



# Understanding Special Education Services

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2020

# WarmLine Family Resource Center

WarmLine Family Resource Center is dedicated to offering support, information and referral (at no charge) to families of infants, children and youth with delays or disabilities from birth to 26 years in 26 counties in Northern California.

WarmLine is staffed by parents who share the experience of parenting children with disabilities and can provide peer support to other parents and help them:

- **Connect** with other parents of children with delays or disabilities,
- **Navigate** unfamiliar services, such as Early Intervention, special education, Regional Centers and Public Benefits,
- **Empower** parents (and their children) to develop leadership skills and be active participants in their programs and services. Parents are their child's best advocates!

## WarmLine is a Parent Training and Information Center (PTI):

A PTI is a federally funded resource for parents of children and youth with disabilities from birth to 26 years old. Every state has at least one PTI - California has 7. PTIs provide parents information and training about:

- Disabilities;
- Parent and children's rights under special education and other relevant laws, and;
- Resources in the community, state and nation.

## WarmLine's Special Education Consultants provide individual consultation and can:

- Review documents related to Early Intervention, Special education, etc.
- Assist parents with strategies to prepare for special education (IEP) and other related meetings by setting priorities and goals,
- Support parents' collaborative communication skills,
- Work with parents by phone or in-person (by appointment).

## We invite you to connect with us:

- 916-455-9500 or (toll free) 844-455-9517
- Spanish: 916-922-1490
- [warmline@warmlinefrc.org](mailto:warmline@warmlinefrc.org)
- [www.warmlinefrc.org](http://www.warmlinefrc.org)
- Facebook

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## Introduction

At WarmLine Family Resource Center, we believe that parents are their child's best advocates. No one will ever be as committed to obtaining quality services as the parents who know their child best and will be there at every stage of his or her life. Professionals provide expertise about education, services and therapies, but will come and go. Parents are the constant presence in their child's life and at every meeting and can be the "glue" that holds the team together.

Parents call WarmLine to ask questions about special education more than any other topic. They ask:

- "How can I get special education services for my child?"
- "What questions should I ask when I'm at the IEP?"
- "What services should my child receive?"
- "How do I communicate with all of those professionals? I'm just the parent!"
- "I don't understand what they're talking about in the meeting. How can I find out?"

The goal of this booklet is to give parents the answers to those questions (and others) and provide information they need on their special education journey. It is meant to help parents find their voices and the power they have to help their child be successful in school and life.

Dealing with your child's special education needs can bring up emotions and issues for parents that make it difficult to focus on the "business" of discussion of services and following up with the members of the IEP team. Because at WarmLine we are also parents of children with disabilities, we understand those emotions and hope that we've provided this information in a way that will make parents feel more comfortable and confident with the process so they can be more effective.

Many thanks to the parents who have contributed to this booklet over the years with their suggestions and feedback.

*This booklet is for the children who receive special education services, the parents who advocate tirelessly for them, and the professionals who have dedicated their lives to supporting both.*

*Cid Van Koersel*



## Student Study Team (SST)

When a parent has concerns about their child's performance in school, it can be helpful to ask the school to convene a "Student Study Team" (SST) before requesting special education assessment(s). The SST is a general education committee composed of staff that have varying special ties and expertise. The SST is a resource when a student needs academic or behavior help.

The SST may include the following people in addition to the parent(s):

|                           |                             |
|---------------------------|-----------------------------|
| General education Teacher | Reading Specialist          |
| Principal                 | Community Liaison           |
| School Psychologist       | School Counselor            |
| School Nurse              | Resource Specialist Teacher |

Utilizing the SST before to referral for special education is not required under special education regulations, but the school district is obligated to make the best use of the resources in its general education program before referring a child for special education services. The Student Study Team can assist the classroom teacher to utilize those resources by suggesting evidence-based strategies when a student is having difficulties. It is likely that a student who is struggling (either behaviorally or academically) can be helped with interventions from the general education professionals who are already providing the student support on a regular basis.

You are encouraged to attend the SST meeting(s), share your views about your child's school performance and talk about your concerns. The team will decide what interventions within the general education program are appropriate to address your child's needs. The interventions will be documented and monitored.

Students experiencing academic and/or behavioral problems in the general education program may be referred to the Student Study Team by anyone having knowledge of the student including the parent. The parent should put the request in writing (not required, but recommended) and provide it to the child's teacher and the school principal.

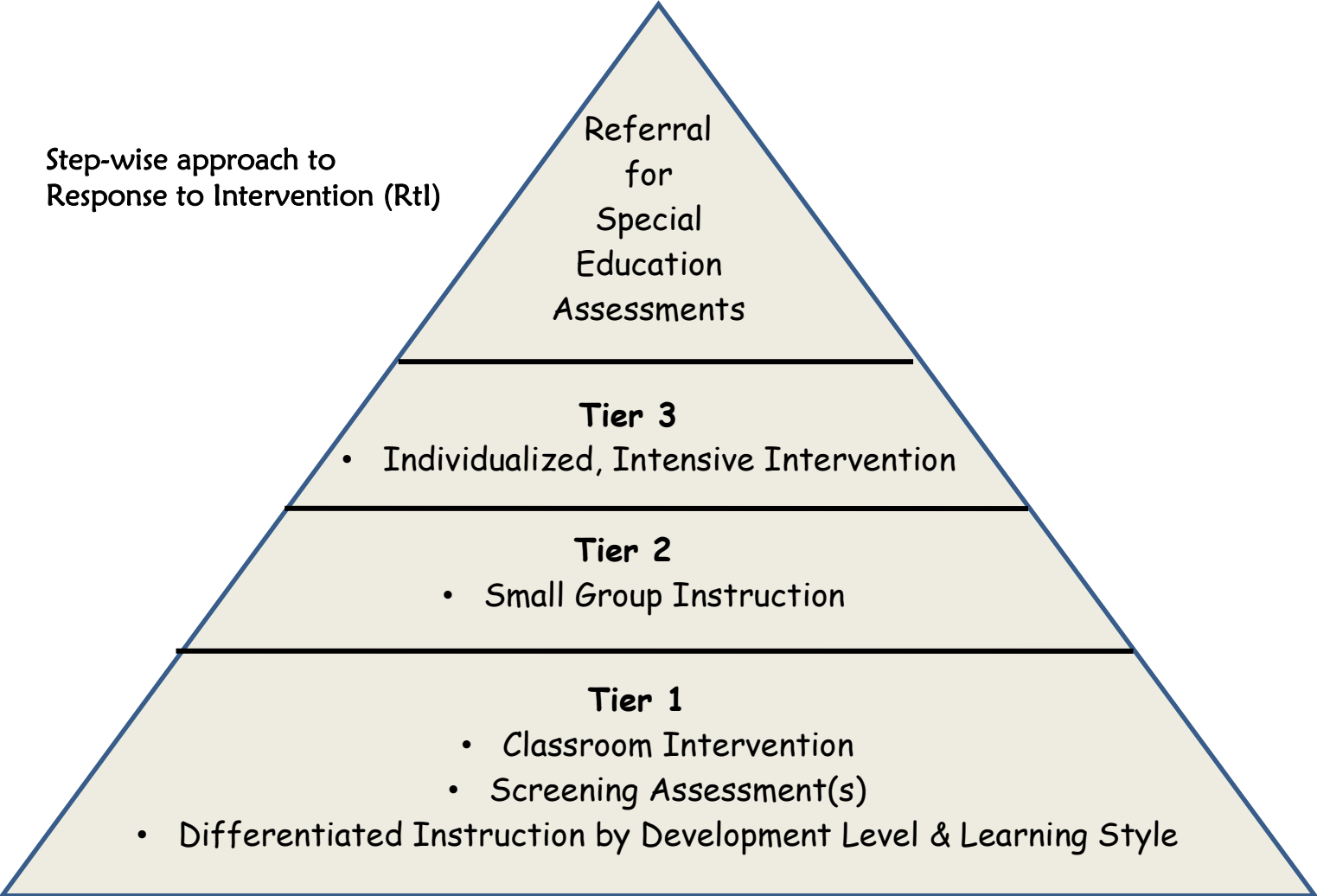
## Response to Intervention (Rtl)

The SST will recommend interventions that are scientific and research-based for the student who is struggling. The process is called "Response to Intervention" or Rtl. In Rtl, students are provided with increasingly intensive, individualized instructional or behavioral interventions which are delivered by the General education staff with support, as appropriate, from special education staff. Rtl includes monitoring of the student's progress. Rtl can be considered to be both an intervention strategy and part of the process which helps identify students who may be eligible for special education. The data gathered during Rtl may be a useful part of the evaluation process.

If the interventions are not successful, the team may recommend referral for special education services. If this is necessary, you will be contacted in order to give your written consent prior to assessment(s).

At any time, instead of or in addition to the Student Study Team, you may make a request in writing to the special education department that your child be assessed for special education services. Keep in mind that the SST can be convened very soon after your request, interventions can be started immediately and the student's "response to intervention" (Rtl) may be seen within a few weeks. If you make a referral for special education assessment(s), due to the legal timelines, the process may take 75 days or longer before additional supports are provided to your child.

For more information on Rtl, go to: <http://www.parentcenterhub.org/repository/rti/>



## Rehabilitation Act of 1973 – “Section 504”

Excerpted from [www.2.ed.gov/print/about/offices/list/ocr/504faq.html](http://www.2.ed.gov/print/about/offices/list/ocr/504faq.html)

“Section 504” refers to the section of the Federal law that seeks to eliminate discrimination on the basis of disability in any program that receives Federal financial aid.

The section 504 regulation requires a school district to provide a Free Appropriate Public Education (FAPE) to each qualified student with a disability...regardless of the nature or severity of the disability. Under Section 504, access to FAPE is most commonly (but not exclusively) provided by offering accommodations to the student. For example: preferential seating, breaks, reduced assignments, behavior intervention plans, support with organization, and many more!

In order to receive services under special education, students must qualify under specific eligibility categories. However, Section 504 protects all persons with a disability who:

- Have a physical or mental impairment which substantially limits one or more major life activities such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning or working; or
- Have a record of such an impairment; or
- Are regarded as having such impairment.

To be protected under Section 504, a person's impairment must have substantial limitation of one or more major life activities. Where school children are concerned, the question is whether a student's impairment substantially limits the ability to access the general education curriculum.



A "physical or mental impairment" is defined as:

- Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems such as: neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin and endocrine; or
- Any mental or psychological disorder such as: intellectual disability, organic brain syndrome, emotional or mental illness, specific learning disabilities,

Following are examples of conditions or diagnoses which may fall under Section 504, but which may not qualify a student for services under IDEA:

- Communicable diseases (i.e., hepatitis);
- Temporary disabilities arising from accidents who may need short term hospitalization or homebound recovery;
- Allergies or asthma;
- Diabetes;
- Drug addiction or alcoholism, as long as the student is not currently using illegal drugs ;
- Environmental illnesses.

For elementary and secondary school students, section 504 requires that students be evaluated so that they are not unnecessarily labeled as having a disability. It requires that tests and other evaluation materials include those made to evaluate the specific areas of educational need and not just those designed to provide a single intelligence quotient. Parent consent must be obtained before to the initial evaluation.

The Section 504 planning group consists of person(s) knowledgeable about:

- The student,
- The evaluation data,
- Placement and service options.

