not able to make decisions for themselves, there are many options and alternatives to guardianship, such as durable powers of attorney and supported decision making. Guardianship should be a last resort. If a guardian is appointed for a student, the document to the right (Alternatives to Guardianship & Conservatorship) can help inform the student about their rights. Families and students who want to know more about alternatives to guardianship should contact the Disability Rights Center of Kansas and Families Together.

Will my student receive special education services in a college class that they take while they’re still in high school?

Sometimes, students take college classes while they’re in high school. In these college classes, the school technically does not have to follow the IEP or provide the services in the IEP. However, the college must make reasonable accommodations for the student with a disability under the Americans with Disabilities Act. The college cannot discriminate based on disability. The student and/or parent must contact the college’s student disability services office to receive these accommodations.



[How can VR help with my child’s transition?](https://tinyurl.com/5mczjhyk)
<https://tinyurl.com/5mczjhyk>

Disclaimer: This fact sheet is not intended to provide specific legal advice. If you need legal advice, please contact an attorney. Only an attorney can give you specific legal advice based on your particular situation. We try to update our materials regularly, but the law can change frequently. This publication is based on the law at the time that it was written. Future changes in the law could make information in this fact sheet inaccurate.

Sources & Additional Resources:



[Alternatives to Guardianship & Conservatorship.](https://tinyurl.com/5vkrz5h3) Disability Rights Center of Kansas.
<https://tinyurl.com/5vkrz5h3>



[Transition in the IEP: What Parents and Students Need to Know.](https://tinyurl.com/yanc45b8) Kansas State Department of Education.
<https://tinyurl.com/yanc45b8>



[Supported Decision-Making.](https://tinyurl.com/yn7be23w) Kansas University Center on Developmental Disabilities.
<https://tinyurl.com/yn7be23w>



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HOW CAN VOCATIONAL REHABILITATION (VR) HELP WITH MY CHILD'S TRANSITION? WHAT SERVICES DOES VR PROVIDE?

KNOW YOUR SPECIAL EDUCATION RIGHTS: A GUIDE FOR PARENTS AND STUDENTS IN KANSAS

This flyer is part of a series of one-page flyers covering over 30 Special Education topics. They are designed to give you “just in time” information for each step of the Special Education process. You can download the whole series in the form of an extensive booklet, or simply choose the topics and view the individual flyers as you need them. See the whole series here.



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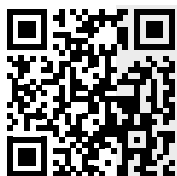


Vocational Rehabilitation (VR) can provide many services and supports to help qualified students with disabilities move to adult life. In Kansas VR is called Kansas Rehabilitation Services. It is located within the Department for Children and Families. VR can pay for things like college, technical training, getting a job, new job skills, work-related items – such as tools, clothing, assistive technology ... and so much more.

Your IEP Team must refer students to VR for services. It is VERY important that you and your family follow up on this referral and apply for VR services. Too often students and parents do not follow up with VR. That means they lose out on the getting VR's great services, such as paying for college, training, or many other needed supports and services. An individual can also self-refer at anytime in the future if services are needed.

Contact the Kansas VR program in your region or call your local Department of Children & Families office to apply for VR.

The iTransition app is a resource that can be used alongside VR. iTransition is a free, user-friendly, web and device-based app that empowers students to have a successful school to adult life transition. It's an easy way for students with disabilities to play an active role in their transition plan. The student simply uses the app to answer a handful of questions about their goals. Takes only 5-10 minutes. The app then outputs a draft transition plan you take to your IEP team. You get a customized, comprehensive, downloadable document to help with your transition to adult life. Try it out! www.iTransitionKS.org



Find your local VR office here:

<https://tinyurl.com/3443buc4>

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Sources & Additional Resources:



Transitioning from high school as a student with a disability

<https://tinyurl.com/jdsd86su>

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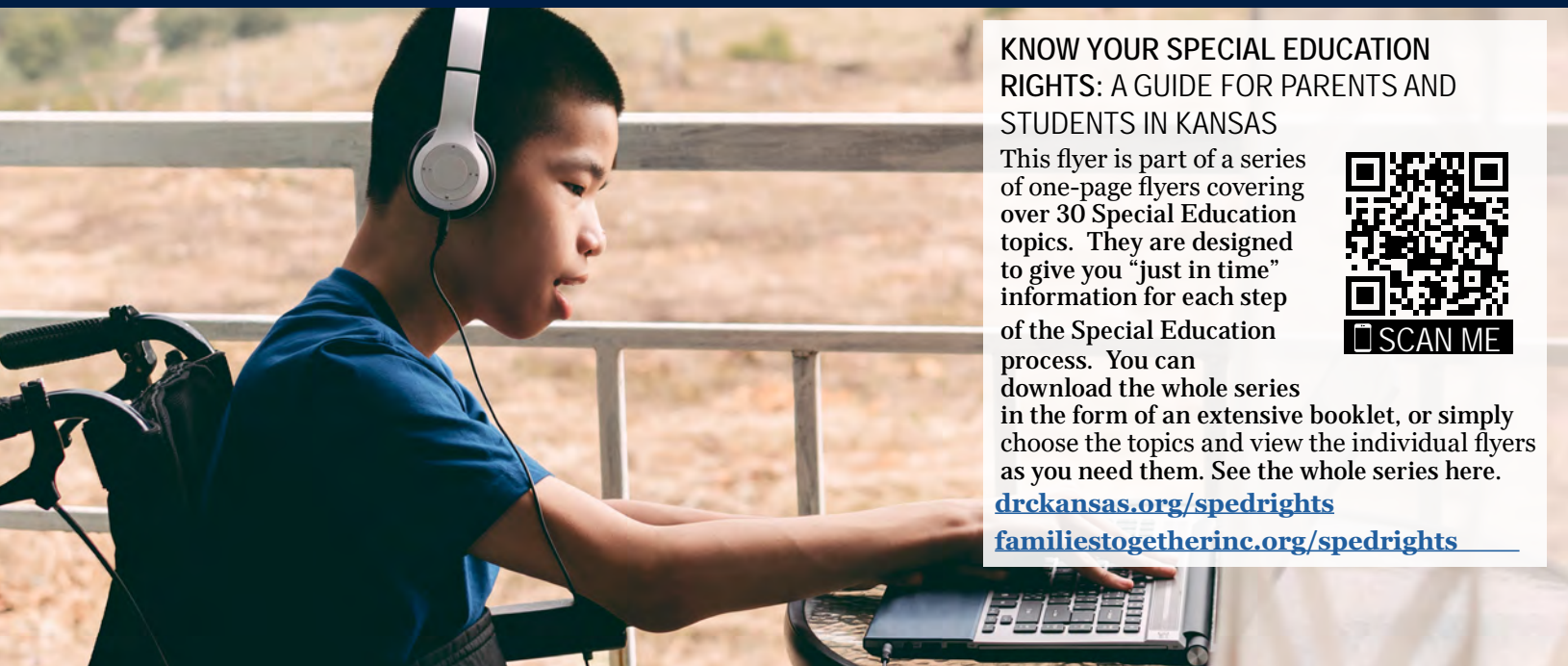
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WHAT IS A 504 PLAN?



