

Special Education Services

FACT SHEET

Information for Parents who have Children and Youth with Mental Health Needs

What is special education and who is eligible?

Special education refers to specialized teaching and other related services that are designed to help students learn and do well in school. Special education accommodations such as means changing the materials, allowing your child to use technology or even modify homework, working with a social worker to teach your child social skills or with a speech therapist to help with language needs, etc. Special education and related services are designed to meet the unique needs of each child. ***Children between the ages of 2 to 21 (inclusive) who have a disability that is ongoing and significant enough to get in the way of learning may be eligible for special education services.*** Disability areas include (but are not limited to): learning disabilities, emotional or behavioral disorders, physical disabilities, autism disorders, traumatic brain injury or developmental disabilities, etc. An educational evaluation process determines if a child has a disability and would benefit from special education.

How can I request special education help for my child?

Generally, the process of getting special education includes a referral, evaluation and the development of an Individualized Education Program (IEP). You have every right to request further assistance and evaluation from your child's school; speak with your child's teacher, the school's social worker, or principal and express your concerns. You may make this type of request verbally or in writing. For the sake of record keeping, it is recommended that you put your request in writing and make sure you sign and date the request; don't forget to keep a copy for your records as well. ***In Virginia, it is mandated that the school decide whether or not to conduct an evaluation within 10 days from the date of the request.*** Information is collected from the child, adults who know the child, (especially the parents), and should include observation of the child at home and at school. The school must evaluate your child in all areas that may affect your child's learning.

What happens after an evaluation is completed?

The special education evaluation will identify if your child has a disability and if that disability affects school performance. When the evaluation is completed, an eligibility meeting will be held to determine if a child is eligible for exceptional education services. ***The school has 65 school days from the date of the initial request for an evaluation to determine a child's eligibility for special education. If the child is eligible, a meeting must be held within 30 days to develop an Individualized Education Program (IEP), and services should begin as soon as possible after the development of the IEP.*** Remember that a special education evaluation is different from a diagnostic assessment; schools cannot diagnose your child. If your child has already been diagnosed by a mental health professional, schools can evaluate ways to improve your child's learning in the schools.

What is an Individualized Education Program (IEP)?

The IEP will include educational goals for your child as well as how progress will be measured. The team will decide what types of special education and related services, modifications and supports will help your child learn and achieve these goals. The IEP will also state how much time your child will be in the regular classroom, in special education (placement), and any modifications needed for your child to take state tests. ***The school must provide the services that are written in the IEP at no cost to you. It is very important for you to participate in making these decisions and in understanding what goes into your child's IEP.***

What is a 504 Plan?

Section 504 is an anti-discrimination, civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of the non-disabled are met. Students are eligible for a 504 plan if they have a physical or mental impairment that substantially limits one or more major life activities. This is a broader definition of disability than that required for special education, and it covers a wide range of issues. For students with disabilities who do not require specialized instruction (an IEP), a 504 plan is an alternative which entitles them to changes in the learning environment to give them equal access to instruction. This may include specific accommodations and supports (such as extra time on tests, preferred seating, visual aids, adjusted class schedules) or related services (such as speech, occupational therapy, counseling) that are tailored to a child's individual needs. A 504 plan is less detailed than an IEP (for example it does not include annual goals), but accommodations formalized in a 504 plan will have the weight of federal law behind them. The 504 process is handled somewhat differently by each school district.

Tips for Families of Children/Youth with Mental Health Needs:

- ◆ The school cannot require your child to take medication as a condition for remaining in or returning to school.
- ◆ Although outside evaluations and diagnoses do not guarantee a child will be found eligible with an educational disability and thus entitled to an IEP, it is very helpful to provide any of these records you have to the school team conducting the evaluation. Also, those records can assist in getting a 504 plan as an alternative to an IEP.
- ◆ If you are repeatedly being asked to pick up your child from school due to behavior issues, you may consider requesting an evaluation for special education or to amend an existing IEP, so that a more effective plan and/or educational placement can be implemented. Sending a child home in reaction to behavior is not an effective plan (although shortening the school day proactively may be a good plan in some cases).
- ◆ Be persistent in advocating for your child. Make friends with administrators and teachers. Convey your child's history and issues as thoroughly and forcefully as possible, while remaining courteous. Remember, you know your child better than anyone and your goal is to help the school understand him/her as well. If your request for an evaluation is initially denied, you may appeal or you can wait a while and request an evaluation again, as more evidence of its necessity is accumulated.

For more information or for any other questions, contact Sarah at swilson@namivirginia.org or 804-285-8264 x203.



The Virginia Family Network is the only statewide network that solely represents families who have children and youth with mental health needs. We are here to ensure that families have the support and resources that they need and that their voices are heard, valued and respected. Thank you to the Department of Behavioral Health and Developmental Services for their support.