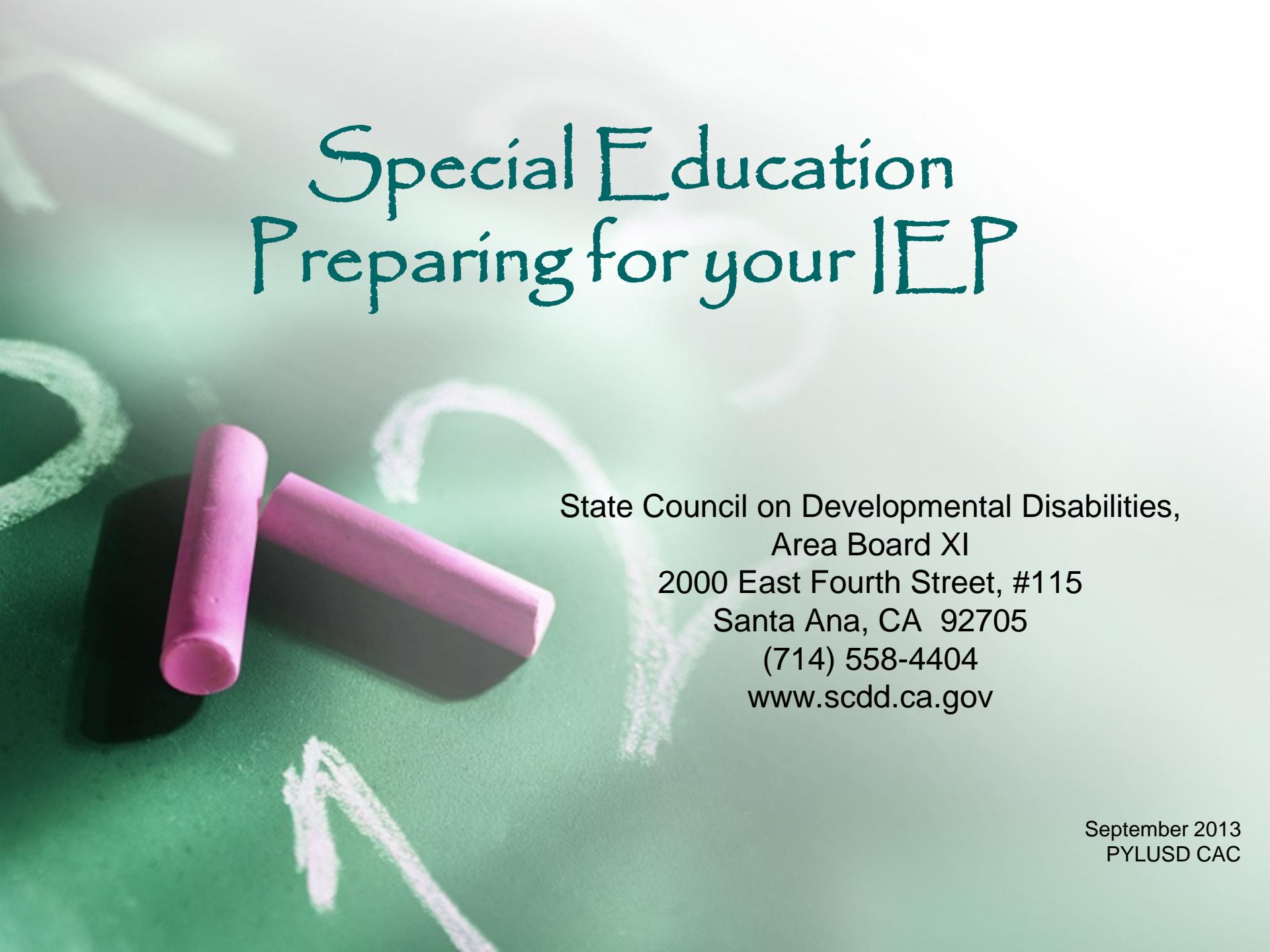


# Special Education Preparing for your IEP



State Council on Developmental Disabilities,  
Area Board XI  
2000 East Fourth Street, #115  
Santa Ana, CA 92705  
(714) 558-4404  
[www.scdd.ca.gov](http://www.scdd.ca.gov)

September 2013  
PYLUSD CAC



# Objectives

- Special Education Eligibility
- Suspected Disability & Assessments
- Individualized Education Plan (IEP) Planning & Components
- Related Services
- Free and Appropriate Public Education (FAPE)
- Least Restrictive Environment (LRE)
- Accommodations versus Modifications
- Safeguards



# Special Education Eligibility

- Who qualifies for special education?
  - Intellectual Disability
  - Hearing Impairments
  - Speech and Language Impairments
  - Vision Impairments
  - Emotional Disturbance
  - Orthopedic Impairments
  - Autism
  - Traumatic Brain Injury
  - Specific Learning Disability
  - Other Health Impairments (OHI)
  - Multiple Disabilities

20 U.S.C. Sec. 1401(3)

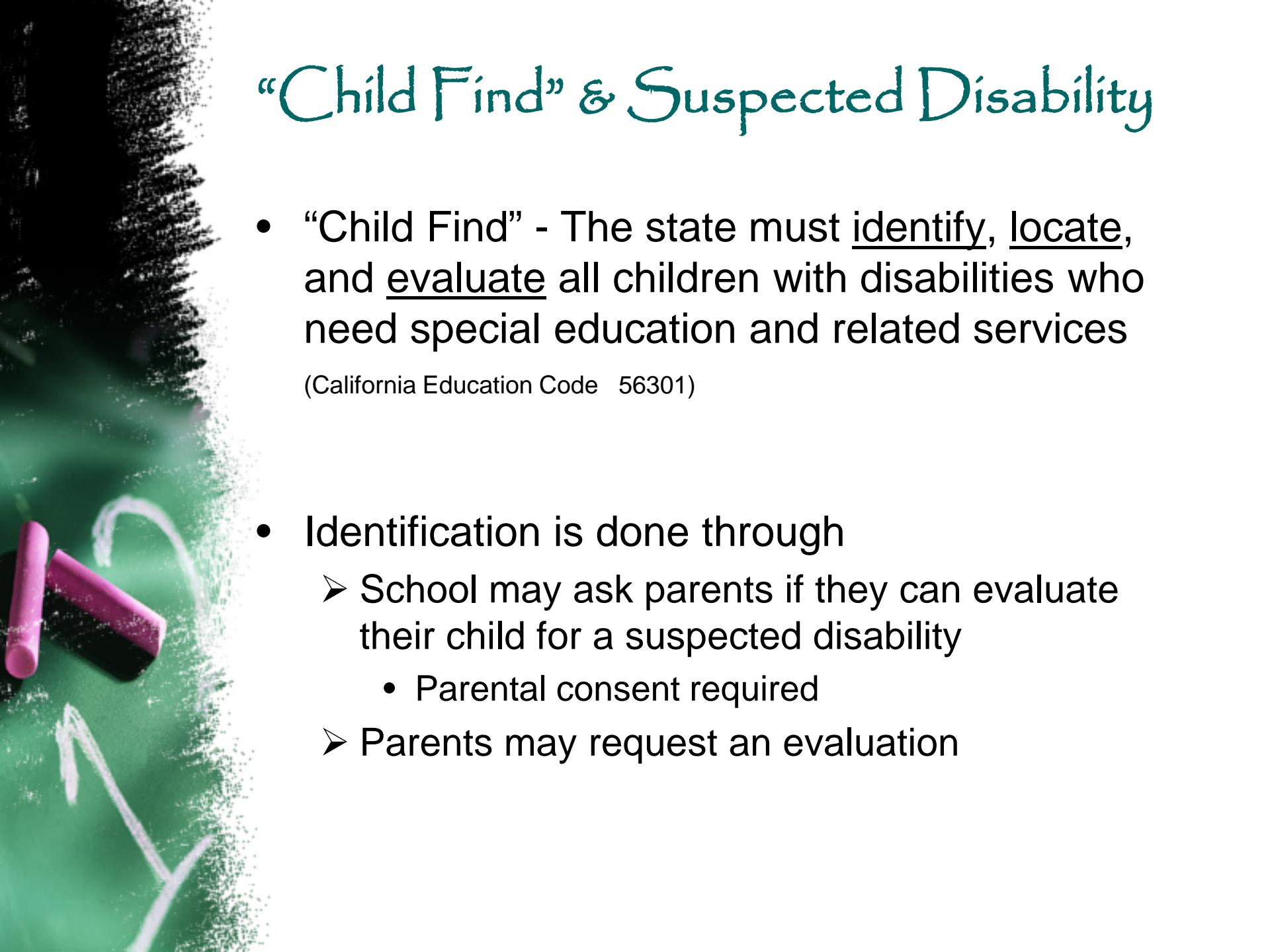
34 C.F.R. Sec. 300.8

California Education Code 56026(a)

# Special Education Eligibility

Things to consider:

- Many parents are surprised to find that the disability category qualifying their child for special education and related services is different from their medical diagnosis.
- Autism is one of those medical diagnosis that may not result in an eligibility criteria under Autistic-like characteristics. In some cases, these children qualify for special education under Speech and Language Impairment (SLI).

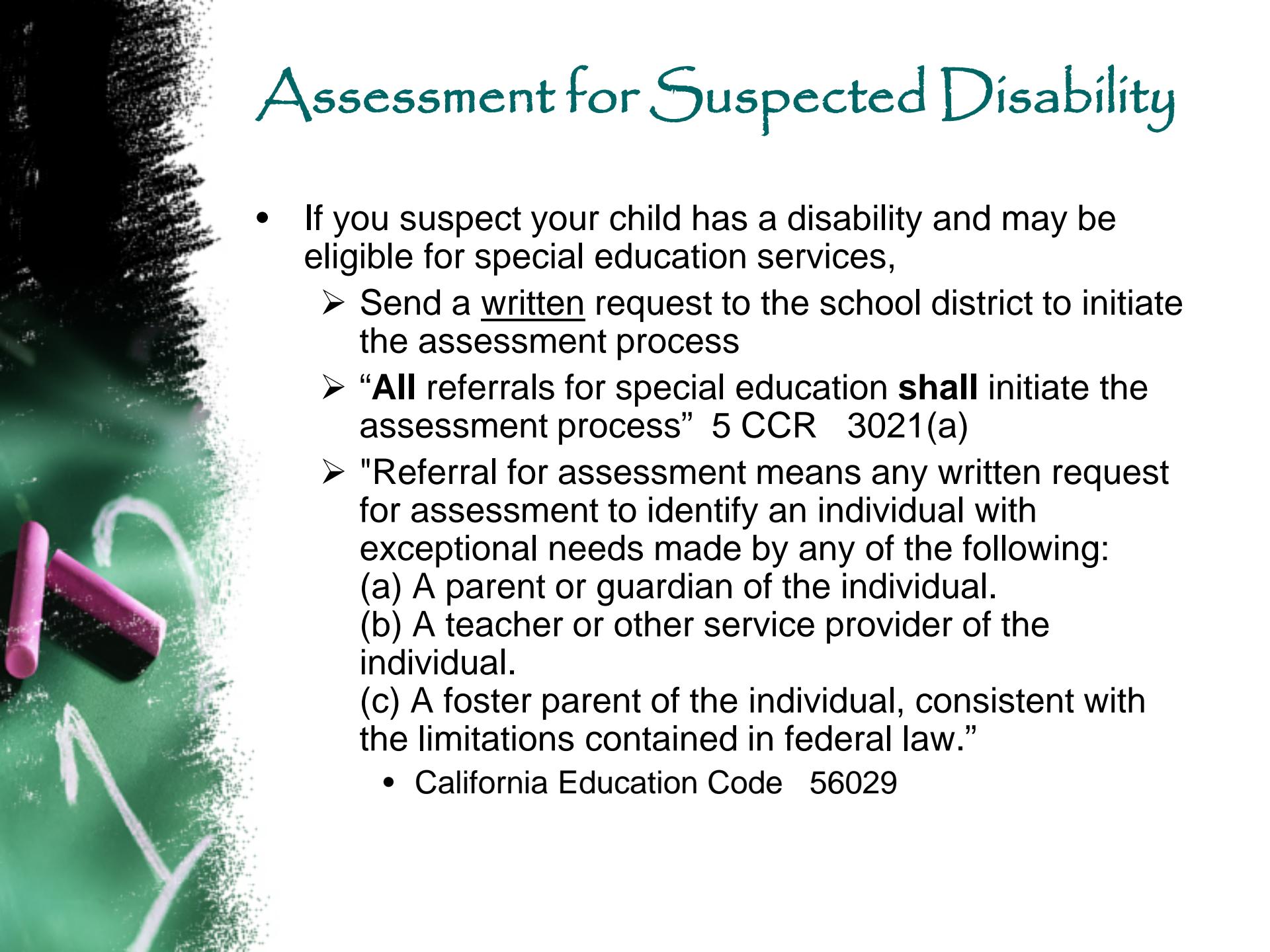


# “Child Find” & Suspected Disability

- “Child Find” - The state must identify, locate, and evaluate all children with disabilities who need special education and related services

