

# **A Parent's Guide to Special Education Law, Acronyms, Abbreviations and Definitions**



## **And an Overview of the Law & the Process**



Presented to the Nassau County Bar Association by  
**Lynn M. Brown, Esq.**  
*March 28, 2006*

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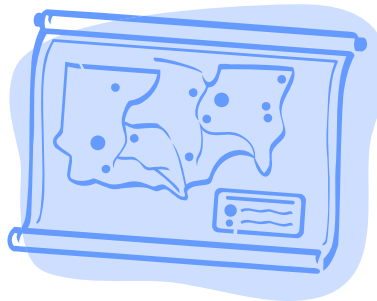


**Lynn M. Brown, Esq.**  
*Of Counsel*  
Special Education Law Practice  
516-741-6565

Contained in this booklet is a brief overview of the law and the process of Special Education law, beginning with early intervention services, continuing through pre-school services, and ending with services provided to older school age children. The more you know about this process, the less daunting it will seem.

## Table of Contents

Introduction	4
The Process	5
Abbreviations	6-10
Common Terms & Definitions	11-22
Meet Lynn Brown	23

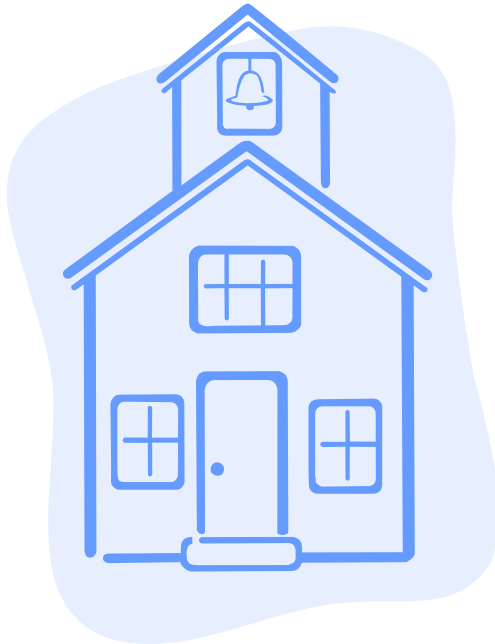


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## Introduction

If advocating for your child were not enough of a challenge, as you participate in the special education process on behalf of your child, you may also encounter what may seem like a foreign language. In fact, it is just a language of initials, or “acronyms.” The more commonly used acronyms are explained and defined in this booklet.

Often, during meetings, it is assumed that everyone is familiar



with the meaning of these acronyms. If you are in a meeting and this happens, don't be afraid to ask, "What does that term mean?" You, as the parent, have a right to know.

## The Process



### Early Intervention:

- Available from birth to age 3
- Administered by county in which child resides
- For children with developmental delays
- IFSP (Individualized Family Service Plan) controls services provided

### Pre-School Education Program

- For children aged 3 to 5
- Focuses on child's educational needs
- Services provided under auspices of Committee on Preschool Education (CPSE)
- IEP (Individualized Education Program) governs

### Older-School-Aged Children

- Services are provided to address child's educational needs and functional performance
- Services provided under the auspices of Committee on Special Education
- IEP governs

## Abbreviations

### A

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<b>AD</b>	Attachment Disorder
<b>ADA</b>	Americans with Disabilities Act
<b>ADD</b>	Attention Deficit Disorder
<b>ADHD</b>	Attention Deficit Hyperactivity Disorder
<b>AEP</b>	Alternative Education Placement
<b>AI</b>	Auditorily Impaired
<b>APD</b>	Antisocial Personality Disorder; Auditory Processing Disorder
<b>APE</b>	Adapted Physical Education
<b>ASL</b>	American Sign Language
<b>AT</b>	Assistive Technology
<b>AU</b>	Autism

### B

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<b>BD</b>	Behavior Disorders
<b>BIP</b>	Behavioral Intervention Plan

### C

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<b>CD</b>	Cognitive Delay
<b>CFR</b>	Code of Federal Regulations
<b>CP</b>	Cerebral Palsy
<b>CSE</b>	Committee on Special Education

