



**El Rancho Unified School District**  
**Special Education Parent Handbook**  
**2016-2017**

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**ERUSD Mission Statement:**

The mission of the El Rancho Unified School District, in partnership with the community, is to provide an innovative and challenging learning environment that promotes excellence. We will prepare students as life-long learners to succeed academically, intellectually, socially, emotionally and culturally.

**Purpose:**

This Student Services and Special Education procedural handbook is to serve as a consistent resource and guide for the identification, assessment, placement and instruction of students with exceptional needs as well as to provide a clear, consistent, systematic approach to best practices for all students.

This document describes the policies and procedures governing the education of students with disabilities in the El Rancho Unified School District (ERUSD). These services are governed by a variety of federal laws and regulations, including, but not limited to, the Individuals with Disabilities Education Act (IDEA), and are implemented through state law and mandate.

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## **INTRODUCTION**

This handbook has been prepared for the parents of children with disabilities. We hope this handbook will help you understand more about the process of obtaining appropriate educational services for your child. Parents and educators are partners in planning for the exceptional needs of each child. As a parent, it is important to:

1. Be active in the entire planning process
2. Know your rights and those of your child
3. Ask questions
4. Learn about your child's exceptional needs
5. Ask for help if you need it
6. Be active in your child's education program
7. Be a confident advocate for your child

The questions answered in this booklet are the questions parents ask most often. If you have questions which are not answered here or you need clarification of an answer, feel free to call or visit your district director, coordinator of special education or call the ERUSD office at (562) 801-4810.

## **SPECIAL EDUCATION**

Special education is defined by Federal (Individuals with Disabilities Education Act, I.D.E.A.) and State law (Education Code) as specially designed instruction, at no cost to the parents to meet the unique needs of the individual with exceptional needs. Everyone has relative learning strengths and weaknesses. When a child's identified disability is so severe that it significantly impacts his/her educational performance, the student may be found eligible for special education services.

### ***1. WHO MAY RECEIVE SPECIAL EDUCATION SERVICES?***

In order to be eligible for special education, the student must exhibit one or more of the following disabling conditions:

- a. Autism
- b. Deaf
- c. Deaf/Blind
- d. Emotional Disturbance
- e. Established Medical Disability (Preschool Only)
- f. Hard of Hearing
- g. Language/Speech
- h. Intellectual Disability
- i. Multi Handicapped
- j. Other Health Impairment
- k. Severe Orthopedic Impairment
- l. Specific Learning Disability
- m. Traumatic Brain Injury
- n. Visually Impaired

### ***2. WHAT ARE OTHER GENERAL TERMS WHICH MAY REFER TO CHILDREN WITH THESE DISABLING CONDITIONS?***

Students with one or more of these disabling conditions may also be referred to by using terms such as:

- Individuals with Exceptional Needs (IWENS)
- Exceptional Children
- Children with Disabilities
- Children with Exceptional Needs

### **3. DO DIFFERENT AGENCIES USE DIFFERENT TERMS AND GUIDELINES?**

Yes. Since various state and federal agencies operate under different laws and guidelines, the eligibility criteria may differ significantly. The same term may also be used by various state and local agencies with different meanings. This can be very frustrating and confusing to parents seeking assistance for their child. Therefore, parents should ask for clarification of terms from any agency providing services.

### **4. DO ALL STUDENTS WITH AN IDENTIFIED DISABILITY REQUIRE SPECIAL EDUCATION?**

No. Special education is not for all children with exceptional needs. Many are able to and should attend school without any change in the classroom program. Special education is only appropriate when modifications in the regular classroom are not sufficient to meet the child's educational needs. If, through assessment, a special education program is determined necessary for your child, an Individualized Education Program (IEP) will be developed to specify goals. For children with disabilities who take the California Alternate Performance Assessment (CAPA) aligned to alternate achievement standards, a description of benchmarks or short term objectives is required.

### **5. WHAT IS AN IEP?**

The IEP (Individualized Education Program) is a written statement designed during an IEP Team Meeting. Some of the items the IEP include:

1. The present level of academic achievement and functional performance.
2. Goals (and objectives for CAPA Students) which include criteria for evaluation.
3. Specific special education instruction and/or related services to be provided.
4. The extent your child will be able to participate in the regular program.
5. Projected date for initiation and the anticipated duration and location of services.

### **6. WHO ARE THE MEMBERS OF THE IEP TEAM?**

1. One or both of the student's parents
2. Not less than one general education teacher of the student, if the student is, or may be, participating in the general education environment
3. Not less than one special education teacher of the student, or if appropriate, not less than one special education provider of the student.
4. A representative of the local educational agency who meets all of the following:
  - a) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of individuals with exceptional needs
  - b) Is knowledgeable about the general education curriculum
  - c) Is knowledgeable about the availability of resources of the local educational agency (Note: This person may serve a dual role. For example, he or she may also be a Special Education Teacher if he or she has been given these two roles by school administration)
5. An individual who can interpret the instructional implications of the assessment results. The individual [may also serve a dual role].
6. At the discretion of the parent, guardian, or the local educational agency, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate.
7. Whenever appropriate, the individual with exceptional needs.

### **7. WHEN AND HOW IS THE INDIVIDUALIZED EDUCATION PROGRAM (IEP) IMPLEMENTED?**

You must first give your written permission for assessment and then again for the initial IEP before any services can be implemented. As soon as possible thereafter, the program as developed in the IEP will be provided. Generally you will be asked to sign permission at the end of the IEP meeting. You may take a copy home for review prior to signing if you desire. No services will begin, however, until your written permission is provided to the district.

## **CHILD FIND AND REFERRAL**

School personnel and other concerned parties are responsible for identifying children who are having difficulty in school and may need special education services. Teachers usually contact a parent and talk over these concerns. Others who are in contact with children including parents, doctors, child care workers, etc., may also recognize that a child is having difficulties with some aspect of development.

### **8. HOW DO I KNOW IF MY INFANT OR PRESCHOOLER MIGHT NEED A SPECIAL EDUCATION PROGRAM?**

If you suspect your child is having difficulty learning and is an infant, ages birth through two years eleven months, or preschool age, 3 years through 4 years 9 months, contact the WACSEP office at (562) 945-6431

### **9. HOW DO I KNOW IF MY SCHOOL-AGE CHILD MIGHT NEED A SPECIAL PROGRAM?**

If your child has a demonstrated problem that prevents functioning effectively in a regular school program without special assistance, then your child may need a special program. Special education is one kind of special program. Public schools also have other programs available to assist students who need help, such as programs for students with limited English ability, School Improvement Programs, and Response to Instruction Programs.

### **10. WHAT IS RESPONSE TO INSTRUCTION?**

Response to instruction is the practice of providing high-quality instruction and intervention matched to student need, monitoring progress frequently to make important decisions about change in instruction or goals, and applying child response data to important educational decisions in the general education environment.

### **11. WHOM DO I CONTACT IF I HAVE A CONCERN?**

First, contact your child's teacher. If you are not able to resolve the problem, then speak to the principal. He/she may be able to suggest other school programs or modifications to help your child. School sites often have other staff, such as a Resource Teacher or Counselor, to talk to you about your concerns. If you don't feel your concerns are being addressed, call the school district office and talk to someone in the special education department.

### **12. WHAT HAPPENS BEFORE A REFERRAL TO SPECIAL EDUCATION?**

Before the school refers a student for a special education assessment, certain modifications of the student's current program must have been considered and, where appropriate, utilized. The first step is usually the referral to the Student Study Team (SST). The SST is made up of teachers, school administrators, and other specialists, such as, Speech-Language Pathologist (SLP) also known as the Speech/Language Specialist or Speech Therapist, counselors, or the reading specialist. The purpose of the SST is for general education teachers to identify the students' problems and to use all the resources available to the general education classroom to solve them. This may include providing increasing intensive interventions to help the student make appropriate progress. Students should be referred to Special Education only after all other school resources have been considered and appropriately used in a general classroom experience. Parents are strongly urged to utilize the general education intervention process before referring to Special Education; however, parents may at any time officially refer the student, in writing, for an assessment to determine Special Education eligibility. The SST process is not a required part of the IEP eligibility process (See question #16, "What is Referral for Special Education Assessment").

### **13. WHAT ARE SOME OF THE PROGRAM MODIFICATIONS THE SCHOOL MIGHT CONSIDER AND UTILIZE?**

The Student Study Team may consider many options to assist the student. These options include but are not limited to:

- a. Classroom modifications
- b. Other general education programs such as Migrant Education, Alternative Programs, and/or programs for basic skills remediation (Chapter 1, Remedial Reading, Learning Assistance Specialist, RTI etc.)
- c. Using special materials
- d. Specialized Remedial Program(s)
- e. Behavior Contracts

- f. Counseling
- g. Schedule Changes
- h. Modified Day
- i. Independent Study
- j. Retention
- k. Suggestions for parents to implement at home
- l. Referral to other agencies or medical professionals

**14. WHY IS THE STUDENT STUDY TEAM PROCESS NECESSARY?**

The use of the SST assists regular classroom teachers in modifying instruction for students having difficulty in their classrooms. It also helps prevent identifying students as students with exceptional needs when all they really need is a little extra attention.

The SST also assists in documenting that modifications in the regular classroom have been implemented and whether these modifications meet the student's educational needs. Documentation that the classroom modification cannot meet student needs is a necessary part in determining that the student may require special education programs and services. When the members of the SST believe that all reasonable alternatives have been tried and are not sufficient, a referral should be initiated for special education assessment. Parents may refer for assessment while other informal interventions are occurring.

**15. DOES SOMEONE CONTACT ME IF SPECIAL EDUCATION SERVICES ARE BEING CONSIDERED?**

Parents have the right to be a part of the Student Study Team process and will know of the referral for assessment by participating at the SST meeting. If the parent is not in attendance when the referral is made by the Team, the parent will receive a "Notice of Receipt of Referral for Special Education Assessment" in the mail prior to or with the receipt of an Assessment Plan. Usually parents are contacted by phone to discuss the referral. You should discuss the Assessment Plan with your student's teacher, psychologist, or other specialist who is conducting the assessment to be sure you understand the process.

**16. WHAT IS A REFERRAL FOR SPECIAL EDUCATION ASSESSMENT?**

A formal referral is a written request for assessment to determine whether the student requires special education services. Within 15 days of receipt of the referral, an assessment plan may be submitted to the parent(s) for written permission to begin the evaluation or the district may choose to deny the assessment in the form of a written notice to the parent, explaining the reason why the district will not be assessing the student at this time. An initial assessment may not begin without written parental permission.

**17. WHO CAN MAKE A REFERRAL?**

In addition to the SST, a formal written referral for assessment can be made directly to the school site or district administrator by parent or guardian; school personnel; public or private agency; student; or other interested persons. However, the district may encourage the referring party to utilize the SST process since a direct referral does not eliminate the need for documentation of general education modifications. Parents are notified if anyone other than parent makes a referral. The district may decide if an assessment is appropriate or not. If an assessment is to be conducted, the parent will receive a Prior Written Notice and an Assessment Plan. If the district does not think an assessment is appropriate, the parent will be informed in writing why the assessment is not appropriate at this time in accordance with Individuals with Disabilities Education Act, Section 1415 (b)(3) and (4) and (c)(1) of Title 20 of the United States Code.

**18. WHAT IS 504?**

504 is NOT a special education law. It is a section of the Rehabilitation Act of 1973. Section 504 prohibits discrimination against handicapped persons, including both students and staff members, by school districts receiving federal financial assistance. All individuals who have exceptional needs under the Individuals with Disabilities Education Act (IDEA) are also considered to be handicapped and therefore protected under Section 504. However, all individuals who have been determined to be handicapped under Section 504 may not have exceptional needs under IDEA.

The IDEA defines as eligible only students who have certain specified types of disabilities and who, because of one of those conditions, need special education (specially designed instruction). Section 504, on the other hand, protects all handicapped students, defined as those having any physical or mental impairment that substantially limits one or



more major life activities (including learning). Section 504 covers all students who meet this definition, even if they do not fall within the IDEA enumerated categories and even if they do not need to be in a special education program. A 504 Plan is a protection for students who may need accommodations in the general education program but are not eligible for IDEA special education services.

## **ASSESSMENT**

An assessment is a comprehensive evaluation by a team of specialists that evaluates how a child is functioning in all areas related to his/her suspected disability.

Evaluation may include intellectual, academic, physical, motor, health, assistive technology, speech/language, and social-emotional development. The assessment team may include the school psychologist, language, speech and hearing specialist, resource specialist, remedial reading teacher, school nurse, general education teacher, and/or others, depending on the individual student's needs.

The specific areas to be evaluated will be specified on your child's assessment plan.