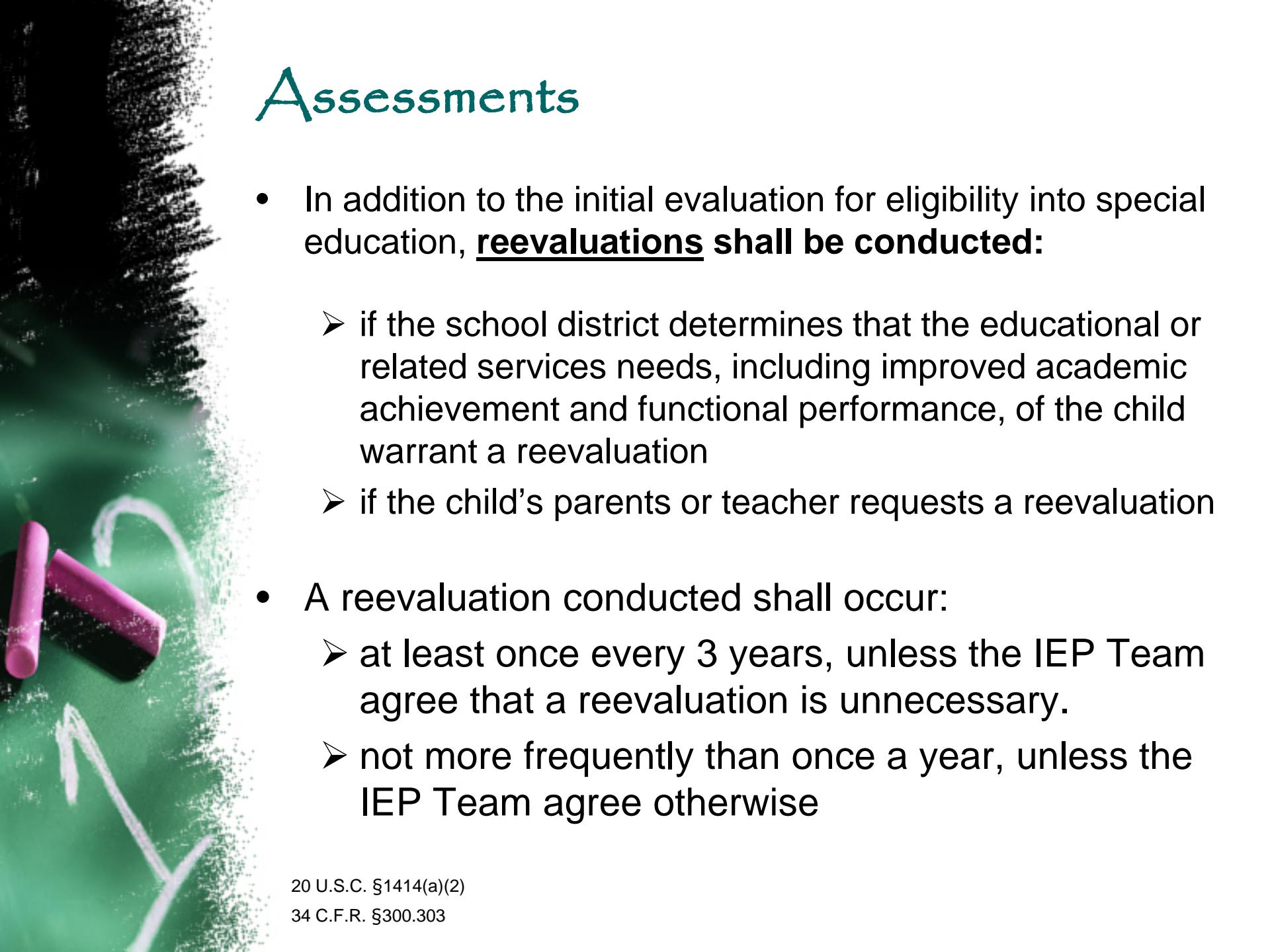
(California Education Code 56301)

- Identification is done through
  - School may ask parents if they can evaluate their child for a suspected disability
    - Parental consent required
  - Parents may request an evaluation



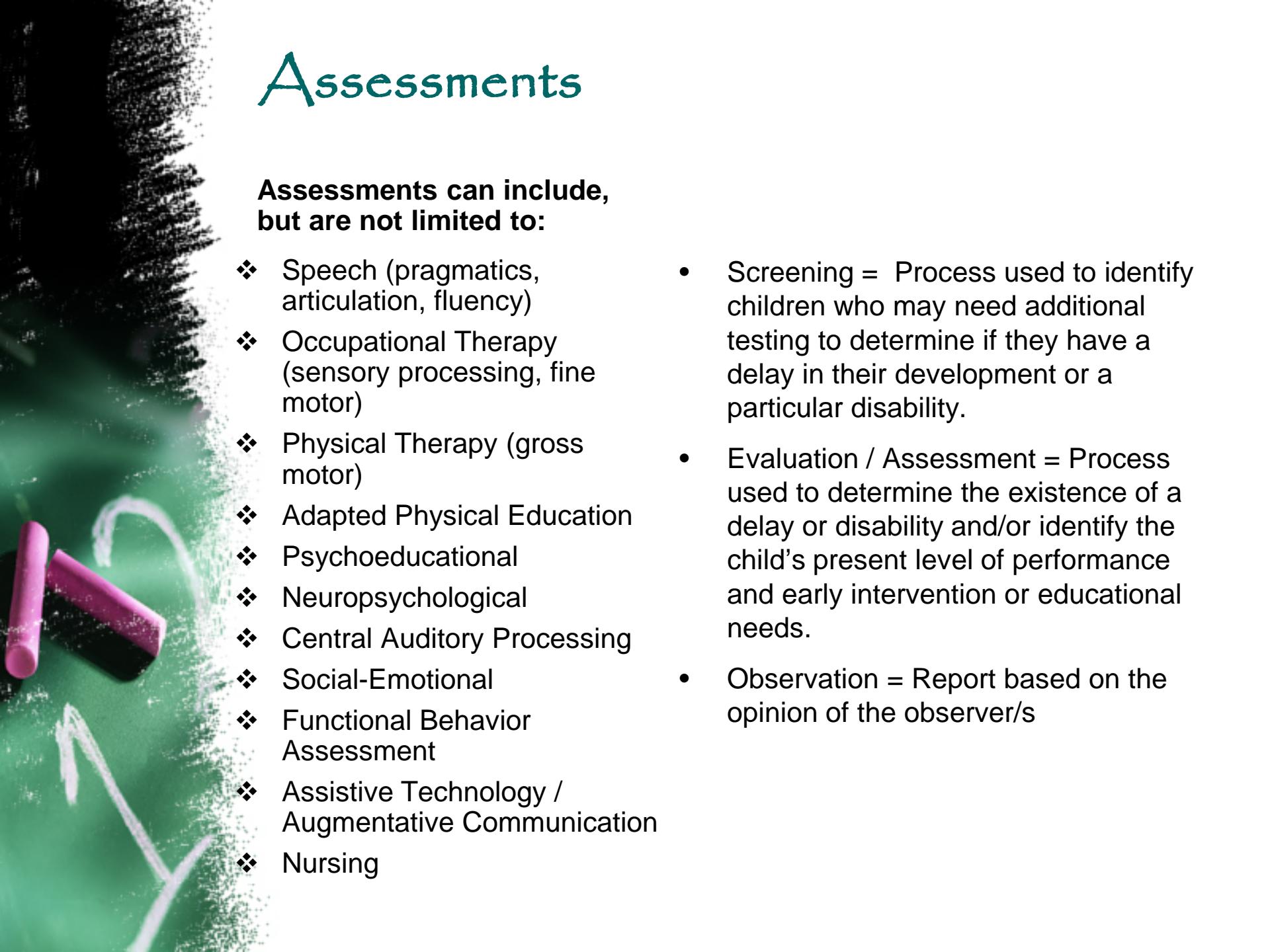
# Assessment for Suspected Disability

- If you suspect your child has a disability and may be eligible for special education services,
  - Send a written request to the school district to initiate the assessment process
  - “**All** referrals for special education **shall** initiate the assessment process” 5 CCR 3021(a)
  - "Referral for assessment means any written request for assessment to identify an individual with exceptional needs made by any of the following:
    - (a) A parent or guardian of the individual.
    - (b) A teacher or other service provider of the individual.
    - (c) A foster parent of the individual, consistent with the limitations contained in federal law.”
  - California Education Code 56029



# Assessments

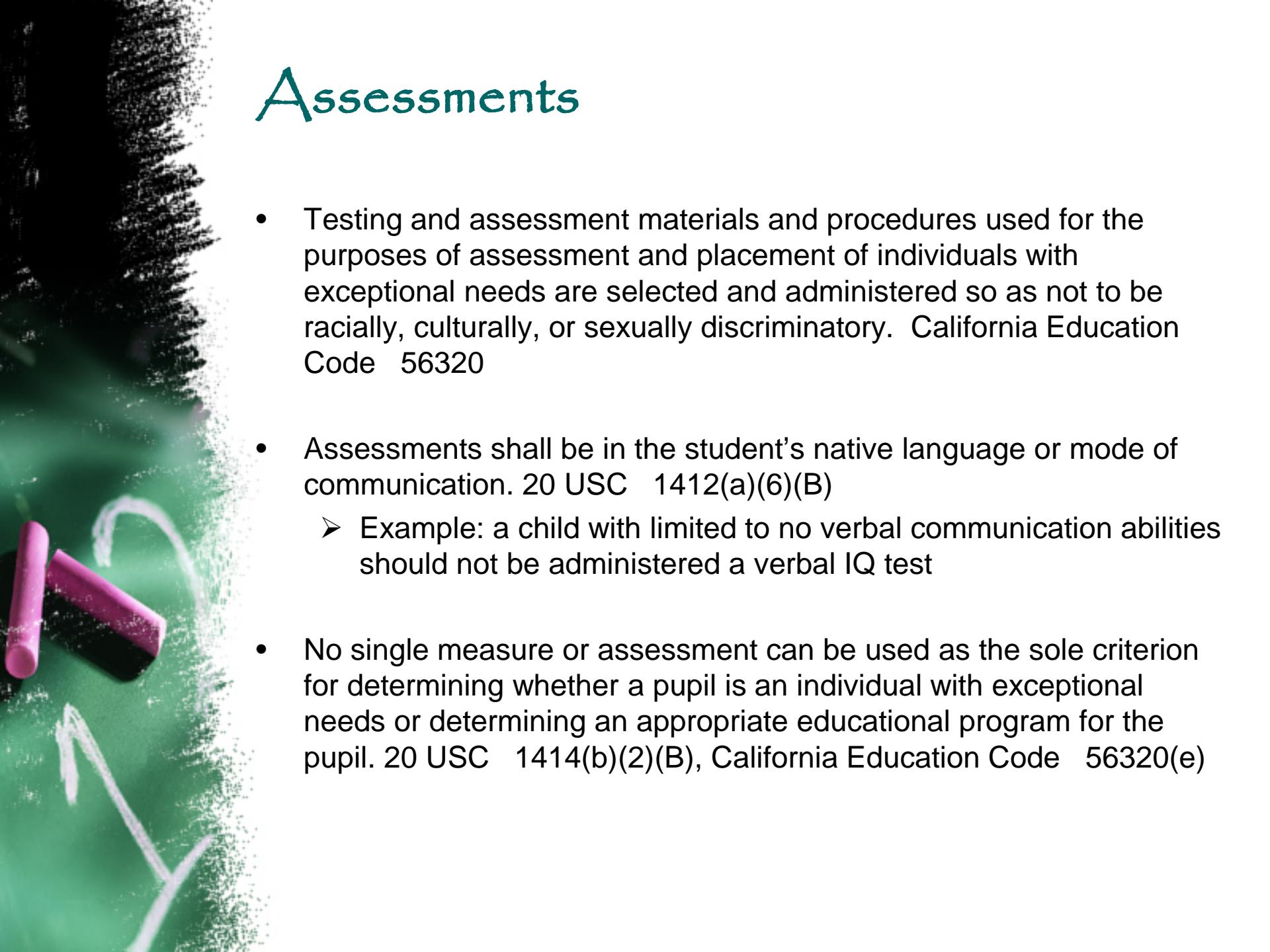
- In addition to the initial evaluation for eligibility into special education, **reevaluations shall be conducted:**
  - if the school district determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation
  - if the child's parents or teacher requests a reevaluation
- A reevaluation conducted shall occur:
  - at least once every 3 years, unless the IEP Team agree that a reevaluation is unnecessary.
  - not more frequently than once a year, unless the IEP Team agree otherwise