**CPSE** Committee on Preschool Special Education

## D

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**DB** Deaf-Blindness

**DD** Developmental Disabled

**DOE** Department of Education

**DOH** Department of Health

**DPH** Due Process Hearing

**DSM-IV** Diagnostic and Statistical Manual IV (for mental disorders)

## E

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**ED** Emotional Disturbed

**EIP** Early Intervention Program

**ESY** Extended School Year

## F

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**FAPE** Free Appropriate Public Education

**FBA** Functional Behavior Assessment

**FERPA** Family Education Rights and Privacy Act

**FM** Focused Monitoring

## G

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**GT** Gifted and Talented

## H

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**HI** Hearing Impaired

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## H

**HIPAA** Health Insurance Portability Accountability Act

**HOH** Hard of Hearing

## I

**IAES** Interim Alternative Educational Setting

**IDEA** Individuals with Disabilities Education Act

**IEE** Independent Education Evaluation

**IEP** Individual Education Program

**IFSP** Individual Family Service Plan

**IHCP** Individualized Health Care IHO

**IHO** Impartial Hearing Officer

**IQ** Intelligence Quotient

**ISO** Initial Service Coordinator

**ISS** In-School Suspension

## L

**LA** Lead Agency

**LD** Learning Disabled

**LEA** Local Education Agency

**LEP** Limited English Proficiency

**LRE** Least Restrictive Environment

## M

**M/E D** Mental or Emotional Disturbance



## N

**NCLB** No Child Left Behind

**NECTAC** National Early Childhood and Technical Assistance Center

## O

**OCD** Obsessive Compulsive Disorder

**ODD** Oppositional Defiant Disorder

**OHI** Other Health Impaired

**OI** Orthopedic Impairment

**OT** Occupational Therapy

## P

**Part B** Special Education - School-Aged Children

**Part C** Special Education - Birth-Two Years Old

**PDD** Pervasive Development Disorders

**PLI** Pragmatic Language Impairment

**PPS** Pupil Personnel Services

**PT** Physical Therapist

## R

**RDD** Reading Disorder/ Dyslexia

## S

**SA** Self-Assessment

**SE** Special Education

## S

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<b>SEA</b>	State Education Agency
<b>SEIS</b>	Special Education Itinerant Services
<b>SEIT</b>	Special Education Itinerant Teacher
<b>SD4</b>	Section SD4 - A part of the 1973 Rehabilitation Act making it illegal for any organization receiving federal funds to discriminate against a person solely on the basis of disability
<b>619</b>	Section 619 - Special Education-3-5 Years Old
<b>SI</b>	Sensory Integration
<b>SL</b>	Speech Language
<b>SLP</b>	Speech Language Pathologist
<b>SPED</b>	Special Education
<b>STO</b>	Short Term Objective

## T

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<b>TBI</b>	Traumatic Brain Injury
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## U

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<b>USDE</b>	United States Department of Education
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## V

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<b>VCD</b>	Volitional Conduct Disorder
<b>VESID</b>	Office of Vocational & Educational Services for Individuals with Disabilities
<b>VI</b>	Visual Impaired
<b>VR</b>	Vocational Rehabilitation

## W

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<b>WISC</b>	Wechsler Intelligence Scale for Children
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## Common Terms and Definitions

**Adapted Physical Education (APE):** A specially designed program of developmental activities, games, sports and rhythms suited to the interests, capacities and limitations of students with disabilities who may not safely or successfully engage in unrestricted participation in the activities of the regular physical education program. It is a related service some children might need in addition to or in place of physical education.

**Advocate:** An individual who represents or speaks on behalf of another person's interests (as in a parent with his/her child).

**Americans with Disabilities Act (ADA):** A law that took effect in 1992 that defines "disability" and prohibits discrimination by employers, by any facility open to the general public, and by State and local public agencies that provide such services as transportation (Public Law 101-336).



