

# Special Education Services

in South Carolina



## Overview

The [Individuals with Disabilities Education Act \(IDEA\)](#) guarantees a free appropriate public education ([FAPE](#)) for children whose disabilities significantly hinder their learning. The [SC Department of Education Office of Special Education Services \(OSES\)](#) assists and supports the public school districts, or [Local Education Agencies \(LEAs\)](#) in providing services for students with disabilities as outlined on their [Individualized Education Program \(IEP\)](#). Parental [participation in the IEP planning](#) and overall education process is very important to the success of their child.



# Special Education Services and the Least Restrictive Environment (LRE)

Special education services are a range of services that can be provided in different ways and in different settings that are tailored to meet the needs of students with disabilities.

These services are focused on helping kids with disabilities learn in the least restrictive environment (LRE).

The Individuals with Disabilities Education Act (IDEA) requires school districts to ensure: "...to the maximum extent appropriate, children with disabilities,...are educated with children who are not disabled and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."

[20 U.S.C.1412(5)(B)]

# Special Education Services and the Individualized Education Program (IEP)

Children who qualify for [special education services](#) have an Individualized Education Program (IEP). They get individualized teaching and other resources at no cost to their families.

Specialists work with them on their strengths as well as challenges. Families are key members of the team that decides what their children need to thrive in school.

*[\\*Some may qualify for protection under Section 504. Learn more about it here.](#)*



## Special Education Services and Supports

The services and supports for one student may be very different from those of another student. It's all about the individual child and being sure they have access to the resources needed to make progress in school.

For example, some students may spend most of their day in a general education classroom, while others may spend just an hour or two in a resource room working with a specialist. Some may need to spend their whole day in a self-contained classroom where they receive more one-on-one instruction, and others may attend a different school that specializes in teaching kids with learning disabilities, individuals who are deaf and/or blind, or students who have behavioral issues.



## Who Qualifies for an IEP?

IDEA requires public school districts to develop an IEP for every child who qualifies as having [one of 13 disabilities](#) identified by IDEA as a qualifying condition for special education.

Not every child who struggles in school qualifies. To be covered, a child's school performance must be "adversely affected" by a disability in one of the 13 categories below.

- Specific Learning Disability
- Other Health Impairment
- Autism Spectrum Disorder
- Emotional Disturbance
- Speech or Language Impairment
- Visual Impairment (including blindness)
- Deafness
- Hearing Impairment
- Deaf-Blindness
- Orthopedic Impairment
- Intellectual Disability
- Traumatic Brain Injury
- Multiple Disabilities

## IDEA and Child Find

IDEA dictates that school districts have the responsibility to identify, find and evaluate students who live within their boundaries suspected of having a disability. This is called **child find**.

The special education evaluation determines if a student is eligible for services and if so, what program are appropriate. A referral for an evaluation can originate from a parent, teacher or other school personnel.



## The Referral Process

Referrals are made by contacting the principal, school personnel, or the school's administrator of special education and asking for an evaluation for special education eligibility.

No matter who makes the referral, the parent(s) must give [informed written consent](#) before a special education evaluation can begin. You can find a sample letter below.

Dear teacher, principal, school psychologist, and special education director:

I am writing to you because my child is experiencing difficulties in school (list specifics). I am formally requesting a special education evaluation. Since this process can take up to 60 days, I would like to receive my [procedural safeguards](#) and the evaluation plan explaining the tests that may be given to my child within 15 days. Once I consent to the evaluation, I would like to be informed as to when the evaluation will be scheduled.

Thank you for your assistance. I look forward to hearing from you and your staff. Don't hesitate to contact me if you have any questions.



# The Evaluation Process

The evaluation must assess the child in all areas related to the child's suspected disability. The evaluation results will be used to decide the child's eligibility for special education and related services and to make decisions about an appropriate educational program for the child.

If the parents disagree with the evaluation, they have the right to take their child for an Independent Educational Evaluation (IEE). They can ask that the school system pay for this IEE.