# Assessments

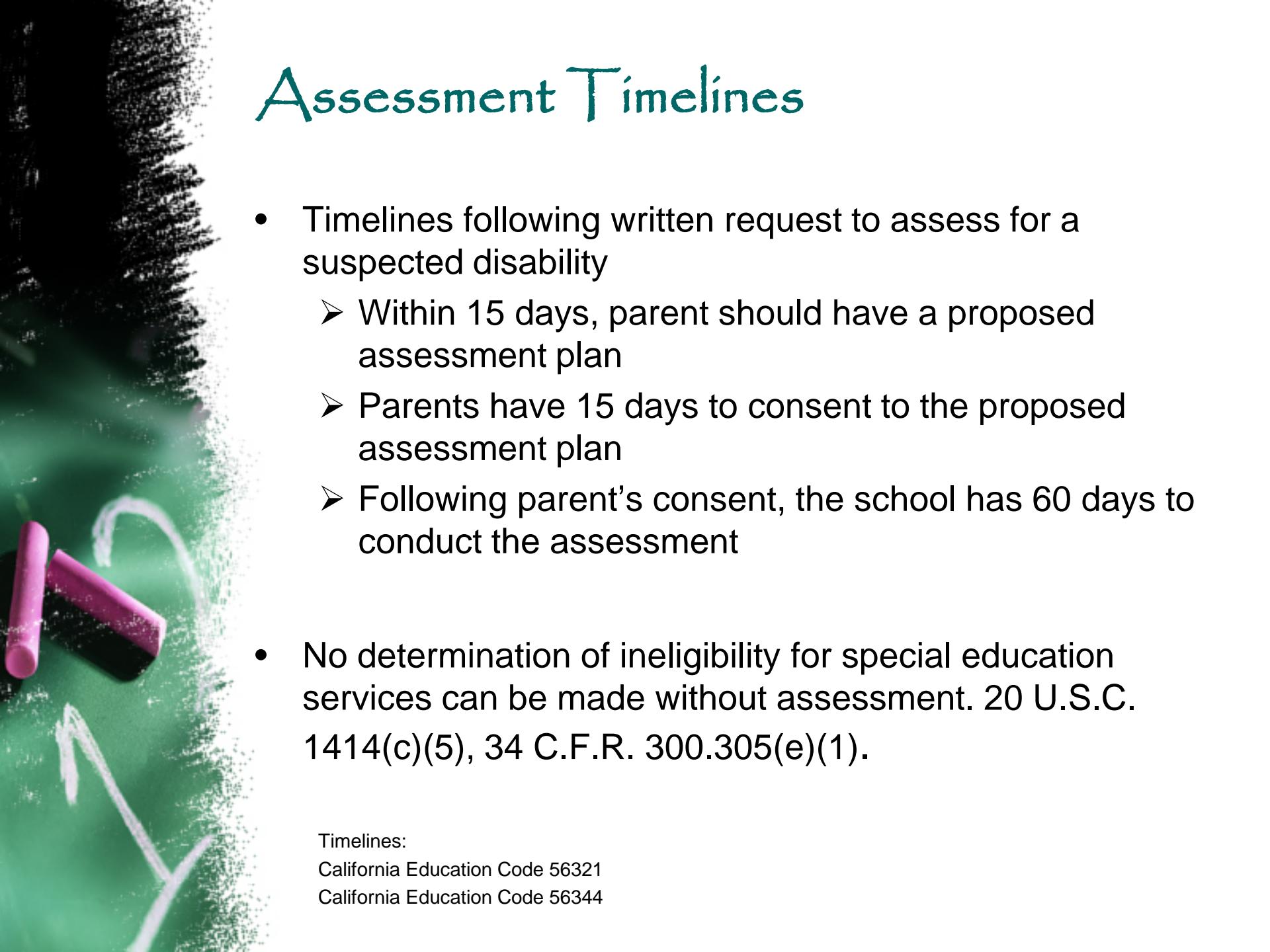
**Assessments can include,  
but are not limited to:**

- ❖ Speech (pragmatics, articulation, fluency)
- ❖ Occupational Therapy (sensory processing, fine motor)
- ❖ Physical Therapy (gross motor)
- ❖ Adapted Physical Education
- ❖ Psychoeducational
- ❖ Neuropsychological
- ❖ Central Auditory Processing
- ❖ Social-Emotional
- ❖ Functional Behavior Assessment
- ❖ Assistive Technology / Augmentative Communication
- ❖ Nursing
- Screening = Process used to identify children who may need additional testing to determine if they have a delay in their development or a particular disability.
- Evaluation / Assessment = Process used to determine the existence of a delay or disability and/or identify the child's present level of performance and early intervention or educational needs.
- Observation = Report based on the opinion of the observer/s



# Assessments

- Testing and assessment materials and procedures used for the purposes of assessment and placement of individuals with exceptional needs are selected and administered so as not to be racially, culturally, or sexually discriminatory. California Education Code 56320
- Assessments shall be in the student's native language or mode of communication. 20 USC 1412(a)(6)(B)
  - Example: a child with limited to no verbal communication abilities should not be administered a verbal IQ test
- No single measure or assessment can be used as the sole criterion for determining whether a pupil is an individual with exceptional needs or determining an appropriate educational program for the pupil. 20 USC 1414(b)(2)(B), California Education Code 56320(e)



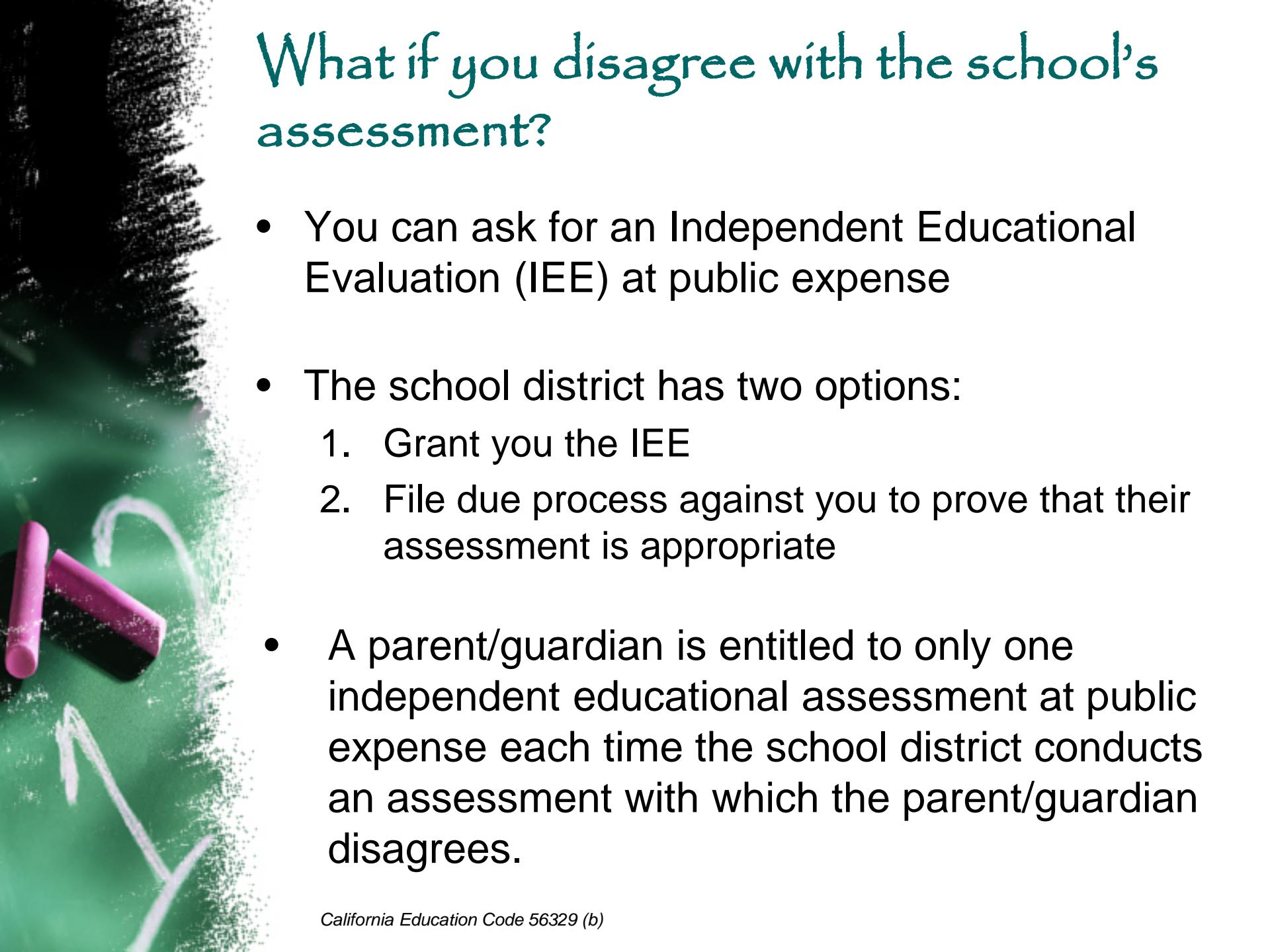
# Assessment Timelines

- Timelines following written request to assess for a suspected disability
  - Within 15 days, parent should have a proposed assessment plan
  - Parents have 15 days to consent to the proposed assessment plan
  - Following parent's consent, the school has 60 days to conduct the assessment
- No determination of ineligibility for special education services can be made without assessment. 20 U.S.C. 1414(c)(5), 34 C.F.R. 300.305(e)(1).

