

SAN JOAQUIN COUNTY SPECIAL EDUCATION LOCAL PLAN AREA S.E.L.P.A.

Kathleen Skeels, Assistant Superintendent

Parent Resource Guide



COMMUNITY ADVISORY COMMITTEE



San Joaquin County Office of Education

INTRODUCTION

This handbook has been prepared by a sub-committee of the San Joaquin County SELPA Community Advisory Committee (CAC) made up of parents and professionals in special education who hope this handbook will be a useful resource for families who are seeking quality education for their children with special needs.

When parents become aware that their child may need special education, they step into a system of laws and procedures with an unfamiliar vocabulary.

This handbook begins with the parents' role in the education of their children and why it is important that they become knowledgeable about special education. The laws that drive the delivery of special education are described as are child and parent rights under these laws. This handbook walks you through the entire special education process from identification of needs to delivery of services. Due process procedures and how to deal with disagreements and complaints are addressed. Finally, the book ends with a listing of local resources and a dictionary of special education terms. As an additional support this resource includes a breakdown of issues by specific age groups which highlight unique issues that occur specific to each age range.

ACKNOWLEDGMENTS

The CAC would like to thank everyone who has contributed to the preparation of this handbook.

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This handbook is based on current legislation at the time of printing.

Due to space limitations, all laws and regulations related to special education may not be mentioned in this document, but can be found at www.cde.ca.gov or by calling (916) 445-4613.

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The Community Advisory Committee
Parent Resource Guide
is Dedicated to
All parents of children with special needs

Welcome to Holland
by Emily Perl Kinglsey

I am often asked to describe the experience of raising a child with a disability - to try to help people who have not shared that unique experience to understand it, to imagine how it would feel. It's like this.....

When you're going to have a baby, it's like planning a fabulous vacation trip - to Italy. You buy a bunch of guidebooks and make your wonderful plans. The Coliseum. The Michelangelo David. The gondolas in Venice. You may learn some handy phrases in Italian. It's all very exciting.

After months of eager anticipation, the day finally arrives. You pack your bags and off you go. Several hours later, the plane lands. The stewardess comes in and says, "Welcome to Holland."

"Holland?!?" you say. "What do you mean Holland?? I signed up for Italy! I'm supposed to be in Italy. All my life I've dreamed of going to Italy."

But there's been a change in the flight plan. They've landed in Holland and there you must stay.

The important thing is that they haven't taken you to a horrible, disgusting filthy place, full of pestilence, famine and disease. It's just a different place.

So you must go out and buy new guide books. And you must learn a whole new language. And you will meet a whole new group of people you would never have met.

It's just a different place. It's slower-paced than Italy, less flashy than Italy. But after you've been there for a while and you catch your breath, you look around...and you begin to notice that Holland has windmills...and Holland has tulips. Holland even has Rembrandts.

But everyone you know is busy coming and going from Italy...and they're all bragging about what a wonderful time they had there. And for the rest of your life, you will say, "Yes, that's where I was supposed to go. That's what I had planned."

And the pain of that will never, ever, ever, ever go away...because the loss of that dream is a very very significant loss.

But...if you spend your life mourning the fact that you didn't get to Italy, you may never be free to enjoy the very special, the very lovely things...about Holland.

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I. PARENT RESPONSIBILITIES

Educational law recognizes the value of parental input when decisions are made about the educational needs of a child. Decisions are to be made cooperatively with parents, school personnel and other persons with special knowledge of a child with the development of an educational plan appropriate to a child's unique needs. Educational law grants specific legal rights and responsibilities to parents to ensure their participation in the process. To ensure that a child receives the education to which he or she is entitled, being involved and informed are imperative.

Be confident and active in the entire educational planning process, remembering to:

- be aware of your rights;
- be knowledgeable about services and programs for your child;
- be a confident advocate for your child's education; and
- ask questions.

As a parent, you are an "expert." It is important to keep accurate, up-to-date records that include:

- background information;
- developmental history;
- medical history and medical reports;
- family health history;
- educational, psychological and therapy reports;
- copies of IEPs and school progress reports;
- samples of the past and present school work;
- copies of records from outside agencies (such as Valley Mountain Regional Center);
- copies of letters you have written and received; and
- a record of contacts with school agencies (personal visits and phone calls).

II. PARENT/CHILD RIGHTS

Child's Basic Right: State and federal laws entitle students with exceptional needs to a free and appropriate public education (FAPE) in the least restrictive environment (LRE). An Individual Education Program (IEP) is developed to determine a child's needs and how they can be met. Children with disabilities are offered programs that provide for maximum interaction with children who are not disabled in a manner that is appropriate to the needs of both.

Parental Rights and Responsibilities: Parents or guardians of children with exceptional needs have specific rights and responsibilities regarding access to information, providing information and making decisions about their children's education.

A. NOTICES IN WRITING

Parents should receive notices in writing:

- before proposed assessments are conducted;
- before IEP meetings;
- before any action is taken or recommended that may change your child's educational program or IEP;
- in their native language if they are non-English speaking or have limited proficiency with English, unless to do so is clearly not feasible;
- that are easily understood; and
- within a specified or at least reasonable number of days before or following the activity involved.



A copy of the procedural safeguards must be given to parents one time a year, except that a copy must also be given to parents upon initial referral or parent request for evaluation; upon receipt of the first state complaint and due process complaint in that school year; and upon request by a parent.

B. CONFIDENTIALITY

All information regarding school children is considered confidential by law. A child's records can only be made available to a parent, school staff with specific knowledge of a child, persons who have written parental consent, a child at age 16 or after completion of tenth grade, and personnel of agencies specified by law.

C. ACCESS TO RECORDS

Parents have a right to:

- receive notice regarding records in their native language on policies, procedures, and rights related to record-keeping including the Family Educational Rights and Privacy Act of 1974 (FERPA);
- review records without unnecessary delay & before any meeting regarding an IEP, or hearing or resolution session and in no case more than 45 days after the request has been made;
- a response from the participating agency to reasonable requests for explanations and interpretations of the records;
- have a representative of the parent inspect and review the records;
- request that agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect & review the records;
- receive, upon request, a list of the types and locations of education records collected, maintained, or used by the agency.



A parent or eligible child who believes that information in education records collected, maintained, or used is inaccurate, misleading, or in violation of the privacy or other rights of the child, may request, in writing, that the participating agency that maintains the information amend the record. The agency will decide whether to amend the record as requested within 30 days upon receipt of the request. If the agency decides to refuse to amend the record, they are required to inform the parent of the refusal and of the right to a hearing.

D. INFORMED WRITTEN CONSENT

Parents must be provided informed written consent:

- before any formal assessment of a child is completed;
- before placement of a child in a special education program;
- before removal of a child from a special education program; and
- before any changes are made in the services received by a child in special education.

Informed consent means that the parent has been fully informed of all information relevant to the activity for which consent is sought, in the primary language, or other mode of communication of the parent. The parent understands and agrees in writing to the carrying out of the activity for which the consent is sought and the consent describes that activity including lists of the records (if any) that will be released and to whom.

PARENTS MAY REVOKE THEIR CONSENT AT ANY TIME

E. SURROGATE PARENTS

Each LEA will ensure that an individual is assigned to act as a surrogate parent for the parents of a child when no parent can be identified, and the LEA, after reasonable efforts, cannot discover the whereabouts of a parent, or the child is an adjudicated dependent or ward of the court under the Welfare and Institutions Code and the child is referred to special education or already has an IEP. A surrogate parent is not appointed for a child who is dependent or ward of the court unless the court specifically limits the right of the parent or guardian to make educational decisions for the child or the child has reached the age of majority.

F. PARENT/CHILD RIGHTS REGARDING ASSESSMENT

A parent has the right to:

- initiate a request for educational assessment (referral) and give or withhold written consent for any proposed assessment activities (unless the LEA is successful in a due process hearing);
- receive an assessment plan explaining the types of assessments to be conducted in language easily understood by the general public and have 15 calendar days in which to give or withhold consent for assessment;
- an assessment plan in the primary language of the parent or other mode of communication unless clearly not feasible;
- obtain information regarding availability of independent assessments;
- obtain an independent outside assessment at public expense under certain conditions. Procedures for obtaining such assessments are outlined in Independent Education Assessment (Evaluation) sections;
- present information including the results of independent assessment for consideration by the LEA;
- an assessment that is designed to be free of racial, cultural, or sexual discrimination and in the child's primary language;
- tests and other assessment material that have been validated for the specific purpose for which they are used, are administered by trained personnel, and are tailored to assess specific areas of educational need;
- have a description of the procedure and assessments to be used and to be fully informed of the assessment results. Parents will be provided with a copy of assessment results. No placement or services will commence without the parent's consent;
- give written consent for the release of any confidential information; and
- receive a plan that covers all areas related to a child's disability.



No single procedure will be used as the sole criterion for determining an appropriate educational program.

Parents will be informed of their child's progress at least as often as parents of non-disabled children.

The school district should provide opportunity to fully discuss concerns related to assessment findings.

