

Parent Handbook For Special Education



Sonja Neely-Johnson, SELPA Director

Community Advisory Committee for Special Education
West Contra Costa Unified School District
August 2022

Acknowledgements

The original *Parent Handbook for Special Education* was printed in 1979 and revised in 1988, 1999 by the Community Advisory Committee (CAC). 2003 revisions by Special Education parents, Betsy Katz and Trish Rockeman, and Quality Assurance Program Consultant, Nancy Reinke. 2005-06 revisions by Parent Liaison, Jeanine Bishop, in collaboration with the Community Advisory Committee, Special Education Coordinator, Darlene Jones, and department specialists. 2007 revision by Steve Collins, SELPA Director, Ora Anderson, Director, Special Education, and Dr. Susan Keeffe, Administrator, Special Education. 2015 thru 2020 revisions with the assistance of department staff and additional information adapted from Riverside SELPA's parent publication.

We also acknowledge the work of Katy Grether for contributing the chapter on full inclusion, and give our thanks to SELPA Director Steve Collins and the Special Education Department of WCCUSD for printing and distributing the handbook.

Printed August 1979 by Community Advisory Committee for Special Education
Revised November 1988
Revised November 1999
Revised August 2002
Revised September 2003
Revised November 2005
Revised July 2006
Revised August 2007
Revised January 2011
Revised May 2012
Revised annually August 2013 through August 2020
Revised August 2022

Dear Parent/Guardian:

You, as a parent/guardian of a child with special needs, are very special! For you, the role of parenting has a much greater dimension than any ordinary child-rearing book imagined. You are the primary protector of your child's interests, the guardian of your child's rights, and your child's primary advocate.

You are an essential member of the educational team that designs the school program which best suits your child. Your firsthand, round-the-clock knowledge of your child is important information. As an active team participant, you give the educational team a picture of your child's educational growth and future aspirations.

This handbook was written by parents/guardians and special education administrators to help you become an effective member of the educational team and to provide a continual reference throughout your child's years in school. We believe you and the educational team can create a successful program for your special child.

Do you wonder what Special Education Local Plan Areas (SELPA's) are and why we exist? Here are some quick answers.

- SELPA's are dedicated to the belief that all students can learn and that students with special needs must be guaranteed equal opportunity to become contributing members of society.
- SELPA's facilitate high quality educational programs and services for students with special needs and training for parents and educators.
- SELPA's collaborate with county agencies and local educational agencies (LEA's) to develop and maintain healthy and enriching environments in which students with special needs and families can succeed.

Each SELPA is mandated by state law to have a Community Advisory Committee (CAC). It is a group of parents/guardians of children enrolled in special education and individuals with a personal or professional interest in securing appropriate services for children with disabilities. The CAC membership is intended to represent the geographic, ethnic, and socioeconomic makeup of our community. The broad goal of the CAC is to get people interested in advising the Boards of Education (and their administrative and professional staff) of the unique requirements of students with disabilities, and to assist the administration in furthering and improving the functioning of the SELPA. This is done by:

- Advising the policy and administrative members of the SELPA regarding the development, amendment, and review of the Local Plan. The entity shall review and consider comments from the CAC.
- Recommending annual priorities to be addressed by the plan.
- Assisting in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the plan.
- Encouraging community involvement in the development and review of the Local Plan.
- Supporting activities on behalf of students with disabilities.
- Assisting in parent awareness of the importance of regular school attendance.

The members of the West Contra Costa Unified School District SELPA CAC support your efforts in meeting the special needs of your child. We encourage you to ask questions and seek the information you need to make wise decisions about your child's future.

Sincerely,

Your CAC and SELPA Members

Table of Contents

Special Education Office Number Directory <i>Special Education Administration, Program Specialists, Related Services</i>	1
Introduction to Laws, Parents' Rights, CAC and SELPA	2
Early Start Program <i>For Infants & Toddlers, Birth to Three</i>	8
Reasons for Concern <i>Developmental Milestones</i>	10
The Special Education Process <i>Eligibility, Placement, Program Descriptions</i>	12
Preparing for the IEP Meeting <i>What to do prior to, during and after the IEP meeting to ensure a successful outcome</i>	24
Parents Rights and Responsibilities <i>The role of procedural safeguards</i>	29
Graduation Requirements <i>Diploma and Certificate Track</i>	31
Transition <i>From the World of School to the World of Work</i>	32
Section 504 <i>Civil Rights for People with Disabilities</i>	34
Frequently Asked Questions	36
Alternative Dispute Resolution <i>Steps to Resolving Disagreements</i>	40
Resources <i>Finding What You Need</i>	44
Acronyms & Glossary <i>What Does It Mean?</i>	50
Appendix	60
<i>Sample Letters and Procedural Safeguards</i>	

Special Education Department

Special Education Front Office	307-4630
SELPA Director	307-4630
Elementary and Secondary Special Education Directors	307-4641
Special Education Administrators	
Secondary.....	307-4641
Non-Public Schools.....	307-4640
Mental Health.....	307-4640
Early Intervention.....	231-1445
Transition.....	231-1432
Program Specialists	
Middle/High School.....	307-4641
Elementary.....	307-4640
Transition Specialist.....	307-4309
Adaptive Physical Education.....	307-4660
Assistive Technology.....	307-4524
Hearing Impaired.....	307-4630 Ext. 26718
Occupational Therapy.....	307-4648
Psychology.....	307-4643
Speech.....	307-4646
Transportation.....	307-4645
Visually Impaired.....	307-4642
504 Coordinator.....	307-4651
School Community Outreach Worker/Parent Liaison.....	307-4669
Resource Parents.....	307-4634

INTRODUCTION

This handbook was written to help parents understand more about the processes of Special education and their important role as a partner in their student's education. We hope it will help you to become fully involved in the team effort of obtaining the most appropriate educational program for your child.

Consider the handbook an important reference on your bookshelf. Keep it available and consult it. Familiarize yourself with its various sections so you will know where to turn whenever a question arises regarding your child's education. There are sections on special education laws, parents' rights, Individualized Education Program (IEP) planning, class placement, and resources for parents.

As you get better acquainted with your handbook we hope it will help you become a confident partner in the process of your child's education.

The contents of this handbook are based on the most recent federal and state laws. However, laws and regulations change constantly. The content of the handbook will be revised as needed to reflect those changes.

SPECIAL EDUCATION LAWS

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

Public Law 94-142, the Education for Handicapped Children Act of 1975, stated that all individuals with disabilities have the right to a public education. The intent of the law was to assure that special needs students become as self-sufficient and productive as possible in adult society. The goal was that students with disabilities should be educated to the maximum extent possible with their non-disabled peers. This is what's known as the Least Restrictive Environment or LEA.



In 1990 the law was re-authorized as Public Law 101-476 and was re-named the Individuals with Disabilities Education Act (IDEA). In 1997, it was again authorized with some changes and modifications, and in December 2004 the law was re-authorized with additional changes which include some of the provisions of **No Child Left Behind (NCLB)**. Since 1974, federal legislation has provided the right for children with disabilities to receive an appropriate public education. The Individuals with Disabilities Educational Improvement Act (IDEIA, 2004) reaffirmed these rights. Under the federal law, **special education** means specially designed instruction, at no cost to the parent, to meet the unique needs of individuals with exceptional needs, including related services and transition services for youth ages 16 and above.