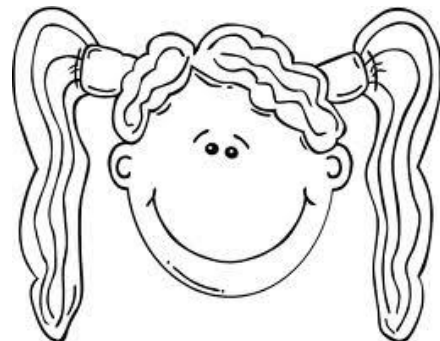
The planning group's responsibility is to:

- Review and consider the evaluations and information from a variety of sources,
- Decide eligibility,
- Determine the least restrictive placement and appropriate supplementary aids, services and/or accommodations necessary for the student to obtain the educational opportunities equal to his or her peers,
- Write the 504 plan.

## 504 Plan Complaints

If you have a complaint regarding your child's 504 Plan, you can file a complaint with the school district's 504 Coordinator and/or the Office of Civil Rights (OCR).

U.S. Department of Education  
50 Beale Street, Suite 7200  
San Francisco, CA 94105-1813  
Telephone: (415) 486-5555  
Facsimile: (415) 486-5570  
[Email: OCR.SanFrancisco@ed.gov](mailto:OCR.SanFrancisco@ed.gov)



“Everybody is a genius, but if you judge a fish by its ability to climb a tree, it may live its whole life believing that it is stupid.”

Albert Einstein



## Individuals with Disabilities Education Act (IDEA)

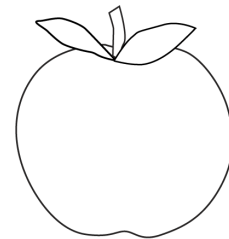
Individuals with Disabilities Education Act (IDEA) Part B is a federal law which guarantees that children with disabilities from three through 21 years have the right to a Free Appropriate Public Education (FAPE) designed to meet their individual needs. (IDEA Part C provides early intervention services to children birth to three years old.)

Special education is specially designed instruction, at no cost to the family, developed to meet the unique needs of children with disabilities. Special education includes instruction in a variety of settings, and includes services called Designated Instruction and Services (DIS) or Related Services (RS).

In order to qualify as an individual with exceptional needs under the eligibility criteria, the assessment must demonstrate that the student's impairment adversely affects her educational performance and requires special education.

### Eligibility Criteria

1. Autism
2. Deaf-blindness
3. Deafness
4. Emotional disturbance
5. Hearing impairment
6. Intellectual disability
7. Multiple disabilities
8. Orthopedic impairment
9. Other health impairment (includes attention deficit hyperactivity disorder (ADHD))
10. Specific learning disability
11. Speech and/or language impairment in one or more areas of voice, fluency, language and articulation
12. Traumatic brain injury
13. Visual impairment/blind
14. Established medical disability (children 3-5 years) (California)



A a  
Apple

## Basic Rights under IDEA

IDEA guarantees basic rights to each child with disabilities who qualifies, and his or her parent(s). For each eligible child, the Local Education Agency (LEA) must provide:

### 1. Free Appropriate Public Education (FAPE)

FAPE refers to special education services which are:

- 1) Provided to students at no charge to parents;
- 2) Meet state educational standards;
- 3) Are in accordance with the student's IEP.

### 2. Appropriate Evaluation/Assessment

Each child with a disability must receive a comprehensive, non-discriminatory education assessment prior to being placed in a special education program and must be reevaluated at least every three years. The assessment must include a variety of evaluations, be given by persons qualified to assess the particular area of need and provide developmental and functional information. Assessment(s) can only be performed with written permission of the parent(s).

### 3. Individualized Education Plan (IEP)

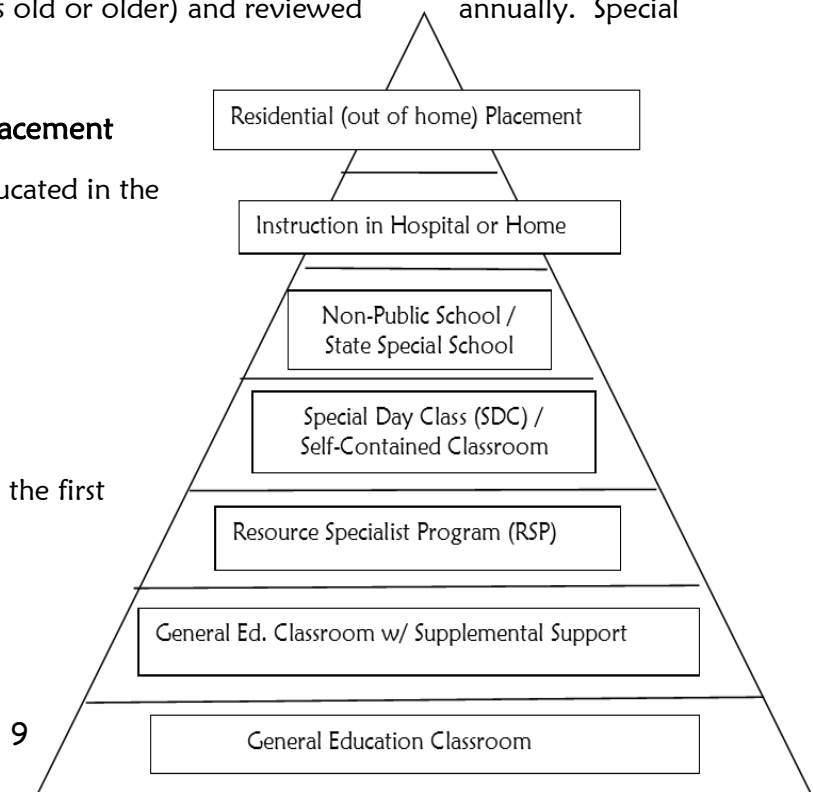
An IEP is a legally binding document in which the school district agrees to provide supports and services to meet a child's unique learning needs. The IEP is developed jointly by the school team and the student's parent(s) (and the student, if 16 years old or older) and reviewed annually. Special education eligibility is reviewed every three years.

### 4. Least Restrictive Environment (LRE) and Placement

Under IDEA, a child has the right to be educated in the Least Restrictive Environment (LRE).

Placement in the general education classroom with supplementary "aids, services and other supports that are provided in the class or other education related settings to enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate..." is the first option the IEP team must consider when recommending a student's placement.

#### Special Education Continuum of Services:



## 5. Parent and Student Participation in Decision Making

IDEA strongly encourages the participation of and communication among everyone who has an interest in the education of the student. Parents are members of the IEP team and are expected to provide input during the entire process, including evaluation, eligibility and placement. They must be provided the opportunity to participate in all meetings regarding their child and must receive regular reports about their child's progress. Students should participate in their IEP meetings when appropriate and must be invited to the meeting when transition is being discussed 16 years old.

## 6. Procedural Safeguards

The law requires that the rights of children and their parents are protected; that students with disabilities and their parents are provided with information they need and that there are ways for disputes to be resolved. Parents must give informed consent during the entire Special education process. Parents and schools have the right to request a due process hearing if they cannot agree or if the rights of the child have been violated. The school district is required to provide you with a copy of "Parent's Rights" at the IEP.

## Early Intervention Services for Infants, Toddlers and Their Families

Part C of IDEA focuses on families and their children from birth to three years of age who have developmental delay(s). Families and service providers together develop an Individual Family Service Plan (IFSP) which states the early intervention services that will be provided for the child and support that will help strengthen the family unit through the child's early years. Parents can find out more about these services, which are called Early Start in California from WarmLine Family Resource Center.

### Turning Three – Transition to Preschool from Early Start

At 27 – 33 months old, the child who is receiving Early Start services is referred to his or her school district. The school district performs assessments to determine whether he or she qualifies for special education services. If the child is eligible for special education, the school district will write an IEP by the child's third birthday and provide those services which are needed for the child to access the preschool curriculum.



The transition process from early intervention services to those provided by the school district can be confusing for families because eligibility for Early Start is based on the child's developmental needs and special education services are based on educational needs.

WarmLine Family Resource Center has a booklet titled "Turning Three Years Old" (available in English and Spanish) which explains the transition to special education in detail. "Turning Three Years Old" can be downloaded from WarmLine's website at [www.warmlinefrc.org](http://www.warmlinefrc.org). WarmLine provides trainings specifically about the process of transition from Early Start to special education.

## Transition to Adulthood

Transition goals and services which help students develop skills to move on to adult life are a required part of the IEP beginning at age 16. (Most parents of teens with disabilities agree that the earlier you start thinking and working on transition issues, the better prepared your teen [and you] will be for leaving school.)

When a student with an IEP enters high school, talk with the IEP team about whether the student is expected to graduate with a diploma (which will end special education services), or leave high school with a certificate of completion, which will allow special education services to continue until the teen reaches the age of 22. Whichever path the student will take will guide the goals and supports that the student will need in high school.

“Transition services” means a coordinated set of activities for a student with a disability that:

- Are focused on improving the academic and functional achievement of the student to facilitate the his/her movement from school to post-school activities, including:
  - Postsecondary education, vocational education, employment, continuing and adult education, adult services, independent living, or community participation;
- Are based on the individual student’s needs, taking into account the student’s strengths, preferences, and interests; and
- Include instruction, related services, community experiences, the development of employment and other post-school adult living goals, and, if appropriate, learning daily living skills and functional vocational evaluation.

Beginning not later than the first IEP to be in effect when the student turns 16 (or younger if determined appropriate by the IEP Team) and updated annually, the IEP must include:

- Measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills;
- The transition services (including courses of study) needed to assist the student in reaching those goals; and
- Beginning not later than one year before the student reaches the age of majority (18 years old in California), a statement that the student has been informed of his/her rights under special education, which will transfer to the student.

The school district must invite the student to attend the IEP meeting if the meeting will include the consideration of postsecondary goals and the transition services needed to assist the student in reaching those goals.

The student who has had support and instruction from parents and teachers about self-determination, self-advocacy and participation in their IEP will be better prepared to provide input and direction to the team about his/her preferences and interests for the future. (See “Student-Led IEPs”)

## Special Education Referral and Assessment

Parents, school staff or an outside agency (such as a regional center) may refer a child for special education assessments by the school district.

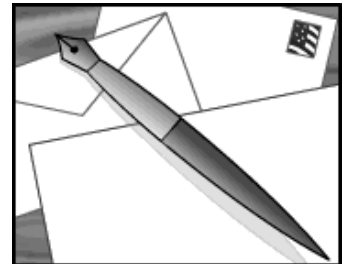
When a parent has concerns about a child's performance in school, the first step should be to discuss the concerns with the classroom teacher. A Student Study Team (SST) meeting may be useful and can be requested in writing to the school principal. The SST is not legally required before to requesting special education services, but general education is obligated to use its resources to provide needed support to all students. The SST can identify those supports through the Response to Intervention (RtI) process.

Parents may request assessment(s) **in writing** from the school district's special education department. (The request can be given to the school administrator, but sending it to the director of special education is more direct.) Date the letter and keep a copy it. (See the sample letter on the next page.)

There are legal timelines which start when the school district receives the letter. Follow up to make sure the letter was received by the special education department and when. Make a note to call them if you have not received the assessment plan within 15 calendar days.