A child with disabilities will be re-evaluated if conditions warrant a re-evaluation, or if the child's parent or teacher requests a re-evaluation, or at least once every three years. The IEP team shall review existing data on the child, including evaluations and information provided by the parent, to determine what additional data, if any, is needed to determine: 1) whether the child continues to have a disability, 2) the present levels of performance, 3) whether the child continues to need special education services, and 4) whether any additions or modifications to the special education services are needed to enable the child to meet the measurable annual goals in the IEP and to appropriately participate in the general curriculum. Parents will be notified if staff believe only existing data can be used to make the required determinations. If parents disagree with the use of only existing data they have a right to request further assessment.

A re-evaluation can be conducted without parent consent if the school district has taken reasonable measures to obtain such consent, and the parents have failed to respond.

Children with disabilities must be included in general state and district-wide assessments with accommodations as needed and as defined within the IEP.

PARENTS MAY DISAGREE WITH THE FINDINGS

G. PARENT/CHILD RIGHTS AND THE IEP PROCESS

In the IEP process, parents have the right:

- to be an equal decision-maker on the team that develops the IEP;
- to receive all information regarding a child's program and have it explained;
- to be told what information will be used as a basis for deciding a child's program;
- to receive a full description and explanation of all possible programs and placement options; and
- to be accompanied by another person (or persons) at all meetings.

H. PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT

Children have the right to have a full continuum of alternative services available and parents have the right:

- to have a child educated with non-disabled children to the maximum extent appropriate to both;
- to have a child removed from the general educational environment only when services and support modifications have been tried and found unsatisfactory;
- to have a child placed in his or her home school of attendance unless the IEP requires some other arrangement; and
- to have a child participate with non-disabled students in non-academic and extracurricular activities as appropriate.



III. INDIVIDUALIZED EDUCATION PROGRAM

A. THE IEP: AN OVERVIEW

The IEP is:

- a legal, written document describing a child's educational needs;
- a written individualized plan that determines whether a child is eligible to receive special education services;
- developed by a team including the parents who give their input about their child's strengths and needs, as well as the development of annual goals and short term objectives;
- a description of services to be delivered;
- for all children who are eligible for special education based on assessment need; and
- a document written with information for students 16 and older oriented towards pre-vocational/vocational issues and life skills training considered essential for transition planning (ITP).



*PARENTS ARE AN INTEGRAL
PART OF THE TEAM*

An IEP is not a binding contract that guarantees that goals and objectives will be accomplished and is open to revision by the IEP team. Revision requires parent consent.

B. REFERRAL

A school site Student Study Team will be held to preview a referral request and make recommendations regarding the student. The parent may elect to make a direct request for assessment apart from the Student Study Team process.

The county/district of residence is responsible for processing all referrals from birth to age twenty-one.

Parents should be a part of the Student Study Team to review the effectiveness of pre-referral activities to help their child.

PARENTS MAY MAKE A DIRECT REFERRAL IN WRITING AT ANY TIME

An Assessment Plan must be developed within FIFTEEN DAYS (15) of the referral date.

A parent has 15 days to decide whether or not to sign the assessment plan.

If a child is already enrolled in special education and a written request for a re-evaluation is submitted, the school district has 15 days from receipt of the request for assessment to develop an assessment plan.

C. ASSESSMENT PLAN

An assessment plan:

- is simply a list of tests to be used to determine a child's educational needs and assist in determining eligibility for special education services;
- will include a description of what areas each test is designed to cover and who will conduct the assessments;
- must be designed to assess a child in all areas related to a suspected disability (e.g., health and development, vision, hearing, language function, motor skills, self-help, social and emotional development, behavior, and pre-vocational/vocational skills, etc.);
- makes provision for parents to request that additional areas of concern be assessed before approving the plan; and
- makes provision for parents to consult with other specialists before signing the assessment plan.



D. ASSESSMENT

The assessment must be conducted and the IEP meeting scheduled and held within SIXTY DAYS (60) of the district's receipt of the signed assessment plan.

Depending on the complexity of the assessment, one or more meetings may be held for a child with a variety of assessment personnel.

Parents may be present for the assessments, but it is not required.

The assessment should provide an accurate and thorough understanding of a child's strengths and needs. All assessments, when feasible, should be provided in the primary language in which a child is most proficient and comfortable.

The assessor must be knowledgeable of a child's disability and should be fluent in both the oral and written skills of a child's primary language or mode of communication. Translators and interpreters may be utilized as needed unless clearly not feasible.

Parents may receive copies of the assessment report prior to the IEP meeting. Parents may elect to meet with persons completing assessments prior to IEP meetings for explanation and clarification.

If parents disagree with the result of the assessment or have concerns about its thoroughness, they may request that an independent assessment be completed. The district may elect to reimburse for the independent assessment. If the district elects not to reimburse for the independent assessment, due process procedures must be initiated.

As part of the IEP team, parents have valuable information to share about their child. Participation of parents is encouraged throughout a child's IEP meeting. Special Education is specialized instruction provided to meet the unique needs of a child who may require some adaptations of the learning environment or adapted instruction in order to learn. It can mean individualized or small group instruction or extra supportive services and is for students from birth to twenty-two with physical, learning, communicative, and/or developmental needs.

To receive special education services, an IEP must be written describing a child's educational needs. Developing the IEP is a step-by-step process consisting of a referral, assessment, IEP meeting and placement. These steps must progress according to the federal and state timelines.

E. COMPOSITION OF THE IEP TEAM

Legally required members are:

- a school administrator or designee, who is a person with knowledge of program options appropriate for the student and who is qualified to provide, or supervise the special education program implementation;
- the student's present teacher; if the child does not have a teacher, this representative will be a teacher with the most recent and complete knowledge of the child who has also observed the child's educational performance in an appropriate setting.
- one or both of the student's parents, a representative selected by the parent, or both; and
- the student at age 18 who may sign the IEP; and
- a general education teacher.



When appropriate, the IEP team shall include:

- the student;
- other individuals, at the discretion of the parent, district, special education local plan area, or county office who possess expertise or knowledge necessary for the development of the individual education program;
- evaluation personnel who performed the evaluation(s) or representative(s) knowledgeable about the evaluation(s); and
- when the child is suspected to have a learning disability, a team member will observe the child in an environment appropriate for a child that age; if the child is younger than five years or is not enrolled in a school;
- Under certain circumstances an IEP team member may be excused from attending with written mutual agreement & input provided.

F. DEVELOPMENT OF THE IEP/ITP

The IEP meeting should begin with introductions and include discussion of:

- purpose of meeting;
- parent/child rights;
- educational history;
- present levels of functioning (strengths and areas of needs);
- evaluation procedures;
- consideration of eligibility;
- annual goals and short-term instructional objectives;
- recommended placement within the concept of the Least Restrictive Environment;
- recommended related services (i.e., speech therapy);
- other placement and program options;
- dates for services to begin and end and how often they are provided;
- transportation; and
- signatures of team members.

When appropriate, the IEP may also include, but not be limited to, all of the following:

- prevocational career education for children in kindergarten and grades 1 to 6;
- vocational education, career education or work experience education, or any combination of these, in preparation for paid employment, including independent living skills training for children in grades 7 to 12;
- for children in grades 7 to 12, any alternative means and modes necessary for the child to complete the district's prescribed course of study and to meet or exceed proficiency standards for graduation;
- for children whose primary language is other than English, linguistically appropriate goals, objectives, programs and services;
- extended school year services when needed, as determined by the IEP team;
- provision for the transition into the regular class program if the child is to be transferred from a special class or center, or nonpublic, nonsectarian school into a regular class in a public school for any part of the school day; and
- appropriate specialized services, materials, and equipment for students with low incidence disabilities.

G. DESIGNATED INSTRUCTION AND SERVICES (RELATED SERVICES)

Designated Instruction and Services (DIS), also known as Related Services, are supportive services provided to help a student benefit from a special education program and are based on assessed need.

The educational need is determined through an assessment during the IEP process.

Students may be in general education classes and receive a DIS service (i.e., speech therapy only.)

Designated Instruction and Services (DIS) and Related Services may be provided by the general education classroom teacher, the special education teacher, a resource specialist or other specialist credentialed to provide the service. The Local Education Agency (LEA) must provide related services as deemed appropriate by the IEP team. Related services may be provided by LEA personnel or through contracted services. Federal law is broader than the state law in some instances; therefore, a child's entitlement to special education and related services is a right established under federal law. Students who are found eligible by the IEP team may receive other services based on need.

Designated Instruction and Services may include:

- Speech and language development and remediation
- Orientation and mobility instruction
- Adapted physical education
- Occupational therapy
- Specialized driver training
- Mental health services
- Social worker services
- Recreation services
- Specialized services for low-incidence disabilities (e.g., readers, transcribers, vision and hearing services)
- Audiological services
- Instruction in home or hospital
- Physical therapy
- Counseling & guidance
- Health & nursing services
- Vocational education
- Parent training and counseling
- Transportation services
- Extended school year

Referrals may be made to the San Joaquin County Mental Health Department for assessment, counseling, and related services at no charge to families under AB 3632.

H. SIGNING THE IEP

Parents have a choice to sign or not to sign the IEP based on whether they are in agreement with the content. If they are not in agreement, they need to continue negotiations until there is an agreement or seek resolution through due process; most issues can be resolved without going through due process procedures. Alternate dispute resolution strategies are also available.