Timelines:

California Education Code 56321

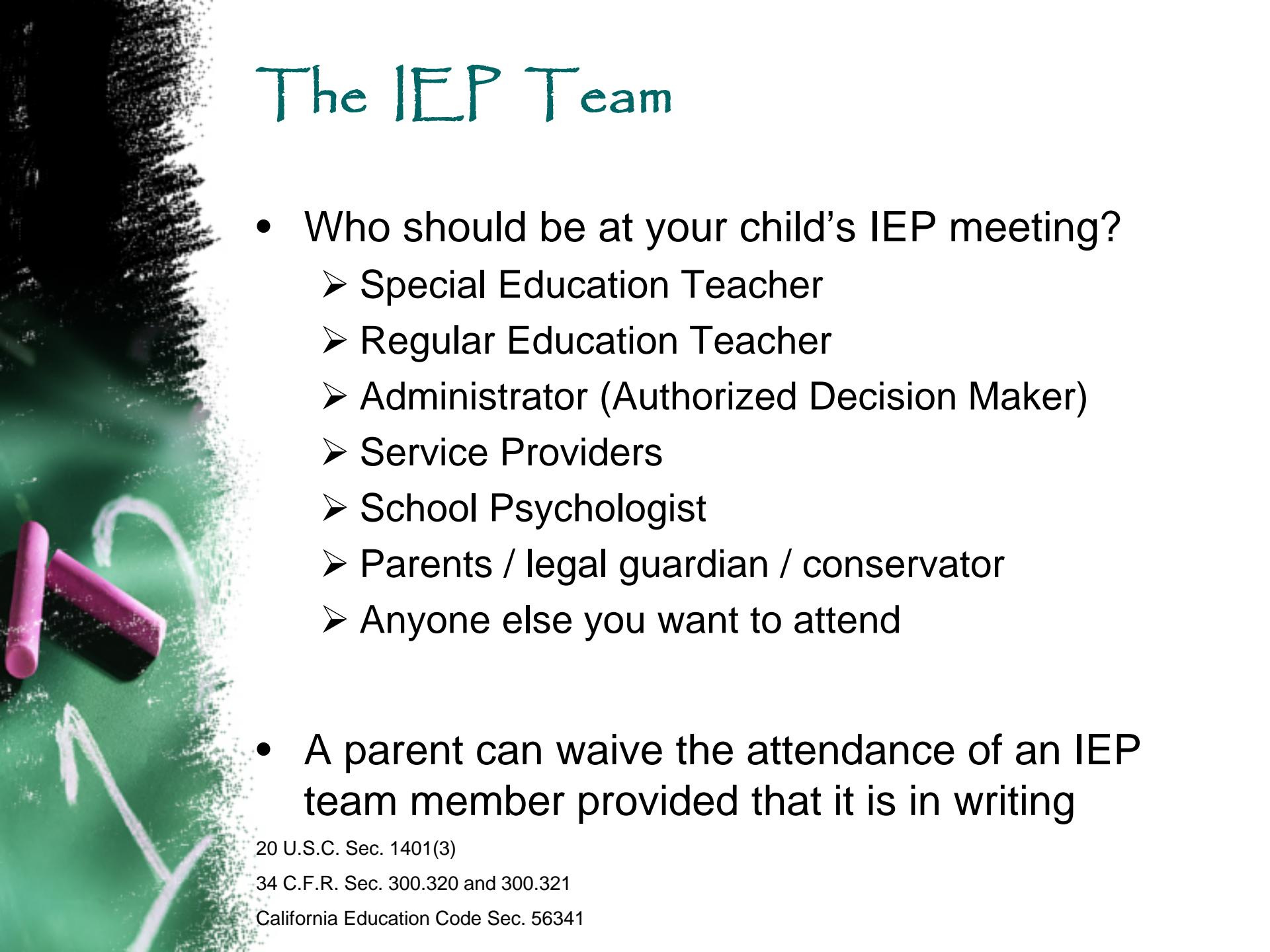
California Education Code 56344



# What if you disagree with the school's assessment?

- You can ask for an Independent Educational Evaluation (IEE) at public expense
- The school district has two options:
  1. Grant you the IEE
  2. File due process against you to prove that their assessment is appropriate
- A parent/guardian is entitled to only one independent educational assessment at public expense each time the school district conducts an assessment with which the parent/guardian disagrees.

# The IEP Process



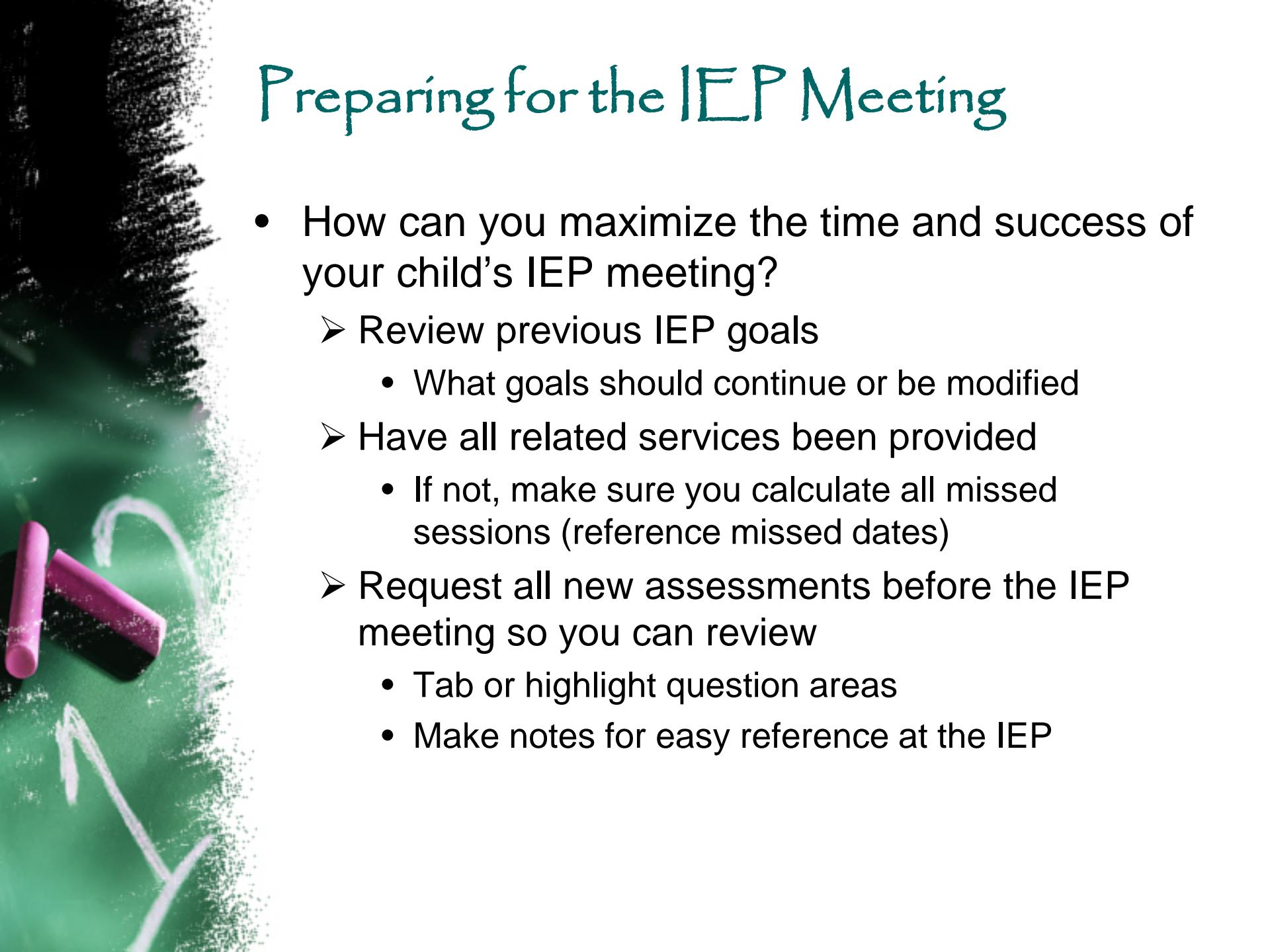
# The IEP Team

- Who should be at your child's IEP meeting?
  - Special Education Teacher
  - Regular Education Teacher
  - Administrator (Authorized Decision Maker)
  - Service Providers
  - School Psychologist
  - Parents / legal guardian / conservator
  - Anyone else you want to attend
- A parent can waive the attendance of an IEP team member provided that it is in writing