KNOW YOUR SPECIAL EDUCATION RIGHTS: A GUIDE FOR PARENTS AND STUDENTS IN KANSAS

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A 504 plan is a plan for students with disabilities. It helps them get what they need in school by providing additions or changes to the learning environment to accommodate your child's disability. It is provided at no cost to families. A 504 Plan should not be provided instead of an Individualized Education Program (IEP) when a student is eligible for Special Education.

504 plans come from Section 504 of the federal Rehabilitation Act. This is a civil rights law. It protects students from discrimination. In order to qualify for a 504 plan an individual needs to have a documented disability or health concern that substantially limits one or more life activities, such as learning. Some students with disabilities are not eligible for an IEP but still need accommodations. In these cases, the student with a disability may be eligible for a 504 plan.

How is a 504 plan different than an IEP?

IEPs come from the IDEA (Individuals with Disabilities Education Act). The IDEA gives students with disabilities the right to a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). IEPs are a plan to meet a child's needs at school. Every child with a disability is not eligible for an IEP.

However, 504 plans are similar to IEPs. Like IEPs, the school has to follow what is in the 504 plan. Unlike an IEP, it may or may not be a written plan. However, it is a good idea to have a written plan. As a parent, you should ask for the 504 plan to be in writing. This will help you and the teachers follow the plan. A 504 plan includes additions or modifications that the school must provide to accommodate your child's disability. If the school does not follow the 504 plan, it can be difficult for your child to succeed. If you think the school is not following the 504 plan, you should ask for a meeting with the school to go over your concerns. You can also invite the Special Education Coordinator for the District to try and find a solution.

Here are some ways 504 plans are different than IEPs. If your child has a 504 plan:

- There does not have to be a meeting to change your child’s placement, although it is still required that you are notified of any change.
- You do not have to receive prior written notices of any changes to the 504 plan.
- You do not have the same list of parental rights. You do not have the right to a due process hearing if you disagree with the school about something. You can however participate in mediation, have an impartial hearing, and file a complaint with the federal Office for Civil Rights (OCR) in the U.S. Department of Education. Your child can still be suspended or expelled for behaviors related to their disability.
- The school does not have to give your student an education while they are suspended or expelled.

I think my child could benefit from a 504 plan. How do I know if they are eligible?

Both physical and mental impairments could make your child eligible for a 504 plan.

Physical impairments affect the body or organs. Mental impairments include mental illnesses, intellectual/developmental disabilities, traumatic brain injury, learning disabilities, etc.



CFR 104.3 (j) (i)
<https://tinyurl.com/3zcafww9>

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Full definitions can be found in the federal regulation **CFR 104.3 (j) (i)**. These definitions don’t include specific diseases, but that doesn’t mean that your child’s condition would not qualify them for a 504 plan. Your child should qualify for a 504 plan if they have a documented disability or health concern that substantially limits one or more life activities, such as learning disability.

How do I request a 504 plan for my child?

First, the school needs to decide if your child should have a 504 plan. They do this by conducting an evaluation. For a 504 Plan, the evaluation needs to show that their disability limits one or more major life activities. This might be walking, seeing, hearing, speaking, breathing, learning, reading, writing, doing math calculations, working, caring for oneself, or doing manual tasks.



Who can make a referral for an evaluation to determine if my child needs Special Education services?
<https://tinyurl.com/2h46s8r4>

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You can request an evaluation for a 504 plan in the same way that you request an evaluation for an IEP. One easy way to request an evaluation is to write a letter or email to your child’s teacher, principal, counselor, and/or a social worker.

Sources & Additional Resources:



Kansas Special Education Process Handbook. Kansas State Department of Education.
<https://tinyurl.com/442w2dt3>

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Can my child have a behavior management plan with their 504 plan?

Yes. Any child with a disability whose behaviors affect their educational opportunities at school should have a behavioral intervention plan (BIP). You can request this from the school in writing.

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