Signing for partial acceptance keeps the child's plan and program active while final issues are being negotiated. If placement cannot be agreed upon and due process had been filed, the child remains in the present placement through "stay-put" regulations, unless the parent has a reason to believe the placement is unsafe or is unhealthy, etc.

A copy of the IEP is provided to the parents at no cost, and if necessary, a copy of the IEP will be provided in the primary language of the parent(s) at the request of the parent(s). An Individualized Family Service Plan (IFSP) for a child aged three through five may serve as the IEP after a full explanation of the difference and parent written consent. The IEP team must consider the concerns of the parents for enhancing the education of their child.

I. PLACEMENT

Specific classroom assignments may be discussed at the IEP meeting. Parents may want to discuss placement and program options and visit classrooms suggested before agreeing with a placement so they can be decision-makers on an equal basis with other participants at the meeting.

Placement:

- is determined when the IEP has been developed and agreed upon;
- is based on goals and objectives of the IEP;
- is as close to home as possible;
- will not take place without prior approval and written consent of parents;
- will include Designated Instruction and Services (DIS) and Related Services as appropriate and stated on the IEP; and
- may be in a non-public school setting when the IEP team has determined that appropriate local educational resources may not be available based on assessed need and has determined that goals and objectives and service needs can be met in a non-public school setting appropriately certified by State Department of Education and when a contract to provide specific services has been developed.

J. IMPLEMENTATION

Implementation refers to the fulfillment of the intent of the IEP with a focus on how goals and objectives are achieved. It is to occur without any undue delay after placement is approved through the IEP process. Waiting lists are not legal and should not be considered. Parents are encouraged to visit and monitor their child's program to know if the program is in place and meeting the intent of the IEP.

K. PARENTAL CHANGE OF RESIDENCE

- When a child transfers from one district to another *within* a SELPA, the new district shall continue without delay to provide comparable services unless parent & district adopt and implement a new IEP.



- When a child transfers from a district *outside* one SELPA into a different SELPA the new district shall provide comparable services in consultation with the parents for a period not to exceed 30 days by which time the district shall adopt previously approved IEP or shall develop, adopt and implement a new IEP.

- When a child transfers from *out of state*, the district shall provide FAPE including comparable services to those described in previously approved IEP in consultation with parents until district conducts an assessment and meets as an IEP team to review assessment and develop IEP as appropriate.

When a child is placed in a nonpublic school or agency, the LEA and the nonpublic school or agency must notify the parents of their responsibility to report each change in residence. The notice by the LEA is in writing and is given at the time that nonpublic school (NPS) or agency (NPA) placement is recommended.

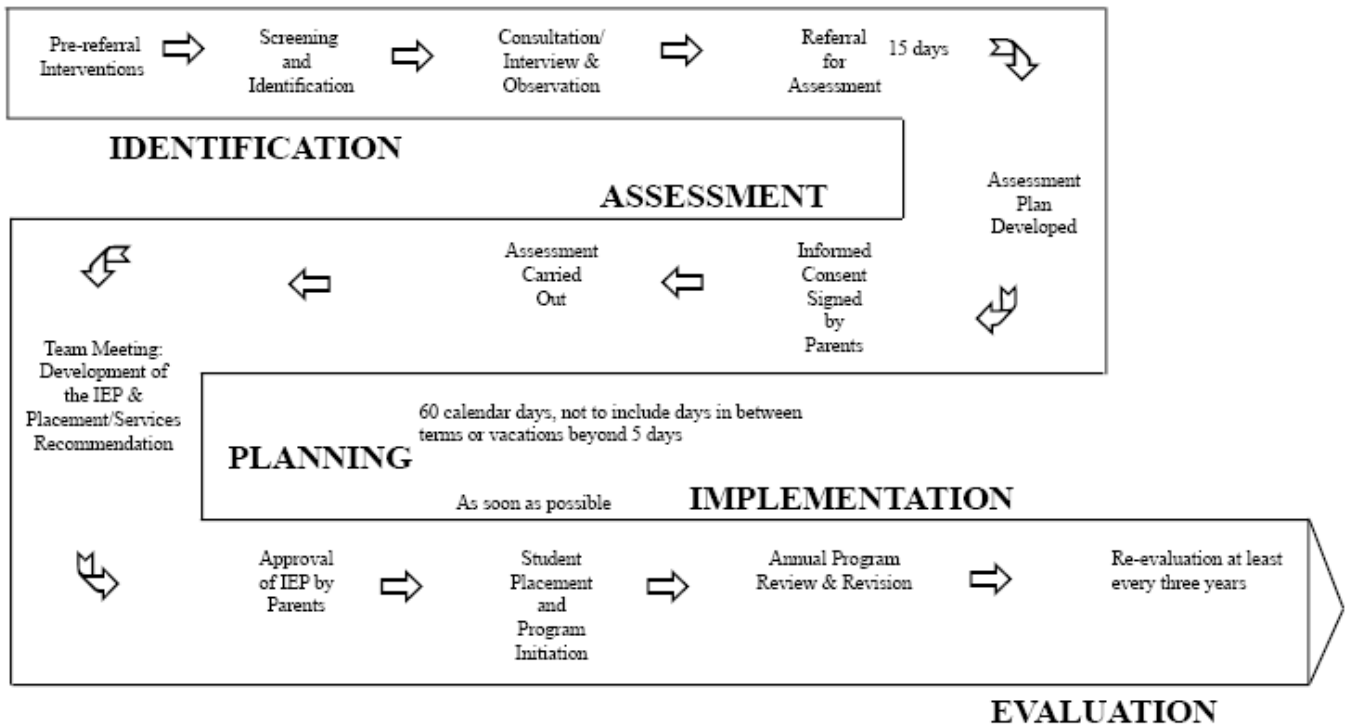
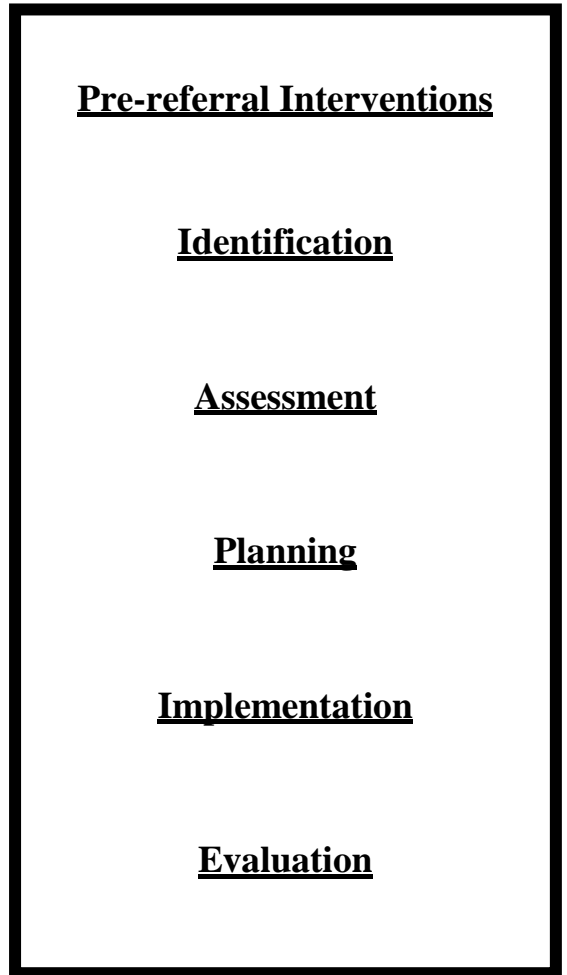
L. IEP REVIEW

The IEP team meets whenever:

- the child has received an initial formal assessment and may meet whenever he or she receives any subsequent formal assessment;
- the child demonstrates a lack of anticipated progress;
- the parent or teacher requests a meeting to develop, review, or revise the IEP;
- at least annually to review the child's progress, the IEP, and the appropriateness of placement, and to make any necessary revisions; and
- a triennial assessment is conducted.



INDIVIDUALIZED EDUCATION PROGRAM (IEP) PROCESS/TIMELINE



IV. DISCIPLINARY ACTION AND THE SPECIAL NEEDS STUDENT:

The parents have the right to be notified on the day that the decision to take disciplinary action is made, of that disciplinary action, if it involves a change of placement for more than ten (10) days. The school district ensures that special education and disciplinary records of the child are transmitted to the person(s) making the final decision about the disciplinary action. The school district will report any crime committed by a child with a disability to the appropriate authorities and transmit copies of special education and disciplinary records to such authorities.

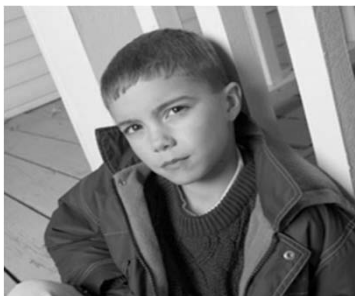
Suspension

A child with a disability can be suspended for not more than ten (10) consecutive days for violation of school conduct codes using the same procedures as a child without a disability. For a suspension of ten (10) days or under, educational services do not need to be provided. If the suspension is for more than ten (10) days in a school year, certain procedural safeguards must be followed. They include a meeting of the IEP team not later than ten (10) days after deciding to take disciplinary action to review the child's behavior intervention plan; if there is none, develop a functional assessment plan and develop a behavioral intervention plan; determine if the misconduct is a manifestation of the disability; determine appropriate action based on the outcome of the manifestation determination. For suspensions over ten (10) days, the setting can be an appropriate interim educational setting or another setting.