20 U.S.C. Sec. 1401(3)

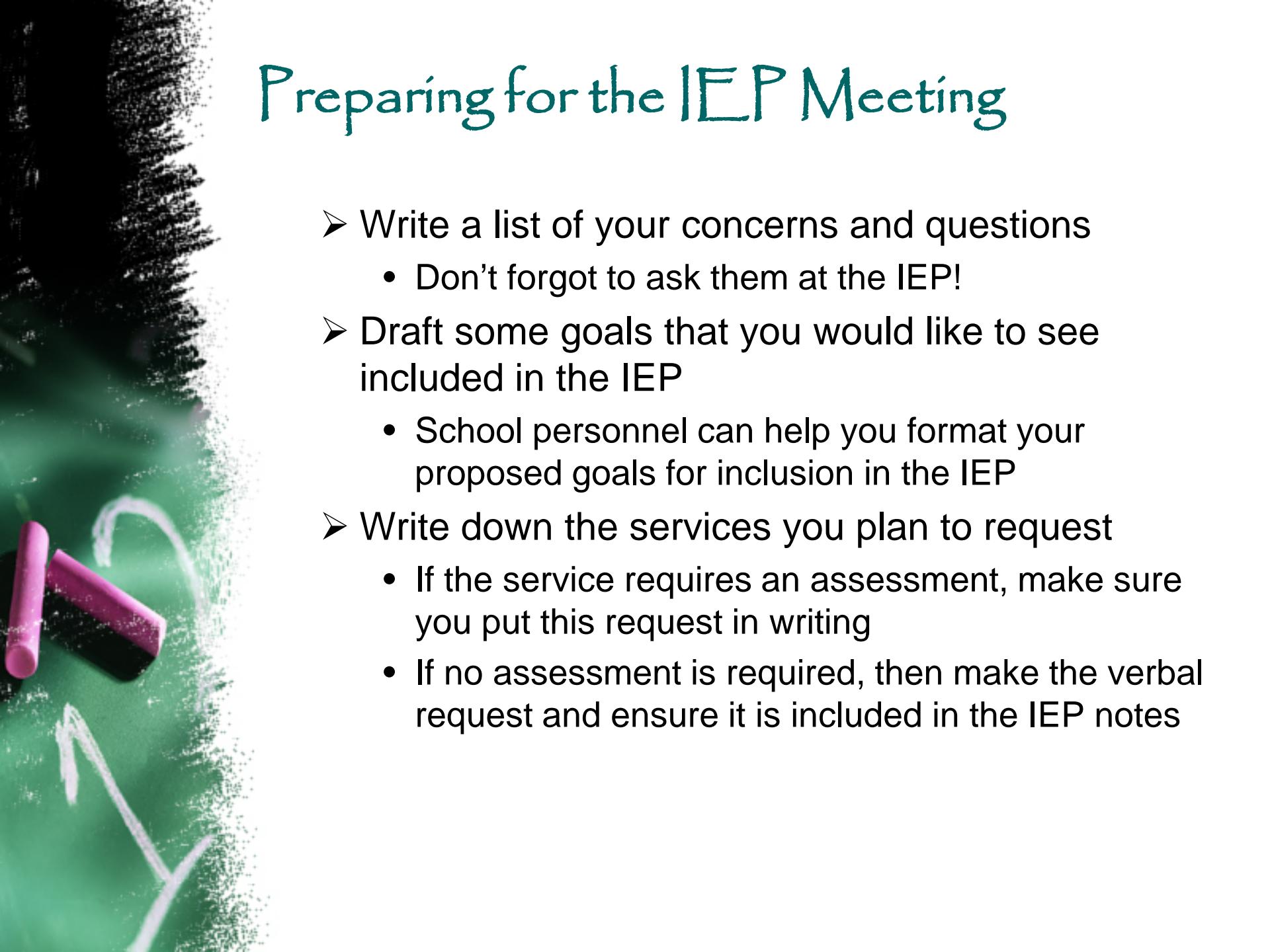
34 C.F.R. Sec. 300.320 and 300.321

California Education Code Sec. 56341



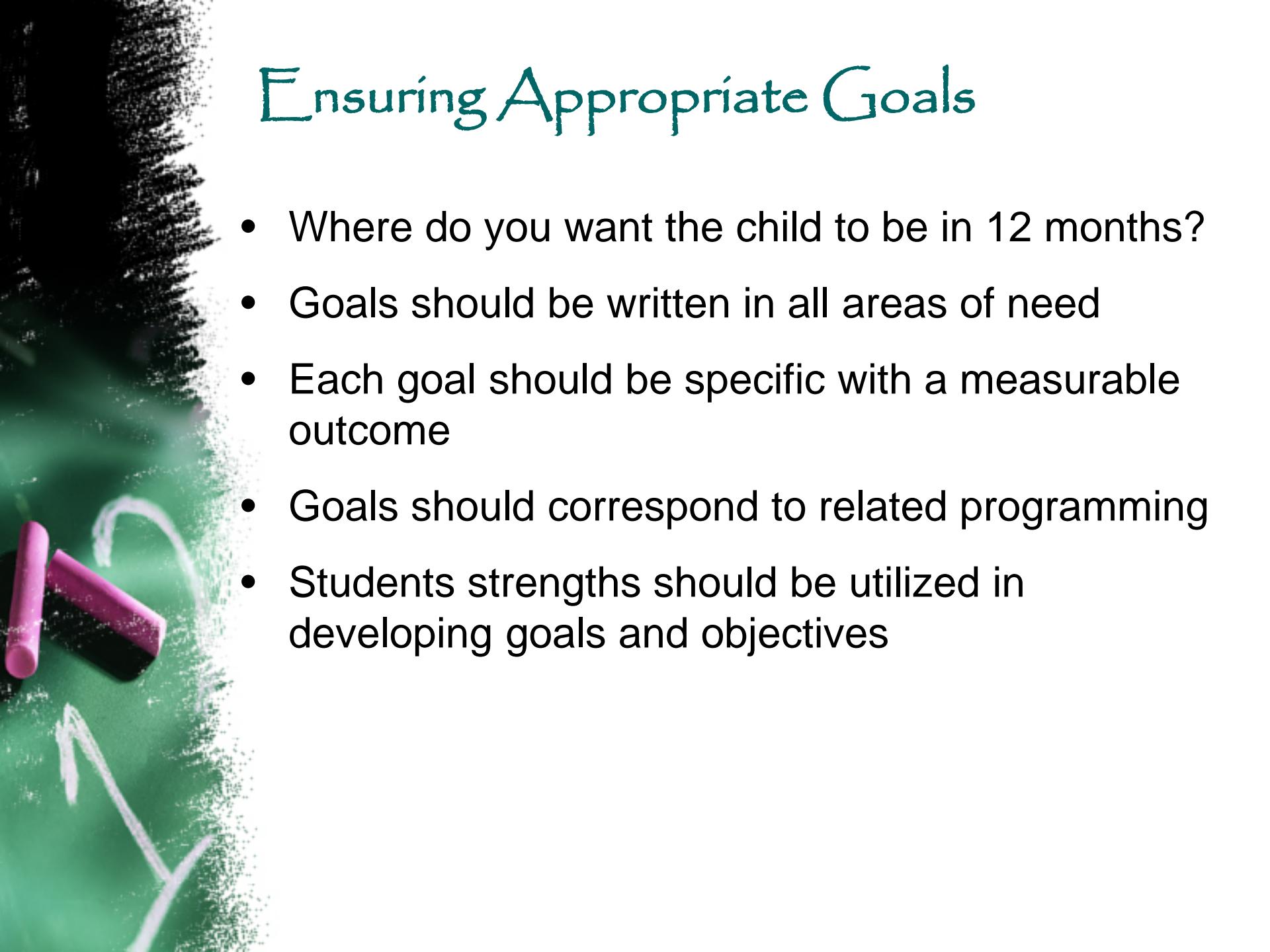
# Preparing for the IEP Meeting

- How can you maximize the time and success of your child's IEP meeting?
  - Review previous IEP goals
    - What goals should continue or be modified
  - Have all related services been provided
    - If not, make sure you calculate all missed sessions (reference missed dates)
  - Request all new assessments before the IEP meeting so you can review
    - Tab or highlight question areas
    - Make notes for easy reference at the IEP



# Preparing for the IEP Meeting

- Write a list of your concerns and questions
  - Don't forgot to ask them at the IEP!
- Draft some goals that you would like to see included in the IEP
  - School personnel can help you format your proposed goals for inclusion in the IEP
- Write down the services you plan to request
  - If the service requires an assessment, make sure you put this request in writing
  - If no assessment is required, then make the verbal request and ensure it is included in the IEP notes



# Ensuring Appropriate Goals

- Where do you want the child to be in 12 months?
- Goals should be written in all areas of need
- Each goal should be specific with a measurable outcome
- Goals should correspond to related programming
- Students strengths should be utilized in developing goals and objectives

# Regular Goal

Baseline: Justin has a difficult time adding single digit numbers in his math class.

Math Goal: Justin will add single digit numbers.

*Can you identify the problems with this annual goal?*

# Ensuring Appropriate Goals

- **Goals and objectives should be SMART**
  - S Specific
  - M Measurable
  - A Action Driven / Agreed Upon
  - R Realistic and relevant
  - T Time-limited

# SMART Goals

Baseline: Justin has a difficult time adding single digit numbers in his math class.

SMART Goal: By Oct. 15, 2014, Justin will **add single digit numbers** with **85% accuracy** in 8 out of 10 trials **using touch math**.

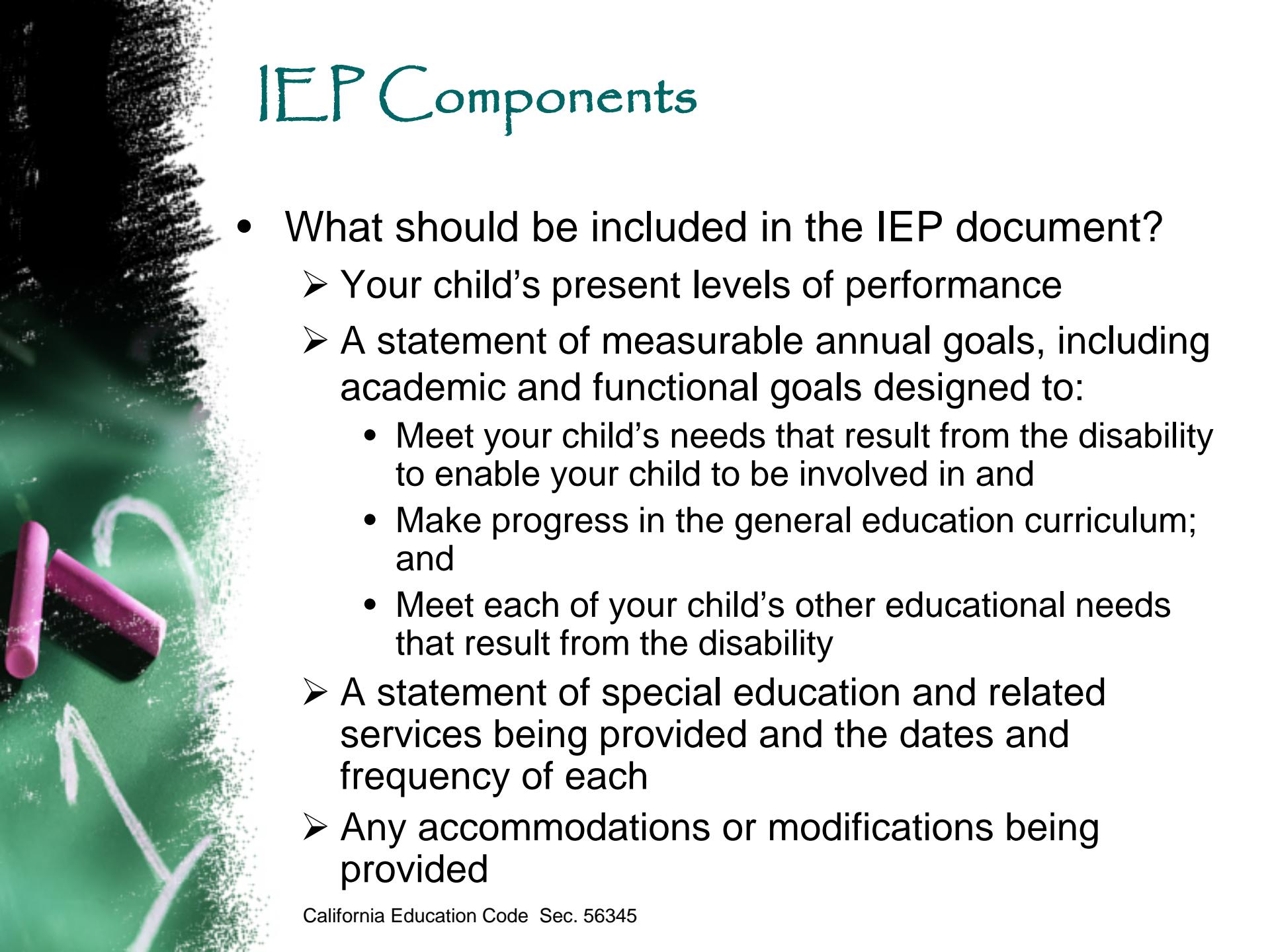
**S Specific**

**M Measurable**

**A Action Driven (use action words)**

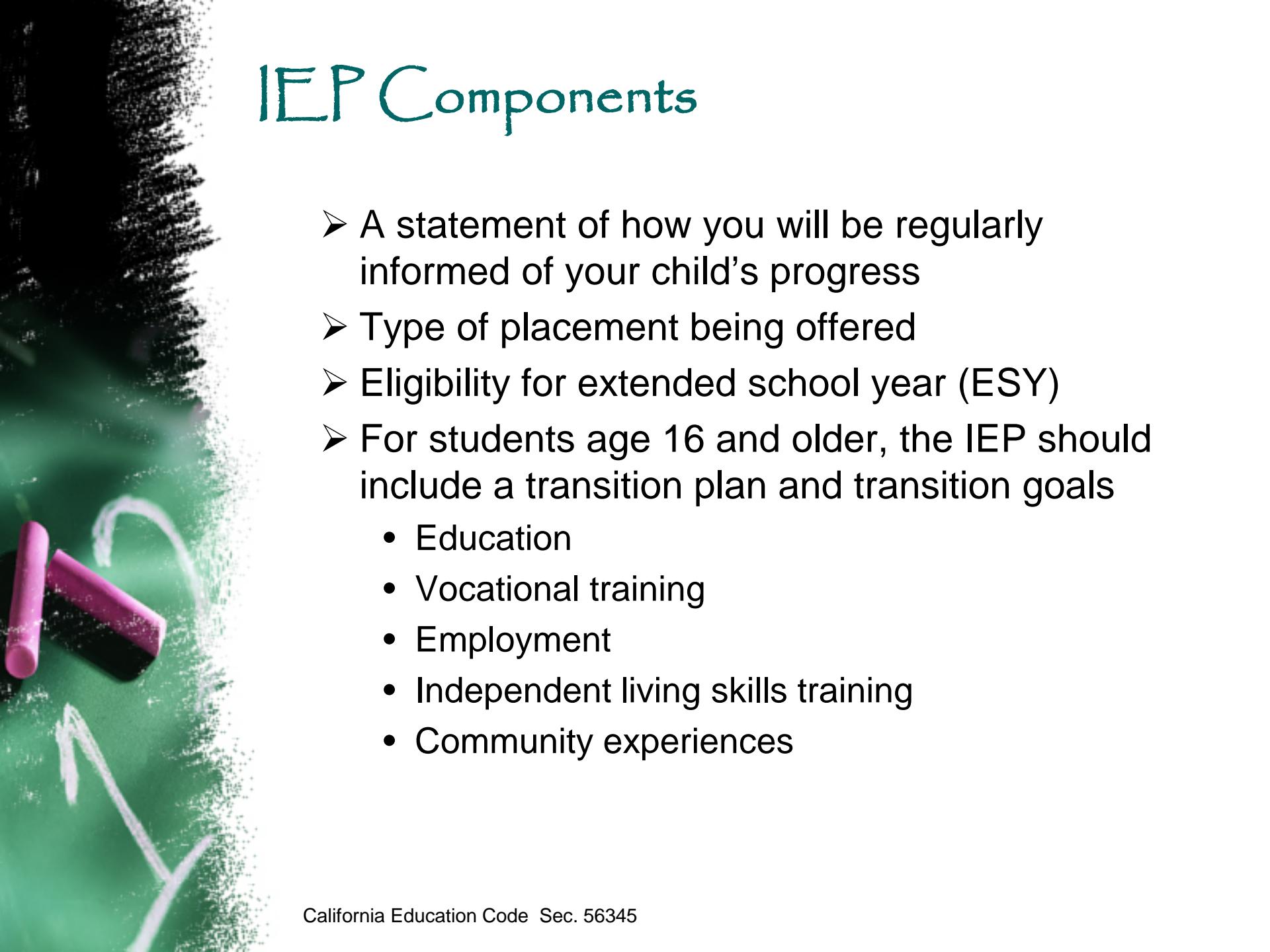
**R Realistic and relevant**

**T Time-limited**



# IEP Components

- What should be included in the IEP document?
  - Your child's present levels of performance
  - A statement of measurable annual goals, including academic and functional goals designed to:
    - Meet your child's needs that result from the disability to enable your child to be involved in and
    - Make progress in the general education curriculum; and
    - Meet each of your child's other educational needs that result from the disability
  - A statement of special education and related services being provided and the dates and frequency of each
  - Any accommodations or modifications being provided