Your child cannot be initially assessed without your permission. Assessments must be completed and an Individualized Education Program (IEP) developed if the student meets eligibility as an individual with exceptional needs within 60 days of the date the signed assessment form is received by the district, not counting days of major school holidays and breaks between school sessions or terms of more than 5 school days.

Assessments may be conducted by one or more special education specialists. You may be contacted regarding your child's health & developmental history, your concerns, and other issues.

### ***19. WHAT HAPPENS WHEN I SIGN THE ASSESSMENT PLAN FORM?***

#### **THE ASSESSMENT PROCESS**

1. Parent signs Assessment Plan
2. Student is assessed by the appropriate school staff, for example, Psychologist, Special Ed. Teacher, Speech Therapist, Adaptive Physical Education Specialist, or others as needed.
3. A meeting is held with parent(s) to go over assessment results on or before 60 day of receipt of signed assessment plan. If assessments show student needs special help and the IEP Team determined the student is eligible for Special Education, the parent will be asked to help develop the IEP.
5. Student receives Special Education services.
6. Progress Reports
7. A review meeting with parent is held at school.

You will be asked to come to school for a meeting. If you request and the school staff agrees, you may participate by conference call. You will find out how your child did on the assessment. You may request a copy of the assessment for review prior to the meeting. A list of your child's strengths and needs should be discussed at this meeting. You may bring someone with you to the meeting (See question #29, "May I Bring someone to the Meeting"). If the IEP determines your child has a disability as defined

by law and requires instruction/services that cannot be provided with modification or the regular school programs, an IEP will be developed. You will receive a copy of the IEP and all reports. Your child cannot receive special education services without your permission (signature on IEP). Your child will then receive help from Special Education teachers and/or other specialists as needed. Progress Reports regarding goals (and objectives, if appropriate) will be sent home at the same frequency as school report cards. After your child has been in a Special Education Program for one year, or sometimes sooner, you will be asked to come to a meeting so you and the IEP Team can review your child's progress and revise the IEP. This is known as your child's Annual Review. However, you have the right as a parent/guardian to request a review of the IEP at any time.

### ***20. WHO SHALL I CONTACT IF I HAVE QUESTIONS ABOUT THE ASSESSMENT PLAN?***

The name and telephone number of a contact person will be listed on the assessment plan. If for some reason there is no name and number, contact the school principal or the special education office in your school district.

**21. HOW WILL THE ASSESSMENT BE CONDUCTED?**

Assessment information may be gathered in different ways: tests; observations; discussions with classroom teachers and parents; review of student work; and a review of previous records and educational or medical records from other agencies (with parent permission). A child must be assessed in all areas related to the suspected disability and no single test may be used to determine eligibility for special education.

**22. WHERE AND WHEN WILL THE ASSESSMENT TAKE PLACE?**

The assessment will be conducted during the school day. A student will be observed in class, and possibly on the playground, and may be taken to a quiet room for part of the assessment. Infants and preschoolers may be assessed in the home or at school.

**23. HOW LONG DOES THE ASSESSMENT TAKE?**

Assessments are completed within sixty (60) days after *written parental consent to the assessment plan is received by the district*. When the assessment is completed, a written report will be developed and explained to the parents. Not all children who are referred and assessed are found eligible for special education. The determination of whether or not your child is eligible for special education and appropriate services is made by the Individualized Education Program (IEP) Team.

**24. WHAT WILL THE REPORT(S) INCLUDE?**

Although the particular components may vary, generally the assessment report(s) will include:

- a. Background information, including developmental, health, and school history
- b. Summary and interpretation of actual test results
- c. Recommendations for educational needs
- d. Relevant behavior and relationship of observed behavior to student’s academic and social functioning
- e. For pupils with learning disabilities whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services
- f. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate
- g. The need for specialized services, materials, and equipment for pupils with low incidence disabilities

**25. ARE THERE ADDITIONAL COMPONENTS REQUIRED IN THE REPORT DEPENDING ON THE SUSPECTED AREAS OF DISABILITY?**

Yes. For example, additional components might include a vision report for the blind or visually impaired, a current audiogram for students who are hard of hearing or deaf, and a medical report for students who have orthopedic impairments or traumatic brain injury.

**26. HOW OFTEN WILL THESE ASSESSMENTS BE CONDUCTED?**

A full evaluation must be completed prior to the student's initial enrollment in special education. At least every 3 years a determination is made of what, if any, assessments will be conducted to determine the student’s continued eligibility for special education and his or her educational needs. Evaluations may be performed more frequently if school staff determines that additional assessment information is needed or if the parent or teacher requests a re-evaluation. Both the parent and an administrative representative must agree to evaluations conducted more often than once per year.

**INDIVIDUALIZED EDUCATION PROGRAM MEETING (IEP MEETING)**

The IEP Team Meeting is designed to give parents, the teacher, specialists, and the school administrator the opportunity to come together and review the present level of functioning of the child and then to plan an appropriate program, including goals and services. If assessments were administered, they will be reviewed and interpreted.

**28. WHAT HAPPENS AFTER THE ASSESSMENT IS COMPLETED?**

An IEP Team meeting will be held. You are a member of this team and must be invited, in writing, to attend the meeting. Attempts must be made to schedule the meeting on a date and time convenient to both you and the school personnel. The invitation will tell you the purpose of the meeting, date, time, place, and who will be in attendance. **If you cannot meet at the time scheduled, contact the person listed on the meeting notice as soon as possible to reschedule.** Parents shall be notified of the individualized education program meeting early enough to ensure an opportunity to attend.

**29. WHAT IS THE PURPOSE OF THIS MEETING?**

The purpose of this meeting is to review the assessment findings, determine if your child is eligible for special education, and, if eligible and in need of special education services, develop the Individualized Education Program (IEP). If an IEP is developed, the team will discuss your child's strengths and needs and determine appropriate goals, supports, and services that will enable your child to progress in the general education curriculum.

**30. WHO WILL BE AT THE MEETING?**

The administrator/designee who is knowledgeable about resources and curriculum; a special education teacher or service provider; a general education teacher (when appropriate); someone who can interpret evaluation results; you; your child (if appropriate); and others who have information about your child (see Question #6 for more in-depth description of the IEP Team members).

**31. MAY I BRING SOMEONE WITH ME TO THE MEETING?**

Yes. You may bring anyone you wish with you to the meeting, such as your child's regional center worker or social services worker. Be sure to notify him/her of the date, time, and location of the meeting. If you cannot attend the meeting, you may have someone attend in your place and speak for you. However, you must ultimately give your written permission for your child's placement in special education. You should notify the school of whether or not you will attend or if someone will be attending for you. You are encouraged to bring your child to the meeting if you feel he/she will benefit from the discussion. You may also request an interpreter to be present at the meeting.

It is also an option to request that you participate in the meeting via conference call. The school agency must agree to have a conference call IEP if one is requested.

**32. MAY I TAPE RECORD THE MEETING?**

Yes. The parent or guardian, district, special education local plan area, or county office shall have the right to record electronically the proceedings of IEP Team meetings on an audiotape recorder and shall notify the members of the IEP Team of their intent to record a meeting at least 24 hours prior to the meeting. If the parent or guardian objects or refuses to attend the meeting because it will be tape recorded, then the meeting shall not be recorded on an audiotape recorder. It is the parent's responsibility to record the meeting if he or she chooses. The district is only required to give a copy of a recording if the district has chosen to record the meeting. Then, if requested, the district is required to give the parent a copy of the recording at the parent's cost.

**33. HOW DO I PREPARE?**

You may want to review your child's past records for clues to any information which may assist the IEP team. Be sure to request records in advance of the time you want to see them. School records must be requested at least five days in advance. You may provide any information you want considered at the IEP meeting.

**34. AS THE ASSESSMENT RESULTS ARE SHARED, WHAT IS MY ROLE AS PARENT?**

You will be given a full explanation of the assessment findings. During this process you may present any additional information you have about your child, ask any questions you may have about the assessment or findings, and/or request the school to provide additional assessment if necessary. A copy of the written assessment report will be given to you. The assessment report, the IEP, and the meeting will be interpreted in your native language if requested.

**35. IF I NEED TIME TO THINK ABOUT WHAT IS PRESENTED, MAY I REQUEST A SECOND MEETING AT A LATER TIME?**

Yes. The meeting may be continued or tabled so you may consider the results and recommendations and you may request a second meeting.

**36. WHAT DO I DO IF I DO NOT AGREE WITH THE SCHOOL'S ASSESSMENT FINDINGS?**

If you disagree with an assessment obtained by the school district (also referred to as Local Education Agency (LEA)), you may be entitled to an independent educational assessment (best requested in writing) at the LEA's expense. However, the LEA may initiate a due process hearing to show that its assessment is appropriate. If the LEA's assessment is found to be appropriate, the LEA will not be required to pay for the parent's independent assessment. If the LEA requests an independent assessment, the parent is not responsible to pay.

**37. WHAT DO I DO IF I WANT MY CHILD ASSESSED BY SOMEONE OUTSIDE THE LOCAL EDUCATION AGENCY?**

You may obtain an independent assessment of your child at any time. Independent assessments not requested by the school district are at the parent's or other agency expense, and are not provided at public school expense. Independent assessments must be considered in the decision-making processes along with school assessments.

**38. WHAT DO I DO IF THE IEP TEAM FINDS THAT MY CHILD IS NOT ELIGIBLE FOR SPECIAL EDUCATION?**

If you, as part of the team, agree with the team's decision:

Sign the form indicating you agree. Discuss with the school staff any other plans or classroom modifications for your child's education program.

If you, as part of the team, **do not** agree with the team decision:

You may request:

- a. Additional assessment followed by a continuation of the IEP meeting.
- b. An administrative review with the district office special education staff.
- c. A state level hearing which may include mediation.

**39. WHAT HAPPENS IF THE IEP TEAM FINDS MY CHILD ELIGIBLE FOR SPECIAL EDUCATION?**

You and the team will develop an **Individualized Education Program** (IEP) specifically tailored to your child. The team may bring a draft of some of the goals (and objectives, if appropriate) being considered for your child to the meeting. Remember, these are drafts and can be changed. The drafts can be helpful in giving everyone something to look at and discuss. Parents are also encouraged to offer proposed goals (and objectives, when appropriate.)

**40. WHAT IS AN IEP?**

The IEP is a written legal document ideally developed in a collaborative and cooperative effort between parents and school personnel that describes the disabled child's disabilities and needs and prescribes the placement and services designed to meet the child's unique needs. The IEP will include:

- a. The present level of educational performance
- b. Goals (and objectives) as appropriate which include criteria for evaluation
- c. Specific special education instruction and/or related services to be provided
- d. An explanation of the extent your child will be able to participate in the regular program
- e. Projected date for initiation and the anticipated duration and location of services
- f. Participation in state and district wide tests
- g. How progress will be measured and how parents will be informed
- h. Transition service needs
- i. Age of majority – at age 18 student gains adult status for decision making

**When appropriate, the IEP should also include:**

- a. Extended school year services
- b. Provisions for transition into the regular program
- c. Access to Assistive Technology
- d. Specialized equipment, materials, and services for deaf, blind, and severely orthopedically impaired students
- e. Pre-vocational or vocational education
- f. Linguistically appropriate goals for students whose native language is other than English
- g. Special transportation arrangements when required

A parent has the right to refuse services after the initial assessment and Free and Appropriate Education (FAPE) has been offered at the initial IEP meeting.

***41. WHAT DO I DO IF I AGREE WITH SOME PARTS OF THE INITIAL IEP BUT NOT ALL OF IT?***

If for the initial IEP you agree that services should be provided, sign the IEP Signature and Parent Consent page with exceptions, listing the areas to which you do not agree. This way the student can receive services while you and the district members take time to work out the areas of non-agreement.

A parent also may choose not to sign the IEP until all areas of the IEP are agreed upon, but keep in mind that without signature, none of the services will be implemented. If the parent or guardian of a child who is an individual with exceptional needs refuses all services in the individualized education program after having consented to those services in the past but does not revoke consent to Special Education, the local educational agency may file a request for due process.

***42. HOW OFTEN MUST THE SCHOOL REVIEW MY CHILD'S SPECIAL EDUCATION PLACEMENT AND IEP?***

Every special education student must have his or her progress and Individualized Education Program (IEP) reviewed at least once each year. Teachers, however, will be monitoring each student's progress regularly throughout the school year. Progress toward annual goals will be reported to you in writing at least as often as students receive report cards in general education. **Parents may request an IEP review at any time.** The district will set a meeting within 30 days (not counting school breaks).

***43. CAN THE IEP BE TRANSFERRED TO ANOTHER SCHOOL DISTRICT?***

If you move to another district, take a copy of your child's annual IEP and most recent assessment to your new school district. The new district will implement your child's IEP with comparable services for 30 days as an administrative placement. Prior to the end of the 30-day administrative placement, an IEP meeting will be convened to review your child's IEP, revise if necessary, and specify the provision of services in your new district.