IDEIA also guarantees four basic rights to all children with disabilities. In order to guarantee these rights, the Law also includes two protections.

RIGHTS UNDER IDEA

- **Free Appropriate Public Education (FAPE)** – Children with disabilities (from birth until 22 years old) who meet special education eligibility criteria are entitled to a public education, appropriate to their needs, at no cost to their families.
- **Least Restrictive Environment (LRE)** – Each public agency must ensure that, to the maximum extent appropriate, children with disabilities are educated with students who do not have disabilities. Special classes, separate schooling, or other removal of a child with a disability from the regular educational environment should occur only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. The LEAs also strive to serve their students with disabilities as close to their home school as possible with appropriate support and services provided therein.
- **Supplementary Aids and Services (Related Services)** – Children with disabilities must be provided aids, services, and other supports that are provided in regular classes or other education-related settings and in extracurricular and nonacademic settings, to enable each child to be educated with nondisabled peers to the maximum extent appropriate.
- **Assessment** – An assessment must be completed to determine the needs of the child in all areas related to his or her suspected disabilities. This may be done only with the parent's/guardian's informed consent. After initial assessment and determination of eligibility for special education, the child must be reassessed at least every three years to determine continued eligibility and need for services.

PROTECTIONS UNDER IDEA

Due Process – Due process is described in the legal procedural safeguards. They are designed to ensure that parents provide informed consent regarding special education programs offered. Further, due process provides a mechanism for the resolution of disagreements.

Individualized Education Program (IEP) – The IEP must be prepared at least annually for each child with a disability. It is developed by a team comprised of one or both of the child's parents or a guardian, special education teacher or provider, a general education teacher, personnel who assessed the child (if applicable), and a person who is knowledgeable about general curriculum and the availability of resources. Whenever appropriate, the pupil is encouraged to attend. Other persons who have knowledge or special expertise regarding the pupil may also attend at the discretion of the LEA or parent/guardian. If more than one general education teacher is providing instructional services to the pupil, one teacher may be designated to represent the others.



PART C OF IDEA

Part C authorizes assistance to address the needs of infants and toddlers with disabilities and their families. These grants support coordination across agencies and disciplines to ensure that comprehensive, multidisciplinary, and family-focused early intervention services are available on a statewide basis. These services are designed for children below the age of 3 who meet the state's eligibility criteria. Part C promotes a coordinated system of early intervention services for children with disabilities and their families via:

- Individual Family Service Plans (IFSPs) for birth to three years old;
- The transition process at age 2.9 years; and
- Provisions for using Part C and Part B Funds (Section 619).

SECTION 504 OF THE REHABILITATION ACT

Section 504 guarantees that people with disabilities may not be discriminated against because of their disability. While IDEA protects children in the area of education, Section 504 protects those with disabilities for life and encompasses the right to vote, accessibility, and employment, in addition to education.

AMERICANS WITH DISABILITIES ACT (ADA) OF 1990

The ADA guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, state and local government services, and telecommunications.



Following the federal requirements, California's special education laws are delineated in Education Code Part 30 and the California Code of Regulations Title 5. Special Education Local Plan Areas (SELPA) were created as part of California's Master Plan for the design of special education services across the state.

The Legislature made its intentions clear under the general provisions described in Education Code Section 56000.

- All individuals with exceptional needs have a right to participate in free appropriate public education and special educational instruction and services for these persons are needed in order to ensure the right to an appropriate educational opportunity to meet their unique needs.
- Special education is an integral part of the total public education system and provides education in a manner that promotes maximum interaction between children or youth with disabilities and children or youth who are not disabled, in a manner that is appropriate to the needs of both.

- Special education provides a full continuum of program options, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings, and instruction in physical education, to meet the educational and service needs in the least restrictive environment.
- It is the intent to unify and improve special education programs in California under the flexible program design of the Master Plan for Education and to ensure that all individuals with exceptional needs are provided their rights to appropriate programs and services designed to meet their unique needs under the IDEA.

PARENTS' ROLES

PARENTS AS PARTNERS

Parents are valued partners. Parent participation is one of the outstanding features of current legislation concerning exceptional children. One example of this participation is this handbook. It was designed and prepared by parents of children with disabilities.

As a parent you are entitled to an active role in the special education process. From the referral for eligibility for special education services, to the provision of services, you play an important part. As you play this key role in your child's education, it is important you understand fully all the ways you can participate as a partner.

Your rights and responsibilities as a parent in the identification, assessment, educational planning, placement, and appeals processes are specifically outlined in this handbook. Read them carefully and use them.

PARTICIPATE

Be active in all the processes of your child's special education. As a parent you will find yourself one of a team of people all working together to plan and provide the most appropriate educational program for your child. Be prepared. Ask questions about anything you do not understand. Your participation is needed in a variety of ways. Here are some examples:

- **Consent** – By law your consent is required before your child can be tested or receive any special education services.
- **Information** – As part of the assessment process and the IEP planning you will be asked to provide needed information concerning your child. Your cooperation will help in planning the best program for your child.
- **Review** – Your child's IEP will be reviewed once a year. Be involved in this process every year. Your input is needed. Remember the IEP is the heart of your child's education and your participation in the process is vital.

- Attendance – Attend all IEP meetings and parent conferences concerning your child. Also, you may have the opportunity to attend parent education programs to learn more about special education activities.
- Communication – Good communication between home and school is an important key to the success of a child's program. Once the decisions have been reached and the IEP written, keep in close touch with what is going on at school.

COMMUNITY ADVISORY COMMITTEE (CAC)

An important organization to become aware of and be involved in is the Community Advisory Committee for Special Education (CAC). The law requires that a majority of its members be parents and a majority of those be parents of special education children. Representatives of public and private agencies, community groups, special and regular education teachers, disabled students, school personnel, and other concerned citizens make up the rest of the committee. This organization plays an important role in special education in the West Contra Costa Unified School District. The CAC's responsibilities and activities include:

- Advising the WCCUSD administration and Board of Education regarding the development and review of special education programs;
- Making recommendations on priorities to be addressed under the local special education plan;
- Acting in support of children with disabilities;
- Assisting in the evaluation of how well the Local Plan for Special Education is meeting the needs of our children;
- Assisting in parent education and the development of public information materials such as this handbook;
- Hosting the *You Make a Difference* annual award ceremony to recognize the contributions of individuals, both adults and youth, who enhance the lives of students with disabilities;
- Promoting and participating in the district's disability awareness efforts.
- Advocating for the passage of legislation that positively impacts the educational experience for students with special needs.

You are encouraged to attend the monthly CAC meetings. Call the Special Education Department at (510) 307-4630 for more information.

Other active parent organizations exist in the area that can also provide support, information, advocacy, and other assistance. They will welcome your involvement. See the Resources section at the end of the handbook, for information.



WHAT IS A SELPA?