### **When Requesting Assessment for Special Education Services:**

Be specific about your concerns. If your child has been given a medical diagnosis, provide that information. However, a medical diagnosis does not automatically qualify a student for special education. The school district is required to assess the child in all areas related to his/her suspected disability and not areas for which there is no suspected disability. Asking only for "comprehensive assessments" does not provide specific information to the school district. Your information can help to focus what assessment(s) are needed. It can be helpful to get input from the classroom teacher when preparing your request, because he or she may have observations or concerns that have not been shared with you previously, but should be addressed.



If available, provide a copy of the summary of physician assessments and/or diagnoses such as a doctor's report stating that your child has ADHD, a hearing loss, has been diagnosed with autism, etc. **(Hint: Ask that the doctor or other practitioner include you on the list of people who receive a copy of medical reports, so you will have them and can provide them directly to the school district.)**

If there are concerns about your child's behavior at school, be specific about what the behaviors are.

**Sample Request for Initial Assessment.** *If the student currently has an IEP and you want to request additional or new assessments, please visit [www.warminefrc.org](http://www.warminefrc.org).*

(Replace bold text with your information.)

Your Name

Your Address

Your City, State, Zip Code

Your Phone number

Date

Name of Special Education Director or Your Child's Program Specialist

Name of District

District Address

District City, State, Zip Code

Regarding: Your Child's Name

I am writing to request assessments for my child, (**your child's name**) to determine if **he/she** is eligible for special education services. **His/her date of birth** is ( ) and he/she attends (**name of school**). (If not currently enrolled, list home school.)

(If your child has a diagnosis, include it here, i.e. "My child has been diagnosed by his pediatrician with autism. If possible, attach any reports.)

(If you believe that your child may be eligible in a particular category, especially Other Health Impairment, Emotional Disturbance or Autism, you should specifically say so and ask for "comprehensive" assessments to address those conditions.)

Be as specific as possible about your concerns, such as, "he/she is unable to read at grade level", "he/she is not clear when speaking and no one else can understand"; "his/her handwriting is very poor for her age"; "he/she cannot copy a line that I draw"; "he/she becomes angry easily and sometimes lashes out physically".

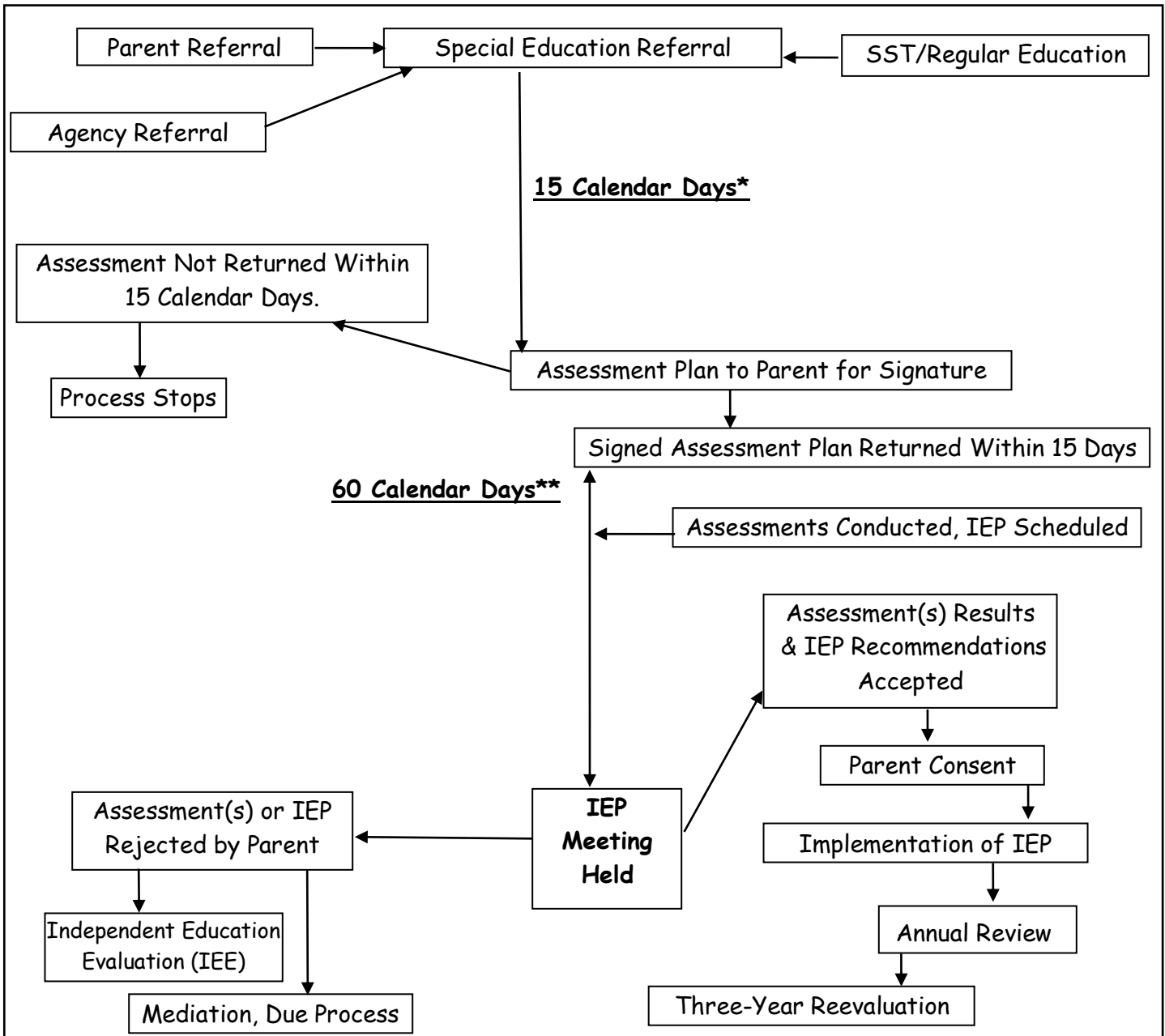
Following the assessment and team review of the results, if my child is found to have a disability but not qualify for special education services under IDEA, I request that accommodations be made for **him/her** under Section 504 of the Rehabilitation Act of 1973. For this reason, I also request that the Section 504 Coordinator for the school or district be present at the initial IEP meeting to discuss recommendations for accommodations.

I would like copies of the assessment report(s) at least 5 days prior to the IEP meeting for review in order to be better prepared for the meeting.

Sincerely,

Your Name

## Special Education Referral Timeline



\* Except when referral is received 10 days or less prior to the end of the regular school year. The assessment plan must be developed within 10 days after the start of the next regular school year.

\*\* Excluding school vacation of 5 or more days.

\*\* Except when a referral is received 30 days or less prior to the end of the regular school year, the IEP must be conducted within 30 days after the start of the next regular school year.

## Assessment (Evaluation)

Special education assessments are an evaluation process by a team of teachers and other professionals to look at your child's abilities, strengths and areas of need. They provide information about your child's educational needs and help to determine whether your child qualifies for special education services. Assessment(s) must be completed to determine whether your child has a disability, the extent of the disability and how the disability impacts your child's education.

The assessment plan describes the testing to be done and who will be conducting the tests (i.e., speech therapist, school psychologist, and special education teacher). Parents must give written permission before the assessments can be done and parents have 15 days to return the signed assessment plan to the school district. *Read the assessment plan carefully to make sure that it addresses all of your areas of concern.* Keep a copy for your records.

It is important to provide as much information as possible about what your concerns are and why you are requesting assessment(s) so that the appropriate evaluations can be performed. For example, "My child does not remember a math lesson that he learned yesterday."

Provide any information about known problems your child has, such as, "My daughter had a cochlear implant and continues to have a severe speech delay." or "My son was diagnosed with autism by Dr. Doolittle." (A medical diagnosis does not automatically qualify a student for special education.)

There are many tests and assessment tools that may be used to determine eligibility for special education and no one instrument is sufficient to determine whether your child has a disability which affects his/her educational performance. To get more information about specific tests that may be performed, type "tests which assess students for special education" into your internet browser.

The pupil must be assessed in all areas related to the suspected disability including, if appropriate,

- Health and development,
- Vision, including low vision,
- Hearing,
- Motor abilities,
- Language function,
- General intelligence,
- Academic performance,
- Communicative status,
- Self-help,
- Orientation and mobility skills,
- Career and vocational abilities and interests, and
- Social and emotional status.
- A developmental history shall be obtained, when appropriate .





Persons administering tests are required to be experienced with:

- Children with disabilities,
- The age and functional level of the child being tested,
- The test(s) being used.

Tests must take into account and be appropriate to the child's:

- Age and level of functioning,
- Disabilities,
- Abilities,
- Attention span,
- Primary language.

## Other Testing Methods

A variety of tools and strategies must be used to gather functional and developmental information about your child, such as:

- Interviewing parents and/or the student,
- Observation of the student,
- Discussions with other professionals who are acquainted with the student,
- Review of the student's medical and/or educational history,
- Practical demonstration(s) by the student,
- Review of the student's work.

## Copies of Assessments

The school district is required to provide parents copies of the assessment(s) when they have been completed. Further, IDEA states: "Each participating agency must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under this part. *The agency must comply with a request without unnecessary delay and before any meeting regarding an IEP...*" (CFR Sec. 300.613(a)).

Parents who do so agree that reviewing their child's assessments prior to the meeting is useful to allow them the opportunity to read the report, take in the information and prepare their questions and proposed strategies. Providing the assessments to the parent prior to the meeting is also a proactive way for the school district to make sure that they have given the parent the opportunity to have meaningful participation in the IEP process.

Special education law does not specify how many days before the IEP is held the reports should be provided, but California Education Code states that "school records" are to be made available within five (5) days of a request either in writing or orally. (Make the request in writing because it provides documentation of your request.) However, the law does not require that the reports be completed a specific number of days prior to the IEP meeting.

## Ineligibility

If a student is found to be ineligible for special education services and the parent(s) disagree with the school district's decision the parent(s) can do the following:

- Request Independent Education Evaluation(s). (See "Independent Educational Evaluation")
- Ask specifically why the student did not qualify. Ask that the school district put the reason(s) in writing in the form of a Prior Written Notice (PWN). (See Prior Written Notice)
- If the student has a disability which substantially limits a major life activity (such as learning) and the student does not qualify for special education, the student may be eligible for accommodations under Section 504 of the Rehabilitation Act of 1973.

## Independent Educational Evaluation (IEE)

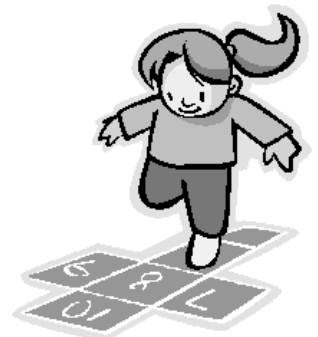
If the parent disagrees with the results of an assessment conducted by the school district, he/she has the right to ask for and obtain an IEE at public expense from a person qualified to conduct the assessment. The parent is entitled to only one IEE at public expense each time the school district conducts an evaluation.