**Annual Review:** An evaluation, conducted at least annually by the committee on special education, of the status of each student with a disability and each student thought to have a disability who resides within the school district for the purpose of recommending the continuation, modification or termination of the provision of special education programs and services for the student to the board of education.

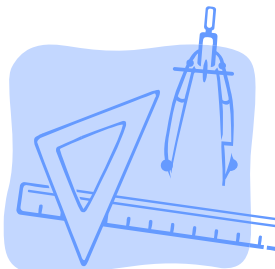
**Approved Private School:** A private school which conforms with the requirements of Federal and State laws and regulations governing the education of students with disabilities, and which has been approved by the commissioner for the purpose of contracting with public schools for the instruction of students with disabilities.

**Aphasia:** A communication disorder characterized by difficulty with producing language and/or with understanding language.

**Assessment:** The gathering of information by qualified personnel on a child's development and on the needs and priorities of the family. This information about the child and family is used in planning the Individual Family Service Plan (IFSP).

**Assistive Technology Device (AT):** Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities. Public schools are required to consider the assistive technology needs of students with disabilities.

**Attention Deficit Disorder (ADD):** A neurobiological disorder. Typically, children with ADD have developmentally inappropriate behavior, including poor attention skills and impulsivity. These characteristics arise in early childhood, typically before age seven, are chronic, and last at least six months. Children with ADD may also experience difficulty in the areas of social skills and self-esteem.



**Attention Deficit Hyperactivity Disorder (ADHD):** A neurobiological disorder, typically children with ADHD have developmentally inappropriate behavior, including poor attention skills, impulsivity, and hyperactivity. These characteristics arise early in childhood, typically before age seven, are chronic, and last at least six months. Children with ADHD may also experience difficulty in the areas of social skills and self-esteem.

**Autism (AU):** A developmental disability significantly affecting verbal and non-verbal communication and social interaction.

**Autism and Pervasive Developmental Disorder:** Developmental disabilities that share many of the same characteristics. Usually evident at age three, autism and PDD are neurological disorders that affect a child's ability to communicate, understand language, play, and relate to others.

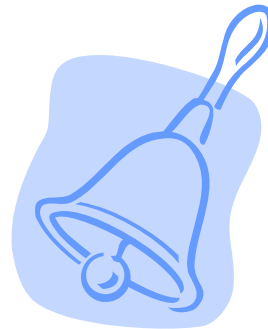
**Behavior Intervention Plan (BIP):** A plan that is put in place to teach a child proper behavior and social skills. It should be positive in nature, not punitive.

**Change in Placement:** A transfer of a student to or from a public school, BOCES or schools enumerated in articles 81, 85, 87, 88 or 89 of the Education Law or graduation from high school with a local high school or Regents diploma.

**Cognitive Delay (CD):** A disability where a child's intellectual and adaptive behavior is below average and impacts the child's education.

**Committee on Preschool Education (CPSE):** A multidisciplinary team composed of (1) the parent of the preschool child; (2) at least one regular education teacher of the child (if the child is participating in the regular education environment); (3) at least one special education teacher; (4) a representative of the school district who is qualified to provide or supervise special education, who is knowledgeable about the general education curriculum and the availability of preschool programs and services and other resources of the school district and the municipality, who shall serve as chairperson of the committee; (5) an additional parent member of a child with a disability in the school district or neighboring school district (the presence of this person is not mandatory and may be waived upon request of the parents of the child); (6) an individual who can interpret evaluations (and may be one of persons 2 - 4 listed above); any other person with knowledge of the child, as the school district or parents (whoever wishes to bring that person), shall designate; (7) for a child in transition from EI programs and services, a person designated by the agency that has been charged with responsibility for the preschool child, and (8) a representative of the municipality of the preschool child's residence.