President Gerald Ford signed the first federal legislation mandating that all states develop a master plan for special education. In 1977, California mandated all school districts and county offices to form consortiums in geographical regions of sufficient size and scope to provide for all special education service needs of children residing within the boundaries. These regions became known as a SELPA (Special Education Local Plan Area). Each SELPA has a Local Plan describing how it provides special education services within its Local Educational Area (LEA) members. LEA membership refers to school districts, LEA charter schools, and the County Office of Education. There are currently 135 SELPAs in California. SELPAs are responsible for assuring:



- All individuals with disabilities receive a free appropriate public education in the least restrictive environment.
- All general education resources are considered / utilized on a local or regional basis to meet the needs of students with disabilities.
- A system exists at the regional level for identification, assessment, and placement of students with disabilities.
- A viable system for public education is functioning in the community, with participation and interaction involving parents and other agencies.
- An annual compliance monitoring system is implemented and reviewed to assure identified non-compliant items are rectified.

Each SELPA is required to have an approved Local Plan for special education. The plan includes all of the following:

1. Provision of a governance structure and any necessary administrative support to implement the plan.
2. Establishment of a system for determining the responsibility of participating agencies for the education of each individual with exceptional needs residing in the SELPA.
3. Designation of a responsible local agency to perform functions such as the receipt and distribution of funds, provision of administrative support, and coordination of the implementation of the plan. Any participating agency may perform any of these services required by the plan.



EARLY START PROGRAM

The West Contra Costa Unified School District offers special programs to families who have infants or toddlers under the age of three years with health, learning, behavioral or developmental concerns. Families may have received a diagnosis for their child, or they may have questions or concerns about their child's development. In these cases, there are professionals and other parents who can help by answering questions and providing the necessary services to assist the child and family.

If you are concerned about your child's development, the first step is to refer the child for evaluation and assessment. You may call Cameron School directly at (510) 231-1445 and request an assessment. With your permission, the staff will assign a service coordinator to your family and will work with you to plan an assessment, whereby all areas of the child's development will be evaluated.

Within 45 days after you make your referral to Cameron School, the assessment process should be completed and, if the child is eligible, an Individual Family Service Plan (IFSP) will be developed. The IFSP is a document that addresses both the unique needs of the child as well as the needs of the family to enhance their child's development. It includes a statement of the infant's current developmental level; the family's concerns, priorities, and resources; the expected outcomes; and specific services including frequency, intensity and duration. A family assessment is voluntary.

The IFSP is reviewed every six months (or more often if requested). Development of the IFSP must be coordinated with all other agencies providing services to the child and family (such as California Children Services, Regional Center of the East Bay, etc).

The IFSP is a joint effort among your family, professionals who will be working with the child, and the community supports needed to meet the special needs of the child. Research has shown that family-centered interventions during the first three years of a child's life can make a profound difference in the child's future. These services can improve the developmental progress of a child, can reduce feelings of isolation, stress, and frustration in families, and help children with disabilities to grow up and be productive and independent.

Services identified in the IFSP may be delivered in the home, at childcare, or at Cameron School. It is your service coordinator's job to assist you in accessing the services your child needs. Services are designed to meet the developmental needs of the child and are to be provided at no cost to you. These services may include: assistive technology, psychological services, audiology (hearing) services, family training, counseling, home visits, respite, service coordination (case management), some health services, social work services, medical services for diagnostic or evaluative purposes only, nursing, nutrition counseling, occupational therapy, physical therapy, special instruction, speech and language services, transportation services, vision services, and others as needed.

Your child may also qualify for supportive services through Early Head Start. Early Head Start provides families with children ages birth to three access to services such as medical, dental, nutrition and mental health support, and education and other family services support as needed.

When the child is 2 ½, a transition IFSP must be developed which describes the steps to be taken to continue special education school services, if needed. You will begin to think about a special education preschool for your child, and your service coordinator will help you in making this change, or “transition”. There should be no interruption of services for your child when he/she leaves early intervention services and transitions to a preschool.

For more information about programs for infants and toddlers with disabilities contact:

Cameron School Program Administrator
(510) 231-1445

Early Head Start
West County: (510) 374-7144

First Five West County
2707 Dover Street San Pablo, CA 94806
Bay Area Community Resources
Director: Alexina Rojas
(510) 232-5650

CARE Parent Network (Family Resource Center)
(800) 281-3023



REASONS FOR CONCERN 0-5 Years

Children develop at different rates and in different ways. Differences in development may be related to health, personality, temperament, and/or experiences. Here are some reference points to help determine if your child or a child in your care may need special help.

The first five years are very important in a child's life. The sooner a concern is identified, the sooner a child and family can receive specialized services to support growth and development. Parents, family members, and caregivers may have concerns about a child's development and seek help when needed. It is always a good idea for families to discuss any questions they may have with the child's doctor. Caregivers should discuss concerns with families to see how best to support them.

RISK FACTORS

The following factors may place children at greater risk for health and developmental concerns:

- Prematurity or low birth weight
- Vision or hearing difficulties
- Prenatal exposure or other types of exposure to drugs, alcohol, or tobacco
- Poor nutrition or difficulties eating (lacks nutritious foods, vitamins, proteins, or iron in diet)
- Exposure to lead-based paint (licking, eating, or sucking on lead-base painted doors, floors, furniture, toys, etc.)
- Environmental factors, such as abuse or neglect

BEHAVIORS AND RELATIONSHIPS

Some of the following behaviors may be cause for concern in any child:

- Avoids being held, does not like being touched
- Resists being calmed, cannot be comforted
- Avoids or rarely makes eye contact with others
- By age four months, does not coo or smile when interacting with others
- By age one, does not play games such as peek-a-boo or pat-a-cake or wave bye-bye
- By age two, does not imitate parent or caregiver doing everyday things, such as washing dishes, cooking, or brushing teeth
- By age three, does not play with others
- Acts aggressively on a regular basis, hurts self or others

HEARING

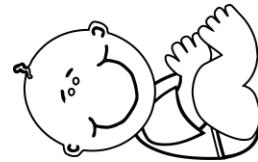
- Has frequent earaches
- Has had many ear, nose, or throat infections
- Does not look where sounds or voices are coming from or react to loud noises
- Talks in a very loud or very low voice, or has an unusual sound
- Does not always respond when called from across a room even when it is for something that the child is usually interested in or likes
- Turns body so that the same ear is always turned toward a sound

VISION

- Has reddened, watery eyes or crusty eyelids
- Rubs eyes frequently
- Closes one eye or tilts head when looking at an object
- Has difficulty following objects or looking at people when talked to
- Has difficulty focusing or making eye contact
- Usually holds books or objects very close to face or sits with face very close to television
- Has an eye or eyes that look crossed or turned, or eyes do not move together

MOVING

- Has stiff arms or legs
- Pushes away or arches back when held close or cuddled
- By age four months, does not hold head up
- By age six months, does not roll over
- By age one, does not sit up or creep using hands and knees, does not pick up small objects with finger and thumb
- By age two, does not walk alone, has difficulty holding large crayons and scribbling
- By age three, shows poor coordination and falls or stumbles a lot when running, has difficulty turning pages in a book
- By age four, has difficulty standing on one foot for a short time
- By age five, does not skip or hop on one foot, has difficulty drawing simple shapes



COMMUNICATING

- By age three months, does not coo or smile
- By age six months, does not babble to get attention
- By age one, does not respond differently to words such as “night-night” or “ball”; does not say words to name people or objects, such as “mama” or “Bottle”, or shake head “no”
- By age two, does not point to or name objects or people to express wants or needs; does not use two-word phrases, such as “want juice” or “mama go”
- By age three, does not try to say familiar rhymes or songs; cannot follow simple directions
- By age four, does not tell stories, whether real or make-believe, or ask questions; does not talk so that adults outside the family can understand

THINKING

- By age one, has difficulty finding an object after seeing it hidden
- By age two, does not point to body parts when asked such questions as “Where’s your nose?”
- By age three, does not play make-believe games
- By age three, does not understand ideas such as “more” or “one”
- By age four, does not answer simple questions, such as “What do you do when you are hungry?” or “What color is this?”
- By age five, does not understand the meaning of today, yesterday, or tomorrow

The Special Education Process

IDENTIFICATION

Under current law, the school district (as well as other public agencies) is responsible for conducting a continuing search in the community to identify infants, preschool, and school-aged children who may require special education services.