Expulsion

A child with a disability can be expelled for violation of school conduct codes only when certain procedural safeguards are followed. **Within ten (10) days of the school's decision to propose a specific disciplinary action that includes a change in placement of more than ten (10) days, the IEP team must meet to review the behavior intervention plan; if there is one, determine if the misconduct is a manifestation of the disability; determine an appropriate interim alternative setting for the child's educational placement; develop a functional behavioral assessment plan if no behavioral intervention plan exists; consider a need for change, by the end of the planned placement in alternative educational setting, from the placement the child was in at the time of the misconduct. If the parents disagree with the IEP team's findings that the expulsion process can proceed because the behavior subject to the disciplinary action was not a manifestation of the child's disability, they can file for a due process hearing. Even if the district can and does expel the child, they must provide a**

free, appropriate public education during the time of expulsion. Additionally, the pupil is entitled to a hearing by the school board. If the school board agrees with the recommendation to expel the pupil, the pupil or parent or guardian may file an appeal with the county board of education.



Manifestation Determination

The IEP team may determine that the misconduct was not a manifestation of the disability only if they first consider all relevant information relating to the behavior subject to disciplinary action. This includes evaluation and diagnostic results supplied by the parent, observation of the child, the child's IEP and placement. Then they must find that 1) the conduct in question was caused by, or had a direct and substantial relationship to the child's disability; or 2) the conduct in question was the direct result of the LEA's failure to implement the IEP. If the IEP team determines the child's disability was not a manifestation of the disability, the school may proceed with the proposed disciplinary actions. If the parents disagree with the IEP team's finding on manifestation, they may file a due process hearing.

Interim Alternative Educational Setting (IAES)

A child can be placed in an interim appropriate alternative educational setting as a disciplinary action and without parental consent in specific circumstances. School personnel may order placement in an IAES for not more than ten (10) days. If a child carries or possesses a weapon at school or at a school function or if the child possesses or uses illegal drugs, or sells or solicits the sale of controlled substances at school or at a school function or if a child inflicts serious bodily injury upon another person while at school or at a school function, school personnel may place a child in an IAES for not more than forty-five (45) days without the need for manifestation determination. The IAES must enable the child to continue to participate in the general curriculum, receive IEP services and modifications designed to address and prevent recurrence of the behavior for which the child is being disciplined. The parents have the right to an expedited hearing in any case involving IAES. The child remains in the IAES pending a hearing decision until expiration of the 45 days. On the 46th day, the child returns to the placement at the time of the behavior subject to the disciplinary action. A hearing officer may order a child into an IAES for no more than forty-five (45) calendar days if the school demonstrates that the current placement is substantially likely to result in an injury to himself/herself or others. The hearing officer will consider the appropriateness of the placement at the time of the misconduct, whether the school made reasonable attempts to minimize the harm in the placement including use of supplementary aids and services. The hearing officer will also determine if the IAES meets the standards listed above.

Placement Pending Administrative or Judicial Review

Pending administrative or judicial proceedings, the child remains in the current placement unless both parties agree otherwise.



Children Not Yet Eligible For Special Education Services

A child who has not been determined to be eligible for special education services and has violated school rules or codes of conduct may assert protections if the school district had knowledge that the child had a disability before the behavior occurred. The school is deemed to have knowledge if the parent expressed concerns in writing to the school district (unless the parent is illiterate or has a disability that prevents compliance) that the child needs special education; or the behavior or performance of the child demonstrates the needs for special education; or parent requested an evaluation; or the teacher or other school personnel expressed concern to the special education director or other school personnel. If the school district does not have knowledge that the child has a disability, the child may be subject to regular disciplinary procedures. If an evaluation request for a child not yet eligible is made during the period of the disciplinary procedures, the evaluation is expedited. The child remains in the placement determined by the school authorities pending the evaluation. If the child is determined to be eligible, the school district must provide the services.

V. DUE PROCESS:

Informal Conference

A meeting may be held between the district, SELPA, or county office personnel and parent to informally discuss and resolve the disputed issue.

Mediation

The mediation process is voluntary and may not be used to delay a parent's right to a hearing or other due process. It will be conducted by a qualified, impartial, and trained mediator. The mediation is scheduled in a timely manner and held in a location convenient to the parties. Any agreement reached in mediation must be in a written mediation agreement. The LEA has established procedures which may require parents who refuse mediation to meet with a neutral party who will explain the benefits of mediation. Mediation discussions are confidential and cannot be used in a subsequent hearing or civil proceeding when confidentiality requirements are stipulated.

Complaints

- Any individual, LEA, or organization may file a written complaint with the superintendent of a local educational agency or with the State Superintendent of Public Instruction alleging a violation of federal or state law or regulation governing special education or related services for an individual student.
- To file a state complaint, contact the **Office of Administrative Hearings, Special Education Unit, 2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833-4231**
- An immediate decision upon receipt will be made by the State Superintendent of Public Instruction whether the state or the local agency has jurisdiction over the complaint.
- If the state has jurisdiction, an investigation and written decision will be completed within sixty (60) calendar days of the receipt of the complaint and both parties will receive a copy of the decision shortly thereafter.
- If the local educational agency has jurisdiction, the superintendent of that agency shall: (1) investigate the complaint and prepare a written report. (2) provide the complainant with a copy of the report.
- Parents may appeal the local decision to the State Superintendent within fifteen (15) calendar days of the receipt of the local decision; while waiting for the State Department reconsideration, the local decision remains in effect.
- The State Superintendent of Public Instruction / designee will review and write reasoned findings of any state decision appealed by the parent or LEA within thirty (30) calendar days. Both parties will receive copies of the review shortly thereafter.

Due Process Hearing Rights

Due process hearing procedure rights extend to the pupil, parent, and public education agency. Any of these may initiate a due process hearing whenever there is a proposal to initiate or change, or a refusal to initiate or change, the identification, assessment, or educational placement of the pupil or the provision of a free, appropriate public education, or when the parent refuses to consent to an assessment.

Prior to a due process hearing, the LEA must convene a meeting of parents and relevant member(s) of the IEP team for a Resolution Session within 15 days of reviewing notice of the parents' due process hearing request. Attendees shall include a district representative who has decision-making authority on behalf of the agency. District legal counsel shall not attend the Resolution Session unless parent is accompanied by an attorney. At the meeting, parents may discuss their concern/issue and district shall be provided an opportunity to resolve the matter. Resolution sessions may be waived if both parents & district agree, or agree to mediation instead. If issue is resolved through resolution session, a legally binding agreement is developed and signed by parents & district. If issue is not resolved to parents satisfaction within 30 days of district receipt of the due process hearing request notice, the due processing hearing may occur. Discussions and decisions made in Resolution Sessions are not confidential.

The due process hearing rights under State law include but are not limited to the right to: mediation conference; examination of pupil records; and a fair and impartial administrative hearing at the state level, before a person knowledgeable in the laws

regarding special education and administrative hearings. The hearings will be completed within forty-five (45) calendar days following receipt of written requests.



Alternative Dispute
Resolution

Parents have the right to:

- open the state hearing to the public.
- be informed of all rights and procedures related to the due process hearing.
- receive notice immediately of mediations and hearing dates; the notice to include date, time, and place of both mediation and hearing.
- information regarding available free or low cost legal or appropriate other services upon the LEA's receipt of written notification of a request for a due process hearing.
- if the parent does not have an attorney, the district upon request by the parent will provide a mediator to assist the parent in identifying issues and proposed resolution of issues.
- present evidence, written arguments, and oral arguments.
- be accompanied and advised by counsel and individuals with special knowledge or training relating to the problems of children and youth with disabilities.
- confront, cross-examine, and compel the attendance of witnesses and present evidence.
- receive a written or electronic verbatim record of the hearing.
- receive a written finding of the facts and the decision within forty-five (45) calendar days from the receipt by the State Superintendent of the request for hearing.
- have the child who is the subject of the hearing present at the hearing.

Any party to a hearing has the right to:

- be accompanied and advised by counsel (not necessarily at public expense) and by individuals with special knowledge or training with respect to problems of children with disabilities.
- be informed by the other parties of the issues and their proposed resolution of the issues at least ten (10) calendar days prior to the hearing.
- exclude witnesses from the hearing.
- at least five (5) business days before the hearing, each party shall disclose to all other parties all evaluations completed to that date, and recommendations based on the evaluations that the offering party intends to use at the hearing.
- prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five (5) business days before the hearing.
- obtain written or electronic verbatim record of the hearing.
- obtain written or electronic findings of fact and decisions.
- have an interpreter that is paid for by the State education agency; and
- have an attorney present as an observer (information regarding the use of attorney services are covered in a section entitled "Award of Attorney's Fees").
- have an extension of hearing time line upon good cause.
- have a mediation conference at any point during the hearing process.

Each hearing must be conducted at a time and place which is reasonably convenient to the parents and child involved.