Student Records

State & District  
Tests

Observations



Work Samples

Psychometric  
Tests

Interviews

## Determining Eligibility

After the assessment is complete, an eligibility IEP meeting is held. Here, the team discusses the results of the evaluation and determines if your child has met the criteria for special education.

It is up to the IEP team to determine eligibility. The IEP team must be in agreement regarding eligibility.

If you DISAGREE with the recommendation(s) of the IEP team, you should proceed to one of the following resolution steps:

- Request an [Independent Evaluation \(IEE\)](#) at the district's expense.
- Request further consideration at the district level by meeting with a program specialist or special education administrator.
- Request that additional testing be performed.
- Request [mediation](#) and exercise your due process rights.

## The Child is Found Eligible for Services

If the child is found to be a “child with a disability,” as defined by IDEA, he or she is eligible to special education and related services.

Within 30 calendar days after a child is determined eligible, the IEP team must meet to write an IEP for the child. School staff must do the following:

- Contact the participants, including the parents;
- Notify parents early enough to make sure they have an opportunity to attend;
- Schedule the meeting at a time and place agreeable to the parents and the school;
- Tell the parents the purpose, time, and location of the meeting;
- Tell the parents who will be attending; and
- Tell the parents that they may invite people to the meeting who have knowledge or special expertise about the child.

## What is the IEP?

An IEP is a document created annually that describes what the student already knows, what the student will learn in one year, and what services and supports the school will provide to help the student reach his or her educational goals.

The [process for creating the IEP](#) is meant to be one of collaboration between a student's parents, the student once he or she reaches age 16, teachers, service providers, and other school staff who know the student best.



## The Meeting is Held & the IEP is Written

The IEP team gathers to talk about the child's needs and write the student's IEP. Parents and the student (when appropriate) are part of the team.

The IEP is a [written, legal document](#) that ensures your child has access to a free and appropriate public education. It must include the following:

- Your child's [present levels of academic achievement and functional performance](#)
- A statement of [measurable annual goals](#)
- A description of how the child's progress toward meeting the annual goals [will be measured](#), and when periodic [progress reports](#) will be provided
- A statement of special education and [related services](#) and supplementary aids and services to be provided to the child
- A statement of [program modifications or accommodations or supports](#) for school personnel that will be provided
- An [explanation](#) of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and nonacademic activities
- The [projected date for the beginning of services](#) and [modifications](#), frequency, location, and Duration of those services and modifications

## Consent and Providing Services

Before the school system may provide special education and related services to the child for the first time, the parents must give consent. The child begins to receive services as soon as possible after the meeting.

Parents are given a copy of the IEP and each of the child's teachers and service providers has access to the IEP and knows his or her specific responsibilities for carrying out the IEP.

If the parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. If they still disagree, parents can ask for mediation, or the school may offer mediation. Parents may file a [complaint](#) with the [state education agency](#) and may request a [due process](#) hearing, at which time [mediation](#) must be available. Click here for additional [Dispute Resolution Information](#).

## Your Role Moving Forward

Your child has a plan for special education services and your IEP journey has officially begun. How do you stay involved now that services and supports are in place? What's [your role moving forward](#)? What can you do to make sure the IEP is as effective as possible?

Staying on top of your child's IEP and [working with the school](#) takes time and effort, but the more involved you are, the better able you'll be to ensure that your child's [supports and services are working](#).



## Progress is Measured and Reported to Parents

The child's progress toward the annual goals is measured, as stated in the IEP. His or her parents are regularly informed of their child's progress and whether or not that progress is enough for the child to achieve the goals by the end of the year.

These progress reports must be given to parents at least as often as parents are informed of their nondisabled children's progress.





## Making Sure Your Child's IEP is Working

There may be times when your child's progress seems to have stalled, or when you're noticing a slip in grades in one or more areas. If you have [concerns or questions about how things are going](#), you can meet with the IEP team to discuss it.