The school district must respond "without unnecessary delay" to the parent's request for an IEE and must provide "information about where an independent educational evaluation may be obtained, and the agency criteria applicable for independent educational evaluations." This information should include a list of qualified assessors in your area, as well as criteria the district has adopted. You are not obligated to use an examiner from the district's list.

If the school district believes that their assessment is appropriate and disagrees that an IEE is necessary, the school district must request a due process hearing to prove that its assessment was appropriate. If the district prevails, the parent still has the right to an independent assessment but not at public expense.

The IEP team must consider independent assessments.

If the school district observes the student in his/her classroom during an assessment, or would have been allowed to observe the student, an individual conducting an IEE must also be allowed to observe the student in the classroom. If the school district proposes a new school setting for the student and an IEE is being conducted, the independent assessor must be allowed to observe the proposed setting.



## Reevaluation (“Triennial Assessments”)

Reevaluations are required at least every three years to determine:

- If your child continues to have a disability and require special education,
- How your child is progressing and what his/her current educational needs are,
- Changes needed in special education or related services to enable your child to meet IEP goals and participate in the general education curriculum.

Reevaluation must also be conducted whenever the student’s parents or teacher request without unnecessary delay, but not more than once per year.

The IEP team is not required to conduct additional (new) assessments in order to re-evaluate the student every three years unless requested to do so by the parent.

As part of the reevaluation, the IEP team (including parents) and other educational professionals, as appropriate, must review existing data (on the student) to identify whether additional facts are needed to determine whether the student continues to have an eligible disability and continues to require special education services. The team will also determine if any additions or changes to the student’s current special education program are needed. The team may conduct this review without a meeting and the district is not required to obtain parental consent to conduct this portion of the reevaluation.

If the group decides that no additional assessment(s) are necessary, the school district must notify the parent of that decision and let the parent know that he/she has the right to request assessment(s).

If the school district staff feels that the child no longer qualifies for special education services, it is required to conduct an in-depth assessment to document that decision.

## Requesting School Records

Under a federal law, called the Family Educational Rights and Privacy Act (FERPA), you have the right to access your child's school records.

Make a written request (written is always preferable because it provides you with documentation that the request was made and when). The records must be made accessible to you within five (5) days (California Education Code 49069). You may ask for copies of the records, but you may be charged a copying fee. The school district must provide the copies for free if the cost "effectively prevents the parent from exercising the right to receive such copies."

Parents can see all records with information directly related to the student and maintained by the school district.

### Records that cannot be examined:

- Personal notes that teachers, and other staff have made for their own use,
- Records of law enforcement,
- Personnel records of school employees.

If a parent feels that a document is inaccurate or misleading, he/she has the right to request that it be removed or corrected. If the school refuses, the parent may submit a written statement stating the objection to the information, which will remain part of the record until the information is removed or corrected. If the school district disagrees with the request to remove the information that the parent feels is inaccurate, the parent may request a formal records hearing.

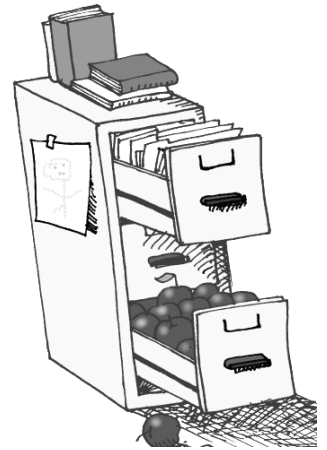
## Keeping Records at Home

IDEA recognizes parents as part of the IEP team. In order to be active participants, parents need to know what services their child is receiving, why and whether the services are effective. To do this, it's essential that parents keep records about their child's educational services.

When parents keep copies of documents (reports, assessments, etc.) they can feel better prepared and more confident about working with the education professionals. Having their student's reports and assessments readily available makes it easier for parents to follow their child's education program and plan for any changes that might be needed. (They can also provide records that may be missing or incomplete from school files.)

A 3-ring binder is a good way to organize the home records because it keeps them together, in order, is portable and easily used at meetings. The records can be filed however is most convenient; for example, chronologically by calendar or academic year or by topic. Whatever system is used, be sure to keep all information up-to-date.

Some parents put a picture of their child on the cover of their binder to remind the team that this is a child, not a “case”. It can also help to lighten the mood at IEP meetings.



#### Records and Information to keep:

- Contact information for people who work with your child, including the person's title to help you keep track of "who's who",
- A current copy of your school district's Parent Handbook which contains important information such as suspension and bullying policies,
- Your observations of your child including interests, strengths and weaknesses. Update them at least annually,
- Copies of current (and previous) assessments, reports, IEPs,
- Copies of written communication, including test results and recommendations with outside professionals regarding your child's medical and/or educational needs,
- Report cards,
- Written communication with school personnel,
- Notes on parent/teacher conferences and telephone conversations with school staff,
- Medications your child takes, including time, and dosage. Update regularly.
- Educationally relevant medical reports. For example, audiology.

WarmLine has a training called “Let’s Get Organized” which can help you get the information together.

#### **A note about medical records:**

Request a copy of initial medical assessments/evaluations and keep them with your child’s educational records, which will enable you to provide needed information to the IEP team quickly.

When a child is young, especially if he/she has complex medical needs, parents usually keep detailed records that include medical procedures and tests that were performed and their dates. It is valuable to continue to maintain those records as your child gets older. When he/she moves into adult services, that information will be requested from agencies.

## Prior Written Notice (PWN)

Prior written notice is meant to inform you as fully as possible about any actions the school system is proposing to take (or refusing to take) with respect to:

- Your child's identification as a "child with a disability" as defined by IDEA and State policy;
- Your child's evaluation;
- His or her educational placement; and
- The school system's provision of FAPE to your child.

PWN must include:

1. A description of the action proposed or refused by the district;
2. An explanation of why the action was proposed or refused;
3. A description of each evaluation procedure, assessment, record or report the district used as a basis for the proposed or refused action;
4. A statement that the parents have protection under procedural safeguards;
5. Sources for parents to obtain assistance in understanding the PWN;
6. A description of other options that the IEP team considered and the reasons they were rejected;
7. A description of other factors relevant to the district's proposal or refusal.

Prior written notice includes notice to you of upcoming meetings far enough in advance to ensure that you have the opportunity to attend and scheduling those meetings at a mutually agreed-on time and place.

## The Individualized Education Plan (IEP)

When a child qualifies for special education services, an IEP is written and updated yearly. The IEP is a legally binding document in which the school district agrees to provide services, but it is not "written in stone" and can be changed or amended if necessary. (The parent can make a request for an IEP review in writing to the special education department. The school district has 30 days to convene the IEP meeting.)

### The Members of the IEP Team:

The school district must ensure that the IEP team for each child with a disability includes:

- The parent(s)\* of the child;
- A regular education teacher (if the child is, or may be, participating in the regular education environment);
- A special education teacher or special education service provider;
- A school district representative who is qualified to provide or supervise the delivery of special education services, knowledgeable about the general curriculum and the resources of the district. Another team member may do this.

- The individual who conducted the assessments of the student, or someone who is knowledgeable about the procedure used and the results and is qualified to interpret the results.
- Other people with specific expertise or knowledge of the student, at district's request.
- Anyone the parent chooses to invite, such as a friend, neighbor, advocate or someone who has specific knowledge of the student.
- The student, when appropriate. (At age 16, the student must be invited to the IEP meeting.)

\* Parents are part of the IEP team and their input is essential. Participating in the IEP process is a skill that parents can learn and will get easier with practice. The key to the parent feeling a part of the team is preparation for the meeting. Please see the "Preparing for the IEP Meeting" section.

### **Recording the Meeting**

You may record the IEP meeting, but only openly and with 24 hours' notice to the school district. The parent does not need the district's permission to record. The district can record with 24 hours' notice to the parent, but cannot do so unless the parent gives permission.

### **Requesting an IEP Review Meeting**

Parents can request an IEP meeting (in writing) if they think it necessary. The school district has 30 days to convene the IEP meeting. The request should be in writing and directed to the program specialist or director of special education. If possible, the request should include the reason for the request, for example, "To discuss change of placement." (Many times, issues and concerns can be resolved informally with the appropriate member(s) of the team, rather than needing to gather the whole team.)

## Contents of the IEP Document

**Eligibility** - One or two eligibility categories.

**Student's Strengths / Preferences / Interests** - Parents provide valuable input here.

**Parent Concerns** – Relevant to educational progress.

**Present Levels of Performance (PLOP)** - How the student is currently performing in the following areas:

- Pre-academic/Academic/Functional skills (Pre-academic and functional skills such as matching, sorting, naming shapes, naming body parts, counting, etc. Academics is student's performance in all academic areas.)
- Communication Development
- Gross/Fine Motor Development
- Social/Emotional/Behavioral Development
- Vocational Skills
- Adaptive/Daily Living Skills
- Health (Areas that may impact the student's educational progress.)

**Area(s) of Need** – There must be a corresponding goal for every identified area of need.

### **Individual Transition Plan/High School Graduation. Statement of Needed Transition Services (at 16)**

- Is student on diploma track or will he/she continue special education until age 22?
- Assessments are based on needs/interests for training, education, employment, independent living skills, etc.,
- Post-secondary goals must be appropriate, measurable and based on age-appropriate assessments,
- Transition services needed to assist student to reach post-secondary goals,
- Related services necessary to access special education,
- Outside agencies providing transition support identified and invite, for example, Regional Center, Department of Rehabilitation,
- Student invited to meeting and given opportunity to participate,
- On or before 17<sup>th</sup> birthday, student advised of rights at 18.

### **Special Factors**

- Does the student require assistive technology? Assistive Technology (AT) is any item or piece of equipment that is used to increase, maintain or improve the functional capabilities of individuals with disabilities in all aspects of life, including at school ... Assistive Technology ranges from low tech (planners, Post Its™, highlighters, pencil grips, etc. to high tech devices or equipment.
- Does the student require low incidence equipment or services? Low incidence disabilities are visual impairment, blind, deaf and/or orthopedically impaired.
- Considerations if the student is blind/visually impaired or deaf/hard of hearing.
- If the student is an English language learner (ELL), how will services be delivered/measured?



- Does student’s behavior impede learning of self or others?  
If yes, is a behavior goal part of the IEP?  
If yes, is there a Behavior Intervention Plan (BIP) attached?

**Annual Goals** – Goals must be:

- Specific
- Measurable & Observable
- Attainable/Action Words
- Relevant (Provide access to the core curriculum)
- Time-bound (Accomplished over a specific period of time.)

A dream  
becomes a goal  
when action is  
taken toward  
achieving it...

Goals are major milestones; objectives are short-term, measurable, intermediate steps that move the student toward achieving the (annual) goals. Objectives are to be measured and accomplished over a period of time, such as a school quarter or grading period. Objectives are required only if the student takes alternative assessments.

Annual goals are written for one year. They must state the area of need that is being addressed and include a quantifiable baseline. They are based on the present level of educational performance (“baseline”) and can be set in many different areas, but most of them are in one of the following categories:

- Academic Skills (e.g., reading, writing, spelling, math) Academic goals must be linked to state grade level standards and provide access to the core curriculum.
- Self-help Skills (e.g., eating, dressing, bathing, shopping)
- Leisure and Recreational (e.g., learning to use community resources)
- Communication (e.g., speaking or other means to understand and respond to others)
- Motor Skills (fine/gross) (e.g., movement, balance, handwriting, sensory processing)
- Social/Behavioral (e.g., maintaining relationships, learning appropriate behaviors)
- Vocational (e.g., following directions, task completion, vocational training)

**Goal Example: (IEP dated 3/2015)**

Area of Need: Task Completion

Baseline: Carl is completing academic work without support 10% of the time.