Parents who are concerned about their child's health, development, or learning may want to consult with a health care provider, childcare provider, teacher, or other person knowledgeable about child health or development. A conference with your child's teacher or school principal, and possible referral to the Student Success Team is a first step, to determine if the resources of the regular education program can meet the child's needs. If parents or school personnel feel that assessment by trained specialists is indicated, they may make a referral to the Special Education department at 307-4630. Although not legally required, it is advisable to make your referral in writing.

Eligibility Criteria for Preschool Students between the ages of three to five

The pre-school child must have needs that cannot be met with modification of a regular environment in the home, or in school or both, without ongoing monitoring or support as determined by an Individualized Education Program Team. The student must also qualify under one of the disabling conditions and an established medical disability.

Eligibility Criteria for Students (K-12)

The presence of a disabling condition, by itself, does not make a child eligible for the provision of special education services. The disabling condition must adversely affect educational performance to the extent that the student's educational needs cannot be met without modifications, physical or instructional, in the regular classroom or through the provision of other remedial instruction. It is the IEP team's decision, based on assessment, to identify a student as a child with one or more disabling conditions.

ASSESSMENT

The assessment process has two major purposes:

- To determine if a student is eligible for special education services, and
 - To assess the needs or gather all of the information possible about the student in order to determine which are the most appropriate special education and related services for the student.

The parent's written consent is necessary before an assessment can be conducted (as well as before any special education services can be delivered to the child). The *written assessment plan must be prepared within 15 days after receiving the referral*, and must include:

- The reason the referral was made;

- An explanation of the assessment process and the tests which will be used, and who will be responsible for doing the testing and interpreting the results;
- A notification of the rights of the parents regarding the assessment process;
- A statement informing the parent that no diagnostic testing will be done before parental consent is given, and that the parent has up to 15 days to consent.
- A request that the parent provide written permission (if the student is under age 18) for the assessment to be conducted.

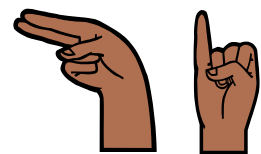
A developmental and educational history for the child will be obtained by a specialist. Results of the assessment will be stated in a written report, and parents must be provided a copy of the findings. The report should describe how the child's disability affects involvement and progress in the general curriculum.

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

An IEP meeting must be held *within 60 calendar days after the date of written consent* to an assessment (excluding days in July and August, spring and winter break), for eligible children. The IEP is developed by a team including the parents, an administrator, the teacher, the person who conducted the assessment, at least one regular education teacher if your child is or may be participating in the general education classroom, and other individuals as needed and appropriate. Parents should consider whether to have their child attend the IEP team meeting. Parents may also bring a relative, friend, or neighbor to the meeting as a support. The parent is always a welcome and equal member at meetings to plan special education placement and services.

This initial meeting will be to determine eligibility for Special Education under one of the thirteen federally defined disabling conditions:

Hard of Hearing
Deaf
Visual Impairment
Specific Learning Disability
Intellectual Disability
Deaf-Blind
Autism
Orthopedically Impaired
Traumatic Brain Injury
Emotionally Disturbed
Speech Impaired
Other Health Impaired
Multiple Disabilities



For detailed information on the above disabling conditions contact the Special Education Department.

The parent will be notified of the time and place of the IEP meeting, which should be at a time convenient to them. Parent input will be solicited, in order to address the parent's concerns and

interest regarding this student. Before Special Ed services can be initiated the parent must provide written consent to the services and placement outlined in the Individualized Education Plan (IEP).



WHO IS ON THE IEP TEAM?

The IEP team that develops the IEP must include:

1. *You*, the parent/guardian
2. An administrator or designee who is knowledgeable about general curriculum and about availability of LEA resources
3. Your child's special education teacher(s)
4. At least one general education teacher if your child is or might be participating in a general education environment
5. Your child (if appropriate) Beginning at age 16, (younger if agreed), your child needs to be in attendance at the IEP meeting. Beginning at age 17, your child must be given information regarding transfer of parental rights and procedural safeguards when he/she turns 18 years old
6. A person who has conducted the assessment of your child or someone who understands the assessment procedures used with your child and who is familiar with the results
7. Other support persons, as decided by the school and/or yourself

THE SPECIAL EDUCATION IEP MUST INCLUDE:

1. At least one general education teacher if your child is, or may be, participating in the general education classroom.
2. Present levels in each listed area and results of the most recent assessments.
3. How your child's disability affects involvement and progress in the general curriculum; or if your child is a preschooler, how the disability affects participation in appropriate activities.
4. A reason for placement if it is other than the school regularly designated for attendance.
5. A statement indicating the extent to which the child will not participate in a general education classroom. There must be an explanation if the student is not participating in general education activities.
6. Parent concerns regarding increasing and enhancing your child's educational progress.

7. Measurable annual goals that include benchmarks or short term objectives. These must be related to: (a) meeting your child's disability-related needs; (b) allowing your child to be involved and to progress in the general education curriculum; (c) how each of your child's educational needs are being met.
8. Special education and related services and supplementary aids and services to be provided.
9. How you are to be informed of your child's progress, at least as often as parents of non-disabled general education students, including the extent to which progress is sufficient to enable the child to reach his/her goals by the end of the year.
10. Program modifications or supports for school personnel that will be provided for your child to: (a) advance toward annual goals; (b) be involved and progress in the general curriculum and participate in extracurricular activities; and (c) be educated and participate with disabled and nondisabled peers.
11. The projected date for beginning services and modifications and their anticipated frequency, location, and duration.
12. Your child's participation in district-wide standardized assessments, including accommodations, if any, and if your child is to be exempt from participation, the reason for that exemption.
13. A statement regarding your child's behavior and whether or not it impedes his/her learning or that of others. If so, then a behavioral support plan must be developed which addresses the identified behavioral concerns.
14. A plan for your child's transition service starting at age 16, focusing on courses of study, and interagency responsibilities and linkages.
15. For blind or visually impaired children, a statement regarding instruction in and the use of Braille. If not provided, a statement or rationale is required.
16. A statement that your child's communication needs have been considered. If your child is deaf or hard of hearing, opportunities for communication with peers and professional personnel in your child's communication mode must be included in the IEP.
17. The need for assistive technology devices and/or services for your child.

WHAT STEPS DOES THE IEP TEAM FOLLOW IN DEVELOPING THE IEP?

1. The IEP team reviews the findings of the assessment and establishes your child's eligibility for special education services. Feel free to ask questions if you do not understand the test results.
2. Your primary concerns, the child's strengths, his/her present levels of performance, and the areas of need for extra special education support are documented.