**Committee on Special Education (CSE):** A multidisciplinary team composed of (1) the parent of the preschool child; (2) at least one regular education teacher of the child (if the child is participating in the regular education environment); (3) at least one special education teacher; (4) a representative of the school district who is qualified to provide or supervise special education, who is knowledgeable about the general education curriculum and the availability of preschool programs and services and other resources of the school district and the municipality, who shall serve as chairperson of the committee; (5) an additional parent member of a child with a disability in the school district or neighboring school district (the presence of this person is not mandatory and may be waived upon request of the parents of the child); (6) an individual who can interpret evaluations (and may be one of persons 2 - 4 listed above); any other person with knowledge of the child, as the school district or parents (whoever wishes to bring that Person), shall designate.



**Consent:** A situation where (1) the parent has been fully informed, in his or her native language or other mode of communication, of all information relevant to the activity for which consent is sought, and has been notified of the records of the student which will be released and to whom they will be released; (2) the parent understands and agrees in writing to the activity for which consent is sought; and (3) the parent is made aware that the consent is voluntary on the part of the parent and may be revoked at any time except that, if a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).



**Developmental Disability (DD):** Any physical or mental condition that begins before the age of 18 years, causes the child to acquire skills at a slower rate than his/her peers, is expected to continue indefinitely, and impairs the child's ability to function in society.

**Diagnostic and Statistical Manual IV (DSM-IV):** The American Psychiatric Association's classification and description of behavioral and emotional disorders.

**Disability:** A substantially limiting physical or mental impairment that affects basic life activities such as hearing, seeing, speaking, walking, caring for oneself, learning, or working.

**Due Process:** A process for resolving a dispute between the family and the child and family service agency related to the delivery of early intervention services. In special education, due process refers to a process for resolving a dispute between the family and the public school related to the identification, evaluation, or placement of a child with disabilities.

**Due Process Hearing:** A legal proceeding, similar to a court proceeding, where a hearing officer is presented evidence by disagreeing parties. A verbatim record is taken of the proceedings, and a hearing officer writes a decision that may be appealed to the State education agency, and if desired, to a civil court.

**Dyslexia:** A learning disability in which the child has difficulty with reading due to difficulty distinguishing written symbols. For example, transposing letters and words such as reading "top" as "pot."

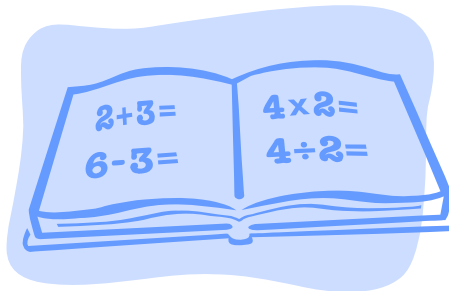
**Dyspraxia:** Difficulty with planning and performing coordinated movements although there is no apparent damage to muscles.

**Early Intervention (EI):** Specialized services provided to infants and toddlers ages birth to three who are at risk for or are showing signs of developmental delay.

**Educational Assistant (EA):** A person who provides assistance to students under the supervision of the teacher.

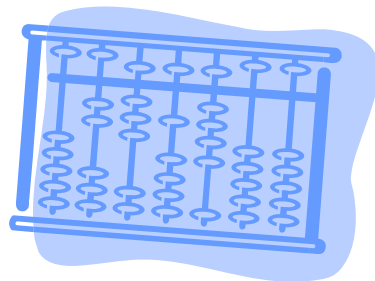
**Emotional Disturbance (ED):** A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance: a) An inability to learn that cannot be explained by intellectual, sensory, or health factors; b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers; c) Inappropriate types of behavior or feelings under normal circumstances; d) A tendency to develop general pervasive mood of unhappiness or depression; or e) A tendency to develop physical symptoms or fears associated with personal or school problems.

**Extended School Year (ESY):** The delivery of special education and related services during the summer vacation or other extended periods when school is not in session. The purpose for ESY is to prevent a child with a disability from losing previously learned skills. The IEP team must consider the need for Extended School Year at each meeting and must describe those services specifically with goals and objectives. Not all special education students require an extended school year. Extended school year services must be individually crafted.



**Free Appropriate Public Education (FAPE):** An individualized educational program that is designed to meet the child's unique needs and from which the child receives educational benefit.

