OREGON
OFFICE OF INDIAN EDUCATION

MINIGUIDE 1

Getting Started with Special Education



The Oregon Department of Education created this series of miniguides for Indigenous families with children in special education.

Miniguide 1 shares one family's experience with the special education referral process. It may be similar to what you have encountered or will go through. At the end of the guide, we include some common questions and answers on this topic.

This series supports a comprehensive guide that has specific details and legal information to help you navigate the education system and get the right support for your child. For more detail, see **The Journey to a Free Appropriate Public Education for Students with Disabilities: A Guide for Indigenous Families.**

Talia's Journey. Navigating Eli's Special Education Referral Process

Eli is a bright and curious fourth-grader who loves drawing animals and listening to Elders tell stories. He comes from a close-knit community where family and cultural traditions play a big role in his daily life.

But his mom, Talia, was concerned. Although Eli was eager to learn, he was struggling in school, especially with reading and math. His teachers said that he often fell behind during lessons and had difficulty focusing for long periods.

Unsure of what to do, Talia reached out to the school counselor: "I believe Eli needs more support."

The school agreed to begin a special education evaluation. Talia learned that either she or the school could initiate the process with a referral letter. The school sent the official letter, starting a 60-day timeline to complete the evaluation.

At the referral meeting, Talia joined school staff members to discuss Eli's challenges. The team agreed to move forward with evaluations and identified areas of concern. Before proceeding, the school gave Talia the procedural safeguards, a document outlining her legal rights, including:

- Consent to evaluations
- Access to Eli's records
- Requesting independent evaluations
- Options for resolving disagreements

Feeling empowered, Talia gave written consent. Over the next few weeks, Eli was assessed by various professionals. They noted his strengths, like storytelling and empathy, along with areas where he needed more support.

At the eligibility meeting, the team reviewed the results. Eli met the criteria for special education services. Talia gave informed consent to begin services.

Next came the creation of Eli's individualized education program (IEP). The team included:

- Talia
- Eli's general and special education teachers
- A school administrator
- Other individuals invited by Talia: Eli's uncle and a Tribal youth counselor

Together, they built a culturally respectful plan with goals for reading and emotional support, services, progress monitoring, and flexibility for updates. Talia learned she could request IEP meetings anytime, and that Eli would be re-evaluated every three years unless otherwise agreed.

Throughout the process, Talia stayed grounded in the belief that Eli's path could honor both his learning needs and cultural identity—with the right support and a team that listened.

Summary

Parents and caregivers have important rights in the special education process:

- **You can request a special education evaluation at any time** by submitting a written request.
- **Schools cannot delay or deny an evaluation** because your child is receiving support through a multi-tiered system of supports (MTSS).
- **The school must get your written consent** before starting any evaluations or providing special education services.
- **You have the right to bring family members, Elders, or community advocates** to meetings about your child.
- **You must receive a copy of the procedural safeguards—**a booklet that explains your legal rights in the process.

Q&A. Identification and Referral

Q. My child struggling in school, but the school has not mentioned special education. What should I know?

A. If your child is having a hard time with learning, behavior, or participation, the school may begin providing extra help using a system called MTSS (multi-tiered system of supports). This is not the same as special education, but it helps schools figure out what kind of instruction works best for your child.

Q. What is MTSS, and how does it work?

A. MTSS is a framework schools use to give students the right level of support based on their needs.

- Tier 1 is instruction provided to all students.
- Tier 2 is more targeted help in small groups.
- Tier 3 is the most intensive support, often one on one.

The school collects data to see if your child is making progress and adjusts the support as needed.

Q. Should I be told if my child is getting extra support through MTSS?

A. Yes. While schools are not legally required to notify you, you have every right to know, and they should be transparent. You can ask questions like:

- How was the decision made to give my child this support?
- Why wasn't I included in that decision?
- Can I see the full support plan?

Q. What should be included in my child's support plan?

A. Here's what you can ask the school to provide:

- What kind of support will be given, and how is it proven to work?
- Is the support respectful of my family's culture and community values?
- When and how often will my child get this help?
- Will my child miss other activities or learning?
- How will progress be measured and shared with me?
- What are the specific goals for my child?
- What happens if my child isn't making enough progress?
- How will the school make sure the support plan is followed?

Q. I do not believe my child is making sufficient progress, despite the help through MTSS. Can the school delay a special education evaluation until all the MTSS steps are done?

A. No. The law is clear: You can request an evaluation at any time, and the school cannot delay or deny it just because your child has not gone through every step of MTSS.

Q. What if my child needs a special education evaluation, but the school says they're not ready to do it?

A. You have the legal right to request a special education evaluation. If the school disagrees, they must provide a written explanation and let you know how to challenge their decision through dispute resolution.

Q. Why is all this important before special education is considered?

A. Before your child can qualify for special education, the school must make sure their struggles are not caused by:

- Inadequate teaching in reading or math
- Limited English proficiency
- Challenges unrelated to learning needs (like poverty or cultural difference)

MTSS helps rule out those factors by providing structured, appropriate instruction first.

Q. What's the most important thing to remember?

A. Your role matters. You have the right to ask questions, get clear answers, and be fully involved every step of the way. This process is about your child's success, and your voice is essential and respected.