COMPLIANCE & COMPLAINT PROCEDURES

Consistent with federal and state law, California Department of Education (CDE) is responsible for establishing and maintaining a system for receiving and assisting in the resolution of disputes involving special education. Complaints alleging violations of state law are handled by CDE's Complaint Management and Mediation Unit (CMM), while due process hearings and/or mediations are handled by the Office of Administrative Hearings.

The Procedural Safeguards Referral Service (PSRS) will provide technical assistance for parents and others, informing them about options for dispute resolution including, but not limited to, the compliance complaint process and fair hearing.



The California Department of Education Special Education Division will encourage the amicable resolution of disputes by promptly informing SELPAs and district of contacts made to PSRS.

You may contact the Procedural Safeguards Referral Service at the address and phone numbers listed below:

California Department of Education
Special Education Division
Procedural Safeguards Referral Service
1430 N. Street, Suite 2401
Sacramento, CA 95814
Telephone: (800) 926-0648
Attention: PSRS Intake

Or you may file a complaint with the superintendent of the local agency and within five days, the State Department of Education must review the complaint to decide if it is a matter for State or local investigation. If the State investigates the complaint, a determination must be made within 30 days.

DUE PROCESS

A mediation conference and/or hearing may be requested in writing when there is a dispute between a parent and a public agency providing special education services regarding a child's eligibility for special education, need for assessment, and /or the child's program and services.

Sacramento Special Education Division Office
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833-4231
Telephone: (916) 263-0880
Fax: (916) 376-6319

CIVIL RIGHTS ISSUES

It is the responsibility of the Office For Civil Rights in the Department of Education and the Office For Civil Rights in the Department of Health and Human Services to enforce federal laws prohibiting discrimination against persons on the basis of race, color, national origin, sex, age or mental and physical handicaps and to investigate discrimination complaints brought by individuals.

San Francisco Office, Region IX
Office for Civil Rights
U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105-1813
Telephone: (415) 486-5555

VI. GENERAL INFORMATION LIST

REMEMBER

- **A child's evaluation, classification, and placement should be carefully reviewed.**
- **The IEP must state the individuals present at the IEP meeting and their titles.**
- **A signature should not appear on the IEP if that person is not present.**
- **At no time may a team member play a dual role (i.e. a psychologist cannot explain assessment and be the designated administrator).**
- **Parents do not have to sign the IEP at the meeting. They may take it with them and sign it at a later date.**
- **Parents know what their child's problems are.**
- **If a child is participating in the IEP meeting, talk it over with him/her before it takes place.**
- **Parents should determine if the child can do what is being planned.**
- **Provide input to the development of goals and objectives.**
- **Parents should determine if the teacher who will be working with their child is in agreement with the written goals and objectives.**
- **Parents may visit the classroom that is being recommended for their child.**
- **Determine if the educational programming, as spelled out in the IEP, is being carried out.**
- **Feel free to ASK for clarification on any issue, term or acronym used.**
- **Parents may invite family members and any other persons such as a physician, therapist, social worker, Area VI Board representative, advocate, friend, etc. to the IEP meeting.**
- **Parents may give written permission for implementing only those parts of the IEP with which agreement is reached. They may choose to discuss IEP concerns with their child's teacher, school principal, educational specialist, district or program administrator, or others such as Area VI Board representative.**

VII. OVERVIEW OF LAWS & REGULATIONS

For more information on laws and regulations contact the SELPA office.

Public Law 94-142, The Education for all Handicapped Children Act, 1975

This law guarantees:

- a FREE and appropriate education for all children with disabilities;
- education to occur in the least restrictive environment;
- an individualized education program (IEP) prepared by a team which includes the parents;
- necessary related services will be provided from special education;
- fair assessment procedures will be used to determine a student's abilities and educational requirements;
- and
- due process and complaint procedures to ensure that the student's rights are met.

IDEA and Transition

P.L. 100-476-Individuals With Disabilities Education Act (formerly P.L. 94-142, Education of the Handicapped Act) made some important changes in special education. One area was the expansion of transition services and their relationship with the IEP.

IDEA states: Transition services means a coordinated set of activities for a student, designed with an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, **integrated employment (including supported employment), continuing and adult education, adult services**, independent living, or community participation. Activities shall be based upon the individual student's needs, taking into account the student's preferences and interests and shall include instruction, community experiences, the development of employment and other post-school adult living objectives and when appropriate, acquisitions of daily living skills and a functional vocational evaluation.

A statement of needed transition services for students shall be included in the IEP beginning no later than age 16 and annually thereafter (and when determined appropriate for the individual, beginning at age 14 or younger). This statement can include information regarding the interagency responsibilities and linkages that need to take place before the student leaves school. Per IDEA Reauthorization 1997, an Individual Transition Plan (ITP) needs to be completed for each special education student no later than age 16.

IDEA Reauthorization 1997

IDEA's purpose is to ensure that students with disabilities receive special education and related services tailored to their unique needs and prepare them "for employment and independent living." The IDEA Reauthorization included revisions or changes to: discipline; inmate services; funding; early childhood programs for disabled children; the IEP; mediation; transition (see IDEA); attorney's fees; parental rights and requirements; and private schools and charter schools. For more information on IDEA Reauthorization please contact your school district's special education office.

IDEA Reauthorization 2004 and AB 1662 2005 (California's Conformity Legislation)

The major amendments are as follows:

Parental Consent

Required before conducting an individual evaluation or before providing special education and related service. Not required for "screening" (example: vision, hearing screening conducted with all children) or curriculum-based assessments.

Evaluation Timelines

Sixty (60) day timeline for completion of assessments from receipt of signed assessment plan to IEP meeting to discuss results.

Eligibility

In determining whether a child has a Specific Learning Disability, a district MAY use a response to scientific, research-based intervention as part of the evaluation process. Additionally, a child may not be determined to be a child with a disability if the determinant factor is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in No Child Left Behind (federal).

Summary of Performance

Summary of Performance is provided to the student by the District upon graduation with a diploma or before aging out of special education. This is a summary of the student's academic and functional performance, including recommendations on how to assist the student to meet postsecondary goals.

IEP-related changes

Benchmarks or Short-Term Objectives are only required for students who take alternate assessments aligned to alternate achievement standards (California Alternate Performance Assessment/ CAPA & English Language Learners/ELL). They continue to be permissive for all.

Transition: Statement of transition services must be in place beginning now at age 16 or earlier as appropriate.

IEP team attendance: Team member excusal is permissible under certain conditions and must be agreed to by parent. Parents and District may agree to alternative means of meeting participation, such as video conferences and conference calls.

IEP Amendments: IEP amendments without convening an IEP team is permissible under certain circumstances.

Children in Private Schools

No individual entitlement to FAPE. Districts have search and serve and evaluation requirements as well as the responsibility to offer FAPE in the public schools if parent has any intention of enrolling in public school. If parents continue to choose private school placement, some special education services are available to the private school from the district utilizing the required “proportional amount of federal funds”. Consultation with private school helps determine special education service available/needed in the private school. Student’s special education services are identified through a SP “Service Plan” which is reviewed annually.

Miscellaneous

Definition of parent expanded to now include relatives or anyone providing care in the home.

Prohibition on Mandatory Medication: A student may not be required to obtain a prescription for medication as a condition of attending school, receiving an evaluation or receiving services under IDEA.

Procedural Safeguards Notice: Copy to be given to parents only one time a year except must be given upon initial referral or parental request for evaluation, upon the first filing of a due process complaint or upon parent request for a copy of procedural safeguards notice.

Due Process Complaints: 2-year statute of limitations for due process hearing request or filing of complaint. Prior to a due process hearing filed by parent, the District must convene a meeting of parents and relevant member(s) of the IEP team for a Resolution Session.

Discipline

Discipline: If school personnel seek to change placement beyond 10 school days (suspension) and the violation is NOT a manifestation of the disability, same disciplinary procedures for non-disabled students may be used as long as Free Appropriate Public Education (FAPE) is provided.

Beyond the 10 day removal within a school year, student must receive education services which enable him/her to participate in the general curriculum and to progress toward meeting IEP goals and student must receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications.

Under special circumstances—school personnel may remove a student to an Individual Alternate Educational Setting without the need for a manifestation determination for no more than 45 days: carrying or possessing a weapon to or at school, or to or at a school function, possessing or using illegal drugs, or seeing or soliciting the sale of a controlled substance while at school or at a school function, or inflicting serious bodily injury upon another person while at school or at a school function.

Manifestation determination criteria (two prongs): 1) If the conduct in question was caused by, or had a direct and substantial relationship to the student’s disability or 2) The conduct in question was the direct result of the LEA’s failure to implement the IEP.

Public Law 99-457 (An Amendment to P.L. 94-142)

The major amendments are as follows. All rights and protection of P.L. 94-142 are extended to disabled children ages three through five years in school year 1990-91. To support the achievement of this objective, the prior Preschool Incentive Grant Program (P.L. 94-142, Section 619) is revised to reflect authorization of a dramatic increase in the federal fiscal contribution for this age group.

Ed Code Section 56425.5 - Early Intervention (Part H)

The Legislature hereby finds and declares that early education programs for infants identified as individuals with exceptional needs, which provide educational services with active parent involvement, can significantly reduce the potential impact of many disabling conditions and positively influence later development when the child reaches school age.

