

Transfer of Rights

Regulations: 511 IAC 7-17-57, 7-28-4

When your child reaches the age of 18, which is the age of majority under Indiana Law, s/he will receive the required notices. When your child reaches 18 years of age, the rights under special education law transfer to him or her unless a guardian (you or someone else) has been appointed by the court. Students who have reached the age of majority are responsible for making decisions about their own education. If you believe your child needs a guardian and you wish to be the guardian, you must petition the Court. At a CCC meeting before your child turns 17 years of age, we will give you and him/her advance, written notice about the transfer of rights. We will also provide written reminders to each of you at the time of his/her 18th birthday.

Consent

Regulations: 511 IAC 7-17-13, 7-17-18, 7-22-1, 7-23-1(p), 7-27-5(d)

The school needs your written agreement (your “consent”) before it can do certain things. We must request your consent for:

- the first time your child is evaluated;
- the initial provision of special education service
- a reevaluation or additional evaluation of your child;
- a change of placement (described below); and
- a release of your child's educational records.

Consent means that you have been fully informed (in your native language/other mode of communication):

- of all information about the activity for which your consent is sought;
- that granting consent is voluntary on your part and;
- that you may take back your consent at any time. If you take back your consent, it does not cancel an action we have already taken.

Your consent is not required in connection with a change of placement for disciplinary removals or certain other decisions relating to discipline. In addition, although your consent is required for a change of placement, your consent is not required for every change in your child's IEP.

A placement means much more than the place where a student receives education. *A change of placement* means any of the following:

- a change in your child's disability category or eligibility for special education and related services, or declassification (meaning your child is no longer eligible);
- a change in the length, frequency, or duration of services specified in your child's IEP, if the change affects the goals and objectives/benchmarks (unless the change is already in an agreed-upon IEP);
- a change in the placement within the continuum of placement options (but not if the change is already in an agreed-upon IEP);

- a change of location, if the change affects the goals and objectives or benchmarks of the IEP; and
- graduation from high school with a regular diploma (because after the receipt of the diploma s/he is no longer eligible for services).

Evaluation procedures

Regulations: 511 IAC 7-17-12, 7-17-32, 7-25-1, 7-25-3, 7-25-4, 7-25-6, 7-25-7

You may start the evaluation process by:

- submitting a signed, written request; or
- signing our standard consent form; and giving it to a teacher, school counselor, school psychologist, school social worker, principal, or other administrator.

No matter who asks for the evaluation, a meeting is held to talk about your child's learning problems and the reasons an educational evaluation is needed. We will talk about the evaluation procedures and your rights relating to the evaluation. You will also be asked during this meeting if you would like to meet with someone to explain the results of the evaluation before the CCC meeting. This meeting is important so that you can be fully informed of what will happen during the evaluation process. If we asked for the evaluation and you are unable or unwilling to come to this meeting, we will mail you a notice that says we want to evaluate your child and asks for your written permission.

Your consent only allows us to do the evaluation and does not mean you agree to any special education services. If you do not consent to the evaluation, we may ask for mediation. If we feel that your child is being denied a FAPE because you did not provide consent, then we will ask for a due process hearing.

The first step in an evaluation is a review of existing data including information from you. This review does not require another meeting. Based on that review and information from you, we will decide what additional testing is needed to decide:

- if your child has a disability;
- what your child can already do at school and home; and
- whether your child needs special education and related services.

We must finish the evaluation and hold the CCC meeting within 60 school days from the date your consent was received. We will make sure that a copy of the evaluation report is available at your child's school at least 5 school days before the CCC meeting. You may go to the school to obtain your copy of the report. If you requested a meeting with someone to talk about the results your copy will be given to you at that meeting. This meeting may be held at any time within the 5 school days before the CCC meeting. If you do not receive a copy of the evaluation report before the CCC meeting, one will be given to you at the CCC meeting.

The procedures for any evaluation are the same. If an evaluation is needed in an area which has not already been assessed, this is called an additional evaluation and requires your written

consent before it is done. This additional evaluation must also be done within 60 school days after receiving your consent.

If your child was found eligible and receives special education services, a reevaluation of your child will be conducted at least every 36 months. Your consent is also needed for the reevaluation. If you do not respond to our attempts to get your consent (phone calls, letters, or home visits), we can go ahead without your consent. We may also suggest mediation or a due process hearing to obtain your consent. If it is decided no additional data is needed, it is our responsibility to make sure you understand how this decision was made and that you can request a reevaluation anyway to decide if your child continues to be eligible for special education services. We are not required to conduct further assessments unless you ask us to do so.

Once your child has been found eligible for special education and related services, we cannot decide that your child is no longer eligible for these services without doing an educational evaluation. The only time this does not apply is if your child graduates with a regular high school diploma or reaches 22 years of age.