Goal: By 3/2016, Carl will independently complete academic work 90% of the time as observed for 4/5 opportunities for two consecutive weeks.

Short-term Objective: By 5/2015, Carl will independently complete academic work 40% of the time as observed for 4/5 opportunities for two consecutive weeks.

Short-term Objective: By 9/2015, Carl will independently complete academic work 60% of the time as observed for 4/5 opportunities for two consecutive weeks.

Short-term Objective: By 12/2015, Carl will independently complete academic work 80% of the time as observed for 4/5 opportunities for two consecutive weeks.

Parents can contribute to the goal writing process by sharing the goals they feel are important for their child. (See “Goal Setting Worksheet”). Although you are not an expert goal writer, you do know what non-academic areas your child needs to work on and how your child might be most successful in achieving educational goals. You can also provide insight into how your child learns best.

**Offer of FAPE (Free Appropriate Public Education)** – Indicates what special education services and supports school district is providing, including classroom placement, related services, accommodations, modification, supplementary aids and supports, transportation and Extended School Year (ESY).

- Service: (i.e., Speech and Language Services)
- Who will provide? (i.e., District of Service)
- Where? (i.e., Separate Classroom)
- Individual or group? (Hint: If both, ask the provider to indicate how many minutes for each.)
- How often? How long? (i.e., 30 min x 4 totaling 120 minutes/month)
- Beginning and end dates? (Typically 1 year, but could be less. Always check the dates.)

**Examples of supplementary aids/supports/accommodations:**

**Support**

- Check for understanding
- Instructions/directions repeated/rephrased
- Present one task at a time
- Preferential/assigned seating
- Use of assignment notebook or planner
- Supervision during unstructured time
- Cues/prompts rules/procedures
- Offer choices
- Note taking assistance
- Access to computer on campus
- Use of scribe/note taker
- Use of a calculator
- Peer tutor/staff assistance with assignments
- Behavior Support Plan (BSP)
- Home/job/school communication
- Reminder to take medications

**Supplementary Aids**

- Specialized equipment
- Planning time for staff collaboration
- Staff training

**Accommodations** “lighten the work load”.

**Reponses to Materials & Instruction**

- Reduced/shortened tests/assignments
- Extended time on tests/assignments
- Use of notes/open book for tests/assignments
- Spelling errors not counted

**Settings**

- Access to study carrel for tasks/assignments/tests
- Free from visual distractions
- Quiet environment
- Small group environment

**Presentation of Materials & Instructions**

- Audio books
- Assignments/tests modified
- Large print
- Closed caption
- Manipulative/study aids
- Test questions/assignments given orally
- Tests/Assignments shortened
- Tests/Assignments given in smaller parts
- Preview of tests/assignments

**Modifications** change what is being taught (curriculum) and expected of student.

### **Special Education Transportation**

Special education transportation is defined in federal regulation [34 *CFR* Section 300.34(c) (16 )] as a related service. Transportation is required to be provided as a related service if it is required to assist a child with a disability to benefit from special education. In addition, as required for any special education program, the service must be provided to meet the criteria for a free, appropriate public education as defined in federal regulation 34 *CFR* Section 300.17.

### **Extended School Year (ESY): Criteria:**

- Disabilities are likely to continue indefinitely or for a prolonged period;
- Interruption of the education program may cause significant regression;
- Limited recoupment capacity; and
- The above factors make it “impossible or unlikely” that the child will attain self-sufficiency and independence without ESY services.

The lack of clear evidence of the above may not be used to deny a student an extended year program if the individualized education program (IEP) team determines the need for such a program and included extended year in the individual program.

The key issues for ESY eligibility focus on regression and recoupment. Although there are no state or federal regulations addressing when a child requires these services, there have been court cases that provide districts with guidance.

### **Statewide Assessments**

- This page has boxes for what Statewide Assessments will be taken in which grades and what accommodations or modifications will be provided.
- For more information on Statewide Assessments, visit: <http://www.cde.ca.gov/ta/tg/>

### **Offer of FAPE Educational Settings**

- Type of physical education (general or specially designed)
- Special education services provided at school of residence?
- Percentage of day the student will be outside/inside regular class, extracurricular and non-academic activities,
- How and when parent will be informed of student’s progress,
- Activities to support the student’s transition (i.e., kindergarten/1<sup>st</sup> grade, middle/high school, special education/general education, etc.),
- Graduation plan – projected date, graduation with diploma or certificate of completion.

### **Notes**

- Ask that strategies which are agreed upon be written into the IEP in the notes section so that there is no confusion or misunderstanding (plan to review before the end of the meeting),
- Elaboration/explanation of what was discussed,
- Establish procedural compliance,
- Show parent participation (requests, input, consent or disagreement),

- Document that several options were discussed and considered,
- Ensure that a clear and appropriate offer of FAPE was made,
- Clarification of items.

**Signature & Parent Consent** – Parent is not required to sign the IEP immediately after the meeting and may take it home to review. Find out who to contact with questions and to return it.

- Attendees sign and date
- Parent can agree with all or part of the IEP
  - \* If there is disagreement, include short explanation. For example, “I disagree with the recommendation to decrease speech therapy from 30 minutes/week to annual consultation.

## **Related Services**

Related Services are services that are required by a student with disabilities to benefit from his/her special education program. DIS must be written into the student’s IEP and must include where the service(s) will take place, how frequently, the duration of the session and the beginning/end dates. Assessments must be done to establish whether the student is eligible.

**Examples of Related Services:** Including, but are not limited to, the following:  
California Code of Regulations (CCR) 3051

- Language/speech development and remediation
- Audiology services
- Orientation and mobility services
- Adapted physical education
- Physical therapy
- Occupational therapy
- Vision services/therapy
- Specialized driver training instruction
- Counseling and guidance services, including rehabilitation
- Psychological services other than assessment/development of the IEP
- Parent counseling and training
- Health and nursing services
- Specially designed vocational education and career development
- Recreation services
- Specialized services for low-incidence disabilities
- Services for pupils with acute or chronic health problems
- Related services for deaf/hard of hearing
- Assistive technology service
- Music therapy
- Transcription services
- Interpreting services
- Transportation

## Preparing for the IEP Meeting



Being prepared for the IEP meeting will help you feel more confident about being part of the IEP team. Preparation does not have to be time consuming, especially if you have monitored your student's progress throughout the school year. Here are some suggestions of ways to help make your child's IEP meeting more productive (and less stressful) by preparing for it:

- Create and keep up-to-date a binder that contains your child's:
  - Assessments/Evaluations
  - Progress Reports/Report Cards
  - IEPs
  - Communication Logs
  - Educationally related medical information
- Know why your child is eligible for special education, what services are being provided and the current goals.
- Monitor the IEP throughout the year. Know if progress is being made on goals.
- Review your child's current IEP.
- Find out which professionals are expected to attend the meeting. It should be included on the notice of meeting. The teacher or program specialist can also give you this information.
- Talk to your child, your child's teacher(s), and other professionals who are providing services, i.e. speech therapy. Ask the professionals what changes they plan to recommend.
- Visit the classroom.
- Get a copy of your child's new evaluations and review them before the IEP. If you need help understanding the assessment(s), contact the person who conducted them and ask for help.
- Request a draft copy of Present Levels of Performance and goals.
- Ask for copies of current progress reports and review them before the IEP.
- You do not have to go to the meeting alone. It is helpful to have someone with you to take notes and help you ask questions. (Bonus if that person can help you prepare!)
- You can record the meeting, but recording must be done openly, with the knowledge of all meeting participants. You must notify school district 24 hours before the meeting of your intent to record it.
- Write down your concerns and goals. Prepare a parent report. You are to be fully involved in the development of your child's program and this step will be helpful. (See "Parent Concerns" Worksheet, "Present Levels/Goal" Worksheet and "Parent Report")

## Parent Concerns/Solutions/Strategies Worksheet *(Use with or instead of “Goal” Worksheet)*

The top of the section, “Present Levels of Performance” has a place for parent concerns, which parents may struggle to communicate at the meeting. This worksheet may help you identify and prioritize concerns and think through suggestions for solutions and strategies to share with the IEP team.

1. What are my concern(s)/issue(s) about my child’s education program?

Example: Carl has aggressive behavior with peers at recess.

2. Why is it important to my child’s education program?

Example: Carl does not have friends and repeated suspensions, which cause him to miss instruction.

3. What strategies/solutions would I like to share with the IEP team?


Example: Carl has difficulty with pragmatic (conversational) speech and cannot express his frustration to peers. A pragmatic speech goal can help with social issues on the playground.

**Present Levels of Performance/Goal Worksheet** *(Use with or instead of “Concerns” Worksheet)*

This worksheet is a tool for parents when preparing for an upcoming IEP. It helps to identify specific concerns that a parent has and provides the opportunity for parent input for goals. Don't worry about the wording. This is a worksheet. Example:

| <u>Area of Need</u>   | <u>What my child can do now = Present Levels of Performance/Baseline</u> | <u>Concerns/What I'd like my child to learn = Goal</u> |
|---|--|--|
| <b>Communication</b>  | <b>Age appropriate receptive language.</b>                               | <b>Pragmatic speech goal(s)</b>                        |
|   |  |  |
| <b>Preacademic/Academic/Functional</b>  |  |  |
| <b>Communication</b>  |  |  |
| <b>Gross/Fine Motor</b>   |  |  |
| <b>Social/Emotional/Behavior</b>  |  |  |
| <b>Pre-vocational/<br/>Vocational</b><br>(Follow directions, task completion, organization of work)       |  |  |
| <b>Adaptive/Daily Living</b>  |  |  |
| <b>Health</b><br>(Anything health related that the team should know, including new or pending diagnoses.) |  |  |

# Parent Report for IEP

Parent Report for “Carl Vespoli” 

Age: 14 years

Date: 10-25-2005

|  |  |
|--|--|
| <p><b>Carl’s Strengths:</b></p> <ul style="list-style-type: none"> <li>• Reading</li> <li>• Spelling</li> <li>• Large vocabulary</li> <li>• Friendly, thoughtful, polite</li> <li>• Desire and willingness to learn</li> </ul> | <p><b>Carl’s Interests:</b></p> <ul style="list-style-type: none"> <li>• Music</li> <li>• Science</li> <li>• Reading</li> <li>• Cooking</li> </ul> |
|--|--|

| Curriculum/<br>Area of Need         | Proposed Goals (G) /Strategies (S)  |
|-------------------------------------|---|
| Math                                | <p><b>G:</b> Learn math facts.</p> <p><b>S:</b> Use Carl’s interest in cooking to help teach math skills and concepts.</p>  |
| Reading                             | <p><b>G:</b> Progress to grade level reading</p> <p><b>S:</b> Give Carl (grade level) reading assignments which focus on his interests, such as science and cooking.</p>  |
| Communication                       | <p><b>G:</b> Appropriate conversation (stay on topic)</p> <p><b>S:</b> Practice in group setting. Allow Carl to take a turn talking about his interests and then listening when another person is speaking.</p>   |
| Organization/<br>Task Completion    | <p><b>G:</b> Carl will keep track of his personal belongings, school assignments and school supplies.</p> <p><b>G:</b> Carl will stay on task and complete assignments in class. (If assignments are not completed, send them home with him.)</p> <p><b>S:</b> Use lists, folders and graphic organizers. Consider using phone apps if appropriate.</p> |
| Social Skills                       | <p><b>G:</b> Carl will maintain appropriate personal space and gender interaction.</p> <p><b>G:</b> Include Carl in group activities.</p> <p><b>G:</b> Reduce self-stimulation activities (hand flapping, rocking).</p>   |
| Vocational/<br>Prevocational Skills | <p><b>G:</b> Carl will participate in Independent Living Skills training, including use of public transportation.</p>   |