It's important to keep in regular contact with your child's teachers about the IEP. They can share what's happening in the classroom and you can make sure they're aware of all aspects of your child's IEP, and that [the IEP is being used properly](#).



## Creating an IEP Binder

It's a good idea to [create and organize a binder](#) to keep track of all of your child's IEP information. You'll want to keep documents, evaluation results, and report cards handy for when you meet with the team.

Having all of the documents in one place means you don't have to stress over trying to find something important during an IEP meeting or any other time you needs it. [View the IEP binder checklist here.](#)



## Review & Reevaluation

Your child's IEP is reviewed by the IEP team at least once per year, or more often if the parents or school ask for a review. If necessary, the IEP is revised. Parents, as team members, must be invited to attend these meetings. Parents can make suggestions for changes, can agree or disagree with the IEP goals, and agree or disagree with placement.

At least every 3 years the child must be reevaluated to find out if the child continues to be a "child with a disability," as defined by IDEA, and what the child's educational needs are.



# Transition Planning

Transition planning is a part of the special education process. It is designed to help students with disabilities in high school get ready for life after high school. Schools are required to include a transition plan in students' individualized education programs, or IEPs, when students turn 16 years old.

Some states require the transition process to begin sooner. South Carolina requires that the transition process begin at age 13. Transition planning is focused on what the student likes to do and what the student is good at, so it is very important that the student be a part of the transition process.



# The Importance of Transition Planning

People with intellectual and/or developmental disabilities (I/DD) go to college, work, and live independently at much lower rates than people without disabilities.

All students and their families need to plan ahead for life after high school, but it is even more important for students with I/DD who may need additional supports to transition successfully. Without a good transition plan, students with I/DD:

- Who could earn a high school diploma may not.
- Who want to go to college may not.
- Who want to get a job might find it harder.
- Who need to receive adults services may not get connected to those services.
- May find themselves sitting at home with nothing to do and with little or no money to take care of themselves and do the things they want to do.

# The Importance of Transition Planning

Students with I/DD are not always encouraged to plan for post-secondary education, competitive employment, and independent living. Instead, they are often placed on paths to sheltered workshops and segregated living arrangements.

With so many options for [post-secondary education](#), as well as community-based and employment supports for people with disabilities, students, families, and schools must ensure that expectations are set high for what individuals with I/DD can accomplish.

- A good transition process starts before a student enters high school and includes:
  - Transition assessments
  - A meaningful transition plan
  - Help identifying appropriate high school classes
  - Connections to appropriate adult service agencies

## Transition Assessments

Transition assessments should identify a student's strengths, needs, and interests. There should be formal assessments, such as intellectual, academic, and adaptive tests, as well as informal assessments, such as questionnaires and observations. Transition plans should be based on information learned from the transition assessments. Therefore, the assessments need to be done before the transition plan is written.

[Click here to learn more about transition planning for students.](#)

\*Transition plans cannot be written based on what a teacher or the student's parent thinks the student should do after high school. The transition plan must be based on the student's interests. Therefore, the law requires that schools invite students to any IEP meeting where the transition plan will be discussed. If the student doesn't want to participate, the school must find other ways to ensure the student's preferences are reflected in the transition plan.

## What Must the Transition Plan Include?

Transition plans must include transition goals and transition services in 3 areas:

1. Post-secondary education- what training, certification, or college instruction does the student need for the jobs he or she wants?
2. Employment- what kinds of jobs would the student like to have?
3. Independent living skills- what skills does the student struggle with that are needed to be able to live on his or her own?