# IEP Components

- A statement of how you will be regularly informed of your child's progress
- Type of placement being offered
- Eligibility for extended school year (ESY)
- For students age 16 and older, the IEP should include a transition plan and transition goals
  - Education
  - Vocational training
  - Employment
  - Independent living skills training
  - Community experiences

# IEP Document

- You do **not** have to sign the IEP at the close of the meeting
  - Take it home to review and think over
    - Establish a reasonable time for you to return the IEP
  - Make sure you are completely satisfied with the IEP before you sign
    - The IEP is a legal document!
- Only sign the parts of the IEP in which you are in agreement!



What is your child entitled  
to under IDEA?



# Your Child's Rights Under IDEA

- Under the Individuals with Disabilities Education Act, reauthorized in 2004, your child is entitled to (in part):
  - An annual IEP
    - You can request one any time (do it in writing)
    - The school has 30 days to schedule the requested meeting (California Education Code Sec. 56343.5)
  - A free and appropriate public education (FAPE)
    - From ages 3 to 21
    - Includes related services
  - Placement in the least restrictive environment (LRE)

# Free & Appropriate Public Education

## What it is...

- Special education and related services which
  - Have been provided at public expense
  - Include an appropriate preschool, elementary, or secondary school education in the state
  - Are provided in conformity with the IEP required under IDEA

## What it is not...

- The best possible education
- Potential maximizing



# Free & Appropriate Public Education

## What is required...

- Reasonably calculated to enable the child to receive educational benefits
  - Whether the program is individualized on the basis of the student's assessment and performance
  - Was the program administered in the least restrictive environment
  - Were the services provided in a coordinated and collaborative manner by "key stakeholders"
  - Were positive academic and non-academic benefits demonstrated
- Meaningful progress, not regression
- Meaningful access to an education

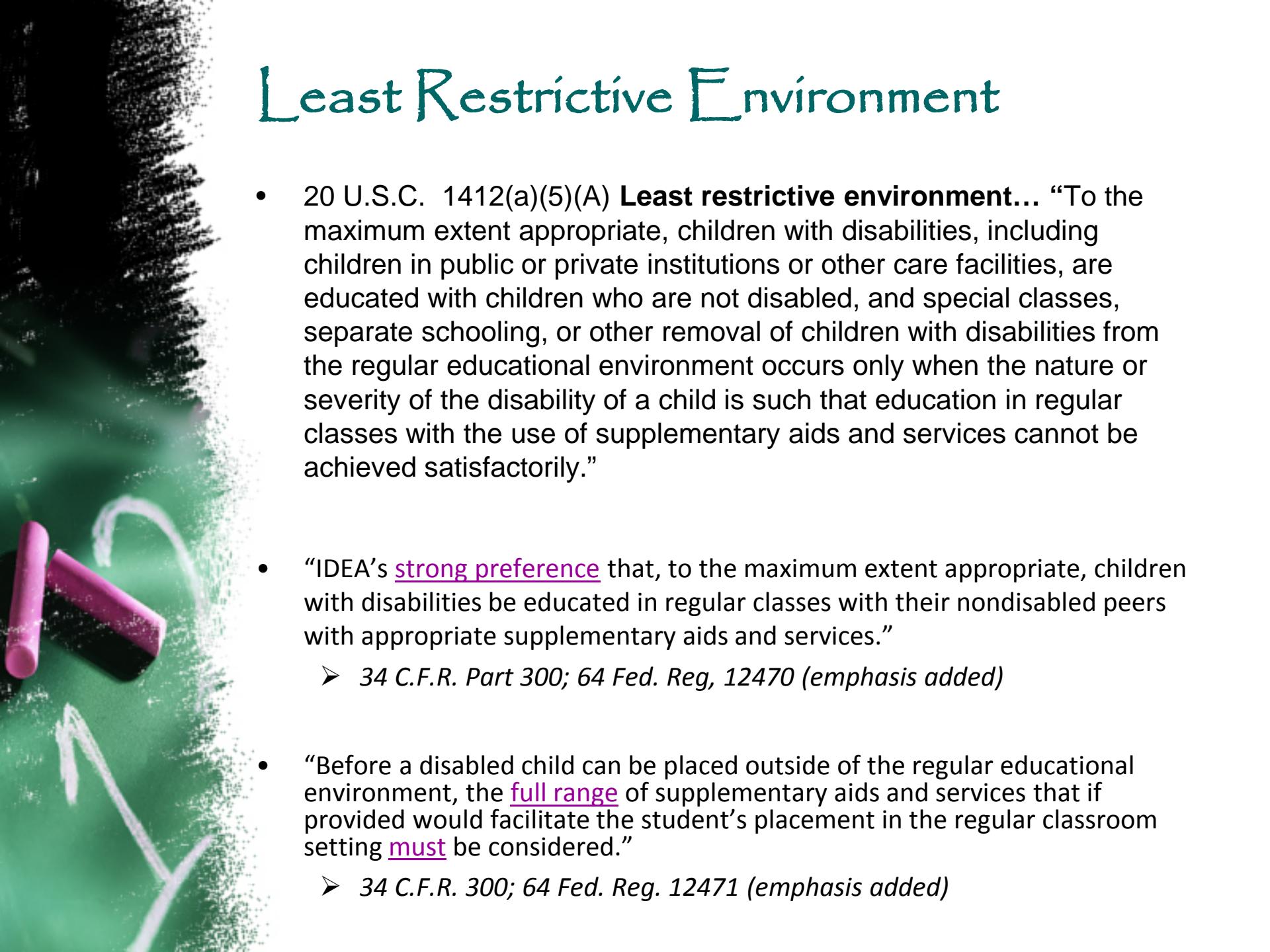
## What is not required...

- Provide a specific program, even if the program would be more educationally beneficial
- Guarantee totally successful results
- Allow parents to dictate educational methodology or compel a school district to supply a specific program for child with a disability



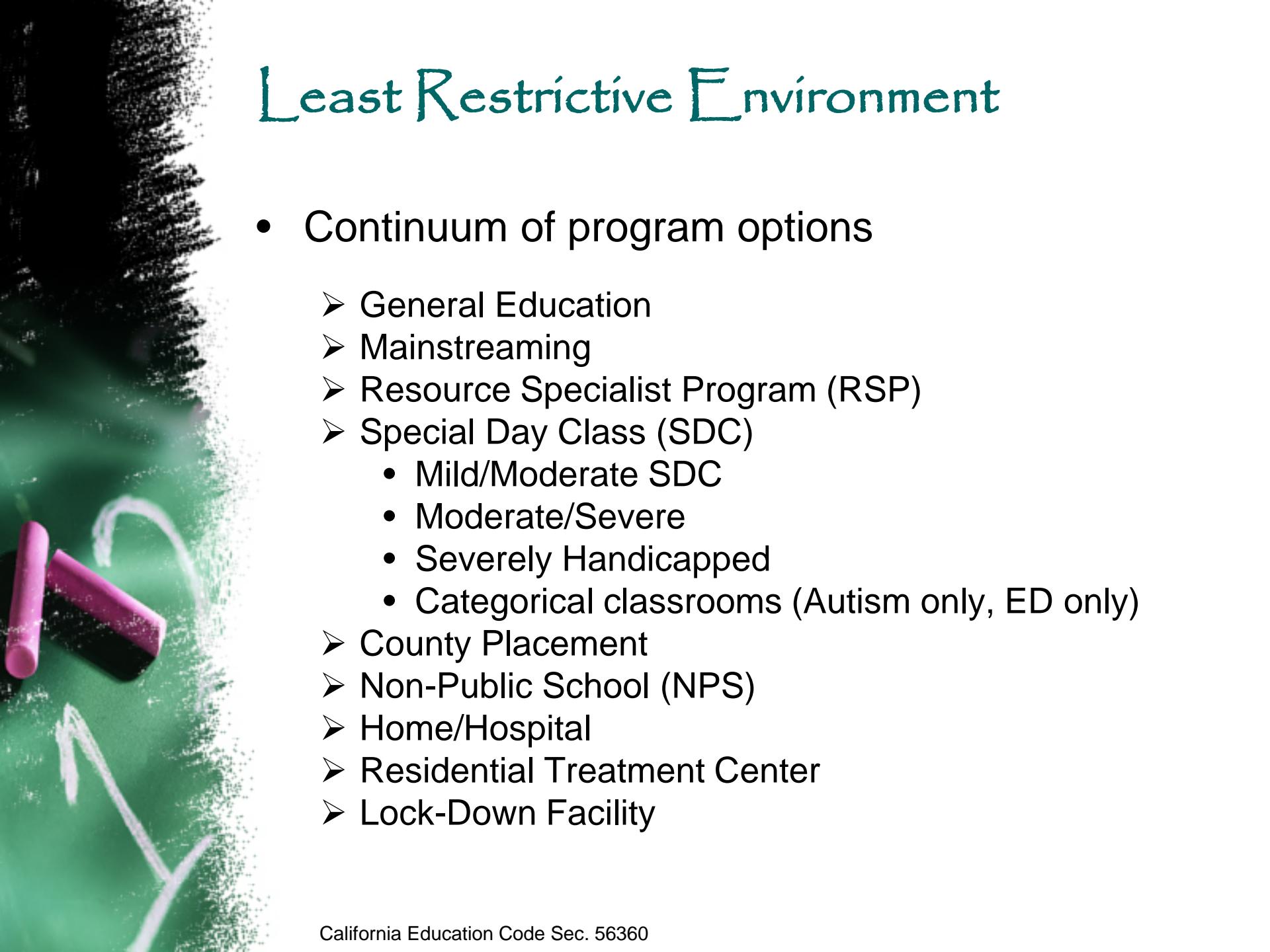
# Related Services

- Related services are provided only after the child is assessed:
  - Speech therapy
  - Occupational therapy
  - Physical therapy
  - Vision therapy
  - Adapted physical education
  - Assistive technology
  - Orientation and mobility
  - Aide
  - Social skills
  - Nursing services
  - Behavioral intervention
  - Transportation



# Least Restrictive Environment

- 20 U.S.C. 1412(a)(5)(A) **Least restrictive environment...** “To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.”
- “IDEA’s strong preference that, to the maximum extent appropriate, children with disabilities be educated in regular classes with their nondisabled peers with appropriate supplementary aids and services.”
  - *34 C.F.R. Part 300; 64 Fed. Reg. 12470 (emphasis added)*
- “Before a disabled child can be placed outside of the regular educational environment, the full range of supplementary aids and services that if provided would facilitate the student’s placement in the regular classroom setting must be considered.”
  - *34 C.F.R. 300; 64 Fed. Reg. 12471 (emphasis added)*