## At The IEP Meeting:

- Ask how much time has been allotted for the meeting. Tell the team you will plan to schedule another meeting if all of the days' business has not been completed.
- Consider planning to end the meeting 15-20 minutes early in order to review what was written.
- You are **the** expert on your child, the constant in his/her life and the constant at every meeting. However, it is important to understand and acknowledge the expertise of the team members who have worked with many, many children. Together you are your child's team.
- Team members may write drafts of goals prior to the meeting, but you still must agree with the goals. You are part of the IEP development team.
- If the district declines to include a service, program or goal you feel is necessary, have them clarify whether the student is not eligible or needs new/additional assessments. Ask for Prior Written Notice (PWN) of the denial. (See "Prior Written Notice".)
- Placement/related services should be discussed only after the goals and objectives are completed.
- You are not required to sign the IEP at the meeting, and may take it home to read carefully to make sure everything was included. Ask who you should contact if you have questions.
- If you disagree with the school district, you may write a dissenting statement and attach it to the IEP. Only parts of the IEP with which you agree can be implemented.
- At every IEP meeting, it is your right to receive a copy of "Parent's Rights in California Special Education". You can also find it at the California Department of Education's website: <http://www.cde.ca.gov/sp/se/qa/pssummary.asp>. It outlines the Procedural Safeguards for students with disabilities who receive special education services. To obtain more information about parental rights or dispute resolution, including how to file a complaint, contact:

California Dept. of Ed., Special Education Division, Procedural Safeguards Referral Service  
1430 N Street, Suite 2401, Sacramento, CA 95814 Telephone: 800-926-0648

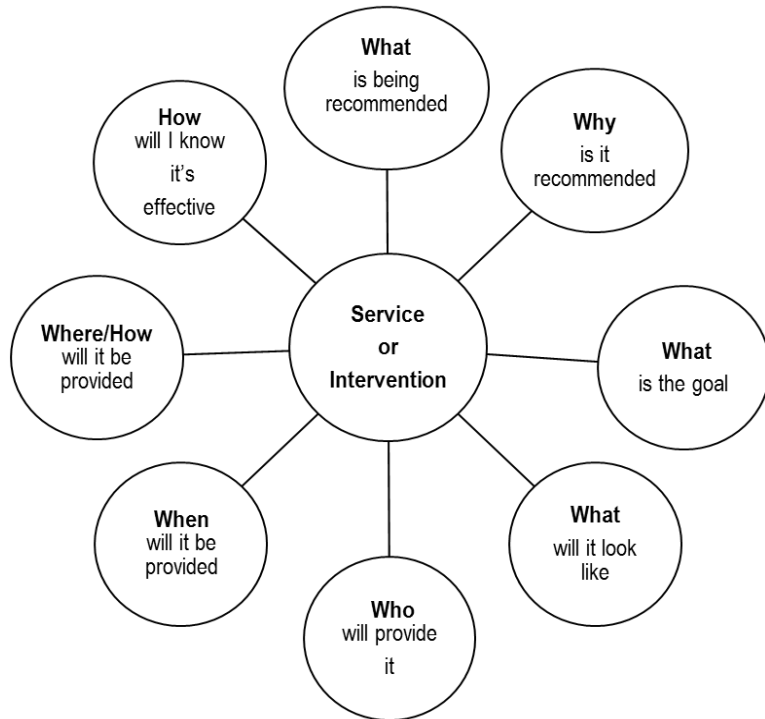
- A **compliance complaint** (state complaint) can be filed by anyone who feels that the school district has violated procedures under IDEA. *Hints When Requesting Direct State Intervention:* <http://www.cde.ca.gov/sp/se/qa/documents/complnthints.asp>
- A **due process complaint** can be filed if the student has been denied FAPE. *Due Process Hearing & Mediation* [http://www.dgs.ca.gov/oah/Special\\_Education/Resources.aspx](http://www.dgs.ca.gov/oah/Special_Education/Resources.aspx)

WarmLine can provide you with additional information about state and due process complaints. (See "Alternative Dispute Resolution")

Always, always, always ask questions if you don't understand something. This is your child and it is your right and responsibility to understand and participate in his/her proposed education plan. "But I don't know what questions to ask!" WarmLine can help with that.

- **Targeted Questions to Ask:** Parents are encouraged to ask questions at the IEP, but sometimes don't know where to start. Asking "who, what, when, where, why and how" is an excellent way to organize thoughts and get information. This approach can be used by parents to form targeted questions for the IEP team about their child's program. Asking these questions also gives parents the opportunity to contribute to the team's decision process and to assure them that they understand the team's plans for their child's education program.

"The ability to ask the right question is the first step in finding the right answer."



### When Children Relocate:

When a student with an IEP moves into a new school district which is not in the same special education Local Plan Area (SELPA) during the same academic year, the new school district must provide services comparable to the current IEP for 30 days. Within 30 days, the new school district must write a new IEP – adopting the previous one or developing a new one.

When a student with an IEP moves from another state to California during the same school year, the new school district must provide comparable services until it can conduct any new assessments that have been

determined to be necessary and then develop a new IEP. (The student's new school district must take reasonable steps to obtain records from the old school district and the old school district must take reasonable steps to provide them.)

### Instances When an IEP Team Member May Not Need to Attend the Meeting:

If a member of the IEP team is not modifying or discussing his/her portion of the plan, that person is not required to attend the meeting. The school district and parent must agree to excuse that member.

A member of the team may be excused when the meeting **does** involve a modification to or discussion of the member's area of the curriculum or related services, if:

- The member submits in writing to the team, input into the development of the IEP prior to the meeting and,
- The parent and the school district consent to the excusal (in writing).

## **Amending the IEP without A Meeting:**

If changes need to be made to a student's IEP, the parent(s) and the school district may agree to develop written amendments or modification to the student's current IEP rather than convene an IEP meeting. Upon request, a parent must be provided with a revised copy of the IEP with the amendments.

## **Review of the IEP:**

Each school district must ensure that the IEP team reviews the child's IEP periodically, but not less than yearly, to determine whether the annual goals for the child are being achieved and revise the IEP, as appropriate.

A regular education teacher of the child must participate in the review of the IEP as a member of the team if the student is receiving or may be receiving services in the general education classroom.

## **Alternative Means of Meeting Participation:**

The IEP should be held at a mutually agreed upon time and location, but there may be meetings when it is not possible to have the team members together at the same time. If necessary, and with parent consent, team members (including the parent) may participate by conference call or video.



## **Program Placement**

Although you may visit a placement prior to agreeing to it, it may be difficult to really know a program based upon one visit. Ask the IEP team's opinion of the placement and ask if other parents whose children are enrolled are available to answer questions. It is still possible that the placement is not a "good fit" for your child. After giving your child a reasonable amount of time to get comfortable, if you still feel that the placement is not appropriate, you can send a request for an IEP meeting to your child's program specialist (program manager) to discuss change of placement.

## School Discipline Procedures for Students with Disabilities

### Suspension and Expulsion

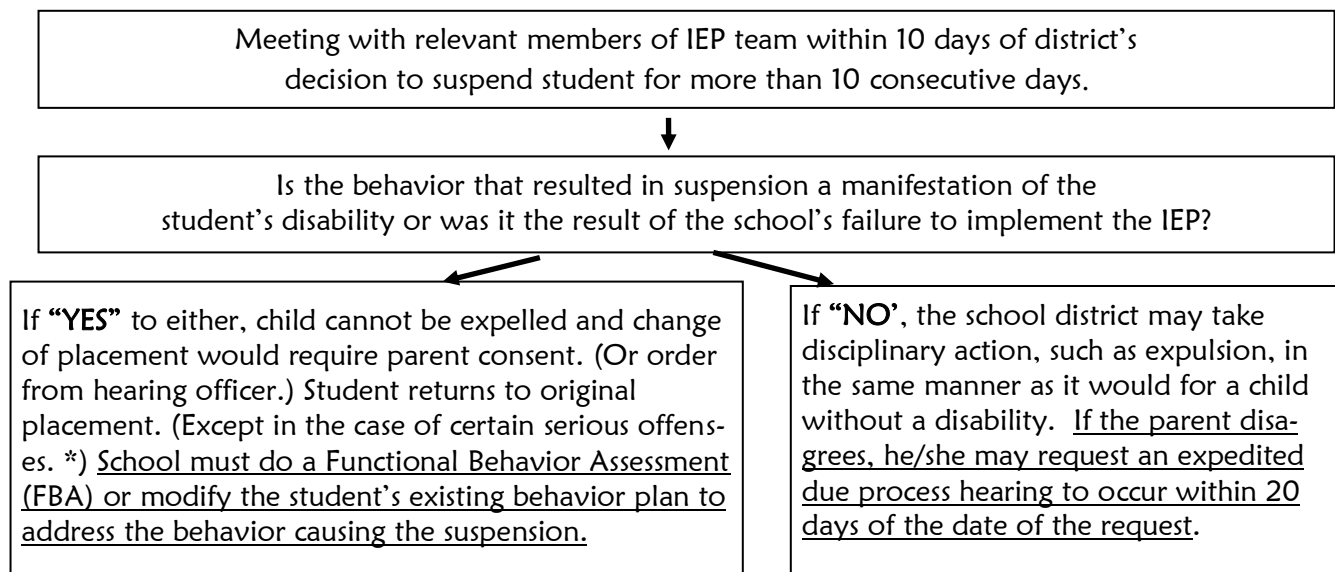


A student with an IEP can be suspended or expelled from school. The grounds for suspension or expulsion are the same for children with and without disabilities and can be found in [section 48900 of the California Education Code](#).

Suspension or expulsion must be related to school activity or attendance. This includes misconduct occurring on school grounds, while going to or coming from school, during lunch (whether on or off campus), during a school sponsored activity, or while going to or coming from a school sponsored activity.

If a student with an IEP is suspended for more than 10 consecutive days, a meeting must be held to determine if the student's behavior (which caused the suspension) is a "manifestation" of his/her disability.

### Manifestation Determination



A district can immediately place the child in a different placement for up to 45 days (Interim Alternative Educational Setting), even if the behavior is found to be a manifestation of the disability, if the district claims he/she committed any of the following while at school, on school grounds or at school function:

1. Carried or possessed a weapon;
2. Knowingly possessed or used, sold or solicited for sale illegal drugs;
3. Inflicted serious bodily injury upon another person

Regardless of the setting, the school district must continue to provide FAPE for the student. Alternative educational settings must allow the student to continue to participate in the general curriculum and ensure continuation of services and modifications detailed in the IEP.