Sample post-secondary education goals might include:

- Enrolling in college entrance exams and requesting accommodations
- Researching and visiting colleges or training program appropriate for the student's skills and interests
- Completing college and/or training program applications and applying for scholarships
- Contacting college disability support offices and/or training program administrators and requesting accommodations related to the student's disability



## Sample Employment Goals

- Researching jobs in the student's areas of interest
- Visiting work sites
- Interviewing and/or job-shadowing individuals employed in the student's areas of interest
- Seeking internships and volunteer opportunities
- Seeking paid employment, including supported employment

### Sample independent living goals might address:

- Basic self-care
- Money management
- Cooking skills
- Time management, organization, and study skills
- Communication skills in social situations
- Problem solving skills
- Taking care of health, dental, and vision needs
- Protecting your privacy
- Staying safe in the community
- Transportation
- Phasing out systems of support
- Self-advocacy skills

## Post-Secondary Education

Many students with disabilities plan to get more training or education after high school, including students with I/DD. Some students with disabilities will need extra support to be successful in [post-secondary education](#). Some colleges have programs specifically for students with I/DD who did not earn a high school diploma. Students and their families need to understand that the students' rights and the process for obtaining extra support in post-secondary education programs are different from what they were in high school.

In addition to researching programs, visiting schools to determine if they are a good fit, and learning more about financial aid, students with disabilities may also need to research a school's commitment to supporting students with I/DD, the kinds of disability services available at each school, and how to access those services.

## How is Post-Secondary Education Different from High School?

In high school, the law requires schools to figure out which students have disabilities and what supports they need to actually make educational progress. In post-secondary education, the school doesn't have to provide any supports unless a student tells the school that he or she has a disability and asks for reasonable accommodations. The school is only required to provide the accommodations that give the student equal access to an education at that school; there is no guarantee of academic or social success.

- Students are expected to ask for the help they need largely by themselves
- Students will mostly be expected to manage their day, get their work done, and interact with other students on their own
- Students will need time management, studying, and social skills
- Students will need travel, money management, and health management skills

## What post-secondary education options are available for students with disabilities?

Students with disabilities have the same post-secondary options as students without disabilities, and even more. However, the level of disability-related supports offered will differ greatly by school, so it's important that students research the supports available at each school they are considering and whether the school is a good fit for them.

Options may include vocational and technical schools, traditional two- and four-year colleges, traditional graduate-level programs, programs within traditional two- and four-year colleges, and entire colleges that are only for students with disabilities.

The *K&W Guide to Colleges for Students with Learning Differences* provides detailed information about college programs for students with disabilities and is available in libraries or for purchase online.

# What Disability-Related Supports are Available in Post-Secondary Education Settings?

The supports students can get will entirely depend on their disability and their needs. Not all services and supports are provided for free by the school, so students need to clearly understand what the disability services office will provide and what the student is expected to pay for. The student may be able to use money from their scholarships, grants, or loans. Funding may also be available from their state's vocational rehabilitation agency, private insurance, and Medicaid. Some accommodations that are often requested include:

- Preferential seating
- Note-takers
- Electronic documents
- Assistive technology
- Interpretation
- Real-time captioning
- Extra time for tests
- Alternate testing methods

- Assistance with organizing and scheduling
- Opportunities to audit classes
- Reduced credit loads
- Study skills support
- Social skills support
- Tutoring, coaching, or mentoring
- Counseling and other mental health services
- Personal attendants or residential support

## Post-Secondary Resources:

[Think College](#)

[College Board \(Requesting Accommodations\)](#)

[ACT Test Accommodations \(English Learner Supports\)](#)

[Going to College](#)

[StudentAid](#)

[College Board \(Pay for College\)](#)

[Office of Civil Rights](#)

[LiveCareer \(Tips\)](#)

[College Planning Resources](#)

[Complete Guide to College](#)