***44. WHAT HAPPENS IF I WANT TO DROP MY CHILD FROM SERVICES AFTER HE/SHE HAS BEEN RECEIVING SPECIAL EDUCATION SERVICES?***

If at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency may not continue to provide special education and related services to the child, but must provide prior written notice in accordance with 34 CFR Section 300.503 before ceasing such services.

**PROGRAM OPTIONS**

Special education is provided in the least restrictive environment (LRE) through a continuum of services and placement. Larger numbers of students are served in less restrictive environments, smaller numbers in more restrictive environments. A child's placement on the continuum may change as his/her needs change.

**45. WHAT IS THE LEAST RESTRICTIVE ENVIRONMENT (LRE)?**

The least restrictive environment for a student is the placement that realizes a match between the learning needs of the student and the conditions of the educational environment, while providing the student with the maximum integration with students who do not have exceptional needs.

The Code of Federal Regulations, Title 34 states:

"Each public agency shall insure that 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 that special classes, separate schooling or other removal of children with disabilities from the regular education environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."

**46. WHAT IS THE CONTINUUM OF SERVICES AND PLACEMENTS?**

1. General Education
2. Itinerant instruction in the general education classrooms
3. Resource Specialist Program (RSP)
4. Special Day Class
5. Instruction in settings other than classrooms where specially designed instruction may occur
6. Related Services
7. Instruction in the home, hospital or other institution as required
8. Non-Public School (NPS)
9. Residential

**47. WHAT IS ITINERANT INSTRUCTION?**

Itinerant instruction refers to a specialist providing instruction in classrooms, resource rooms, and settings other than classrooms where specially designed instruction may occur.

**48. WHAT IS THE RESOURCE SPECIALIST PROGRAM (RSP)?**

Students in the Resource Specialist Program are assigned to their regular classrooms for the majority of the school day but receive special education instruction and/or consultation services from the Resource Specialist. Services may be provided directly to the student in the regular classroom and/or in the resource room. Consultation services may also be provided to the general education teachers by the resource specialist.

**49. WHAT ARE SPECIAL DAY CLASSES (SDC)?**

Special Day Class placements serve students with similar and more intensive educational needs. The Special Day Classes may enroll students only when the nature or severity of the disability of the individual with exceptional needs is such that education in the regular classes with the use of supplementary aids and services, including curriculum modification and behavior support, cannot be achieved satisfactorily.

**50. WHAT IS SPECIALLY DESIGNED INSTRUCTION?**

Adapting, as appropriate, to the needs of the child with a disability the content, methodology, or delivery of instruction to ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children (34 CFR 300.39 (b)(3)).

**51. WHAT ARE RELATED SERVICES (PREVIOUSLY KNOWN AS DESIGNATED INSTRUCTION AND SERVICES (DIS))?**

Developmental corrective and other supportive services designed to enable an individual with exceptional needs to receive FAPE as described in the IEP. Related services include speech and language therapy, adapted physical education, itinerant services for the hard of hearing or visually impaired counseling and other specific types of instruction required for the student to benefit from special education. The child generally receives these services at school during the regular school day.

## **52. WHAT IS A NON-PUBLIC SCHOOL?**

If the IEP team determines that no public school program in the student's district of residence or neighboring districts can meet the student's extraordinary needs, a private program certified by the state may be an option.

## **53. WHEN IS A RESIDENTIAL PROGRAM REQUIRED TO MEET THE STUDENT'S SPECIAL EDUCATION NEEDS?**

A very small minority of children with disabilities have educational needs so extensive that they require out-of-home programs to meet their educational needs. These students generally require a very highly structured, 24-hour program, which cannot be provided by school staff *and* parents. Usually, residential program placements for students with exceptional needs are made in conjunction with other state agencies, such as Mental Health or Regional Center.

## **RIGHTS AND RESPONSIBILITIES**

The provision of special education services is governed by state and federal laws. It is also required that local districts establish their own procedures to implement these laws. Students with identified disabilities have the right to free appropriate public education (FAPE) services in the least restrictive environment (LRE). Parents/adult students and the local school district have responsibilities, as well as rights, to ensure identification, placement, and services for individuals with exceptional needs. These laws protect the rights of parents/adult students to be fully informed and to participate in all planning and decision-making about their child's or their own education.

## **54. HOW ARE THESE RIGHTS PROTECTED?**

All school districts in the WACSEP SELPA want to provide the appropriate educational services for all students. In doing this, certain procedures are followed. The law requires that the school districts establish guidelines and procedures to protect the rights of exceptional students and their parents or guardians; these practices are called Procedural Safeguards and are described throughout this booklet as they pertain to the different topics discussed. Parents' rights are in Appendix C. A brief summary follows (parent also means adult student, if appropriate):

- a. The right of parents to request an assessment and, under certain conditions, an independent evaluation of the student at public expense.
- b. Written permission from the student's parents or guardians (or from the student, if age 18 years or older and not conserved) is required to begin an assessment, or to change an educational placement of a student with exceptional needs.
- c. Parents have the right to participate in the IEP process and be informed of student assessment results in their native language and to give or withhold consent for placement.
- d. Parents have the right to request a meeting to review the IEP.
- e. The right of the parents or guardians (or student, if age 18 years) to examine all reports and educational records of the student.
- f. The rights of privacy and confidentiality of records apply to all students.
- g. Parents have the right to an impartial due process hearing regarding the identification, evaluation, placement, and provision of a free appropriate public education for the exceptional student.

Parents/adult students (if appropriate) receive an expanded, in-depth, version of the Parents/Adult Students Rights once per year and prior to any assessment.

## **55. WHAT ARE SOME OF MY RESPONSIBILITIES AS THE PARENT?**

You, as parent, have the primary responsibility for your child. You, as well as the school, must seek the appropriate educational program for your child. This responsibility includes communicating your concerns with the appropriate staff, requesting assistance, and initiating a written referral for assessment if needed. You should assist the school by providing relevant

information and past records including medical history where they may impact the child's school progress. **Your child should come to school well rested, nourished, and prepared to learn. Your child needs to attend school every day, unless physically unable, to ensure that he/she has a continuous opportunity to succeed.**

**56. WHAT ARE THE SCHOOL DISTRICT'S RIGHTS AND RESPONSIBILITIES?**

- a. Your school is concerned with providing an appropriate education for all its students. Generally, this includes the modification of general education programs and provision of specialized remedial services prior to consideration for special education.
- b. The school has the responsibility to identify, refer, and assess students in all areas of suspected disability.
- c. The school district must provide student records to another district if the student moves.
- d. Districts must adhere to procedural safeguards.
- e. The district has the right to request a due process hearing.

**57. WHO MAY HAVE ACCESS TO MY CHILD'S RECORDS?**

Parents, appropriate school personnel and service providers from other agencies who provide instruction or a related service to the student may have access to the student's records. All individualized education programs shall be maintained in accordance with state and federal pupil confidentiality laws. Contact your local district or the SELPA for more detailed information.

**58. ARE THERE SAFEGUARDS TO PROTECT MY RIGHTS?**

Yes. Parents or students have the right to file a complaint with the local district superintendent or the State Superintendent of Public Instruction, U.S. Department of Education Office of Civil Rights (OCR) or request a due process hearing with the State Superintendent of Public Instruction. It is important to all districts in the WACSEP SELPA to remediate any conflicts by working with parents to build trust and provide the student an appropriate educational program. Due process is hopefully only a last resort.

**59. WHAT IS A COMPLAINT?**

A complaint is an allegation that the district has violated federal or state laws or regulations regarding special education. The remedy, if the district has been found out of compliance, is to develop a process that ensures the violation will not continue to occur.

**60. WHAT IS DUE PROCESS?**

Due process is a legal process that ensures that each child is treated in a manner that guarantees no child is denied the right to equal educational opportunities.

Due process ensures that there are specific procedures and timelines that must be followed when and if significant changes or accommodations are made (or even proposed) in a child's educational program. Due process is guaranteed to us by the Constitution of the United States. It is there as a safeguard so that every individual has the means of protecting and asserting his or her own rights.

A due process hearing may be appropriate when there is a:

- a. Disagreement over a proposal to initiate or change the identification, assessment, or educational placement of the child or the provision of a free, appropriate public education to the child.
- b. A refusal to initiate or change the identification, assessment, or educational placement of the child or the provision of a free, appropriate public education to the child.
- c. Refusal by a parent to consent to an assessment of the child.

**61. HOW DO I MAKE A COMPLAINT OR REQUEST DUE PROCESS?**

Any complaint that you may have should first be shared with the individual with whom you disagree and/or with the school site administrator. If your concerns are not resolved in a timely manner, contact the special education director or program specialist in your local district. Should



you be unable to resolve the issue at that level, you may file a formal complaint (within one year) or a request for a due process hearing with the California Department of Education and the local superintendent of schools. Your local school district has the responsibility to provide you with specific information on filing and to assist you if you request their help. A hearing must be within two years of the disagreement/refusal.

## **BEHAVIOR**

### **62. WHAT IF MY CHILD HAS A SERIOUS BEHAVIOR PROBLEM?**

The IEP team will look at writing a behavior plan which is the systematic implementation of procedures that results in lasting positive changes in the individual's behavior. 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 behaviors. At this level a formal Functional Analysis Assessment is not necessary.

### **63. WHEN WOULD THERE BE A MANDATED REFERRAL FOR FUNCTIONAL ANALYSIS ASSESSMENT?**

A referral for a Functional Analysis Assessment (FAA) and subsequent IEP Team meeting at which a Behavioral Intervention Plan (BIP) may be written is mandated whenever the IEP Team finds that instructional/behavioral approaches specified in the student's IEP have been ineffective, or the IEP Team determines at an IEP meeting the necessity for a Functional Analysis Assessment after any Behavioral Emergency Report has been written regarding an individual who does not have a behavior plan as described above. For more information, ask to see the SELPA Procedural Handbook.

### **64. WHAT IS A FUNCTIONAL ANALYSIS ASSESSMENT (FAA)?**

It is an assessment of behavior and then the development of a Behavior Intervention Plan looking specifically at data (measurable and observable), function of behavior, the environment, replacement behavior, positive programming, reinforcement, reactive strategies, emergency interventions and follow-up. This process is more formal than most initial Behavior Plans used to address less serious behaviors. The functional analysis assessment must be conducted by, or under the supervision of, a person who has documented training in behavior analysis with an emphasis on positive behavioral interventions and is authorized by the SELPA as a Behavior Intervention Case Manager.

### **65. WHAT SHOULD I EXPECT IF MY CHILD IS SUSPENDED OR EXPELLED?**

Students in Special Education can be suspended up to 10 days each school year **without being provided** any specialized services. If a student is suspended beyond a total of 10 consecutive or more than 10 days cumulative that is considered a "pattern" and therefore a change in placement or is expelled, the student must be provided special education services in an alternate setting.

### **66. WHAT IS MANIFESTION DETERMINATION?**

The evaluation of the relationship between a student's disability and act of misconduct that must be undertaken when a district proposes to take specified serious disciplinary actions. The same review is required under Section 504 (34 CFR 104.35) in connection with disciplinary actions that constitute a significant change in educational placement.

## **TRANSITION**

### **67. WHAT IS A TRANSITION PLAN?**

Some children need to have a plan to move from one program to another. This may occur when the child is going from the infant program to the preschool program and from preschool to kindergarten. It is also important at the high school level when the student is preparing to enter the world of work or when the student is exiting special education. Transition plans are developed with the parent and the student through the IEP process, and involve other agencies as appropriate, for example, Regional Center, Department of Rehabilitation, etc. It is required that all special education students have a Transition Plan as stated in IDEA:

- a. Beginning no later than the first IEP to be in effect when the child is 16 and updated annually thereafter.
- b. Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills.

- c. The transition services (including courses of study) needed to assist the child in reaching those goals.

#### **68. WHAT HAPPENS WHEN MY CHILD LEAVES SPECIAL EDUCATION?**

Students are exited from special education when they no longer meet the eligibility criteria and/or when the IEP Team recommends exit from service and parent agrees or when the student reaches the age of 22. The student is returned to full participation in the regular school program. There is usually a period of transition from special education to full general education participation. Most often this process includes phasing out direct services to consultation between the specialist and the general education program teacher. Parents are participants in this process as it is carried out through the IEP. Students may need to remain in special education until they graduate from high school or until the semester of their 22nd birthday. At the time of exit from high school due to a student's graduation with a regular high school diploma, certificate of completion, or when he or she reaches the maximum age for eligibility, the parent/guardian will receive a written form, "Summary of the Student's Academic Achievement and Functional Performance."

#### **PARENT INVOLVEMENT**

One of the most critical aspects of your student's education is your involvement in the IEP process and regular communication with your child's classroom teacher.