Early education programs funded pursuant to Sections 56427, 56428, and 56728.8 shall provide a continuum of program options provided by a transdisciplinary team to meet the multiple and varied needs of infants and their families. Recognizing the parent as the infant's primary teacher, it is the legislature's intent that early education programs shall include opportunities for the family to receive home visits and to participate in family involvement activities pursuant to sections 56426.1 and 56426.4. It is the intent of the legislature that, as an infant grows older, program emphasis would shift from home-based services to a combination of home-based and group services.

It is further the intent of the legislature that services rendered by state and local agencies serving infants with exceptional needs and their families be coordinated and maximized.

Americans With Disabilities Act of 1990

The purpose of the Americans With Disabilities Act is to establish a clear and comprehensive mandate to end discrimination against people with disabilities.

Public Law 99-372, Handicapped Children's Protection Act

This law provides that in any action or proceeding brought under the Education Handicapped Act (EHA), a court may award reasonable attorney's fees to the parents or guardian of a disabled child or youth who is the prevailing party. Fees are based on the rates prevailing in the party's community for the kind and quality of services performed.

Public Law 98-524, Carl D. Perkins Vocational Education Act

Public Law 98-524 has two broad themes. First, the Act is intended to make vocational programs accessible to all persons including disabled and disadvantaged persons, single parents and homemakers, adults in need of training and retraining, persons participating in programs designed to eliminate sex bias and stereotyping in vocational education, and incarcerated persons. Second, the Act is intended to improve the quality of vocational education programs in order to give the nation's workforce the marketable skills needed to improve productivity and promote economic growth.

Public Law 93-112, The Vocational Rehabilitation Act Section 504

Section 504 guarantees that people with disabilities may not be discriminated against because of their disability. While P.L. 94-142 protects children in the area of education, Section 504 protects for life those with disabilities and encompasses the right to vote, to an education, accessibility, employment, etc., and is accessed through general education.

The Rehabilitation Act of 1973 is known as the first federal Civil Rights Law protecting the rights of the disabled. It states that "No...qualified disabled individual...shall, solely by reason of the handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

The Lanterman Act

The Lanterman Developmental Disabilities Services Act established the Regional Center system which purchases services for persons who are developmentally disabled.

The legislation lists specific rights:

- to treatment and rehabilitation;
- to live a normal, productive and independent life;
- to be provided a full measure of dignity, privacy and human care; and
- to participate in an appropriate, free educational program.

Public Law 93-380, The Family Educational Rights and Privacy Act

Section 504 is the section of the Rehabilitation Act of 1973, Public Law 93-112, which applies to persons with disabilities. It is a civil rights act which prohibits organizations that receive federal funds from discriminating against otherwise qualified individuals solely on the basis of a disability. Section 504 is enforced by the Office for Civil Rights (OCR). Its regulations are in 34 Code of Federal Regulations 104. The statute provides: No otherwise qualified individual with disabilities in the United States shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

504 Eligibility

For students, eligibility under 504 means a student of school age who has a physical or mental impairment which substantially limits one or more major life activities such as caring for one's self, performing a manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Schools generally need to concern themselves with the major life activity of learning. Eligible students may include those with learning disorders, communicable diseases, temporary disabling conditions, ADD/ADHD, chronic illness, or physical disabilities.

Section 504 is not an aspect of "special education". Rather, it is a responsibility of the comprehensive general public education system.

All students who are enrolled in special education are automatically covered by 504 regulations. Normally, a 504 plan is not necessary for special education students, as the Individual Education Plan (IEP) provides a higher level of service than a 504 plan. In regard to the possibility of special education placement for a 504 student, it must be kept in mind that Section 504, along with the Individuals with Disabilities Act (IDEA), and the Americans with Disabilities Act (ADA) were enacted by Congress to end the practice of automatically segregating persons with disabilities on the basis of their labels. A Joint Policy Memorandum, issued by the Assistant Secretaries for the Office of Special Education and Rehabilitative Services; the Office for Civil Rights; and Office of Elementary and Secondary Education, states that the proper placement of a 504 student is in the regular classroom, with a regular educator who has been trained in making necessary adaptations. The child's education must be provided in the general education classroom unless it is demonstrated that education in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. (34 CFR 104.34)

504 and ADD/ADHD

Section 504 can provide an ideal mechanism for addressing ADD/ADHD through reasonable adaptations and interventions in the regular classroom. If a student who is diagnosed as having ADD/ADHD does not meet legal criteria for special education placement, the district must evaluate the child to determine whether he or she is disabled as defined by Section 504. Evaluation may include consideration of information from outside resource(s). If the school accepts the outside agency determination of ADD/ADHD, it is still the school personnel's responsibility to determine whether or not the disability "substantially limits a major life activity." Please note that ADD/ADHD alone is not sufficient for 504 eligibility.

The 504 Plan

Once eligibility is determined, "reasonable accommodations" must be provided, as agreed to by the team, or it may be agreed and documented that no accommodations are necessary at that time. The 504 plan is an individualized determination of the child's educational needs, including related aids and services, which are based upon information taken from a variety of sources. This determination is made by a group of persons knowledgeable about the student. The team should review the nature of the disability, how it affects the student's education, whether specialized interventions or services are needed, and, if so what those services should be. All information must be considered and documented. The parent must be an integral part of the 504 planning process.

California Code of Regulations - Title 5, Division 1, Chapter 3. Handicapped Children (Hughes Bill) 3052

An IEP team shall facilitate and supervise all assessment, intervention, and evaluation activities related to an individual's behavioral intervention plan. When the behavioral intervention plan is being developed, the IEP team shall be expanded to include the behavioral intervention case manager with documented training in behavior analysis including positive behavioral intervention(s), qualified personnel knowledgeable of the student's health needs, and others as described in Education Code Section 56341(c)(2). The behavioral intervention case manager is not intended to be a new staff person and may be an existing staff member trained in behavior analysis and having

technical expertise in completing a functional analysis assessment with an emphasis on positive behavioral interventions.

Behavioral intervention plans shall only be implemented by, or be under the supervision of, staff with documented training in behavior analysis, including the use of positive behavioral interventions. Such interventions shall only be used to replace specified maladaptive behavior(s) with alternative acceptable behavior(s) and shall never be used solely to eliminate maladaptive behavior(s).

Behavioral intervention plans shall be based upon a functional analysis assessment, shall be specified in the individualized education program, and shall be used only in a systematic manner.

Behavioral emergency interventions shall not be used as a substitute for behavioral intervention plans.

The elimination of any maladaptive behavior does not require the use of intrusive behavioral interventions that cause pain or trauma.

To the extent possible, behavioral intervention plans shall be developed and implemented in a consistent manner appropriate to each of the individual's life settings.

VIII. DICTIONARY OF SPECIAL EDUCATION TERMS

Accommodations: Techniques and materials that don't change the basic curriculum but do aid in learning and/or communication skills.

Advocacy: Recognizing and communication of needs, rights, and interests on behalf of a child; making informed choices.

Age of Majority: When a child turns eighteen, he/she is legally considered an adult and is afforded all rights of being so.

Assessment: A collecting and bringing together of information about a child's needs, which may include social, psychological, and educational evaluations used to determine services; a process using observation, testing, and test analysis to determine an individual's strengths and weaknesses in order to plan his or her educational services.

Assistive Technology: Any item, piece of equipment, or system that helps kids with disabilities bypass, work around, or compensate for specific learning deficits.

Attention-Deficit/Hyperactivity Disorder (AD/HD): A neurobehavioral disorder that causes an individual to be inattentive or hyperactive/impulsive, or to display a combination of those symptoms.

Auditory Processing: The ability to understand and use information that is heard, both words as well as nonverbal sounds.

Autism: A disability—characterized by severe language and communication deficits, lack of normal relatedness, unusual movement and self-stimulatory patterns, lack of normal handling of toys and other objects, and a lack of most normal functional skills.

Behavioral Emergency: The demonstration of a serious behavior problem (1) which has not previously been observed and for which a behavioral intervention plan has not been developed; or (2) for which a previously designed behavioral intervention is not effective. Approved behavioral emergency procedures must be outlined in the special education local planning area (SELPA) local plan.

Behavioral Intervention: The systematic implementation of procedures that result in lasting positive changes in the individual's behavior.

Behavioral Intervention Case Manager: A designated certificated school/district/county staff member(s) or other qualified personnel contracted by the school district or county office who has been trained in behavior analysis with an emphasis on positive behavioral interventions.

Behavioral Intervention Plan: A written document which is developed when an individual exhibits a serious behavior problem that significantly interferes with the implementation of the goals and objectives of the individual's IEP. The behavioral intervention plan shall become part of the IEP. Requires a functional analysis assessment.

Behavior Support Plan: Developed by IEP team as needed. Does not require a functional analysis assessment.

CAHSEE: California High School Exit Exam - State law passed in 1999. Implementation timeline pending. Passing required for diploma issuance. Individual school board waivers may apply.

CAPA: California Alternate Performance Assessment: The alternate assessment to STAR (California Standardized Testing & Reporting) Program for children who cannot take part in general statewide assessment.

Cerebral Palsy (CP): A disorder, not a disease, caused by damage to the brain, usually at birth. May result in neurologically related conditions: seizures, mental retardation, abnormal sensation and perception, impairment of sight, hearing or speech.