## Person-Centered Plan (PCP)

A Person Centered Plan (PCP) is used to help people with disabilities plan for their futures. It has traditionally been used beginning in middle and high school, but parents are encouraged to start the process when their children are even younger.

The goal and advantage of a PCP is to encourage parents to have dreams and desires for their child...and share the vision with the people who are working with him/her. The PCP (some parents call it their “vision statement”) is a powerful tool to share with professionals prior to IEPs or other meetings.

Parents have come up with many clever ways to share their Person Centered Plans. Visit <http://factoregon.org/resources/person-centered-plan-samples/> for some ideas. The common components are: 1) What the child does well; 2) Strategies for the child’s success; 3) The child’s strengths and gifts; 4) Dreams and plans for the future

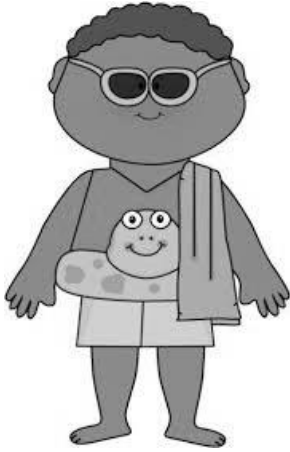
As children get older and are able to express themselves verbally or in other ways, they are invited to contribute their own opinions to the plan. The process can be opened up to professionals to add their input and vision.

As the child approaches adulthood, PCP is a powerful tool to be used to plan for needed services and supports.

“I know God will not give me anything I can’t handle.  
I just wish He didn’t trust me with so much.”  
Mother Teresa

Examples of PCP (from [www.FACToregon.org](http://www.FACToregon.org)):

## Christopher



What we like about Christopher: He has bright eyes, a big smile and an infectious laugh. Christopher has an amazing memory and a personality that will land him a place in your heart.

Things he doesn't like: LOUD sounds, like fire alarms, especially without warning. Automatic flushing toilets, bullies, certain smells (vinegar, cleaners, garbage) and gooey textures (papier mache) can make him gag.

Things he really likes: Roads and highways. The sounds you hear from inside the car and what roads go where. He will make road sounds while running his hands along the wall or handrails. Christopher also likes to swing, sing songs and make people smile. He likes to listen to clock chimes, the color red, chocolate and Miley Cyrus.

Things he struggles with: Christopher has difficulty writing and organizing his thoughts, transitioning or stopping something he hasn't finished, trying to concentrate when there is a lot of noise and understanding more than a couple of instructions at a time. Christopher has a tough time in line, lunchtime, recess, the bathroom and choosing appropriate topics to talk about. He will do or say what other kids ask him to do to make them happy – even if it is inappropriate. With Asperger's and ADHD, even though he is 9 years old, his self-control is that of a 7 year old.

What to watch for: When Christopher is anxious or uncomfortable, he will sometimes play with his hair or put his fingers in his mouth. He sometimes becomes "silly" if he is nervous or unsure how to act. When he is upset he will yell ("This sucks", "shut up", "it's not fair".) and sometimes hit or kick. At this point he needs to physically get his anger out.

How to help him: Try to control his frustration level with breaks throughout the day. Fidget/squishy toys may help him transition or calm down. Don't show emotion when dealing with his (mood/behavior). It's very important to stay calm. If he is really upset, he cannot understand what he is being told, but will talk about it when he calms down.

Special note: Christopher was diagnosed with Asperger's syndrome and ADHD when he was 5 years old. He has limited vision in his left eye and special insoles in his shoes to correct loose ligaments. At first glance, his disabilities are difficult to see, but are very real. Christopher takes medication: his prescriptions are xxx, xxx, and xxx,

He needs understanding and patience to learn how to get over the hurdles in his way. I hope we can work together to make school a positive experience. Please feel free to call me anytime at 123-456-7889.

## Self-Determination and Self-Advocacy



**Self-determination** means that a person has decided what he or she would like to do and has set goals.

**Self-advocacy** is the ability to make those goals known to others and work on them.

It is never too early in the life of any child, including one with a disability to help him or her learn to make decisions! From an early age, all children need to learn to make choices and decisions – and understand that decisions come with consequences (sometimes good – sometimes bad). Making the (controlled) choices of what foods to eat, what clothing to wear and other day-to-day decisions fosters self-confidence and self-esteem and starts children on the road to being self-determined.

IDEA requires that the student be invited to and his/her input be included in the IEP beginning at age 16. The IEP at that time must address the student's wishes and desires for life after special education ends. Because children with disabilities are not always included in the decisions in their lives, they may not have opinions or ideas when asked, "What kind of job do you want?" or "Where do you want to live?" (See "Student-Led IEP")

### **Some ways to promote self-determination:**

- Assist children to identify their strengths, interests, and learning styles;
- Provide choices about clothing, social and family activities;
- Hold high expectations that all children can succeed in school and have options for independent lives as adults;
- Prepare children to participate in their education plan (See "Student-Led IEP");
- Encourage everyone who comes in contact with the child to address him or her directly and ask the child for feedback and opinions;
- Involve children in family decisions;
- Allow the child to make mistakes and experience natural consequences.

### **Encourage Future Planning**

- Talk about future jobs, hobbies, and family lifestyles;
- Frequently discuss interests and goals. Encourage children to dream.

### **Promote Reasonable Risk Taking**

- When considering choices, encourage the child to list risks, benefits, and consequences;
- Support children to take responsibility for mistakes.

### **Promote Self Advocacy**

- At each developmental level, provide information to children on their disability and how to communicate with others about it;
- Encourage children to express their thoughts and desires;
- Praise efforts of assertiveness and problem solving;
- Develop opportunities at home and in school for self-advocacy;
- Ask children their opinion on issues. Encourage them, even if their opinion differs from yours;
- Teach what accommodations they need and how to express the need.

### **Facilitate Development of Self-Esteem**

- Create a sense of belonging within schools and communities;
- Provide experiences for children and youth to use their talents;
- Provide opportunities to youth to contribute to their families, schools, and communities;
- Provide opportunities for individuality and independence;
- Identify caring adult mentors at home, school, church, or in the community;
- Model a sense of self-esteem and self-confidence.

### **Develop Goal Setting and Planning**

- Teach children and youth family values, priorities, and goals;
- Make posters that reflect values and that are age-appropriate;
- Define what a goal is and demonstrate the steps to reach a goal;
- Support children in developing their own values and goals;



Excerpted from “Self-Determination: Supporting Successful Transition”  
By Christine D. Bremer, Mera Kachgal, and Kris Schoeller, April 2003  
National Center on Secondary Education and Transition (NCSET)

For more information about self-determination, visit  
[www.imdetermined.org](http://www.imdetermined.org)

“The more independent our students are, even in small ways,  
the better care they will get.”  
Tom Neary

### **Student-Led IEP**



The “student-led” IEP is a process in which the student takes an active role in the planning and implementation of his IEP. (“Student-directed” IEP may be a more descriptive term.) Studies have shown that when students are involved in crafting their own IEPs, they take increased responsibility for the outcomes and are more engaged in the learning process as they work toward their goals.



Even young children can start to take part in their IEPs by drawing a picture or dictating a story to the parent that is delivered to the team. As they get older, parents can support them to become more involved.

### **Important information for the student order to be an active participant in his/her IEP:**

(Excerpted from “A Student’s Guide to the IEP” by Marcy McGahee-Kovac)

#### **What Is an IEP?**

- The IEP is a written document that describes the education plan for a student with a disability. Your IEP lists your disability, what skills you need to learn, what you’ll do in school for the next year, what services the school will provide and where.

#### **How Do I Develop My IEP?**

- Tell your family and teachers that you are interested in participating in your next IEP meeting. It is important that you have the support of your parents and teachers, because they will play a major role in helping you.

#### **Writing Your IEP (See “Supplemental Supports and Accommodations”.)**

- Describe your disability
- Which classes do you take?
- What is your best class? What do you well in this class? What helps you do well?
- What class is hardest for you? What is the hardest part of that class? What accommodations would help you do better in that class?
- What do you need to work on in your other classes? What accommodations would help you?
- Look at your old IEP. Talk with your parents and teachers about the goals listed there. Did you meet them? What goals did you not meet?
- What are your strengths? What are your needs? What is your learning style? How do you learn best? (Talk this over with your parents and teachers.)
- Develop new goals for the upcoming year, using the list of strengths and needs that you made with the help of your parents and teachers.
- Describe the accommodations you might need to help you meet the goals.
- Think about your plans for the future and what you would like to do after you finish high school. Talk to your parents and teachers about what you should be doing to get ready.
- Work with your parents and teachers to write a draft of your IEP.

#### **Steps to Success: Communicating with Your Child’s School (Excerpted)**



## Getting Started

First, understand that your role as a parent is unique. You are the expert on your child. Your passion, as a parent, can help you communicate brilliantly, and sometimes, it may overtake you.

### **Step 1.** *Be mindful of your emotional pressure gauge as you work with your child's school.*

If you expect to have difficulty when meeting with school personnel, your mind and body will be primed for battle. How can you communicate successfully if you are on the verge of overflowing with anguish and outrage? Keep thoughts of past (or present) problems at school, worst fears, and other negatives from creeping into your mind. Focus positively on your goals and the view that the school wants to do their best for your child. Keep telling yourself that and you and your child will succeed.

### **Step 2.** *Prioritize and Plan*

What's the most important thing that needs to be accomplished for your child? Make a list of the issues, questions, and possible solutions. Rank them. Decide if there are any you can pass on and which one(s) must be addressed now. Plan how you are willing to give and take in order to achieve the higher goal. Map out what you need to say and practice:

*"What's most important for Jordan right now is..."*

*"We really need to focus on..."*

### **Step 3.** *Actively listen to understand the other person's perspective*

If you don't understand what someone is saying, tell him or her. Be direct:

*"I don't understand what you are saying. Can you explain it in a different way?"*

*"Is there something you can show me, in writing, so I can fully understand?"*

Keep asking and wait for responses until you fully comprehend.

### **Step 4.** *Clarify your statements if you see a puzzled expression on someone's face and ask for clarification in return.*

Paraphrase, or restate so that you and others are clear in your understanding.

To be understood:

*"I must not be explaining this clearly, what I'm trying to say is..."*

*"Here's a copy of...Let's look at these together. It shows that..."*

So that you understand:

*"It sounds like you're saying..."*

*"If I understand you correctly, you're saying... Is that right?"*

*"Is that written down anywhere so I can read it?"*

Often, the process of clarifying one's understanding provides an opportunity to clear up misconceptions or correct misinformation that could be critical to finding a satisfactory solution for your child.

**Step 5.** *Have options in mind and offer them for discussion, as needed.*

As a parent, you're in a good position to present alternative solutions that might not occur to those who work for the school system.

*"Here's what we do at home when Beth refuses to do her homework."*

*"Here's a recommendation from...that has proven successful for other students. We should seriously consider this for Janey."*

*"Let's try this for 8 weeks and see how it goes."*

It's also important to make sure that the focus stays on your child and meeting his or her needs. Sometimes, words like the following can help tighten everyone's focus:

*"Jordan's dad and I just haven't seen the kind of progress that Jordan needs to make. What other options can we consider for him?"*

**Step 6.** *You're only human.*

If someone has been particularly helpful, acknowledge their efforts. Sometimes, especially when frustrations arise, acknowledging what has gone well, and how hard everyone has worked, and makes it possible for everyone to feel better and push towards the finish line.