3. Annual Goals are written for each area where the team has identified a need. Goals describe how the team wants a student's competence to change after instruction, usually over the period of a year.
4. Short term objectives may be written for students participating in an alternate functional skills curriculum. Objectives are incremental steps to be taken to reach the goals. They are specific, meaningful, observable, and measurable. Objectives are based on a particular activity and easy to understand. The objective identifies who will measure the results and how they will do it.
5. The team will ask if you agree with the goals and objectives that have been generated.
6. The team will review classroom and testing accommodations and/or modifications.
7. For students turning age 16, the team will obtain assessment information to lead to the creation of a Transition Plan. This is to help map out strategies for the student to successfully transition from school to work and/or continuing education.
8. For high school, the team will review graduation requirements for diploma vs. certificate of completion. A summary of performance (SOP) will be completed upon completion of educational program with diploma or age out.
9. Special factors such as impact of a low incidence disability, behavioral challenges, English learner needs, and statewide assessment are discussed and documented.
10. All possible program options are explored, and the least restrictive placement option that will allow your child to benefit from the agreed upon goals and objectives is chosen.
11. Appropriate supplemental aides and services, modifications and supports, special education and/or related services are identified, with specific frequency and duration.
12. After the team has made an offer for a Free Appropriate Public Education (FAPE), the parents need to give written consent for the IEP to be implemented.
13. Parents are provided with a copy of the IEP, preferably at end of the IEP meeting. You can request that a copy also be provided to you in your primary language.
14. You may take the IEP forms home to review before you sign, but services cannot start without your signed permission on the IEP form. You or any other member of the team may suggest that the IEP meeting be completed at another time.
15. If, after at least three attempts by the LEA to engage your participation, you choose not to attend the meeting, the other members of the IEP team will meet on the scheduled day and develop the program in order to meet compliance timelines. A copy of the completed IEP will be sent to you for your review and written consent.

At the conclusion of the IEP meeting, all participants will be asked to sign the IEP. Never sign a blank form. Don't hesitate to ask the professional present to repeat, or give explanations to you in everyday language. If you are satisfied with the IEP and give your written consent, placement in the appropriate special education and all related services should occur

immediately after the IEP has been signed. If you disagree with all or part(s) of the IEP, you will be asked to write a dissenting statement. This statement becomes a part of the IEP. Your signature indicates presence and participation in the IEP meeting. Checking the statements above your signature also indicates your agreement/disagreement with the IEP.

You may, however, refuse to give your consent to all or part of the IEP. In this case, there will be no change to the current or existing program your child is in. You may request that the portion of the IEP with which you do not agree be reconsidered, and another meeting may be scheduled to discuss and resolve any issues. If necessary, you can request a fair hearing.

The IEP is reviewed on an annual basis or more frequently if either the parent or school personnel request it. **No changes may occur to the IEP without the parent's written consent.**

PROGRAM SPECIALISTS

Program Specialists oversee the Special Education programs at their assigned sites. Some of their roles include the facilitation of IEP meetings, meeting with parents and school staff members, and placement of students in Extensive Support Needs and Mild to Moderate Support Needs classes. In general, Program Specialists provide support to school sites including the instructional program and curriculum.

Parents may address their school concerns first at the school site level, beginning with the classroom teacher. If concerns are not resolved with the teacher, then the school principal is to be contacted. Program Specialists are to be contacted whenever concerns cannot be resolved at the site level.

PLACEMENT AND SERVICES

When eligibility has been established by the IEP team, it must determine how to meet the student's individual needs in the least restrictive environment as close to home as possible. Assignments to special day classes, special schools, or any other removal from the regular classroom setting should only occur when the nature and severity of the disability is such that education in regular classes with additional, supportive aids and services cannot be satisfactorily achieved. Remember, under the law each child is entitled to placement in the least restrictive environment, which is that placement which gives the student the greatest amount of contact with their non-disabled peers. Moreover, as a student achieves goals and succeeds in the present placement, a less restrictive environment should be considered. Each school district must provide a continuum of services, including:

REGULAR CLASS WITH RELATED SERVICES (DESIGNATED INSTRUCTIONAL SERVICES)

Related Services and instruction are provided by specialists in a wide variety of settings. These services support the student's total education program and may include Speech, Physical, or Occupational Therapy, Audiological Services, Orientation and Mobility Instruction, Vision or Hearing Services, Home or Hospital Instruction, Designated Psychological Services, Career or Occupational Training, Assistive



Technology, and Counseling. Related Services may include consultation to parents and staff as specified in the IEP.

SPECIAL DAY CLASSES

Special Day classes are available for students who have more intensive needs than can be met by regular school programs and the Resource Specialist Program. Students are enrolled for a majority of the school day and grouped according to similar instructional needs. Students should be integrated in regular education activities to the fullest extent as appropriate.

EXTENSIVE SUPPORT NEEDS (ESN) PROGRAM

Students with extensive support needs may be educated in small classroom environments of no more than 13 students. ESN students are provided the necessary supports to access Core or Functional Life Skills curriculum. ESN curriculum includes task analysis and instruction in Language Arts, Mathematics, Science, History, Health, Physical Education, and Visual and Performing Arts, and follows California Standards. Students in the ESN program are assessed using the California Alternate Assessment, (CAA), an alternative version of the STAR test.

Students who have extensive support needs include those who are hard of hearing, deaf, have visual impairment, orthopedic impairment, emotional disturbance, autism, below average intellectual functioning, or multiple disabilities.

MILD TO MODERATE SUPPORT NEEDS (MMSN) PROGRAM

The Mild to Moderate Support Needs Program may include students with any disability to a lesser or more moderate degree. This includes students diagnosed as having "Specific Learning Disabilities." The term "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, which may manifest itself in an impaired ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

Students in the MMSN Program may be educated in small classroom environments of no more than 17 students, the Resource Specialist Program, or in the general education classroom. The MMSN Program follows California Standards core curriculum and includes instruction in Language Arts, Mathematics, Science, History, Health, Physical Education, and Visual and Performing Arts. MMSN students are assessed using statewide assessments with necessary accommodations as stated in their IEPs.



REGULAR CLASS AND RESOURCE SPECIALIST PROGRAM

Students who receive special education services through a school site Resource Specialist are assigned to a classroom teacher for a majority of the school day and are pulled out to receive small group instruction from a credentialed resource specialist teacher in the core curriculum areas specified in their Individual Education Plan (IEP). These students are assessed using the statewide assessments with necessary accommodations as stated in their IEPs.

For middle and high school students in the RSP program the special education department is implementing a collaborative model for the core subject areas. Special education students who are on a diploma track will be enrolled in general education and core subject areas classes with support such as tutorial or study skills class. This is also referred to as “push-in” model. Several high schools have fully implemented the model for specific subject areas.

INSTRUCTIONAL SUPPORT PROGRAM (ISP)

The Instructional Support Program (ISP) is a flexible, innovative program that blends resources and services under the MMSN special day class (SDC), RSP and Response to Intervention (RtI) programs. The goals of the program are to provide students with individualized academic and behavioral supports based on need in order to include students in general education as much as possible and provide services at the students’ school of residence.