## Additional Resources:

- [Individual with Disabilities Education ACT \(IDEA\)](#)
- [FAPE](#)
- [SC Department of Education Office of Special Education Services \(OSES\)](#)
- [SC Department of Education School Directory](#)
- [US Department of Education: A Guide to the IEP](#)
- [Understood.org: Playing a Role in the IEP Process](#)
- [The Parent Guide to Special Education Services in South Carolina](#)
- [ParentCenterHub.org: Considering LRE in Placement Decisions](#)
- [The Arc @School: Section 504](#)
- [Understood.org: The 13 Disability Categories Under IDEA](#)
- [SC Department of Education: Early Childhood Initiatives- Child Find](#)
- [ParentCenterHub.org: The Definition of "Consent"](#)
- [IDEA 2004 Model Forms: Parent's Rights - Procedural Safeguards Notice](#)
- [Scholastic Parents: A Step-By-Step Guide to the IEP Process](#)
- [Wrightslaw: Independent Education Evaluations \(IEE\)](#)
- [SC Department of Education: Mediation](#)

## Additional Resources:

- [UnderstandingSpecialEducation.com: Understanding IEP Law](https://www.understandingspecialeducation.com/understanding-iep-law)
- [ParentCenterHub.org: Present Levels](https://parentcenterhub.org/present-levels)
- [National Association of Special Education Teachers: Measurable Goals](https://www.nationalassociationofspecialeducationteachers.org/measurable-goals)
- [SpecialEducationAction.com: Progress Reports](https://www.specialeducationaction.com/progress-reports)
- [ParentCenterHub.org: Specifying Related Services in the IEP](https://parentcenterhub.org/specifying-related-services-in-the-iep)
- [ParentCenterHub.org: Supports, Modification, & Accommodations](https://parentcenterhub.org/supports-modification-accommodations)
- [ParentCenterHub.org: Extent of Nonparticipation](https://parentcenterhub.org/extent-of-nonparticipation)
- [Wrightslaw: IEP FAQs- What Should be the “Effective Date”?](https://www.wrightslaw.com/iep-faq-what-should-be-the-effective-date)
- [Understood.org: Common Accommodations & Modifications in School](https://www.understood.org/en/learning-attention-issues/academic-learning-differences/common-accommodations-modifications-in-school)
- [SC Department of Education: State Complaint](https://www.sceducation.com/state-complaint)
- [SC Department of Education: Districts & Schools, Educators, etc.](https://www.sceducation.com/districts-schools-educators-etc)
- [SC Department of Education: Due Process](https://www.sceducation.com/due-process)
- [SC Department of Education: Dispute Resolution Information](https://www.sceducation.com/dispute-resolution-information)
- [Edutopia.org: IEP – Students Benefit When We Collaborate](https://www.edutopia.org/iep-students-benefit-when-we-collaborate)
- [Understood.org: My Child’s IEP Doesn’t Seem to be Working. Now What?](https://www.understood.org/en/learning-attention-issues/academic-learning-differences/my-child-s-iep-doesn-t-seem-to-be-working-now-what)
- [Understood.org: How Will I Know if the Accommodations are Working?](https://www.understood.org/en/learning-attention-issues/academic-learning-differences/how-will-i-know-if-the-accommodations-are-working)



## Additional Resources:

- [Understood.org: 6 Tips to Make Sure Your Child's IEP is Implemented](#)
- [IEP Binder: How to Assemble & Organize](#)
- [Understood.org: IEP Binder Checklist](#)
- [Youtube.com: Overview of the Transition Planning Process](#)
- [The Arc@School: Special Education Services](#)
- [The Arc@School: Individualized Education Programs](#)
- [The Arc@School: Post-Secondary Education](#)
- [The Arc@School: Transition Planning for Students](#)
- [The Autism Society: IEP Information](#)
- [The Autism Society: Making Informed Decisions](#)
- [The IRIS center: What is the IEP Process?](#)
- [NSSEO IEP Best Practices Guide](#)
- [OAR: Navigating the Special Education System](#)
- [Family Connection SC: Special Education Resources](#)

Established in 1957, The Arc of South Carolina is the state headquarters of The Arc of the United States. Our mission is to promote and protect the human rights of people with intellectual and developmental disabilities and actively support their full inclusion and participation in the community throughout their lifetimes.

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