Certificate of Achievement: Awarded to students per individual district policy. Do not pass CAHSEE.

Certificate of Completion: Awarded to students per individual district policy. Do not pass CAHSEE.

Chronologically Age-Appropriate: Making the activities, behaviors, or settings of a disabled child as similar as possible to those of a non-disabled child of the same age.

Cognitive Abilities: The mental process of knowing, including aspects such as awareness, perception, reasoning and judgment.

Collaboration: Working in partnership on behalf of a child, e.g., parent and teacher, or special education teacher and general education teacher.

Community Advisory Committee (CAC): A legally mandated group formed to advise local governing bodies about issues which affect our children in special education. The members of CAC are primarily composed of parents of special needs children. In addition, our membership includes representatives from public and private agencies concerned with individuals with exceptional needs.

Community Based Instruction (CBI): A model for delivery of instruction in which the IEP goals are met in a “natural” age-appropriate setting. For example, math, sequencing, travel, and social skills may all be developed in the setting of a trip to the grocery store.

Consent: Parent(s) have been fully informed of all information relevant to the activity for which consent is sought, in the primary language, or other mode of communication of the parent. The parent understands and agrees in writing to the carrying out of the activity for which the consent is sought and the consent describes that activity including lists of the records (if any) that will be released and to whom. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

Deaf-Blind (DB): A disability - a loss of both hearing and vision abilities requiring special education to achieve full potential.

Developmental Disability: A disability originating in the developmental period (before 18) which is due to mental retardation, cerebral palsy, epilepsy, autism, or other conditions found to be closely related to retardation. Constitutes a substantial handicap to the person in three or more areas of major life activity.

Developmentally Delayed (DD): A term used to describe the development of children who are not able to perform the skills other children of the same age are usually able to perform.

Diploma: Issued upon completion of all district requirements including CAHSEE, if required.

Designated Instruction Services (D.I.S.): Those services as defined by Federal and State laws which may be needed by students to make adequate progress per IEP expectations (see pages 15 and 16).

Disability Code: Areas of student eligibility for special education (mental retardation, hard of hearing, deafness, speech or language impairment, visual impairment, emotional disturbance, orthopedic impairment, other health impairment, specific learning disability, deaf-blindness, multiple disability, autism, traumatic brain injury).

Discrepancy: A difference between two tests, such as intellectual ability and achievement.

Down's Syndrome: Also known as trisomy 21, the condition is characterized by mental deficiency, physical abnormalities, and a higher than usual susceptibility to infection.

Due Process: Procedural safeguard to protect the rights of the parent/guardian and the child under federal and state laws and regulations for special education; includes voluntary mediation or a due process hearing to resolve differences with the school.

Early Intervention Program: A program in which problems that have been discovered in a child's development are remediated before the child's later development and learning are seriously affected.

Educational Specialist (Program Specialist): SELPA staff who work in a supporting role to district personnel, parents, and others in the community providing consultation and curriculum assistance.

Emergency Interventions: May be used by school personnel to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the individual or others or serious property damage.

Emotionally Disturbed (E.D.): A particular category of exceptionality as defined by Federal and State laws oriented towards students considered emotionally or behaviorally exceptional. After formal assessment, services may be provided through the IEP process.

English Language Learner (ELL): Students for whom parents indicate a language other than English as primary for student on home language survey.

Epilepsy: A chronic disorder of the central nervous system which causes seizures characterized by sudden, brief attacks of altered consciousness and motor activity (movement).

Evaluation: Procedures used to determine whether a child has disabilities and the nature and extent of the special education and related services that the child needs. The term means procedures used selectively with an individual child and does not include basic test administered or procedures used with all children in a school, grade or class.

Extended School Year (ESY): Additional instruction beyond the normal school year, normally conducted during the summer months. IEP team determines need related to regression, recoupment patterns and need to endure FAPE.

Free Appropriate Public Education (FAPE): Entitles a public school child with a disability to an educational program and related services to meet her unique educational needs at no cost to the parents; based on IEP; under public supervision and meets state standards.

Functional Analysis Assessment: Assessment conducted by a person who has documented training in behavior analysis with an emphasis on positive behavioral interventions.

Gifted and Talented Education (GATE): A program designed to meet the educational needs of students with above average intelligence in specific learning areas. A student may be eligible for both special education and GATE.

Hearing Disabled/Hearing Impaired (DHOH): A disability—a hearing loss that interferes with the ability to understand or use language and that affects learning in school.

Inclusion: Bringing the services to the child rather than bringing the child to the services. Involvement in mainstream activities comparable to those provided general education students is the focus.

Independent Educational Evaluation (IEE): Evaluation (assessment) conducted by a qualified examiner who is not employed by the local educational agency (LEA) responsible for the education of the child in question.

Individual Transition Plan (ITP): An educational plan designed to facilitate a student's move from one setting to another (e.g., from one class room or school to another or from school to work).

Individuals with Disabilities Education Act (IDE/IA 2004): Federal law that provides for special education and related services to eligible children with disabilities.

Individualized Education Program (IEP): A written document, mandated by law, that defines a child's disability, states current levels of educational performance, describes educational needs, and specifies annual goals and short-term objectives.

Individual Program Plan (IPP): An annually-reviewed record of program and service needs provided by the Regional Center (i.g., respite care, behavior management training, etc.)

Individual Transition Plan (ITP) Life/Career Planning: A written plan of life and career goals to help the student plan his/her future through school and into adult life. Under IDEA Reauthorization, this plan is required to begin no later than the student's 16th birthday.

Individualized Family Service Plan (IFSP): See Early Intervention Program. Also includes services the family will receive. Birth through 3 years of age.

Individual with Exceptional Needs (IWEN): Legislative term for students with special needs.

Local Educational Agency (LEA): A school district, a county office of education, or a charter school participating as a member of a special education local plan area, or a special education local plan area.

Least Restrictive Environment (LRE): A term referring to a federal mandate that students with special education needs are offered programs to promote maximum interaction with general education students as close to home as possible.

Low Incidence: Students with more involved disabilities in the areas of hearing, vision, hearing and vision, and hearing, vision and orthopedic disabilities.

Mainstreaming: A term which refers to the time a special education student participates in chronologically age-appropriate general education activities, either academic or nonacademic (e.g., math and reading or lunch, recess, and art).

Mental Retardation: Present when a person has intellectual function that is more than two standard deviations below the norm: mild retardation – IQ scores between 55-59; moderate retardation – IQ scores between 40-45; severe retardation – IQ scores between 25-39 and profound retardation – IQ score 25.

Modification: Changes in the delivery, content, or instructional level of a subject or test. They result in altered expectations and create a different standard for children with disabilities than for those without disabilities.

Multidisciplinary Team: Professionals with different training and expertise; may include, but not limited to, any combination of the following public school personnel – general education teacher, special education teacher, administrator, school psychologist, speech and language therapist, counselor – and the parent.

Muscular Dystrophy: A progressive muscle deterioration that usually starts between the ages of three and five years, beginning with leg weakness and progressing to generalized muscle weakness.

Non-Public Agency: A private establishment or individual that provides related services necessary for an individual with exceptional needs to benefit educationally from the pupils' educational program pursuant to an individualized education program and that is certified by the department. The nonpublic agency shall also meet standards as prescribed by the superintendent and board.

Non-public School (NPS): A private placement of a child whose needs cannot be served within the special education programs offered within the SELPA.

Other Health Impaired (OHI): A disability—having a chronic health problem which affects learning in school.

Orientation and Mobility (O & M): A related service—a child with visual impairments is trained to know where his or her body is in space and to move through space.

Orthopedically Handicapped (OH): A disability involving the neuromuscular skeletal system that affects the ability to move, as in paralysis or cerebral palsy.

Perceptual Motor Skills: The ability to perceive a situation, evaluate it and make a judgment on what action to take (e.g., copying shapes or crossing a street).

Primary Language: Language other than English, or other mode of communication such as sign language, that the child first learned, or the language that is spoken in the home that parent indicates on form.

Psychoeducational Assessment: Information gathered through formal assessment/observation/interviews obtained by a certified school psychologist presented to the IEP team for review and consideration. Information is used to determine eligibility for special education services oriented toward instructional placement.

Referral: A written request for assessment to see if the child is a “child with disability” who needs special review by legal guardians and others directly involved in his/her education.

Resource Specialist Program (RSP): Oriented towards student eligibility through IEP procedures for remedial services based on needs within the general education program.

Response to Intervention (RTI): IDEA 2004. Districts may use RTI as part of eligibility determination process for special education.

Severely Handicapped (SH): Designation of students considered severely disabled according to State and Federal eligibility criteria.

Special Day Class (SDC): For identified special education students who need services over half of the instructional day as defined within the IEP process.

Special Education Local Plan Area (SELPA): An area within San Joaquin County 11 school districts that works as a separate entity in complying with State and Federal laws related to services for disabled children. The focus is on a regionalized service delivery model.

Short Term Objectives/Benchmarks: Specific, measurable goals listed on the Individualized Education Program (IEP).

Specific Learning Disabled (SLD): A disability - a child’s general education classroom performance is significantly below expected levels; also a disability category containing the often used labels of severely learning disabled, mentally disabled, and mildly mentally disabled.