#### **69. HOW CAN I HELP MY CHILD SUCCEED AT SCHOOL?**

Listed below are some of the ways that you can be involved in your child's education while being sensitive to the teacher's work hours and work day yet keeping the lines of communication open with your child's classroom teacher.

- Communicating by telephone with your child's teacher, after or before instructional time.
- Sending and receiving notes from your child's teacher.
- Talking briefly with the teacher while dropping off or picking up your child.
- Receiving progress reports from the teacher.
- Attending IEP meetings and teacher conferences.
- Making materials for your child's classroom.
- Sending a small notebook back and forth to school for communication with the teacher.
- Observing your child in his/her classroom.
- Volunteering to work in the classroom on a regular basis.
- Responding positively to staff suggestions for home visits.
- Serving on district or community advisory committees.
- Participating in parent support groups.
- Supplying your child with organizational materials (notebook, pencil).

#### **70. ARE THERE PARENT ORGANIZATIONS IN WHICH I CAN PARTICIPATE?**

Some districts have active local advisory councils that serve as both support groups for parents and in an advisory capacity to the district. All parents may be involved with the Special Education Local Plan Area's (SELPA) Community Advisory Committee (CAC) which is concerned with the development and review of our special education programs. By law, the committee is composed of a majority of parents of special education students. Others on the committee may include parents of general education students, special education teachers, administrative personnel, representatives of other public agencies, and students with disabilities. Some organizations available to parents are listed in Appendix E.

#### **71. WHAT IS THE PURPOSE OF THE CAC?**

The primary purpose of the CAC is to provide input into the local plan (the document that describes services in the region.) However, at meetings, the CAC members may see demonstrations and share information about special programs. As a member, when you come to a CAC meeting, you can ask questions, get information, express your opinions, and get to know the people who make decisions in the Special Education Departments.

#### **72. WHERE DO THEY TAKE PLACE AND HOW DO I FIND OUT ABOUT MEETINGS?**

Meetings may take place at various sites around the region. For more information, contact the district office at (562) 801-4810.

## APPENDIX A GLOSSARY OF TERMS

**AGE EQUIVALENT SCORE (A.E.):** a way of reporting test scores in which the score is equal to that of an average student of that age (for example, an age equivalent score of 3.7 means that the student did as well as an average student who is 3 years and 7 months old).

**ANNUAL REVIEW:** each public agency must ensure that the IEP Team reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved and revises the IEP, as appropriate, to address any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate.

**ATTENTION DEFICIT DISORDER (ADD/ADHD):** significant inability to maintain prolonged attention to a task.

**AUTISM:** a student exhibits any combination of the following autistic-like behaviors, to include but not limited to:

- An inability to use oral language for appropriate communication.
- A history of extreme withdrawal or relating to people inappropriately and continued impairment in social interaction from infancy through early childhood.
- An obsession to maintain sameness.
- Extreme preoccupation with objects or inappropriate use of objects or both.
- Extreme resistance to controls
- Displays peculiar motoric mannerisms and motility patterns.
- Self-stimulating, ritualistic behavior.

**BEHAVIOR INTERVENTION PLAN (BIP):** a specific behavior plan written following a Functional Analysis Assessment (FAA) not to be confused with a more general Behavior Plan that may be written at any time without a formal FAA.

**BEHAVIOR MODIFICATION:** a technique of changing or controlling the way a person behaves by controlling the events that come after the behavior.

**CALIFORNIA CHILDREN SERVICES (CCS):** the state agency which provides occupational and physical therapy to eligible physically disabled students.

**COMMUNICATIVELY HANDICAPPED (CH):** a type of special education program/teacher certification serving students with language and/or hearing impairments.

**COMMUNITY ADVISORY COMMITTEE (CAC):** a group of members appointed by local school districts. Functions in an advisory capacity to the governing board of the Local Planning Agency. Composed of parents of individuals with exceptional needs; parents of other pupils enrolled in school; pupils or adults who have exceptional needs; general and special education teachers; other school personnel; representatives of public or private agencies. All meetings are open to the public.

**COMMUNITY BASED INSTRUCTION:** training and activities to assist the student in transitioning from school to adult living.

**COMPLIANCE:** the requirement to follow all state/federal laws. An allegation of "noncompliance" will generally result in an investigation.

**DEPARTMENT OF MENTAL HEALTH (DMH):** the state agency which provides counseling or other mental health services to students whose emotional needs extend beyond the school counseling options.

**DEAF:** means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects a student's educational performance.

**DEAF-BLIND:** means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.

**DESIGNATED INSTRUCTION AND SERVICES (DIS):** related services required for the student with exceptional needs to benefit from special education (e.g., speech therapy, adaptive physical education, counseling, etc.).

**DIAGNOSTIC CENTER OF SOUTHERN CALIFORNIA:** provides comprehensive assessments, research-based interventions, quality professional development, and a continuum of technical assistance to school districts upon request.

**DIRECTIONALITY:** awareness of the two sides of the body and the ability to identify them as left and right, and to project this correctly into the outside world, as in knowing which is the right hand of a person facing you.

**DUE PROCESS:** the set of legal requirements that guarantees that the rights of the student with exceptional needs, the student's parents, and the school are protected.

**DUE PROCESS HEARING:** that part of due process in which disagreements between a parent and a school regarding identification, services, etc., for a student can be resolved. Both the school and the parent(s) get to present their evidence to an impartial hearing officer who decides which is the appropriate plan of action for the student.

**DYSLEXIA:** a disorder that results in difficulty in learning the written or symbol language skills of reading, writing, and spelling through conventional instruction.

**SPECIFIC LEARNING DISABILITY:** generally, a neurologic disability resulting in an inability or compromised ability to achieve academically that is not related to, or the cause or result of low intellectual ability or sensory impairment. Defined in IDEA regulations at 34 CFR 300.8(c)(10) as: "a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations.

**EMOTIONAL DISTURBANCE (ED):** a condition evidenced by an inability to learn which cannot be explained by other factors, which is evidenced by inability to build or maintain satisfactory relationships with peers and adults, inappropriate behavior or feelings under normal circumstances, a general pervasive mood of unhappiness/depression, or a tendency to develop physical symptoms or fears associated with personal or school problems, manifested over a long period of time and to a marked degree that adversely affects educational performance.

**ESTABLISHED MEDICAL DISABILITY (Preschool Only):** for purposes of this section, "established medical disability" is defined as a disabling medical condition or congenital syndrome that the individualized education program team determines that a high predictability of requiring special education services.

**EXPRESSIVE LANGUAGE SKILLS:** skills required to produce language for communicating with other people. Speaking, writing and signing are expressive language skills.

**FIGURE-GROUND PERCEPTION:** the ability to pay attention to one part of what you are looking at (for example, the ink) in relation to the rest of the "field" (for example, this paper).

**FINE MOTOR COORDINATION:** development and control of small muscles such as those used to cut, hold a pencil, etc.

**FREE AND APPROPRIATE EDUCATION (FAPE):** what the district must offer to parent/student after the student is found eligible for special education.

**FUNCTIONAL ANALYSIS ASSESSMENT:** it is an assessment of behavior and then the development of a Behavior Intervention Plan looking specifically at data (measurable and observable), function of behavior, the

environment, replacement behavior, positive programming, reinforcement, reactive strategies, emergency interventions and follow-up.

**GOAL (instructional goal, annual goal):** a general statement of what is expected of an individual.

**GRADE EQUIVALENT SCORE (G.E.):** a way of reporting test scores in which the score is equal to that of an average student of that grade level (for example, a grade equivalent score of 3.7 means that the student did as well as an average student who is in the seventh month of third grade).

**GROSS MOTOR COORDINATION:** the development of awareness of large muscle activity. Coordination of large muscles in a purposeful manner such as walking and jumping.

- Bilateral - Ability to move both sides of the body at the same time (jumping).
- Unilateral - Ability to move on each side of the body without moving the other (hopping).
- Cross Lateral (Cross-Pattern) - Ability to move different parts of the opposite sides of the body together or in different sequences (e.g., skipping, which is a highly integrated movement).

**GUARDIAN:** a person who is permanently or temporarily appointed by a court to act in place of a parent.

**HARD OF HEARING:** means an impairment in hearing, whether permanent or fluctuating, that adversely affects a student's educational performance but that is not included under the definition of deafness.

**HYPERACTIVITY:** a description of a physical or mental condition causing constant excessive movement.

**IMPULSIVITY:** acting impulsively, without considering the outcome(s) of the action.

**INCLUSION (Integration):** to be educated and participate with students who do not have exceptional needs in the least restrictive environment. Full inclusion is to be educated in the general education classroom.

**INDEPENDENT EVALUATION:** an evaluation of the student's abilities by people not connected in any way with your public school.

**INDIVIDUALIZED EDUCATION PROGRAM (IEP):** an educational plan written for each student with exceptional needs.

**I.Q. (INTELLIGENCE QUOTIENT):** a measure of cognitive (mental) ability. It suggests a student's potential for academic success.

**INTELLECTUAL DISABILITY (ID):** means significantly below average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a student's educational performance.

**LANGUAGE/SPEECH:** means a difficulty understanding or using spoken language such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a student's educational performance.

**LATERALITY:** refers to the two sides of the body, and the ability to identify them as left or right correctly.

**LEARNING DISABLED (specific learning disabled-SLD):** students who have difficulty with understanding or using language which may affect their ability to listen, think, speak, read, write, spell, or do arithmetic due to a processing deficit. These problems cannot be a result of visual, hearing or physical disabilities or intellectual disability, emotional disturbance, or environmental disadvantage and must adversely impact the student's educational progress to a statistically significant degree.

**LEARNING HANDICAPPED (LH):** a type of special education program/teacher certification serving non-severely disabled students, such as those with learning disabilities, mild intellectual disability, etc.

**LEAST RESTRICTIVE ENVIRONMENT (LRE):** the program placement which is the most "normal" that a particular student can work in and benefit from the educational program.

**LOCAL EDUCATION AGENCY (LEA):** the local school district.

**MAINSTREAMING:** (see inclusion) placing individuals with exceptional needs in as normal an educational setting as possible.

**MEDIATION:** an optional step in the Due Process Procedure in which a state appointed facilitator works with both parties to develop a mutually acceptable compromise.

**MULTIHANDICAPPED:** means concomitant impairments (such as intellectual disability-blindness, intellectual disability-orthopedic impairments, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf-blindness.

**MULTIDISCIPLINARY:** the use of a combination of several disciplines (health, education, social services) to determine the needs of a student.

**OBJECTIVE (short term objective, instructional objective, behavioral objective):** a clear statement of what is expected of an individual. It should include: the conditions under which the behavior/skill is to occur, a description of the behavior/skill, and how the behavior/skill is to be measured.

**OTHER HEALTH IMPAIRED:** means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that:

- Is due to chronic or acute health problems such as asthma, attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and
- Adversely affects a student's educational performance.

**PERCEPTUAL-MOTOR:** coordination of body movements with the senses of sight, hearing and touch.

**PERSEVERATION:** continuing or repeating an activity (such as finger patting) to excess.

**PLACEMENT (program placement):** the type of program and/or setting in which a student will be educated.

**PSYCHOMOTOR:** refers to muscle responses including development of fine motor, small muscles (cutting, etc.) and large muscles (walking, jumping, etc.).

**READING COMPREHENSION:** the ability to understand what one has read.

**RECEPTIVE LANGUAGE:** receiving and understanding spoken or written communication. The receptive language skills are listening and reading.

**REGIONAL CENTER (Tri-Counties Regional Center - TCRC):** the state agency that provides supportive services to developmentally disabled students, adults, and their families.

**REGULAR CLASS PLACEMENT:** the type of program placement in which nondisabled students are educated.

**RESIDENTIAL SCHOOL:** a placement option in which students, usually with severe disabling conditions, receive their education away from their home environment in an educational facility which has dormitory or cottage living facilities. Some placements provide for returning home on holidays and weekends, while other placements may be on a more permanent basis.

**REVERSE MAINSTREAMING:** A process of bringing peers who do not have exceptional needs into a class of students with disabilities.

**RESOURCE SPECIALIST PROGRAM (RSP):** a type of instructional setting in which a student receives intensive instruction in specific areas (for example: math, spelling, language or reading) for a part of the school day. It may be implemented on a pull out, in classroom, and/or consultative mode.

**SPECIALIZED ACADEMIC INSTRUCTION:** adapting, as appropriate to the needs of the student with a disability the content, methodology, or delivery of instruction to ensure access of the child to the general curriculum.

**SENSORY INTEGRATION:** how people use the information provided by all the sensations coming from within the body and from the external environment.

**SEVERE ORTHOPEDIC IMPAIRMENT:** means a severe orthopedic impairment that adversely affects a student's educational performance. The term included impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

**SEVERELY DISABLED (designated as SH - Severely Handicapped):** a type of special education program/teacher certification serving students with severe disabilities, such as seriously emotionally disturbed, moderately-severely retarded, physically disabled, multi-disabled, etc.