FULL INCLUSION

Typically, one or several children with disabilities attend class for most of each day in the general education classroom. They belong to that classroom and are counted in the maximum number of students allowed. They are expected to participate in class discussions and team projects with the encouragement of the general education teacher. They do the academic work assigned to the class as appropriate and adapted to their level by the special education teacher responsible for each child. The special education teacher can be on-site at the school or itinerant, i.e., responsible for included students at several schools.

ADAPTIVE PHYSICAL EDUCATION (APE)

Adaptive Physical Education specialists provide direct physical education services to students who have needs that cannot be adequately met by other physical education programs. APE eligibility is determined by assessment and evaluation of motor skill performance and other areas of need. It may include individually designed developmental activities, games, sports and rhythms, for strength development and fitness, suited to the capabilities, limitations, and interests of individual students who may not safely, successfully or meaningfully engage in a general or modified physical education program. APE teachers also provide support, consultation, and equipment to staff and special education students enrolled in general education classes.

ASSISTIVE TECHNOLOGY

IDEA requires that Assistive all special education or 504



Technology services be considered for students. Referrals for Assistive

Technology assessments are made by IEP teams, parents, teachers, and Related Services personnel. Assistive Technology (AT) can be equipment and/or services that allow the student access to the curriculum. AT equipment can be anything from a pencil grip, specially lined paper, and low-tech communication boards to portable word processors and specialized software for students with special needs.

AUTISM PROGRAM

Students identified with Autism Spectrum Disorders are served in learning environments specifically designed to meet their unique needs. The learning environments include the students' homes, mainstream settings, or specialized classes such as the Autistic Core Classroom, a self-contained class where students receive services from a team of specially trained and credentialed teachers. Specialized teaching methods such as TEACCH, (Treatment and Education of Autistic and Communicatively Handicapped Children), and PECS, (Picture Exchange Communication System), are provided according to each student's IEP. Parents provide input into the development of the IEP and are encouraged to participate in district sponsored in-service trainings specific to autism spectrum disorders.

COCHLEAR IMPLANT PROGRAM

The Cochlear Implant Program provides services to deaf/hard of hearing students with cochlear implants. The IEP team determines specific services to be provided and methods designed for the deaf/hard of hearing. Services are provided in the Least Restrictive setting by a specially credentialed/certificated team in age/peer appropriate settings including a resource room, special classroom, and general education environment.



DEAF AND HARD OF HEARING

Deaf and Hard of Hearing services include consultation with the classroom teacher, student, parents, speech therapist, audiologist, hearing aid dealer, etc. This also includes class presentations, hearing aid checks, and maintaining FM systems. Services are provided in Auditory Skills Development, and/or vocabulary development, especially as related to academic subjects, and may also include the use of FM equipment.

LEARNING CENTERS

Learning Centers are a seamless approach of integrating resources to serve at-risk special and general education students. It is a model designed to meet the individual needs of each student and may include small group or one on one instruction based on diagnostic and prescriptive teaching.

HOME INSTRUCTION

Home instruction is provided to students who are temporarily unable to attend a regular or more intensive school program. Special Education services are provided by qualified teachers and service providers according to the students individualized needs determined in the IEP. The goal of this program is to allow students to continue to access instruction, services and supports in order to help transition the student back into a regular school program. Parents must oversee all instruction and are a very important part of the success of this program.

CONTINUATION HIGH SCHOOLS

Continuation High Schools are alternative four-year public high schools in the West Contra Costa Unified School District. Students referred to continuation high schools are those who did not succeed at the high school or other alternative high schools. They have a small student population, which include but are not limited to, students with learning disabilities. In addition to core curriculum, they use School-To-Career practices to enable students to develop awareness of workplace skills and abilities, and gain academic, social and ethical information for a more productive future.

OCCUPATIONAL THERAPY

Students who are identified through assessment as eligible for occupational therapy, receive services as designated by their Individual Education Plan, and may be delivered as both direct and/or indirect, (consultation) services in the classroom, or other educational setting, or home. OT includes services to improve a student's educational performance, self-help abilities, sensory processing, motor planning, visual perception, and gross and fine motor abilities.

PHYSICAL THERAPY

Students who show through assessment, a discrepancy between gross motor ability and other educational skills, may receive physical therapy services from a registered physical therapist, or a physical therapist assistant. Physical therapy includes, but is not limited to, motor coordination, posture and balance, self-help and functional mobility, accessibility and use of assistive devices.

PSYCHOLOGY DEPARTMENT

Credentialed school psychologists and interns staff the school district psychology department. In addition, many of the psychologists have clinical licenses. Psychological services may include but are not limited to: special education assessment and reassessment, participation on Student Success Teams, conducting manifestation determinations, assistance in the development of behavior support plans, conducting functional behavior assessments, participation in I.E.P. meetings, providing counseling, crisis intervention services for all schools, providing in-service trainings for school staffs and parents, and working collaboratively with teachers on early intervention strategies. Psychologists are assigned to schools according to a formula, determined by the total number of students enrolled, as well as the number of students in special education.

EDUCATIONALLY RELATED MENTAL HEALTH SERVICES (ERMHS)

Educationally related mental-health services are counseling/consultation services that are needed in order for a student to benefit from his/her IEP. They are to be tied to specific social/emotional/behavioral goals in the IEP. These services are designed in a tiered approach similar to Response to Instruction and Intervention (RtI2) and Positive Behavior Interventions and Supports (PBIS). School staffs use progress monitoring data to determine if interventions are producing the desired results. A variety of reasons exist for including educationally related mental health services in an IEP. Each decision must be based on sound clinical judgment and the student's level of functioning. A successful IEP intervention is measured by the student's progress toward the mental health IEP goal, which should directly relate to the educational

impairment brought on by the identified disability. In some cases, students may not be willing to participate in these services, have difficulty with transitions or have special needs that interfere with their ability to benefit. In many of these cases, push-in supports and behavioral consultation are more appropriate than pull-out services.

SPEECH THERAPY

Students who are identified through the referral process, as having a speech/language impairment that adversely affects academic performance, are served by Speech/Language Pathologists (SLPs) through a variety of options. This may include direct services on an individual or group basis within the classroom or on a pull-out basis, or consultation with staff and parents to address student needs. Students in schools where the Learning Center model exists may be identified through state-wide standardized assessments in Language Arts. These students may receive individual or group therapy for a limited time to address specifically targeted needs.

COUNSELING ENRICHED CLASSROOMS (CEC)

CEC classes are self contained special day classes located on public school campuses. CEC classes serve special education students whose behavioral and emotional needs interfere with their ability to learn and interfere with the learning of others. Educational services are provided by a team of specially credentialed teachers, school psychologists, instructional assistants, related service providers and others as determined by each student's IEP. Student/teacher ratios are kept at a low level. Instruction is based on each student's IEP and is provided in a consistent format within a behavioral level system with emphasis on social skills training.

VISUALLY IMPAIRED PROGRAM

Students who are determined, through assessment, to be functionally visually impaired may receive Services for Students with Visual Impairment (VI) and Blindness, within the least restrictive environment, through the VI program. Possible placements may include: *Preschool and Elementary SH/VI Special Day Class, Middle and High School VI, Resource Room, and/or Orientation and Mobility (O&M).*



The VI program offers two kinds of services. The Teachers of the Visually Impaired (TVI) instruction focuses on the unique educational needs of visually impaired students, and may include Braille, modification of curriculum and materials, specialized computer technology, and other skills. O&M specialists help students learn skills which contribute to their ability to travel safely and independently in the community.