**Functional Behavioral Assessment (FBA):** The process of examining why a student engages in behaviors that impede learning and how the student's behavior relates to the environment. The functional behavioral assessment includes,



but is not limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

**Gifted & Talented (GT):** Those students with above average intellectual abilities.

**Impartial Hearing Officer:** The trained and neutral individual who conducts the due process hearing. No individual employed by a school district, school or program serving students with disabilities placed there by a school district committee on special education may serve as an impartial hearing officer and no individual employed by such schools or programs may serve as an impartial hearing officer for two years following the termination of such employment.

**Independent Educational Evaluation (IEE):** An evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of the child.

**Individuals with Disabilities Education Act (IDEA):** The federal law that provides the legal authority for early intervention and special educational services for children birth to age 21. Part B outlines services for children ages three to 21. Part C outlines services for children birth to age three.

**Individualized Education Program (IEP):** A written statement of a child's current level of educational performance and an individualized plan of instruction, including the goals, specific services to be received, the staff who will carry out the services, the standards and timelines for evaluating progress, and the amount and degree to which the child will participate with typically



developing peers (Inclusion/Least Restrictive Environment). The IEP is developed by the child's parents and the professionals who evaluated the child and/or are providing the services. It is required by the Individuals with Disabilities Education Act (IDEA) for all children eligible for special education.

**Individual Family Service Plan (IFSP):** The written document that defines the early intervention services provided to the child and family. The program is designated to meet the needs of the child and the family, and is based on family-identified priorities.

**Intelligence Quotient (IQ):** The score of an intelligence test that is a form of psychological testing of an individual's capacity to learn and deal effectively with his/her environment.

**Learning Disability (LD):** A disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language, which may manifest itself in an imperfect ability to listen, think, speak, read, write, or spell or to do mathematical calculations.

**Least Restrictive Environment (LRE):** The placement that is as close as possible to the general education environment. Removal from the general educational environment is appropriate only when the nature or the severity of the disability is such that even with the use of supplementary aids and services, education cannot be satisfactorily achieved. This is the educational setting that permits a child to receive the most educational benefit while participating in a regular educational environment to the maximum extent appropriate. LRE is a requirement under the IDEA.



**Limited English Proficiency (LEP):** Children whose primary language is other than English.

**Local Education Agency (LEA):** The public schools operating in accordance with statutes, regulations, and policies of the State Department of Education.

**No Child Left Behind (NCLB):** Reauthorized in 2001, the Elementary and Secondary Education Act (ESEA) is the principal federal law affecting education from kindergarten through high school for children "at risk." The NCLB provides opportunities for children to learn and progress.



**Occupational Therapist (OT):** A professional who provides therapy services based on engagement in meaningful activities of daily life such as self-care skills, education, recreation, work or social interaction.

**Oppositional Defiant Disorder (ODD):** Children who exhibit defiant and anti-social behaviors over a long period of time and environment.

**Orthopedic Impairment (OI):** Any orthopedic impairment that adversely affects a child's educational performance.

**Other Health Impaired (OHI):** An educational classification that describes students who have chronic or acute health problems that cause limited strength, vitality or alertness that adversely affects a child's educational performance.

**Pervasive Developmental Disorders (PDD):** Refers to the overall category of Pervasive Developmental Disorders that includes autism, Rett Syndrome, Asperger's syndrome, PDD-NOS, and Childhood Disintegrative Disorder.

**Part B:** The section of the federal special education regulations that address school-aged children.

**Part C:** The section of the federal special education regulations that address children birth through two years.

**Physical Therapist (PT):** A professional who is devoted to improving a person's physical abilities through activities that strengthen muscular control and motor coordination.

**Preschool Special Education:** An educational program that is designed to meet the unique developmental needs of an individual child with a disability who is three, four, or five years of age. It is a child-focused educational effort. Sometimes referred to Section 619 of the law.