**SPECIAL DAY CLASS (SDC):** a type of special education placement in which a student receives most (or all) of his/her instruction in a class made up of students with similar disabilities. A self-contained class usually is in a regular school building.

**SPECIAL EDUCATION:** specially designed instruction to meet the needs of an eligible student with disabilities in accordance with his/her IEP.

**SPECIFIC LEARNING DISABILITIES:** specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including dyslexia, and developmental aphasia.

**SPEECH IMPAIRED (SI):** students who have difficulty in expressing their thoughts due to difficulty with articulation, voice, fluency, and/or language.

**SPEECH/LANGUAGE PATHOLOGIST (SLP):** a person trained in the areas of speech and language disorders who may provide specialized services when a student has a disability in one or both of these areas. Other terms: Language/Speech Specialist, Language/Speech/Hearing (LSH) Specialist.

**STUDENTS WITH DISABILITIES:** students with disabilities are those students identified through the IEP process as being intellectually disabled, hard of hearing, deaf, speech impaired, visually impaired, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, learning disabled, autistic, or having suffered a Traumatic Brain Injury or from multiple disabilities. These students are referred to as Individuals with Exceptional Needs (IWENS) in California law.

**STUDENT STUDY TEAM (SST):** a process for implementing modifications in the general education setting to address a student's needs. It is generally implemented prior to a referral for special education services. Also called Student Assistance Team (SAT) or Student Guidance Committee (SGC) with minor variations.

**SURROGATE PARENT:** a person who "stands-in" for a student's parent.

**TACTILE:** sense of touch.

**TASK ANALYSIS:** breaking down a complex task (such as an instructional objective) into simpler, smaller parts.

**TRAMATIC BRAIN INJURY:** means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a student educational performance.

**VISUAL IMPAIRMENT:** means an impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness.

**APPENDIX B  
PARENTAL AND ADULT STUDENTS' RIGHTS AND  
PROCEDURAL SAFEGUARDS FOR SPECIAL EDUCATION**

**Whittier Area Cooperative  
Special Education Program  
8036 Ocean View Avenue  
Whittier, CA 90602  
Phone (562) 945-6431 Fax (562) 945-5855  
Whittier Area Cooperative  
Special Education Local Plan Area  
Parents' Rights and Procedural Safeguards**

***Dear Parent/Guardian/Pupil:***

This notice is provided to you because your child is being considered for possible placement or is currently enrolled in a special education program. This notice is also provided for children who are entitled to these rights at age 18. If your child is being referred for special education and all options of the general education program have been considered, and where appropriate utilized, for your child, you have the right to initiate a referral for special education.

In California, special education is provided to children with disabilities between birth and 21 years of age. Federal and state laws protect you and your child throughout the procedures for evaluation and identification of special education placement and services. Parents of children with disabilities have the right to participate in the Individualized Education Program ("IEP") process, including development of the IEP, and be informed of the availability of all available alternative programs, including public and nonpublic programs.

Parents have the right to discuss their child's placement and program with school district or Special Education Local Plan Area ("SELPA") personnel outside of an IEP meeting.

Any discussions between parents and school district or SELPA personnel outside of an IEP meeting are for informational purposes only. Parents are welcome to participate in these discussions with school district or SELPA personnel outside of an IEP meeting with the understanding that they are designed to facilitate additional parental participation at an IEP meeting. Final decisions regarding your child's placement, program, and services can only be made by the IEP team at an IEP team meeting. However, discussions between the parents and the school district administrator in charge of special education may be convened in an informal and confidential mediation meeting and resolve disagreements through a mediated agreement. Additional options for mediation and alternative dispute resolution are explained later in this document.

You have the right to receive this notice in your primary/native language or other mode of communication (i.e., sign language or Braille), unless it is clearly not feasible to do so. These rights may also be translated orally to you if your primary/native language is not a written language. This notice will be given to you only one time a year, or upon: (1) your request; (2) the initial referral of your child for a special education



evaluation; (3) reevaluation of your child; (4) removal of your child for violating a school code of conduct that constitutes a change in placement; (5) filing of a state complaint; and (6) receipt of a request for a due process hearing. If available, a copy of these procedural safeguards may also be accessible on your district's website and may be sent to you, upon your request, by electronic mail. Please check with your local school district to determine if this option is available.

The definitions below will help you understand the statement of rights. Should you need further information regarding the contents or use of this guide, you may contact your school district of residence Special Education Director, whose telephone number is on the last page of this document.

### ***Definitions***

***Children with Disabilities:*** The Individuals with Disabilities Education Act ("IDEA") defines "children with disabilities" as including children with intellectual disabilities, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments or specific learning disabilities, and who by reason thereof, need special education and related services.

***Consent:*** Consent means that: (1) parents have been given all information, in their native language or other mode of communication, that is relevant to any activity for which their consent is sought; (2) parents understand and agree in writing to that activity, and the consent form they sign contains a description of the activity and a list of records that will be released and to whom the records will be released in order to initiate or implement the activity; and (3) parents understand that their consent is voluntary and may be revoked at any time; however, their withdrawal of consent does not negate an action that has already occurred.

***Evaluation:*** An assessment of your child using various tests and measures per California Education Code sections 56320-56339 and 20 U.S.C. sections 1414(a), (b) and (c) to determine whether your child has a disability and the nature and extent of special and related services needed by your child for his/her educational benefit. The assessment tools are individually selected for your child and are administered by competent professionals employed by the local education agency. Testing and evaluation materials and procedures will be selected and administered so as not to be racially, culturally, or sexually discriminatory. The materials or procedures will be provided and administered in your child's native language or mode of communication, unless it clearly is not feasible to do so. No single procedure will be the sole criterion for determining an appropriate educational program for a child.

***Free Appropriate Public Education ("FAPE"):*** An education that: (1) is provided at public expense, under public supervision and direction, and without charge to you; (2) meets the standards of the California Department of Education; and (3) is provided in conformity with a written IEP developed for your child to confer an educational benefit and to be implemented in a preschool, elementary or secondary school program.

***Individualized Education Program ("IEP"):*** A written document developed by your child's IEP team that includes at least all of the following: (1) present levels of academic achievement and functional performance; (2) measurable annual goals; (3) a statement of the special educational and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child; (4) an explanation of the extent to which the child will not participate with non-disabled children in the general education programs; (5) the projected date for initiation and the anticipated duration, frequency and location of the programs and services included in the IEP; and (6) appropriate objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the child is achieving his or her goals.

***Least Restrictive Environment ("LRE"):*** To the maximum extent appropriate, children with disabilities will be educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the general education program will occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

**Local Educational Agency ("LEA"):** This term may include a school district, County Office of Education ("COE"), a SELPA, or a charter school participating as a member of a SELPA.

**Notification of Majority Rights:** Your child has the right to receive all information about his/her educational program and to make all decisions when he/she reaches the age of 18 unless determined incompetent by state law and procedures. Non-conserved adults are presumed under the laws of the State of California to be competent.

**Parent:** The definition of parent includes: (1) person having legal custody of a child; (2) an adult student for whom no guardian or conservator has been appointed; (3) a person acting in place of a natural or adoptive parent, including a grandparent, stepparent, or other relative with whom the child lives; (4) a parent surrogate; and (5) a foster parent, if the authority of a natural parent to make education decisions on the child's behalf has been specifically limited by court order.

***When may I access Educational Records, and how do I do so?***

All parents or guardians of children enrolled in California public schools have the right to inspect records under the Family Educational Rights and Privacy Act ("FERPA") and the California Education Code. Educational records are those records that are directly related to your child and maintained by a school district, agency, or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained. Both federal and state laws further define an educational record as any item of information directly related to an identifiable pupil, other than directory information, which is maintained by a school LEA, or required to be maintained by an employee in the performance of her duties whether recorded by handwriting, print, tapes, film, microfilm, computer, or by other means. Educational records do not include informal personal notes prepared and kept by a school employee for her own use or the use of a substitute. If records contain information about more than one child, you have access only to that portion of the record pertaining to your child.

Personally identifiable information may include: (1) the name of the child, the child's parent or other family member; (2) the address of the child; (3) a personal identifier such as the child's social security number, student number, or court file number; (4) a list of personal characteristics or other information that would make it possible to identify the child with a reasonable certainty.

Additionally, parents of a child with disabilities have the right to: (1) inspect and review all educational records regarding the identification, evaluation, and educational placement of the child and the provision of a FAPE to the child; and (2) receive a response from the LEA to reasonable requests for explanations and interpretations of the records. A parent also has the right to have his or her representative inspect and review the child's records, subject to the requirements of FERPA. The LEA may presume that a parent has authority to inspect and review records relating to his or her child unless the LEA has been advised that the parent does not have the authority to do so under applicable state laws governing such matters as guardianship, separation, and divorce. These rights transfer to a non-conserved pupil who is 18 years old or attending an institution of post-secondary education.

The custodian of records at each school site is the principal of the school. The custodian of records for each school district located in the Whittier Area Cooperative Special Education Program ("WACSEP") SELPA is listed on the last page of this document. Educational records may be kept at the school site or the district office, but a written request for records at either site will be treated as a request for records from all sites. The custodian of records will provide you with a list of the types and locations of pupil records (if requested). Three years after a student exits a program, the special education records will be destroyed.

Each LEA must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. One official at each LEA must assume responsibility for ensuring the confidentiality of any personally identifiable information. All persons collecting or using personally identifiable information must receive training or instructing regarding the state's policies and procedures

under the IDEA and FERPA. Each LEA must maintain, for public inspecting, a current listing of the names and positions of those employees who may have access to personally identifiable information. Your LEA must inform you when personally identifiable information collected, maintained or used under the IDEA is no longer needed to provide educational services to your child.

The custodian of the records will limit access to your child's educational records to those persons authorized to review the educational record, including you, your child who is at least 16 years old or who has completed the 10th grade, individuals who have been authorized by you to inspect the records, school employees who have a legitimate educational interest in the records, post-secondary institutions designated by your child, and employees of federal, state, and local education agencies. In all other instances, access will be denied unless you have provided written consent to release the records or the records are released pursuant to a court order or other applicable law. The LEA must keep a log indicating the time, name and purpose for access by individuals other than school district employees and parents.

Parent consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of the IDEA, except under the following circumstances: (1) before identifiable information is released to officials of participating agencies providing or paying for transition services; and (2) if the child is in, or is going to go to, a private school that is not located in the same school district in which parents reside, parent consent must be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district in which parents reside.

A review or copies of educational records will be provided to you without unnecessary delay and before any meeting regarding an IEP, due process hearing, or resolution session, and in no case more than five business days after a request is made. A fee for copies, but not the cost to search and retrieve, is determined by LEA policy and will be charged, unless charging the fee would effectively deny you access to your child's educational records. Once a complete copy of the records has been provided, a fee will be charged for additional copies of the same records.

Upon receiving notice that the records are no longer necessary to the LEA, you may request destruction of the records, which will take place either by physical destruction or by removing personal identifiers from the records so that the information is no longer personally identifiable. However, the LEA is obligated to keep a permanent record for each child, which includes: (1) the child's name, address, and phone number; and (2) the child's grades, attendance records, classes attended, grade level completed, and year completed.

If you believe that information in the education records collected, maintained or used by the LEA is inaccurate, misleading or violates the privacy or other rights of the child, you may request in writing that the LEA amend the information. If the LEA agrees with your request, the record will be amended and you will be informed within a reasonable time after receipt of the request.

Should the LEA refuse to make the amendment requested within 30 days, the LEA will notify you of the right to a hearing to determine whether the challenged information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child. If you request a hearing, the LEA will provide a hearing, within a reasonable time, which must be conducted according to the procedures for such hearings under FERPA.

If it is decided by the governing board after the hearing that the record will not be amended, you have a right to provide what you believe is a corrective written statement, which will be permanently attached to the contested record. This statement will be attached if the contested record is disclosed to any party.

The parents, guardian or LEA has the right to audio record the proceedings of the IEP team meetings. The IEP team must be notified of the desire to record the IEP at least 24 hour prior to the meeting. If the intent to audio record the meeting is initiated by the LEA, and the parent objects or refuses to attend the IEP meeting because of the audio record, the meeting shall not be audio recorded. Parents have the right to inspect, review and, at times, amend the audio recordings.