NON-PUBLIC SCHOOL

These services are offered when it has been determined that the most appropriate educational program is not available through the public school system. Non-public, non-sectarian school programs and services may be provided for an individual with a rare or unusual disabling condition for whom the maintenance of a public school program is not feasible; or when a student's disability is compounded by other conditions so that the student requires services and facilities that are not a part of the educational program, or when a student's previous placement in the public school special education program has been determined to be unsuccessful and further modification of the program is not possible.

STATE SPECIAL SCHOOLS

Residential schools which are operated by the State of California for the deaf, blind and neurologically disabled are available for complete diagnostic workups and may be considered for placement of certain individuals with extraordinary needs. Placement in these programs will be arranged by the school district upon the recommendation of the IEP team.

PREPARING FOR AN IEP MEETING

WHAT CAN I DO PRIOR TO PREPARE FOR MY CHILD'S IEP MEETING?

1. Be sure to respond to the IEP notification sent to you! You are invited and encouraged to attend as a member of the team to develop, review, and/or revise your child's IEP.
 - a. You may reschedule the meeting or ask to attend via phone conference.
 - b. If you need to reschedule, notify the school as soon as possible.
 - c. Have a couple of alternative dates ready when you call.
 - d. Be sure to indicate on the notification if you are requesting an Interpreter.
2. If the IEP meeting is at your request, be clear on the purpose of the meeting (example – initial, annual, triennial, or addendum) as this will help you prepare and enter with confidence.
3. Sit down with your child and others involved in his/her education, brainstorm strengths, needs, and challenge areas.
4. List some of the areas you would like to share with the IEP team.
5. Write down your questions and concerns. This will help the IEP meeting move smoothly as well as address your concerns.
6. Review copies of your child's previous IEP prior to your meeting.
 - a. If you cannot find it, you may make a written request for a copy from the school. (Remember, it may take up to 5 business days to get a copy).
7. If you have specific areas or goals in mind, contact the case manager prior to the team meeting to discuss your ideas so they may be included in the meeting conversation.
8. If one of the purposes of the meeting is to address a change in program or transition to a new school, you may want to find out more information prior to the IEP.
9. If you would like to visit that program, contact your child's Program Specialist or special education teacher for help to set up a visitation date and time.

10. If you wish to tape record the IEP team meeting, notify the IEP team at least 24 hours before the meeting. You may indicate this on the IEP conference notice if returned within the timeline above and/or via fax or email.

WHAT IS MY ROLE DURING THE IEP MEETING?

1. Participate in introductions and excuse absent team members if agreed.
2. Provide the IEP team with any contact or address information that may have changed, or any other pertinent updates.
3. Share your child's needs, strengths, what motivates him/her
4. Give input and feedback
5. Ask questions, especially if the team is referring to terms with which you are not familiar
6. Take notes
7. Be an equal partner in the decision making process

WHAT ARE SOME TIPS FOR COMMUNICATING EFFECTIVELY IN AN IEP MEETING?

1. Acknowledge that everyone on the team has feelings
2. Keep your child as the focus of the IEP process
3. Involve your child whenever possible
4. If you have goals in mind let the team know what they are, in advance if possible
5. Remember that the team is there to make your child successful
6. Remember that you share a common goal
7. Keep the lines of communication open
8. Be fair and be willing to listen

WHAT ABOUT IMPLEMENTATION OF THE IEP?

1. If you consent with the IEP as written, it will be fully implemented.
2. If you do not agree with all the parts of the IEP, you may sign consent only for those portions of the program with which you agree.
3. Those portions you agreed upon will be implemented without delay.
4. It is important to continue to work with the IEP team to reach full agreement.
5. If you consent with the IEP and later decide you disagree with any part of it, you may request, in writing, an IEP meeting to discuss this concern.

6. Even if you consent with the IEP, at any time you may **revoke consent**, in writing. This action is not retroactive. The student will exit from special education. If, in the future, you seek re-enrollment in special education, the request will be treated as an initial assessment.

WHAT SHOULD I DO AFTER THE IEP MEETING?

1. Review the results of the meeting with your child, if appropriate. Maintain communication with your child's teacher.
2. Check that new services or accommodations were put in place.
3. Verify the related service providers have seen the current IEP (if appropriate).
4. Periodically check the IEP against school work for consistency.
5. Monitor homework and support your child as needed for completion.

EVALUATE PROGRESS:

1. Are you receiving periodic reports from school on progress or problems?
2. How is your child progressing?
3. How does your child feel he/she is doing?
4. Is your child happy at school? Do you think the program is working?
5. Are there some changes you would like to make? If so, can they be done informally, or do you think they require a more formal agreement or new IEP?

As the parent/guardian of a child with a disability, you have gathered a tremendous amount of information about your child from various professionals and service agencies. Each time you seek services for your child, you will be asked to supply this information. As the primary decision maker, observer, and advocate for your child, it is to your benefit to keep accurate, up-to-date records.

An effective way to keep your information organized is to keep records in a loose-leaf binder with a picture of your child on the cover and tabbed dividers within.

This notebook can be a great resource to you when you go to your child's IEP meeting, or when you visit a new agency or service provider. Keep your notebook up to date. Your notebook/file could be organized in this way:

- **Medical History**

This section should include developmental history starting with pregnancy and birth information. Include the name and addresses of any doctors or clinics you have consulted. All medical reports (pediatrician, allergist, etc.), therapy reports (speech, physical therapy, etc.) and agency reports (Regional Center, mental health, etc.) should be included.

- **School**

This section should include copies of IEPs; assessment reports (academic, speech, psychological, physical, vocational); periodic examples of schoolwork (dated), and report cards. It is also recommended you keep a record of letters and phone calls you have made regarding special education and letters you have received from school staff.

- **Personal/Social History**

Include a record of your child's interest and activities, organization, camps, awards, social involvement, and some photographs.

- **Current Information**

Include a copy of your child's school rules and regulations, the school calendar, a copy of Parents' Rights and Responsibilities in Special Education, and information on community resources.

STUDENT RECORDS

All students' records are confidential. Parents/guardians (or the student if age 16) may examine them. To do so, a written request should be made to the Special Education Department and a time will be set up to review the records. The parent may also set a time for a conference to have information (test results) regarding the child explained by a qualified representative of the school.

Records will *only* be sent to other agencies/persons outside the school district with written request and permission by the parent. Students of legal age may be sent their records upon request.

School district employees who have a legitimate educational interest in the information regarding the student may examine the records if such information helps school staff understand the student better, and will help them plan for his/her needs. A list of persons who have seen the confidential records will be kept. Parents have the right to be informed when confidential information is no longer needed and is to be destroyed.

If parents believe that any information about their child is inaccurate, misleading, or violates the privacy of the child they have the right to request that the records be corrected. If the request is denied they may ask for a district level hearing. If the hearing decision finds the information inaccurate, the district will correct the record and inform the parent in writing. If the hearing decision finds the data accurate, the parent will be notified that they have the right to place a statement in the records stating their reasons for their disagreement. These statements will be kept as a part of the records.