**Prior Written Notice (PWN):** Must inform parents of their rights. It is a form that the school must use to tell parents why they're doing what they're doing or why they're not doing what they're not doing - they must tell parents in writing.

**Related Services:** Developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech-language pathology, audiology, services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services as defined in this section, parent counseling and training, school health services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or corrective support services, and other appropriate support services and includes the early identification and assessment of disabling conditions in students.



**Resource Room:** A special education program for a student with a disability registered in either a special class or regular class who is in need of specialized supplementary instruction in an individual or small group setting for a portion of the school day.

**Screening:** The process of looking at a child's development to find out if there are any areas of concern. It is used to recommend children for more in-depth evaluation.

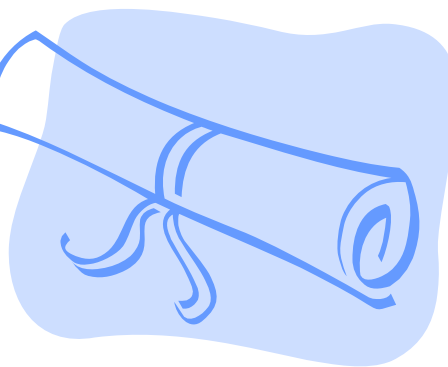
**Section 504 of the Rehabilitation Act:** A federal law that protects the civil rights of individuals with disabilities. This law is closely intertwined with IDEA. Children with disabilities who are not eligible for special education may qualify for accommodations under Section 504.

**Section 619:** Authorizing section of Part B of IDEA that requires States to provide preschool services to children with disabilities, ages three to five.

**Sensory Integration Disorder (SID or SI):** Also known as Sensory Integration Dysfunction-The inability to process information received through the senses, causing problems with learning, development, and behavior.

**Short Term Objectives (STO):** Part of a child's IEP that breaks down an annual goal into small measurable steps.

**Special Education:** Specialized instruction tailor-made to fit the unique learning strengths and needs of students with disabilities. A major goal of special education is to teach the skills and knowledge the child needs to be as independent as possible. Special education programs focus on academics and also include therapy and other related services to help the child overcome difficulties in all areas of development. These services may be provided in a variety of educational settings but are required by IDEA to be delivered in the least restrictive environment.



**Special Education Itinerant Services:** Services provided by a certified special education teacher of an approved program on an itinerant basis at a site determined by the board including but not limited to an approved or licensed pre-kindergarten or head start program; the student's home; a hospital; a State facility; or a child care location. Such services are for the purpose of providing specialized individual or group instruction and/or indirect services preschool students with disabilities. Indirect services means consultation provided by a certified special education teacher to assist the child's teacher in adjusting the learning environment and/or modifying the instructional methods to meet the individual needs of a preschool student with a disability who attends early childhood program.

**Speech and Language (SL) Disorders:** Problems in communication and related areas such as oral motor function. These delays and disorders range from simple sound substitutions to the inability to understand or use language or use the oral-motor mechanism for functional speech and feeding. Some causes of speech and language disorders include hearing loss, neurological disorders, brain injury, mental retardation, drug abuse, physical impairments such as cleft lip or palate, and vocal abuse or misuse. Frequently, however, the cause is unknown.

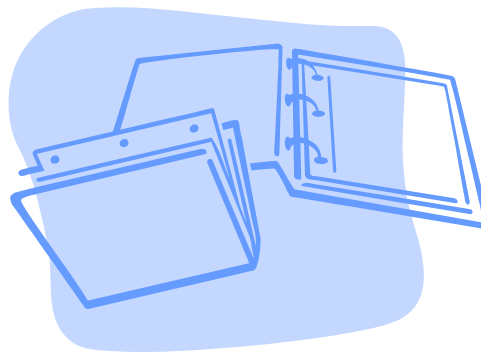
**Speech Language Pathologist (SLP):** A trained therapist who provides treatment to help a person develop or improve articulation, communication skills, and oral-motor skills. Also helps children with speech errors and/or those with difficulties in language patterns.