***What is, and how may I obtain, an Independent Educational Evaluation?***

An Independent Educational Evaluation (“IEE”) is an assessment conducted by a qualified examiner who is not employed by the LEA providing an education to your child, but satisfies the same requirements of the California Department of Education (“CDE”) and the LEA. If you disagree with the results of a recent assessment conducted by LEA, and make that disagreement known to the LEA, you have the right to request and possibly obtain an IEE for your child at public expense from a qualified person. Public expense means that the public agency pays for the cost of the evaluation pursuant to the cost criteria in its IEE policy or otherwise ensures that the evaluation is otherwise provided at no cost to you. If an IEE is at public expense, the criteria under which it is obtained, including the location of the evaluation and qualifications of the examiner, must be the same as the criteria that the LEA uses when it initiates an assessment. Your LEA has information available for you about where such an IEE may be obtained and what the LEA’s criteria for IEEs, which must be provided to you upon request for an IEE. You are entitled to only one IEE at public expense each time the LEA conducts an assessment with which you disagree.

The assessment tools used by an Independent Educational Evaluator must be individually selected for your child and must be administered by competent professionals. Testing and evaluation materials and procedures must be selected and administered so as not to be racially, culturally, or sexually discriminatory. The materials or procedures must be provided and administered in your child’s native language or mode of communication, unless it clearly is not feasible to do so. No single procedure will be the sole criterion for determining an appropriate educational program for a child. If you request an IEE at public expense, the LEA must either: (1) file a complaint for due process against you to prove that its assessment is appropriate; or (2) ensure that the IEE is provided to you at public expense, unless the LEA demonstrates in a due process hearing that the IEE obtained by you did not meet the LEA’s criteria. If the LEA proves at a due process hearing that its assessment is appropriate, you still have the right to an IEE, but not at public expense.

If you obtain an assessment at private expense and provide a copy of it to the LEA, the results of the assessment will be considered by the IEP team with respect to the provision of a FAPE to your child. The privately funded assessment may also be introduced at a due process hearing regarding your child. If the LEA observed your child in conducting its assessment, or if the LEA’s assessment procedures allow in-class observations of students, an individual conducting an IEE must also be allowed an equivalent opportunity to observe your child in the classroom, or observe an educational setting proposed by the IEP team.

If you propose a publicly-financed placement of your child in a nonpublic school, the LEA will have an opportunity to observe the proposed placement and the pupil in the proposed placement, if the pupil has already been unilaterally placed in the non-public school by the parent or guardian.

***What is Prior Written Notice and when will I receive it?***

An LEA is responsible for informing you, in writing, whenever it proposes or refuses to initiate a change in the identification, assessment, or educational placement of your child or the provision of a FAPE to the child. The LEA must provide written notice to parents of this proposal or refusal within a reasonable time. This notice, if not previously provided to the parent, will also be provided upon the LEA's receipt of a parent’s request for a due process hearing. The notice must be written in understandable language and be provided in your native language or other mode of communication, unless it is clearly not feasible to do so. If your native language or mode of communication is not a written language, the LEA must ensure that the notice is translated orally or by other means, that you understand the notice, and that there is written evidence that these requirements have been met. You may elect to receive this notice by electronic mail communication, if your LEA makes that option available.

The written notice will include:

- A description of the actions proposed or refused by the LEA with an explanation of why the agency proposed or refused to take the action and a description of other actions considered and why those options were rejected.

- A description of each assessment procedure, test, record, or report the LEA used as a basis for the proposal or refusal.
- A description of other options considered by the IEP team and the reason why those options were rejected.
- A description of any other factors, which are relevant to the LEA's proposal or refusal.
- Notice that parents can obtain copies or assistance in understanding their rights and procedural safeguards from the Special Education Director of their child's district of residence, the SELPA Director, or the CDE in Sacramento.

***What constitutes Parental Consent and when is it required?***

The LEA must get informed parental consent, as described above, before assessing and providing special education and related services to your child. The LEA must make reasonable efforts to obtain a parent's informed consent before an initial assessment or reassessment of a child. If you refuse to consent to an initial assessment or a reassessment, the LEA may, but is not required to, use due process procedures to obtain your consent for the assessment. The LEA must also make reasonable efforts to obtain parent consent before the initial provision of special education and related services to your child. If you refuse to consent to, or fail to respond to a request for, the *initial IEP* placement and services, the LEA may not use the due process procedures described below to challenge your refusal to consent. However, when the LEA requests consent to the initial placement and services, and you do not provide it, the LEA will not be considered to be in violation of the requirement to make available a FAPE to your child. The LEA will also not be required to convene an IEP team meeting or develop an IEP when such consent is not provided after the LEA's request. Parental consent is not required before reviewing existing data as part of an assessment, or administering a test or other assessment that is administered to all children (unless consent is required of parents of all children before that test or assessment).

If your child is home schooled or placed in private school at your own expense, and you do not provide consent to, or fail to respond to a request to provide consent to an initial assessment or reassessment, the LEA may not use due process procedures to override your consent. In that case, the LEA is not required to consider the child as eligible for services.

You may consent in writing to the receipt of some components of your child's IEP, and those components of the IEP must be implemented by the LEA. If the LEA determines that the remaining component(s) of your child's IEP to which you do not consent is/are necessary to provide a FAPE to the child, the LEA must initiate a due process hearing.

Finally, your informed consent need not be obtained in the case of a reassessment of your child, if the LEA can demonstrate through a due process hearing that it has taken reasonable measures to obtain your consent and you have failed to respond.

***Am I allowed to change my mind later and revoke consent?***

If, at any time after the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the school district or charter school:

- May not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services;
- May not use the mediation procedures or the due process procedures in order to obtain agreement or a ruling that the services may be provided to the child;
- Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
- Is not required to convene an IEP Team meeting or develop an IEP for the child for further provision of special education and related services.

If the parent revokes consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the school district or charter school is not required to amend the child's education records to remove any references to the child's receipt of special

education and related services because of the revocation of consent. This provision applies when a parent refuses all special education services. If a parent disagrees with some services but not all, the issues need to be resolved through the due process procedures.

***If I have a complaint about my child's educational program, how do I raise it?***

When you have a concern about your child's education, it is important that you contact your child's teacher or administrator to talk about your child and any problems you see. Staff in your school district or SELPA may answer questions about your child's education, your rights, and procedural safeguards. Also, when you have a concern, this informal conversation often solves the problem and helps to maintain open communication.

If the LEA is not able to resolve your concerns through informal means, you may file a compliance complaint with either the LEA or the CDE.

If your concern is related to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of a child with a disability, the provision of a FAPE to the child, or a dispute over the availability of an appropriate program for your child, you may file a due process hearing complaint (described below). The LEA also has the right to file a due process hearing complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of your child, the provision of a FAPE to your child, or a dispute over the availability of an appropriate program for your child except as described in the section above.

***What is a compliance complaint and what are my rights related to a compliance complaint?***

Compliance complaints allege a violation of the law under the IDEA or California special education law. The complaint must: (1) be in writing; (2) contain a statement that the LEA has violated a law or regulation under the IDEA or California Education Code counterparts; (3) contain the facts which support the allegation; (4) contain a signature and contact information of the complainant; and (5) if alleging a violation against a single child, must contain: (a) the name and address of the child (or available contact information for a homeless child); (b) the name of the school the child is attending; (c) a description of the nature of the problem and facts relating to the problem; and (d) a proposed resolution to the extent known.

**District/LEA Level Compliance Complaint:** The WACSEP SELPA encourages you to file your complaint regarding special education issues directly with your LEA in order for the LEA to quickly address your concerns in an informal and efficient manner. The LEA has established confidential procedures for the filing of these complaints and will meet with you to investigate your complaint in a timely manner and attempt to resolve any concerns. The Compliance Officer will assist you in resolving any complaint of discrimination against the district, its employees or contractors, and students. The Compliance Officer is also able to assist you in preparing your complaint in writing and to provide the information required by law. The Compliance Officer will refer you to other agencies responsible for the investigation and resolution of complaints when appropriate.

**State Level Compliance Complaint:** Any individual or organization may file a compliance complaint alleging a violation of any IDEA or state law requirement by the LEA, CDE, or any other public agency. The Compliance Officer is also able to assist you in preparing your complaint in writing and to provide the information required by law. The Compliance Officer will refer you to other agencies responsible for the investigation and resolution of complaints when appropriate. Complaints should be filed with the CDE Compliance Unit: **California Department of Education, Special Education Division, Procedural Safeguards Referral Service, 1430 N Street, Suite 2401, Sacramento, CA 95814. Phone (800) 926-0648; FAX (916) 327-3704.**

Compliance complaints filed with the CDE must be filed within **one** year from the date you knew or had reason to know of the facts that were the basis for the complaint. You must also forward a copy of the complaint to the LEA at the same time that you file the complaint with the CDE.

Within 60 days after your complaint is filed, the CDE will: (1) carry out an independent on-site investigation, if necessary; (2) give you the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint; (3) provide the LEA with the opportunity to respond to the complaint, including a proposal to resolve the complaint; (4) provide an opportunity for you and the LEA to agree voluntarily to engage in mediation; (5) review all relevant information and make an independent determination as to whether the LEA is violating a requirement of the IDEA or related state law; and (6) issue a written decision to you and the LEA that addresses each allegation in the complaint and contains findings of fact and conclusions, and the reasons for the final decision.

***What is mediation and when can I request it?***

Parties are encouraged to seek resolution of special education disputes through less adversarial processes such as mediation or alternative dispute resolution (“ADR”) prior to filing for a due process hearing. While you are urged to try mediation, this may not be used to delay your right to a due process hearing. These voluntary prehearing mediation conferences are to be conducted in a non-adversarial atmosphere to resolve issues relating to the identification, assessment, or educational placement of the child, or the provision of a FAPE to the child, to the satisfaction of both parties. Therefore, attorneys or other independent contractors used to provide legal advocacy services may not attend or otherwise participate in the prehearing mediation conferences. This does not prevent either party from consulting an attorney either prior to or following the mediation process nor does this bar a parent of the child in question from participating if the parent is an attorney. The parties may be accompanied and advised by non-attorney representatives at their discretion. This mediation conference will be scheduled within 15 days and completed within 30 days of the CDE's receipt of your request for mediation, unless both parties agree to an extension. The mediation will be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

If you and the LEA resolve a dispute through the mediation process, both parties must enter into a legally binding agreement that sets forth the resolution and that: (1) states that all discussions that happened during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and (2) is signed by both you and a representative who has the authority to bind the LEA.

A written, signed mediation agreement is enforceable in any state court of competent jurisdiction (a court that has the authority under state law to hear this type of case) or in a district court of the United States. Discussions that happened during the mediation process must be confidential. They cannot be used as evidence in any future due process hearing or civil proceeding of any federal or state court.

***What is a due process hearing and what are my rights related to it?***

A due process hearing is a formal proceeding presided over by an Administrative Law Judge, which is similar to a court action. The hearing can be initiated by you or the LEA when there is a disagreement over a proposal or a refusal to initiate or change the identification, evaluation or educational placement of your child, the provision of a FAPE to your child, or a dispute over the availability of an appropriate program for your child. Requests should be sent to:

**Office of Administrative Hearings (“OAH”), at the following address: Office of Administrative Hearings, Attn: Special Education Division, 2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833-4231. Phone (916) 263-0880; FAX (916) 376-6319.**

The request for a due process hearing must be filed within *two* years from the date you knew or had reason to know of the facts that were the basis for the hearing request. This timeline does not apply to you if you were prevented from requesting a due process hearing earlier because the LEA: (1) misrepresented that it had resolved the problem which is the basis of your request; or (2) withheld information from you relating to the information contained in this notice. The LEA must inform you of any free or low-cost

legal or other relevant services available in the area if you request that information, or if either you or the LEA files a due process complaint.

Your due process hearing complaint **must** include the following information: (1) your child's name; (2) your child's address (or, in the case of a homeless child, the available contact information); (3) the name of the school your child attends; (4) a description of the problem relating to the proposed initiation or change, including specific facts about the problem; and (5) proposed resolution to the problem to the extent it is known to you. You must provide the LEA with a copy of your request for due process. You (or the LEA) may not have a due process hearing until a due process hearing complaint that contains all of the information outlined above is filed.

If you file a request for a due process hearing, within 10 days of receiving the complaint, the LEA must send you and OAH a response that specifically addresses the issues raised in your complaint, unless the LEA feels that the request for due process does not meet the above requirements. In that case, the LEA must, within 15 days, notify you and the hearing officer that it believes the complaint does not meet the requirements listed above. Within five days of receiving notice that the receiving party believes the complaint is insufficient, OAH must decide if the due process complaint meets the requirements listed above and they will notify you and the LEA in writing if it is insufficient. If OAH determines that a due process complaint is insufficient, the party may have the opportunity to file a new complaint that meets the requirements listed above.

In addition, within 15 days of receiving your request for due process, the LEA must convene a resolution meeting with you, the relevant member(s) of your child's IEP team who have specific knowledge of the facts identified in the due process hearing request, and a LEA representative who has decision-making authority, to discuss a resolution to the issues raised. The meeting will not include the LEA's attorney, unless you are accompanied by an attorney.