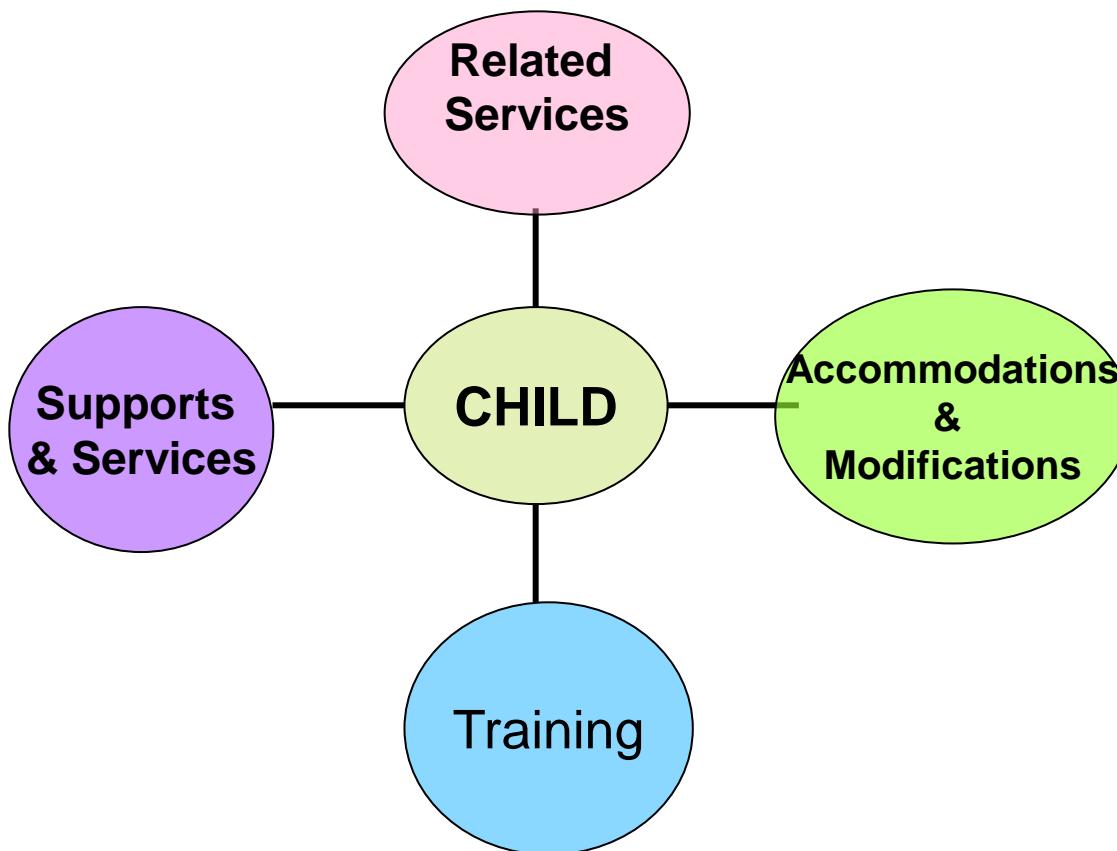


# Least Restrictive Environment

- Continuum of program options
  - General Education
  - Mainstreaming
  - Resource Specialist Program (RSP)
  - Special Day Class (SDC)
    - Mild/Moderate SDC
    - Moderate/Severe
    - Severely Handicapped
    - Categorical classrooms (Autism only, ED only)
  - County Placement
  - Non-Public School (NPS)
  - Home/Hospital
  - Residential Treatment Center
  - Lock-Down Facility

# Least Restrictive Environment

To provide an appropriate education, your child may need the following:



# Accommodations versus Modifications

- Accommodations

**Do not** fundamentally alter or lower expectations or standards in instructional level, content or performance criteria



Changes are made in order to provide equal access to learning and equal opportunity to demonstrate what is known



Grading is same

- Modifications

**Do fundamentally alter** or lower expectations or standards in the instructional level, content or performance criteria



Changes are made to provide student meaningful & productive learning experiences based on individual needs & abilities



Grading is different

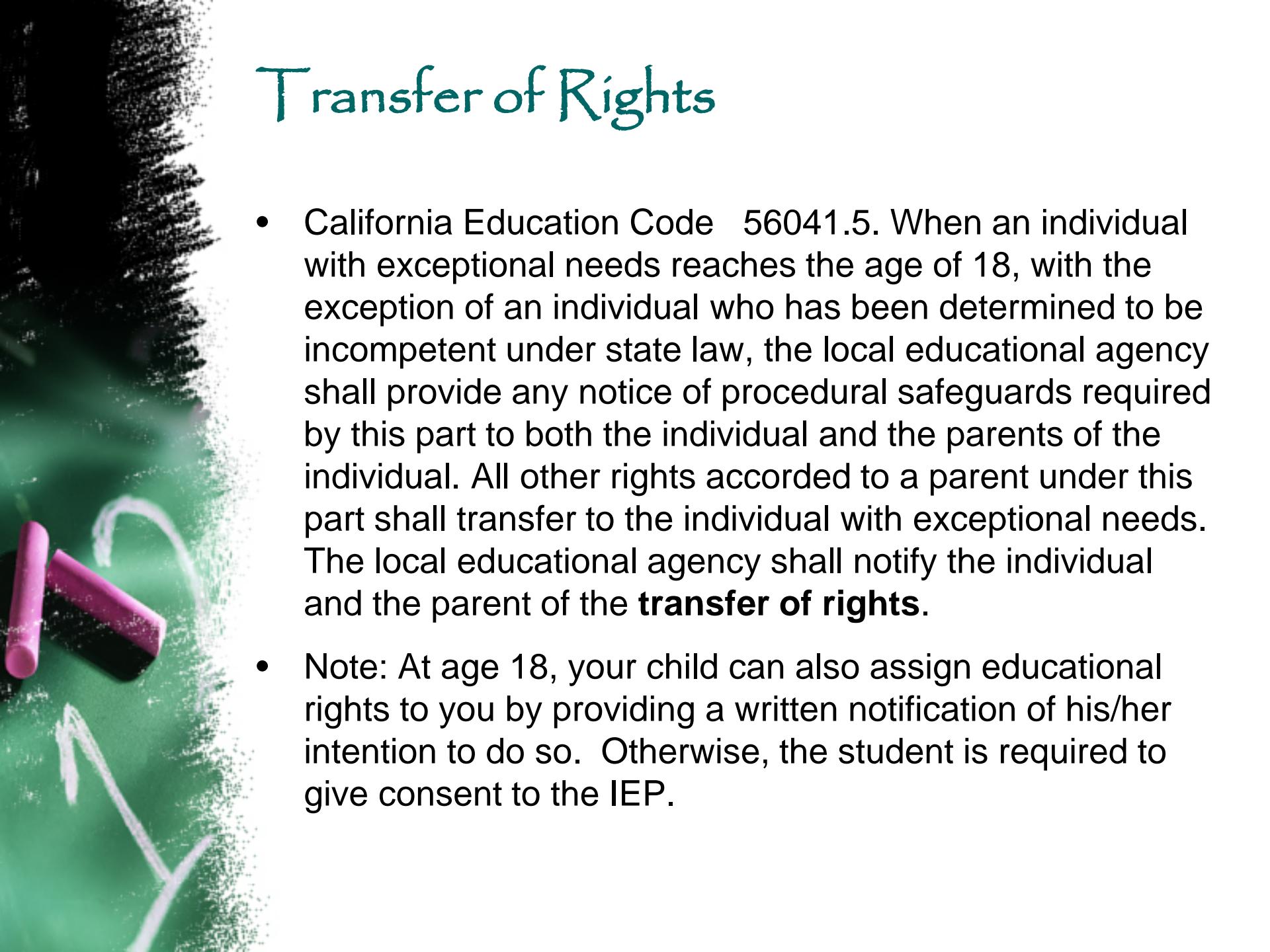


# Accommodation Strategies

- Preferential seating
- Two sets of books (school and home)
- Fidget toys
- Break time
- Assignment calendar
- Extra time on assignments, tests
- Special study area
- Small group activities
- Post-It Notes to mark assignments in text book
- Graphic organizers
- Reduced number of problems
- Reading questions first, then looking for answers (reading comprehension)
- Peer buddy for note-taking
- Receiving teacher's notes or written directions
- Combining oral directions with pictures, words, diagrams
- Do sample problems first
- Define amount of time spent on homework by using a timer
- Providing material in large print
- Using special paper with raised lines
- Pre-teaching

A green chalkboard with a white chalk outline of a lock and the letter 'A' written in chalk.

The individualized education program shall show a direct relationship between the present levels of performance, the goals and objectives, and the specific educational services to be provided.

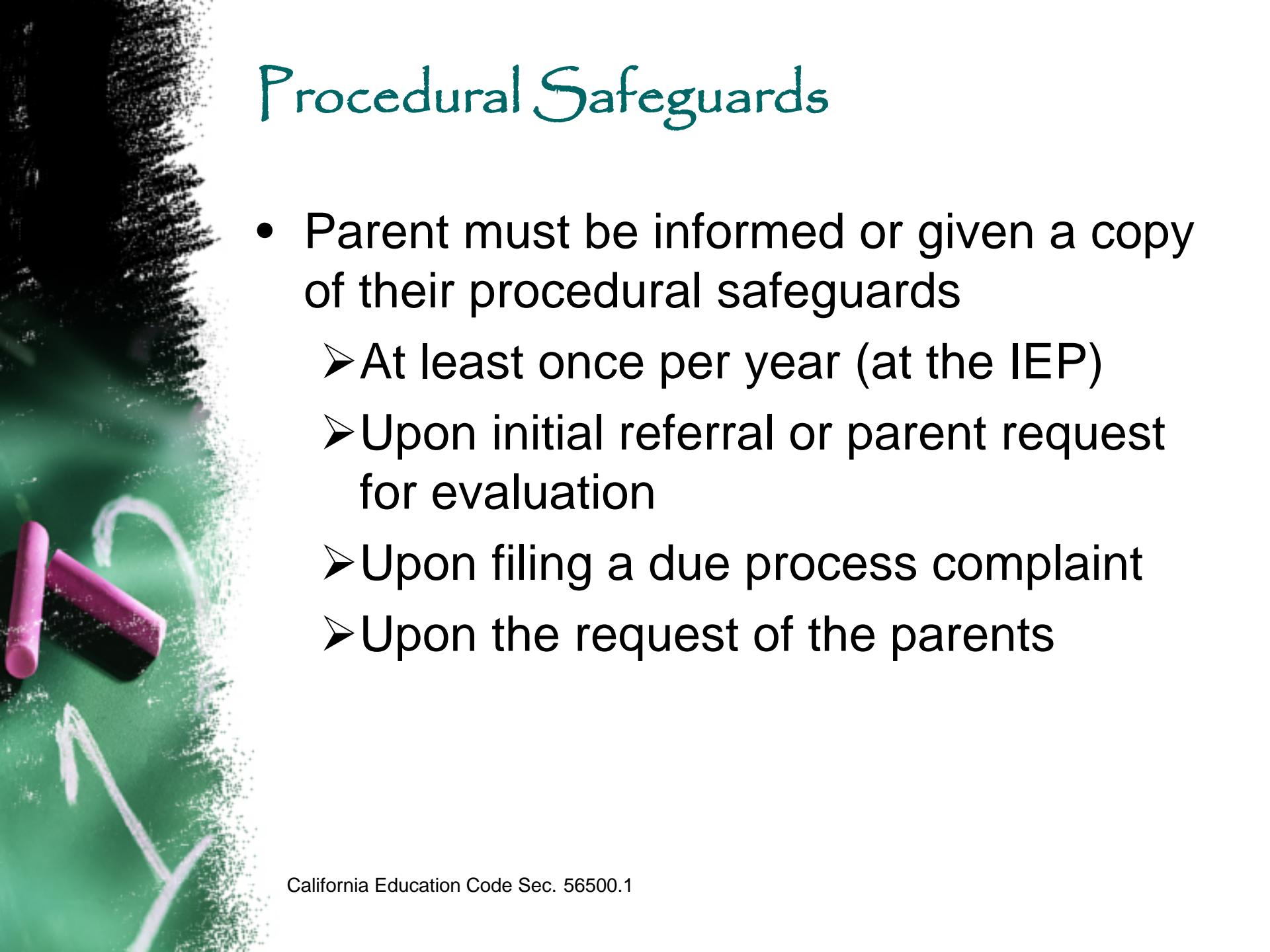


# Transfer of Rights

- California Education Code 56041.5. When an individual with exceptional needs reaches the age of 18, with the exception of an individual who has been determined to be incompetent under state law, the local educational agency shall provide any notice of procedural safeguards required by this part to both the individual and the parents of the individual. All other rights accorded to a parent under this part shall transfer to the individual with exceptional needs. The local educational agency shall notify the individual and the parent of the **transfer of rights**.
- Note: At age 18, your child can also assign educational rights to you by providing a written notification of his/her intention to do so. Otherwise, the student is required to give consent to the IEP.