**State Department of Education:** Oversees all aspects of education in the State.

**State Education Agency (SEA):** The State Board of Education or other agency responsible for the State supervision of public elementary and secondary schools.

**Substantial Regression:** A student's inability to maintain developmental levels due to a lost skill or knowledge during the months of July and August of such severity as to require an inordinate period of review at the beginning of the school year to reestablish and maintain IEP goals and objectives mastered at the end of the previous school year.

**Supplementary Aids and Services:** Aids, services, and other supports that are provided in regular education classes or other education-related settings to enable students with disabilities to be educated with non-disabled students to the maximum extent appropriate in accordance with the least restrictive environment.



**Tactile Defensiveness:** An abnormal sensitivity to touch indicated by avoidance or rejection of touching and handling. The child who has tactile defensiveness may resist touching or being touched by something that is wet, that is an unusual texture, or that is an unfamiliar temperature or pressure.

**Therapy:** A treatment for certain physical or psychological conditions. The most common forms of therapy provided through early intervention and special education include occupational therapy, physical therapy, and speech/ language therapy.

**Transition:** The movement from one service, location, or program to another. Young children with disabilities transition at age three from early intervention to preschool special education services or to other community settings and services (early intervention and special education). Adolescents transition from school to adult services.

**Transportation:** A related service. If it is determined that the child needs this service to benefit from their education, the school district must provide the transportation, contract with another agency, or contract with the parents to bring their child to school. Transportation could mean round trip, home to school and school to home, services.



**Traumatic Brain Injury (TBI):** Physical damage to the brain that could result in physical, behavioral, or mental changes depending on which area of the brain is injured. TBI could impact a student's education; special education services might be needed.

**Twelve-month Special Service and/or Program:** A special education service and/or program provided on a year-round basis, for students whose disabilities require a structured learning environment of up to 12 months duration to prevent substantial regression. A special service and/or program shall operate for at least 30 school days during the months of July and August, inclusive of legal holidays, except that a program consisting solely of related service(s) shall be provided with the frequency and duration specified in the student's individualized education program.

**Visual Impairment (VI):** An impairment in visual that, even with correction, adversely affects a child's educational performance.

## About Lynn Brown, Esq.

**Lynn M. Brown** is Of Counsel in the law firm of Meyer, Suozzi, English & Klein, P.C. and a member of the Litigation and Special Education Practice Groups. She has been involved in all aspects of state and federal litigation, in court cases as well as arbitrations, and has argued at the trial level and on appeal. Lynn appears on behalf of numerous parents before many school districts in securing timely educational evaluations, services and accommodations for their children under federal and state regulations. She is also a member of TECA, Temple Beth Torah, Westbury, and the Nassau County Bar Association. She is admitted to the New York State Courts and the Supreme Court of the United States, the United States Court of Appeals for the Second Circuit, and the United States District Court for the Southern and Eastern Districts of New York.



Ms. Brown helped to establish the Special Education practice at Meyer, Suozzi and responded to increasing requests by parents of learning disabled children for assistance in securing timely educational evaluations, services and accommodations for their children in public and private school settings under federal and state regulations. In addition, she works with the parents of "twice exceptional" children, or those who are intellectually gifted as well as learning disabled.

## About our Special Education Practice

Parents of Special Education students often find that school districts fail to provide the services their children require. Our goal is to help special education children secure their right to free appropriate public education and to reach their full potential in school. We represent special education students at Committee on Special Education (CSE) hearings, which school districts convene annually to determine the needs of each classified student. If a child is not granted appropriate accommodations for their disability at the CSE level, we represent them during the ensuing mandated administrative process. We obtain impartial hearings, assess the child's needs and explore with the parent the services the school district may be required to provide.



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**MEYER, SUOZZI,  
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**MEYER, SUOZZI, ENGLISH & KLEIN, P.C.**

1505 Kellum Place - P.O. Box 803

Mineola, NY 11501-0803

Phone: 516-741-6565

Fax: 516-741-6706

E-mail: [lbrown@msek.com](mailto:lbrown@msek.com)

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