Except where you and the LEA have both agreed, in writing, to waive the resolution meeting or to use mediation, your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until you agree to participate in a meeting. If the LEA fails to hold the resolution meeting within 15 days of receiving notice of your complaint or fails to participate in the resolution meeting, you may seek the intervention of a hearing officer to begin the due process hearing timeline described below.

If an agreement is reached at the resolution session, the agreement must be memorialized in writing and signed by both you and the LEA representative. After signing, both you and the LEA have three business days to void the agreement. If the LEA has not resolved the due process complaint to your satisfaction within 30 days of the receipt of the due process complaint (during the time period for the resolution process), the due process hearing may occur, and the applicable timeline for issuing a final decision begins. If the LEA is unable to obtain your participation in the resolution meeting after reasonable efforts have been made and documented, the LEA may, at the conclusion of the 30-day period, request that the hearing officer dismiss your complaint.

You and the LEA may agree at any time prior to or during the due process hearing to participate in a mediation of the dispute. An impartial mediator will be appointed by OAH at no cost to either party. Mediation extends OAH's timeline to render its decision; however, mediation is not intended to deny or delay your right to a hearing, or any other rights.

If the issues which gave rise to the request for due process are not resolved by the resolution session or mediation, OAH must hold a hearing, reach a final decision on the issues in the case, and send a copy of the decision to the parties within 45 days of the expiration of the 30-day resolution period. The 45-day timeline for the decision may also start the day after one of the following events: (1) both parties agree in writing to waive the resolution meeting; (2) after either the mediation or resolution meeting starts, but before the end of the 30-day period, the parties agree in writing that no agreement is possible; or (3) if both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, the parent or LEA withdraws from the mediation process.



The hearing must be held at a time and place that is reasonably convenient to the parties. The party requesting the hearing may not raise issues at the hearing that were not addressed in the due process complaint, unless the other party agrees.

Any party to a due process hearing has the right to: (1) a fair and impartial administrative hearing before a person knowledgeable in laws governing special education and administrative hearings; (2) be represented by an attorney or an individual with knowledge and training related to the problems of children and youth with disabilities; (3) present evidence, written arguments, and oral arguments; (4) confront, cross-examine, and require witnesses to be present; (5) obtain a written or at your option, electronic verbatim record of the hearing; (6) obtain written or at your option, electronic findings of fact and decisions, within 45 days after the expiration of the resolution session time period; (7) receive notice from the other party, at least 10 days prior to the hearing, that it intends to be represented by an attorney; (8) be informed by the other party, at least 10 days prior to the hearing, of their issues and their proposed resolutions; (9) receive a copy of all documents, including assessments completed by that date and recommendations, and a list of witnesses and their general area of testimony at least five business days before the hearing; (10) prohibit the introduction of any evidence, including assessments and recommendations based on the assessment(s), at the hearing that has not been disclosed to that party at least five business days before the hearing; (11) have an interpreter provided; and (12) request an extension of the hearing timeline for good cause.

Parents involved in hearings must be given the right to: (1) have their child present at the hearing; (2) have the hearing open to the public; and (3) have the record of the hearing and findings of fact and decisions provided at no cost.

***What if the due process complaint raises a procedural violation of the IDEA?***

A hearing officer's decision on whether your child received a FAPE must be based on evidence and arguments that directly relate to FAPE.

In matters alleging a procedural violation (such as "an incomplete IEP Team"), a hearing officer may find that your child did not receive FAPE only if the procedural violations:

1. Interfered with your child's right to a FAPE;
2. Significantly interfered with your opportunity to participate in the decision-making process regarding the provision of a FAPE to your child; **or**
3. Caused your child to be deprived of an educational benefit.

The provisions described above do not prevent a hearing officer from ordering a school district to comply with the requirements in the procedural requirements of the IDEA, or preclude you from filing another due process complaint on an issue separate from a due process complaint already filed.

***What if I disagree with the results of a due process hearing?***

The hearing decision is final and binding on both parties. Either party may appeal the decision by filing an appeal in the appropriate court. In a civil action, the records and transcription of the administrative proceedings will be filed with the court. The court may hear additional evidence at the request of either party and must base its decision on the preponderance of the evidence. This appeal must be made within 90 days after the date of the decision of the Administrative Law Judge.

***Where will my child be placed during the pendency of a due process hearing?***

Once a request for due process is received by the LEA, during the resolution process time period, and while waiting for the decision of any impartial due process hearing or court proceeding, the child must remain in his or her current educational placement, unless the parent and the LEA agree otherwise. If your request for due process involves an application for initial admission to public school, your child, with your consent, must be placed in the general public school program until the completion of all such proceedings.

If your request for due process involves an application for initial services for a child who received services pursuant to an Individual Family Services Plan ("IFSP"), and has turned three, the LEA is not required to provide the IFSP services that your child had been receiving. If your child is found eligible for special education services from the LEA, and you consent for your child to receive special education services for the first time, then, pending the outcome of the due process proceedings, the LEA must provide those special education and related services that are not in dispute (those which you and the LEA both agree upon).

If your child has been placed in an Interim Alternative Educational Setting ("IAES"), he or she will remain in the IAES for a maximum of 45 school days pending the due process hearing, or until the expiration of the time period for the IAES, whichever occurs first.

***Under what circumstances could my attorneys' fees be reimbursed to me?***

A court, in its discretion, may order that a LEA pay reasonable attorneys' fees to the parent of a child with disabilities if the parent prevails at a due process hearing. Additionally, the LEA may be awarded attorneys' fees against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation. The LEA may also be entitled to attorneys' fees against the attorney of a parent, or against the parent, if the parent's complaint or subsequent cause of action was presented for any improper purposes, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.

A court may reduce the amount of attorneys' fees if: (1) the parent has unreasonably delayed the proceedings; (2) the fees unreasonably exceed the prevailing hourly rate in the community; (3) the time spent and legal services were excessive; (4) or the parent's attorney did not provide the LEA with an appropriate due process complaint. But the court may not reduce fees if the court finds that the LEA unreasonably delayed the final resolution of the action or proceeding, or there was a violation under the procedural safeguards provisions of the IDEA.

A parent may not obtain additional attorneys' fees or costs incurred after the rejection or failure to respond within 10 days to an offer of settlement that is made by the LEA, at any time more than 10 days before the hearing or court action, if the hearing officer or court finds that the relief finally obtained by the parents is not more favorable to the parents than the LEA's offer of settlement. Despite these restrictions, an award of attorneys' fees and related costs may be made to a parent if you prevail and the court determines you were substantially justified in rejecting the settlement offer. Attorneys' fees may not be awarded to an attorney for attendance at an IEP team meeting unless the meeting has been convened as a result of an administrative proceeding, or a judicial action. A resolution meeting is not considered a meeting convened as a result of an administrative hearing or court action, and also is not considered an administrative hearing or court action for purposes of the attorneys' fees provisions.

***What are my child's rights when the LEA is contemplating disciplining him/her?***

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability. School personnel may remove a child with a disability who violates a code of student conduct from his or her placement to an appropriate Interim Alternative Educational Setting ("IAES"), another setting, or suspension, for up to 10 consecutive school days (to the extent those alternatives are applied to children without disabilities) and for additional removals of not more than 10 consecutive school days in one school year for separate incidents of misconduct, so long as those removals do not constitute a change in placement.

A "change in placement" occurs if: the removal is for more than 10 consecutive school days, or the child has been subjected to a series of removals that constitute a pattern because: (1) the series of removals total more than 10 school days in a school year; (2) the child's behavior is substantially similar to the child's behavior in previous incidents resulting in the series of removals; and (3) additional factors such as the length of each removal, total amount of time the child is removed, and the proximity of the

removals to one another. The LEA determines on a case by case basis whether a pattern of removals is a change in placement.

If a child with disabilities is removed from his/her placement due to a violation of the code of student conduct for a period in excess of 10 consecutive school days, or 10 cumulative days when such suspensions constitute a change in placement, the LEA must hold an IEP team meeting to determine whether the behavior subject to discipline was a manifestation of your child's disability. This meeting will be held within 10 school days of the decision to change the child's placement. The IEP team will determine whether the conduct in question was: (1) caused by, or had a direct and substantial relationship to your child's disability; or (2) the direct result of the LEA's failure to implement the child's IEP.

If the LEA, parent, and relevant members of the IEP team determine that the conduct was a manifestation of the child's disability, the IEP team must either: (1) conduct a functional behavioral assessment, unless one had been conducted prior to the child's behavior that resulted in a change of placement, and implement a behavior intervention plan; or (2) review any existing behavioral intervention plan and modify it as necessary. In addition to one of the above options, the IEP team must also return the child to the placement from which he or she was removed, unless the parent and LEA agree otherwise in modifying the behavior intervention plan.

If the team determines that the conduct was not a manifestation of the child's disability, the school personnel may apply the disciplinary procedures in the same manner and for the same duration as the procedures would be applied to children without disabilities. A child with a disability must continue to receive educational services, so as to enable him or her to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting his or her IEP goals. The child's IEP team will determine the appropriate services and setting for those services. As appropriate, the child must also receive a functional behavioral assessment and behavior intervention services and modifications designed to ensure the behavior violation does not recur.

Parents have the right to appeal a decision to suspend or expel special education students or the decision of whether the child's conduct was a manifestation of his or her disability, by filing a due process complaint. When an appeal has been requested by either the parent or the LEA relating to the disciplinary placement of a child or the results of the manifestation determination meeting, the state will arrange for an expedited hearing, which must occur within 20 school days of the date the hearing is requested and will result in a determination within 10 school days after the hearing. Your child is entitled to a stay put placement during appeals; however, if your child is placed in an IAES for 45 school days, placement will remain in that setting pending the decision by the hearing officer or until the expiration of the time period of the suspension, whichever occurs first. If an evaluation of the child is requested when disciplinary action is pending, the evaluation must be conducted in an expedited manner. Pending such an evaluation, the child will remain in an educational setting determined by school authorities.

A child who has not previously been determined to be eligible for special education and related services may assert any of the protections provided under the IDEA if the LEA had knowledge that the child was a child with a disability before the occurrence of the behavior that caused disciplinary action. Knowledge will be deemed if: (1) the parent expressed in writing to supervisory or administrative personnel of the school district, or the teacher of the child, that the child was in need of special education and related services; (2) the parent had requested an evaluation of the child; or (3) school personnel had expressed to the Special Education Director of the LEA or to other supervisory personnel specific concerns about a pattern of behavior demonstrated by the child. The LEA is not deemed to have knowledge if the parent has not allowed an evaluation of the child or has refused special education services or the child has been evaluated and it was determined that the child was not eligible for services. If the LEA did not have knowledge of the disability, the child will not receive the due process protections of the IDEA.

School officials are not prohibited by special education laws from reporting a crime committed by your child to appropriate authorities. An LEA reporting a crime committed by a child with a disability must ensure that copies of the child's special education and disciplinary records are transmitted for consideration by the appropriate authorities, but only to the extent permitted by FERPA.

***What are the procedures when my child is subject to placement in an Interim Alternative Educational Setting?***

Under special circumstances, regardless of whether the child's behavior was a manifestation of his or her disability, school personnel may remove a student to an IAES for a period not to exceed 45 school days when a child has committed one of the following offenses at school, on school premises or at a school function under the jurisdiction of a state or LEA: (1) carried or possesses a weapon; (2) knowingly possessed or used illegal drugs, or sold or solicited the sale of controlled substances; (3) inflicted serious bodily injury upon another person. If the LEA has not already done so, after placing the child in a 45 school day IAES, the LEA must conduct a functional behavioral assessment and implement a behavioral intervention plan (if one has not already been implemented). If such a plan is already in place, the IEP team must consider its modification. The IAES must be affirmed by the IEP team if it will enable the child to continue to participate in the general curriculum and to receive those services and modifications, including those described in the child's current IEP, to meet the goals set out in the IEP and provide the modifications to address the offending behavior.

Under federal law, a hearing officer may return a child with a disability to the placement from which the child was removed. The hearing officer may also order a change of placement to an appropriate IAES for not more than 45 school days, if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

***What are the State Special Schools?***

The State Special Schools provide services to students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind at each of its three facilities: the California Schools for the Deaf in Fremont and Riverside and at the California School for the Blind in Fremont. Residential and day school programs are offered to students from infancy to age 21 at both State Schools for the Deaf and from ages five through 21 at the California School for the Blind. The State Special Schools also offer assessment services and technical assistance. For more information about the State Special Schools, please visit the California Department of Education Web site at <http://www.cde.ca.gov/sp/ss/>, ask for more information from the members of your child's IEP team or contact the SELPA Office.