How your child is  
protected under the law



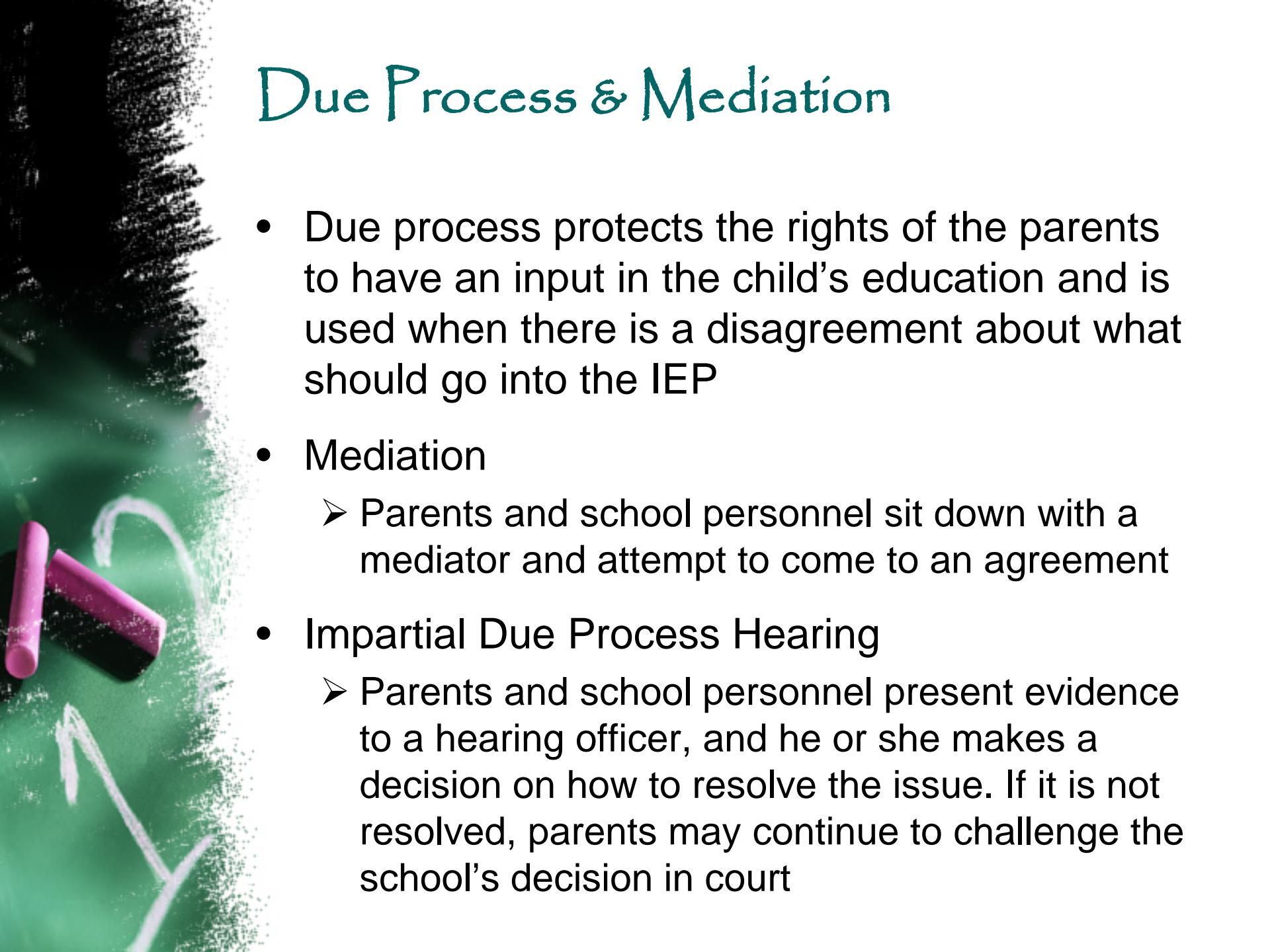
# Procedural Safeguards

- Parent must be informed or given a copy of their procedural safeguards
  - At least once per year (at the IEP)
  - Upon initial referral or parent request for evaluation
  - Upon filing a due process complaint
  - Upon the request of the parents



# Compliance Complaint

- Can be filed with the California State Department of Education (CDE)
- Can be filed when the education agency has not followed special education laws or procedures or has not implemented what is already in the child's IEP
- Timeline
  - CDE has 60 calendar days from receipt of the complaint to carry out any necessary investigation and to resolve the complaint
- Procedural Safeguards & Referral Service
  - (800) 926-0648



# Due Process & Mediation

- Due process protects the rights of the parents to have an input in the child's education and is used when there is a disagreement about what should go into the IEP
- Mediation
  - Parents and school personnel sit down with a mediator and attempt to come to an agreement
- Impartial Due Process Hearing
  - Parents and school personnel present evidence to a hearing officer, and he or she makes a decision on how to resolve the issue. If it is not resolved, parents may continue to challenge the school's decision in court

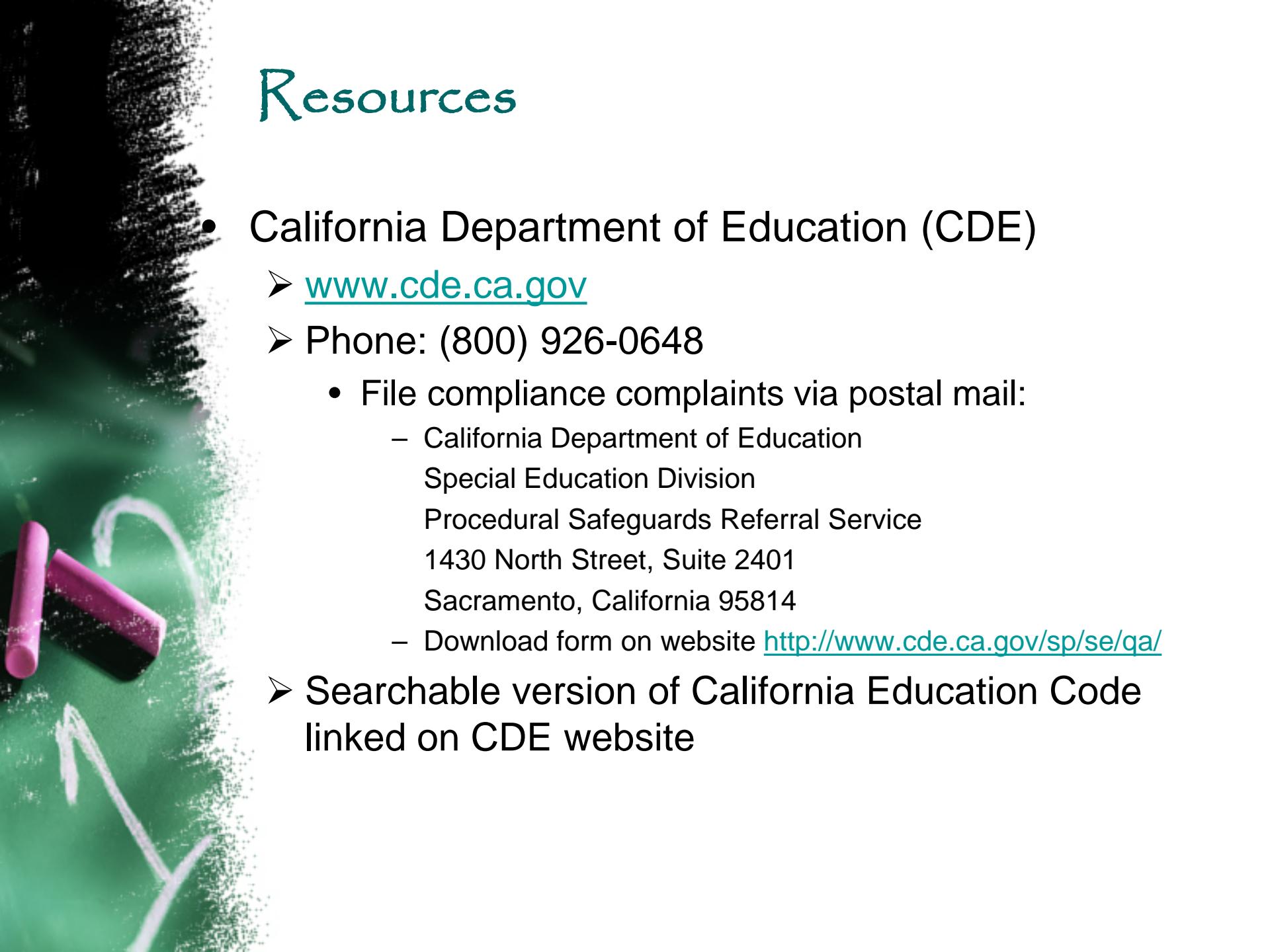
# Due Process Hearing

## PROS

- A resolution meeting will be held within 15 days of request for due process
- Impartial party makes decisions on both substantive (evaluating the program itself) and procedural grounds
  - Procedural violations will only be successful if procedural inadequacies impeded the child's right to FAPE, the parent's opportunity to participate in decision making or educational benefits were denied
- Decision must be followed by both parties (unless appealed)
- Child is on "stay put" during the process

## CONS

- Burden of proof is on the party seeking relief
- An attorney should be hired
- Expensive
- Possibility of losing services
  - If the district offers services that are refused and the officer rules that the previous IEP was appropriate, the offer may no longer be valid
- Time consuming
- Can ruin an already unstable relationship between the district and the parents
- District staff is generally acknowledged as experts in the field of what is "appropriate"



# Resources

- California Department of Education (CDE)
  - [www.cde.ca.gov](http://www.cde.ca.gov)
  - Phone: (800) 926-0648
    - File compliance complaints via postal mail:
      - California Department of Education  
Special Education Division  
Procedural Safeguards Referral Service  
1430 North Street, Suite 2401  
Sacramento, California 95814
      - Download form on website <http://www.cde.ca.gov/sp/se/qa/>
  - Searchable version of California Education Code linked on CDE website



# Resources

- Disability Rights California
  - “Special Education Rights and Responsibilities (SERR Manual)”
  - Download manual, and other special education publications, online at [www.disabilityrightsca.org](http://www.disabilityrightsca.org)
- Regional Center of Orange County (RCOC)
  - Referral to “special education advocacy clinic” through Whittier Law School
  - Student must be an RCOC client – Call your Service Coordinator to request this service (POS)
  - [www.rcocdd.com](http://www.rcocdd.com)



# Resources

- State Council on Developmental Disabilities, Area Board XI (serves Orange County)
  - Phone: (714) 558-4404
  - [www.scdd.ca.gov](http://www.scdd.ca.gov)
- Team of Advocates for Special Kids (TASK)
  - Phone: (714) 533-8275 or (866) 828-8275
  - [www.taskca.org](http://www.taskca.org)
- Wrightslaw
  - Find resources / information online
  - [www.wrightslaw.com](http://www.wrightslaw.com)