If, by chance, you make a mistake or cause offense, say you're sorry. Making an apology says that you're only human and helps to humanize what is often a formal process and sends the message that you can be forgiving of others' mistakes. "Please" and "thank you" also go a long way in keeping conversations civil, and not surprisingly, helps everyone say "yes".

**In the end, ask for the "yes".**

As you communicate and negotiate, you will uncover areas where you and the school are in agreement. You may agree on the issue that must be addressed, but not be in full agreement on how to address it. This is when it can be especially helpful to restate and discuss options in a problem solving way. This means presenting and fully analyzing proposed solutions on their own merits. It also means asking some direct, yet polite, questions, such as

*"I'm still puzzled. Why isn't this an option?"*

*"Jordan needs this. Who has some ideas on how we can make it happen?"*

Additionally, words that recognize the desires and the difficulties for schools to meet every child's needs, while refocusing on your child, can lead to a greater willingness to put forth extra effort and think more creatively about ways to say "yes" to and for your child.

*"I appreciate the huge responsibility and demands facing our school system. I understand that there is never enough money, nor enough staff to meet all children's needs in the way we all want. You are responsible for meeting many children's needs. My number one job is to see to it that my child's needs are met. Neither of us has an easy job."*

*"I know that there's a way for us to work this out, together, so that Janey gets the services she needs. How are we going to do this?"*

**Talking the talk.**

In a nutshell, when talking with staff and administrators at your child's school, you're likely to be successful if you can:

- Keep your cool.
- Focus on the positives.
- Be clear about your goals.
- Listen. Ask questions. Clarify.
- Keep the focus on meeting your child's needs.
- Present options in a collaborative way; for example, say "we can" instead of "you should" and "yes, and" instead of "yes, but"
- Ask for the "yes".

## Informal Channels

It is usually most productive to begin problem solving as close to the source of the issue as possible. For instance, if you are concerned about the amount of homework that your student is bringing home each day, start with the teacher to discuss your concern and a possible solution. If the two of you are not able to reach an acceptable compromise, then you might go to the principal or the program manager...then to the director of special education, etc. As a general rule, everyone benefits from concerns being aired and settled in this informal manner.

## Alternative Dispute Resolution (ADR)

If informal resolution of conflict does not work, the parent may proceed to more formal channels and initiate ADR through their Special Education Local Plan Area (SELPA). The SELPA staff are trained to provide a continuum of ADR. They can serve as a neutral third party to facilitate between the Local Education Authority (usually the school district) and parents when there is disagreement that has not been solved through informal channels. SELPA services may include:

- Parent consultation and intervention
- File review
- Environmental Observer
- Neutral third party observer at the IEP
- IEP facilitator
- Mediation if necessary

"Many relationship problems are rooted in a communication breakdown. These can be as simple as not really hearing what the other person is saying, because we get caught up in our own fixed perspectives."  
Sumesh Nair

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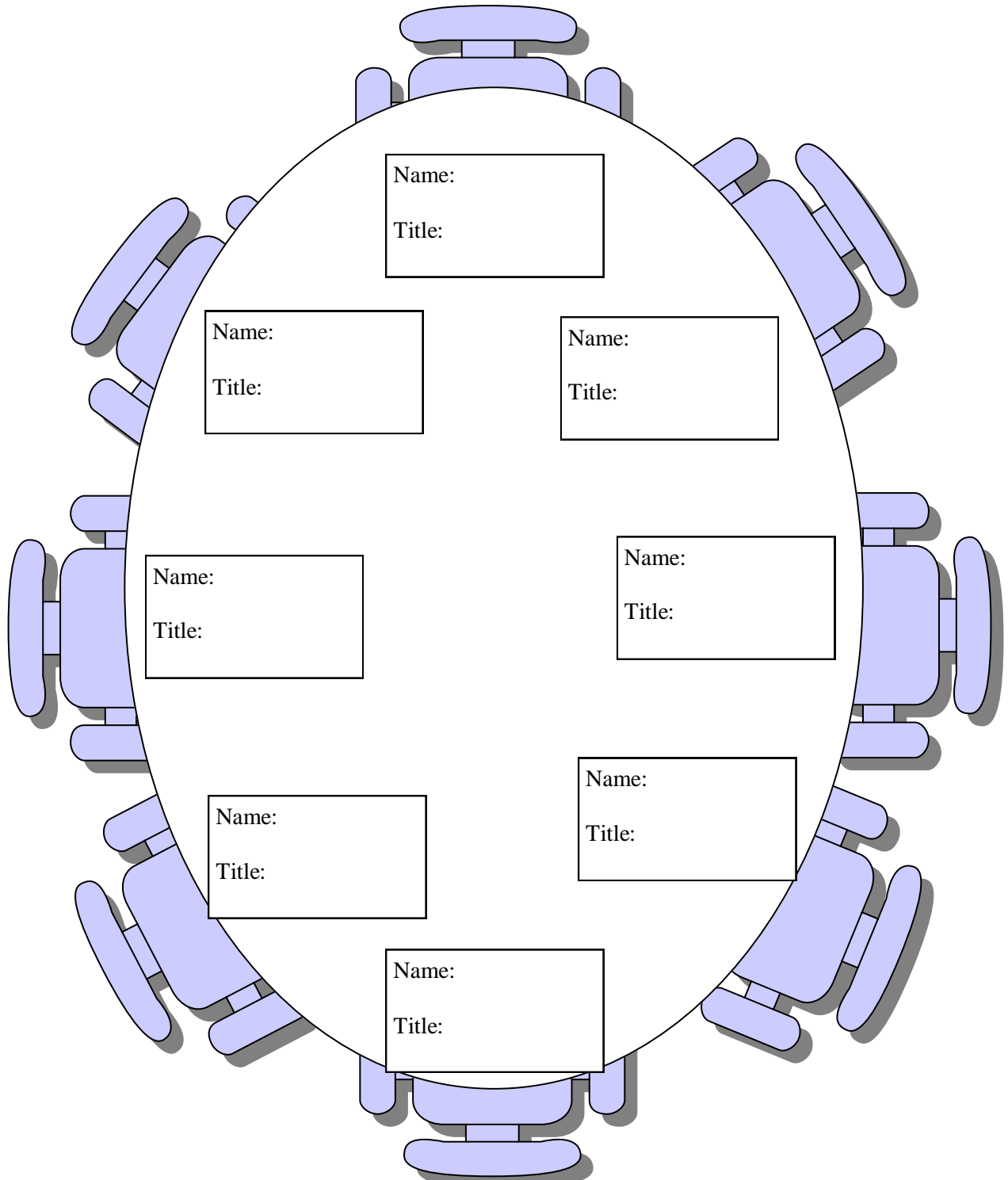


Every child deserves a champion – an adult who will never give up on them, who understands the power of connection and insists that they become the best that they can possibly be.” Rita Peirson

# Meeting Participants

Topic: \_\_\_\_\_ Date: \_\_\_\_\_

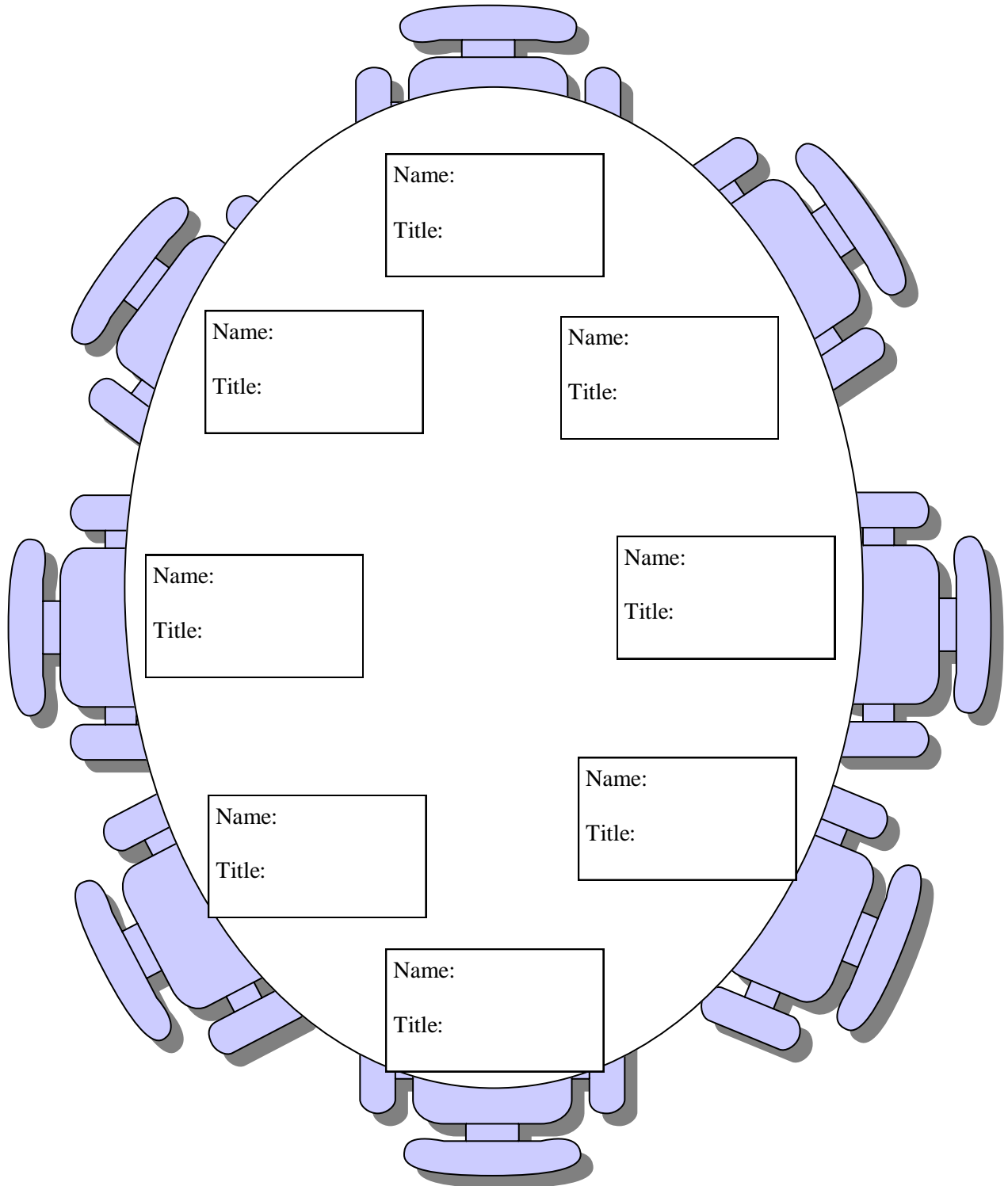
Location: \_\_\_\_\_



# Meeting Participants

Topic: \_\_\_\_\_ Date: \_\_\_\_\_

Location: \_\_\_\_\_





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Office of Special Education Programs  
U.S. Department of Education

The contents of this publication were developed under a grant from the US Department of Education, #H328M150011.  
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