***What are the rules relating to my decision to unilaterally place my child in a private school?***

The IDEA does not require an LEA to pay for the cost of education, including special education and related services, of your child with a disability at a private school or facility if the LEA made a FAPE available to your child and you choose to place the child in a private school or facility. However, the school district where the private school is located must include your child in the population whose needs are addressed under the IDEA provisions regarding children who have been placed by their parents in a private school under 34 CFR §§ 300.131 through 300.144.

The reimbursement to a parent for placement of a child in a private school or agency may be ordered by a hearing officer or court when it is determined that the LEA did not provide a FAPE to the child in a timely manner prior to the enrollment and that the private placement is appropriate. Reimbursement may be reduced if, at the most recent IEP team meeting prior to removing the child from public school, the parent failed to inform the LEA that they were rejecting the proposed placement and of their intent to place their child in a private school at public expense, or if the parent failed to provide that information in writing to the LEA at least 10 business days prior to the removal of the child from public school.

Reimbursement may also be reduced if, prior to the removal of the child from public school, the LEA informed the parent of its intent to evaluate the child, and parent refused to permit or did not make the child available for the evaluation. Reimbursement may also be reduced if a court finds that your actions were unreasonable.

Reimbursement cannot be reduced if the LEA prevented the parent from giving notice; the parent had not received notice of the requirements to provide notice to the LEA as described above; or if compliance with the notice requirement would likely result in the physical harm to the child. The cost of reimbursement may or may not be reduced, at the discretion of the court or hearing officer, if the parent is

not literate or cannot write in English, or compliance with the notice requirement would likely result in serious emotional harm to the child.

***Under what circumstances will a surrogate parent be appointed for a child?***

In order to protect the rights of a child, within 30 days of the LEA's determination that a child is in need of a surrogate parent, the LEA will appoint a surrogate parent for a child if:

1. The child has been made a dependent or ward of the court, the court has specifically limited the right of the parent or guardian to make educational decisions for the child, **and** the child has no responsible parent or guardian to represent him or her; or
2. The child is not a ward or dependent of the court **and** no parent or guardian can be located, **or** there is no caretaker of the child **or** the child is an unaccompanied homeless youth.

In determining who will act as a surrogate for a child, the LEA will consider a relative caretaker, foster parent, or court appointed special advocate, if any of the individuals exist, otherwise it will appoint a person of its choice.

The surrogate parent will be an individual with knowledge and skills to adequately represent the child. The surrogate must meet the child at least once and, unless such a person is unavailable, should be culturally sensitive to the child. The surrogate parent must represent the child in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the IEP, and in all other matters relating to the provision of a FAPE to the child, including the provision of written consent to the IEP for non-emergency medical services, mental health treatment services and occupational or physical therapy services.

Persons with a conflict of interest in representing the child must not be appointed as a surrogate parent. Conflicts exist if the surrogate parent is an employee of the LEA involved in the education or care of the child, or a foster care provider who derives her primary source of income from the care of this child or other children. When no such conflict exists, foster care providers, retired teachers, social workers, and probation officers may all serve as surrogates. In the case of an unaccompanied homeless youth, staff from emergency and transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogates without regard to the conflicts described above, only until such time as another surrogate parent who meets the requirements described above can be found.

Alternatively, the surrogate parent can be appointed by the judge overseeing the child's care (as opposed to the LEA) provided that the surrogate parent meets the requirements described above.

***Why am I asked to provide consent to bill California Medi-Cal & release or exchange information for health-related special education and related services?***

Through the Medi-Cal Local Educational Agency Billing Option, this LEA may submit claims to California Medi-Cal for covered services provided to Medi-Cal eligible children enrolled in special education programs. The Medi-Cal LEA program is a way for school districts or COEs to receive federal funds to help pay for health-related special education and related services, but only if you choose to provide your written consent.

The information below describes certain rights and protections available to you under IDEA. This notification must be provided to you before an LEA may ask you to provide your consent to access your child's Medi-Cal benefits for the first time, and on an annual basis thereafter.

You need to know that:

- You may refuse to sign the section of the IEP regarding Medi-Cal consent.
- Information about your child and family is strictly confidential.
- Your rights are preserved under Title 34 Code of Federal Regulations 300.154; Family Education Rights Privacy Act of 1974, Title 20 of the United States Code, Section 1232 (g), Title 34 Code of Federal Regulations, Section 99.

This consent is good for one year unless you withdraw your consent before that time. It can be renewed annually at the IEP meeting.

Your consent is voluntary and can be revoked at any time. If you do revoke consent, the revocation is not retroactive (i.e., it does not negate any billing that occurred after consent was given and before it was revoked).

Your consent must specify the personally identifiable information (for example, records or information about the services that may be provided to your child), the purpose of the disclosure (for example, billing for special education and related services), and the agency to which your LEA may disclose the information (for example, Medi-Cal). Your consent must also include a statement specifying that you understand and agree that your child's LEA may use your or your child's public benefits or insurance, for example, Medi-Cal, to pay for special education and related services under the IDEA. The LEA will obtain this consent by obtaining your signature on the Medi-Cal billing statement section of the IEP. Your consent **will not** result in denial or limitation of community-based services provided outside the school. If you refuse to consent for the LEA to access California Medi-Cal to pay for health-related special education and related services, the LEA still must ensure that all required special education and related services are provided at no cost to you.

Furthermore, as a public agency, an LEA may access parents' public benefits or insurance to pay for related services required under Part B of the IDEA, for a FAPE. For related services required to provide FAPE to an eligible student, the LEA:

**May not** require parents to sign up for or enroll in public benefits or insurance programs (Medi-Cal) in order for their child to receive FAPE under Part B of the IDEA (34 CFR 300.154 [d][2][i]).

**May not** require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services and reimbursement through Medi-Cal. (34 CFR 300.154[d][2][ii]).

**May not** use a student's benefits under Medi-Cal if that use would:

- Decrease available lifetime coverage or any other insured benefit.
- Result in the family paying for services that would otherwise be covered by the public benefits or insurance program (Medi-Cal) and are required for the child outside of the time the child is in school.
- Increase premiums or lead to the discontinuation of public benefits or insurance (Medi-Cal).
- Risk loss of eligibility for home and community-based waivers, based on aggregate health related expenditures (34 CFR 300.154[d][2][iii][A-D]).

### **Compliance Officers**

Ms. Katherine Aguirre  
El Rancho Unified School District  
9333 Loch Lomond Drive  
Pico Rivera, CA 90660  
562-801-4810

### **Custodians of Records**

Ms. Katherine Aguirre  
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## **Administrators of Special Education**

Ms. Katherine Aguirre  
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### **APPENDIX C**

#### **PARENT RECORD KEEPING**

Many parents have found it helpful to develop a home file or notebook about their child. One of the most practical and useful projects for parents is the formulation of a file or notebook of the child's medical development and educational histories. Such a file is useful for keeping records for every child, but it is particularly useful for keeping the records of a child with disabilities whose records are often more complicated and lengthy than those of most children. Parents may refer to these files to gauge progress and make comparisons. Important information to include:

1. **Medical:** Developmental history, including pregnancy and birth, doctor's report (pediatrician, allergist), therapy reports (speech therapy, occupational therapy), and agency reports (Regional Center, Mental Health).
2. **School:** Copies of all IEP's, communications with school staff, assessment reports, educational history, report cards, dated examples of school work, vocational testing.
3. **Personal/Social History:** The child's interests, clubs and organizations, family history, camps, special awards and pictures.
4. **Other Resources:** Financial resources, legal documents, community agencies, copies of Federal and State laws and regulations.

Record keeping is not mandatory for parents of children with disabilities, but good records prove helpful in day-to-day contact. Bring your up-to-date record keeping notebook to any and all meetings with school personnel. It is great to be prepared. The following pages provide a format that might be useful for recording information about your child.

**MEDICAL AND DEVELOPMENTAL HISTORY**

**Name:** \_\_\_\_\_ **Birthdate:** \_\_\_\_\_ **Sex:** \_\_\_\_\_

Siblings Birthday/Sex Learning/Language Problems

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_

Other family members with learning/language problems

\_\_\_\_\_

Language spoken in home \_\_\_\_\_

**I. Pregnancy Birth History**

Complications, illness or accidents \_\_\_\_\_  
\_\_\_\_\_

Premature? \_\_\_\_\_ How many weeks? \_\_\_\_\_ Weight and length? \_\_\_\_\_

Unusual problems (needed oxygen, blue, others) \_\_\_\_\_

Bruises or abnormalities \_\_\_\_\_

Apgar score \_\_\_\_\_

**II. Medical History**

Primary physician \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_

Medications \_\_\_\_\_

Hearing problems \_\_\_\_\_ When/Where Tested \_\_\_\_\_

Results \_\_\_\_\_

Vision problems \_\_\_\_\_ When/Where Tested \_\_\_\_\_

Results \_\_\_\_\_



**At what age did any of the following occur? Explanations**

Adenoidectomy \_\_\_\_\_ Eye problem \_\_\_\_\_  
Allergies \_\_\_\_\_ Head injuries \_\_\_\_\_  
Asthma \_\_\_\_\_ Heart problem \_\_\_\_\_  
Blood disease \_\_\_\_\_ High fevers \_\_\_\_\_  
Chronic colds \_\_\_\_\_ Meningitis \_\_\_\_\_  
Convulsions \_\_\_\_\_ Muscle disorder \_\_\_\_\_  
Dental problems \_\_\_\_\_ Nerve disorder \_\_\_\_\_  
Ear infections \_\_\_\_\_ Orthodontia \_\_\_\_\_  
Encephalitis \_\_\_\_\_ Tonsillectomy \_\_\_\_\_

Any other serious injuries, illness, operations, physical problems, hospitalizations not listed \_\_\_\_\_

**III. Development At What Age:**

Held head up \_\_\_\_\_ Rolled over \_\_\_\_\_  
Sat alone \_\_\_\_\_ Crawled \_\_\_\_\_  
Walked alone \_\_\_\_\_ Said first words \_\_\_\_\_  
Spoke in short sentences \_\_\_\_\_ Weaned from bottle \_\_\_\_\_

**Previous Diagnosis:**

Learning disabled \_\_\_\_\_ Developmentally delayed \_\_\_\_\_  
Neurologically delayed \_\_\_\_\_ Hard of hearing/deaf \_\_\_\_\_  
Visually impaired/blind \_\_\_\_\_ Head injured \_\_\_\_\_  
Intellectually disabled \_\_\_\_\_ Autistic \_\_\_\_\_  
Cerebral Palsy \_\_\_\_\_ Down Syndrome \_\_\_\_\_  
Other-specify \_\_\_\_\_

**Therapies:**

Speech/language \_\_\_\_\_ Behavioral \_\_\_\_\_  
Physical \_\_\_\_\_ Counseling \_\_\_\_\_  
Occupational \_\_\_\_\_ Psychological \_\_\_\_\_  
Hearing \_\_\_\_\_ Nutritional \_\_\_\_\_

**IV. Social-Behavior**

Toilet training problems \_\_\_\_\_ Cries a lot \_\_\_\_\_  
Needs a lot of discipline \_\_\_\_\_ Difficulty w/peers \_\_\_\_\_  
Under-active \_\_\_\_\_ Difficulty w/adults \_\_\_\_\_  
Over-active \_\_\_\_\_ Prefers to play alone \_\_\_\_\_

Type of discipline used in home \_\_\_\_\_  
Problem behaviors for parents \_\_\_\_\_

**V. Educational History**

Infant program \_\_\_\_\_  
Preschools \_\_\_\_\_  
Elementary schools \_\_\_\_\_  
Jr. high schools \_\_\_\_\_  
High schools \_\_\_\_\_  
Current school attending \_\_\_\_\_  
History of learning difficulties \_\_\_\_\_

**VI. Other Agencies or Professionals**

\_\_\_\_\_  
\_\_\_\_\_

**NOTES I MAY WANT TO SHARE ABOUT MY CHILD**

Additional information about your child's strengths, how your child learns best: By answering the questions below you will be prepared to include this important information at your child's IEP and/or share it with your child's teacher.

1. What are my child's strengths? (For example - David is usually in a happy mood and eager to learn.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. What are good reinforcers for my child? What motivates my child to do his or her best? (For example – James loves to listen to music.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. What are things a teacher can do to help my child learn? (For example - Kathy learns best when she is allowed to explore and touch instructional materials.)

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4. In what way do I want my child to be with peers in the regular class and involved in extracurricular and non-academic activities? (For example - I want Michael to participate in music activities with peers in the regular class.)

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5. Does my child have any health or medical problems that will affect his or her school activities? (For example - Because of heart problems, Marci needs a short rest every hour.)

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6. Other needs I think my child has that may need special attention. Why? (For example – Dulce may need to improve her coordination and balance skills.)

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7. How do I want to be involved in my child's school program? (For example - I want to observe and meet with my child's speech therapist once a month or I want to volunteer in my child's class.)

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8. List any additional questions or concerns you would like to discuss at the IEP meeting here.

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