Star Testing: STAR Testing (State Testing And Reporting) CAT 6, Standards Test, CAPA.

Student Study Team - (Student Success Team) - SST: Students often need a variety of services. SST’s are in place at each school site to consider students who may need support or services prior to formal referral to special education.

Triennial: Federal and State laws mandate special education students be assessed no later than every 3 years to determine current needs and continued eligibility. This information is provided by a multi-disciplinary team and is presented to the IEP team including parents and student for consideration.

Visually Impaired: An individual with diminished eyesight capabilities.

Visual Processing: The ability to interpret and understand and use information that is seen.

WorkAbility I: San Joaquin SELPA receives monies for an ongoing program oriented toward the Developmentally Disabled. It provides services in the area of community based job training.



IX. RESOURCES FOR PARENTS

AREA VI DEVELOPMENTAL DISABILITIES BOARD

2529 March Lane, Suite 105

Stockton, CA 95207

Phone: (209) 473-6930

Fax: (209) 473-6932

Web Address: www.scdd.ca.gov/area_boards.htm

Email Address: dena.hernandez@scdd.ca.gov

ASSOCIATION FOR RETARDED CITIZENS (ARC) SAN JOAQUIN

807 N. San Joaquin Street, Suite 101

Stockton, CA 95202

Phone: (209) 955-1625

Fax: (209) 955-1627

This agency provides vocational and day training for adults with mental retardation; Special Olympics and other recreation services for children and adults.

CALIFORNIA CHILDREN SERVICES (CCS)

420 South Wilson Way

Stockton, CA 95205

Phone: (209) 468-3900

Fax: (209) 953-3632

Web Address: <http://www.dhs.ca.gov/pcfh/cms/ccs/>

This State agency provides specialized medical care and rehabilitation for physically disabled children, whose families are partially or wholly unable to provide for such services.

CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

1900 Capitol Avenue

Sacramento, CA 95811-4213

Phone: (888) 921-2682

Fax: (916) 327-3166

Web Address: www.ctc.ca.gov

Email: credentials@ctc.ca.gov

Information on teacher credentials.

CALIFORNIA DEPARTMENT OF DEVELOPMENTAL SERVICES

Prevention and Children Services Branch

1600 9th Street

Sacramento, CA 94244-2020

Phone: (916) 654-1690 TTY (916) 654-2054

Fax: (916) 654-3255

Web Address: www.dds.ca.gov

Email Address: earlystart@dds.ca.gov

DDS is the agency through which the State of California provides services and supports to children and adults with developmental disabilities. These disabilities include mental retardation, cerebral palsy, epilepsy, autism and related conditions.

CALIFORNIA DEPARTMENT OF EDUCATION

1430 N. Street, Suite 2401

Sacramento, CA 95814

Phone: (800) 926-0648 (916) 319-0800

Fax: (916) 327-3704

Web Address: www.cde.ca.gov/sp/se

Help Line – Special Ed. Division, Procedural Safeguards & Referral Service.

COMMUNITY ADVISORY COMMITTEE (CAC)

2707 Transworld Drive

Stockton, CA 95206

Phone: (209) 468-4928

Fax: (209) 468-4979

Web Address: www.sjcoe.org/selpa/comm_adv.aspx

The CAC (Community Advisory Committee) is a legally mandated group formed to advise local governing bodies about issues, which affect our children in special education. The function of this organization is to provide parent education and support. Promoting community awareness and educating the public about individuals with special needs is an important part of the CAC.

COMMUNITY BLIND CENTER

130 W. Flora Street

Stockton, CA 95202

Phone: (209) 466-3836

Fax: (209) 466-5692

Web Address: www.communitycenterfortheblind.org

Email Address: info@communitycenterfortheblind.org

We provide services to promote self-worth, maximize independent functioning and enhance integration into the mainstream of society.

CALIFORNIA RURAL LEGAL ASSISTANCE – Stanislaus County

1111 "I" Street, Suite 310

Modesto, CA 95354

Phone: (209) 577-3811

Fax: (209) 577-1098

Web Address: www.crla.org

Will attend IEP meetings. Income eligibility verified when application is taken.

DISABILITY RIGHTS EDUCATION & DEFENSE FUND (DREDF)

3075 Adeline Street, Suite 210

Berkeley, CA 94703

Phone: (510) 644-2555

Fax: (510) 841-8645

Web Address: www.dredf.org

Email Address: dredf@dredf.org

This agency provides referral, technical assistance and legal support services to parents of disabled children.

DRAIL (Disability Resources Agency for Independent Living) San Joaquin County

501 W. Weber Avenue, Suite 200A

Stockton, CA 95207

Phone: (209) 477-8143

Fax: (209) 477-7730

Web Address: www.drail.org

Email Addresses: Jeff Vierra at jeff@drail.org

Eileen Preciado at eileen@drail.org, OR (209)507-8304

Will attend IEP meetings. No cost. Must be a consumer of this agency.

EASTER SEAL SOCIETY

7273 Murray Drive #1

Stockton, CA 95210

Phone: (209) 957-3625

Fax: (209) 957-6031

Web Address: www.easterseals-superiorca.org

Easter Seal Society is a nonprofit rehabilitation center providing physical therapy, water therapy, occupational therapy, speech therapy, outdoor camping experiences and has a loan closet for assistive devices.

EPILEPSY FOUNDATION OF NORTHERN CALIFORNIA

155 Montgomery Street, #309

San Francisco, CA 94104

Phone: (800) 632-3532 or (415) 677-4011

Fax: (415) 677-4190

Web Address: www.epilepsynorcal.org

Email Address: esnca@epilepsynorcal.org

The Epilepsy Foundation helps people with epilepsy and their families deal with the practical consequences of seizures, offering advocacy, professional training, support groups, and educational programs.

FAMILY RESOURCE NETWORK (FRN)

5250 Claremont Avenue, #148

Stockton, CA 95207

Phone: (800) 847-3030 or (209) 472-3674

Fax: (209) 472-3673

Web Address: www.frcn.org

Email Address: FRNfamilies@aol.com

Parent run organization that offers support and resources for families of special needs children.

MENTAL HEALTH CRISIS

P.O. Box 42557

Washington, DC 20015

Phone: (800) 789-2647 TDD: (866) 889-2647

Fax: (240) 747-5475

Web Address: <http://www.mentalhealth.samhsa.gov/>

Email Address: e-mail form on web site

SAN JOAQUIN COUNTY MENTAL HEALTH

1212 N. California St.

Stockton, CA 95202

Business Phone: (209) 468-8700

Crisis Phone: (209) 468-8686

Children's Mental Health: (209) 468-2385

NORCAL CENTER ON DEAFNESS

5637 North Pershing Ave #B-7

Stockton, CA 95207

Phone: (209) 474-3088

Fax: (209) 474-1570

Web Address: <http://www.norcalcenter.org/>

This center promotes independence and equality for hearing impaired children.

**OFFICE OF CIVIL RIGHTS, UNITED STATES DEPARTMENT OF EDUCATION
DEPARTMENT OF ED/OCR-SECTION 504**

San Francisco Office, Region IX
Office for Civil Rights
U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105-1813
Phone: (415)-486-5555
Fax: (415)-486-5570; TDD: 877-521-2172
Email: ocr.sanfrancisco@ed.gov

**OFFICE OF CLIENT'S RIGHTS ADVOCACY: A PROGRAM OF DISABILITY RIGHTS
CALIFORNIA**

702 N. Aurora Street
Stockton, CA 95202
Phone: (209) 242-2127
Fax: (209) 462-7020
Web Address: www.disabilityrightsca.org
Email Address: info@disabilityrightsca.org

SAN JOAQUIN SPECIAL EDUCATION LOCAL PLAN AREA DISTRICT MEMBERS

Banta Elementary School District
(209) 835-0843

Escalon Unified School District
(209) 838-8910

Jefferson Elementary School District
(209) 839-1842

Lammersville Unified School District
(209) 836-7400

Lincoln Unified School District
(209) 953-8726

Linden Unified School District
(209) 931-2192

Manteca Unified School District
(209) 858-0837

New Jerusalem School District
(209) 835-2597

Ripon Unified School District
(209) 599-2131

San Joaquin County Programs
(209) 468-9279

Tracy Unified School District
(209) 830-3270

SOCIAL SECURITY ADMINISTRATION

4747 Feather River Drive
Stockton, CA 95219
Phone: 877-803-6314
Web Address: www.socialsecurity.gov

UNITED CEREBRAL PALSY ASSOCIATION OF SAN JOAQUIN COUNTY (UCPA)

333 W. Benjamin Holt Drive, Suite 1

Stockton, CA 95207

Phone: (209) 956-0290 (800) 479-0311

Fax: (209) 956-0294

Web Address: www.ucpsj.org

This agency provides information, advocacy, family support network and out-of-home child care in an integrated environment.

VALLEY MOUNTAIN REGIONAL CENTER (VMRC)

702 North Aurora Street

Stockton, CA 95202

Phone: (209) 473-0951

Fax: (209) 956-6439

Web Address: www.vmrc.net

This center provides clinical assessment, case management, individual program planning, prevention services and coordination of community services.