KEEPING RECORDS

Keeping records of your child's medical, developmental, and school histories is a necessity. Parents so often need to give a history of a child's development or information pertaining to his disability. As each year passes, these histories become longer and sometimes more complex. Keeping these records in an organized notebook or file will prove to be a most practical and useful project, and as a parent you will find this notebook/file very helpful in contacts with school, medical and people who work for agencies.



PARENTS' RIGHTS AND RESPONSIBILITIES

Individuals with disabilities and their parents have certain protections provided by the IDEA. These protections include rights related to the assessment process and the development of the IEP. In addition, you may appeal a decision if you disagree with the school district, or you may file a complaint if you feel that the proper procedures have not been followed.

“Due process” is now a part of our everyday vocabulary. It is a legal way of saying that certain principles and practices exist and must be respected to insure that each child is treated in a manner that guarantees his right to equal educational opportunities. Due process ensures there are specific procedures and timelines that must be followed when and if significant changes 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 own rights.

Parents have the right to be informed of all procedural safeguards and rights of appeal in language easily understood by the general public and in the parent’s primary language. Notice should include:

- A description of the action the school proposes to take;
- An explanation of why the school proposes to take the action;
- A description of any options the school considered but did not recommend;
- The reasons why those options were rejected;
- A description of each evaluation procedure, test, record, or report used as a basis for the action.

If a problem arises:

First, try to get it resolved at your local school level. Contact your child’s teacher and discuss the problems. Other school staff members who are aware of your child’s needs such as the principal, nurse, speech therapist, or psychologist may be able to help. If necessary you may contact your child’s Special Education Program Specialist/Administrator for further assistance.

If the situation is not solved satisfactorily and the problem has to do with your child’s program placement, special education, or related services, then request an IEP review meeting. If your problem cannot be solved through this meeting, there are still other avenues available.

You may contact the Director of Special Education Services for WCCUSD at (510) 307-4630, or write the Special Education Department:

WCCUSD Special Education Department
3000 Parker Road
Richmond, California 94806.

You may want to request a Solutions Panel or Mediation through Alternative Dispute Resolution, (see page 41) or request a fair hearing by writing the State Superintendent of Public Instruction:

California State Superintendent of Public Instruction
721 Capitol Mall
Sacramento, California 95814

Fair hearings are held to resolve differences of opinion between you and the school regarding your child's special education program. You may initiate a Complaint Procedure by filing a written complaint with the State Superintendent of Public Instruction as above. Complaints are filed if the school is not complying with the law.

Other help available for solving problems:

Area Board 5 for Developmental Disabilities,
(510) 286-0439
Community Alliance for Special Education (CASE),
(415) 431-2285
Disability Rights Education and Defense Fund (DREDF),
(510) 644-2555
Office for Civil Rights, US Department of Education, San Francisco, California
(415) 556-4275
Protection and Advocacy, Inc., (510) 430-8033



Graduation Requirements for Students Enrolled in Special Education

HIGH SCHOOL DIPLOMA

In order to receive a high school diploma, students must fulfill course requirements determined by the State of California and West Contra Costa Unified School District. You are encouraged to contact your child's program specialist if you have questions.

CERTIFICATE OF COMPLETION

Students who are enrolled in special day classes which focus on functional academics and life skills will receive a Certificate of Completion in place of a high school diploma. These students are eligible to receive educational services until age 22 through the Transition Program.

WHAT ARE MY CHILD'S RIGHTS ABOUT PARTICIPATION IN GRADUATION?

The California Department of Education (CDE) has advised LEAs that students with disabilities must be allowed to participate in any graduation ceremonies and scheduled activities related to graduation *even if they have not completed the required coursework for a regular diploma*. CDE advised that by meeting any one of the following requirements in Education Code Section 56390 the student may participate in graduation activities and should receive a Certificate of Achievement:

- (a) The individual has satisfactorily completed a prescribed alternative course of study approved by the governing board of the school district in which the individual attended school or the school district with jurisdiction over the individual and identified in his or her IEP, **or**
- (b) The individual has satisfactorily met his or her IEP goals and objectives during high school as determined by the IEP team, **or**
- (c) The individual has satisfactorily attended high school, participated in the instruction as prescribed in his or her IEP, and has met the objectives of the statement of transition services.

TRANSITION

TRANSITION PROGRAM (WCCUSD)

Transition refers to the movement from school to the adult world of work and community life. It is defined as an outcome-oriented process that involves a coordinated set of activities that promote this movement. The purpose is to prepare students with disabilities for employment and independent living. Ideally, transition should represent a balance of teaching everyday living skills, personal and social skills, and vocational skills. Thoughtful planning is known to improve the employment rates of students with disabilities.

The California Department of Education has identified five Core Messages for Transition. These are:

1. Student focused planning based on the student's interests and preferences;
2. Student development activities which develop the student's academic, social, and employability competencies;
3. Interagency collaboration which involves all stakeholders;
4. Family involvement which recognizes parents as equal partners on the IEP team; and
5. Program structures that include a range of options that support meaningful connections to the workplace and community.

Under the IDEA, each eligible student is required to have an Individual Transition Plan (ITP) beginning at age 16. This plan is developed by a team which includes the student, parents, school staff, Regional Center case manager, vocational specialist, and anyone else who can contribute to the process. This planning process must begin by identifying the student's post-school goals. Students and families should be supported in thinking about their long-range goals. The ITP team then moves on to develop a statement of needed transition services in the areas of instruction, vocational training, integrated employment, independent living, and community participation. A functional vocational evaluation should be completed as needed.

The ITP serves as a "blueprint" for guiding delivery of services to the student. Within each area, functional and measurable goals and objectives should be explicitly stated. These goals and objectives should be designed to ensure that students will gain the skills needed to achieve their desired post-school goals. Thinking about these questions may help you in thinking about your child's transition plan.

- What courses does the student need to complete to gain the skills s/he needs?
- Does the student need related services to benefit from special education? If so, are the necessary links in place to ensure that these services will continue when the student leaves the public school system?
- Has the student been exposed to a broad range of experiences in the community, such as shopping, transportation, recreation or leisure activities, or using community facilities such as a library?

- Are there opportunities for career exploration and experiencing a variety of on-site job training activities?
- Does the student need instruction in daily living skills such as preparing meals, home maintenance, shopping and caring for clothes, grooming, and money management?
- Has the student had a functional vocational assessment?

Remember, transition is a plan, not a program. Your child's transition plan should demonstrate that it is outcome-oriented; focused on meeting the student's needs, interests, and preferences; identify the instruction and services needed to achieve the student's goals' and should clearly state the links after exit from the school system to ensure that post-school supports are in place.

In the West Contra Costa Unified School District, most students with intensive support needs, attend the Transition Program based at Vista Hills after high school, and remain in that program until age 22. At that time, they are awarded a Certificate of Completion.

More information about transition planning can be obtained by contacting:

Ken Talken, Principal, Transition Program
(510) 231-1432

Your case manager, Regional Center of the East Bay
(925) 691-2300

Transition Resource Center
(925) 691-2425

Regional Center of the East bay
1320 Willow Pass Road Ste. 300
Concord, CA 94520



SECTION 504

WHAT OTHER HELP IS AVAILABLE IF MY CHILD EVIDENCES A DISABILITY BUT DOES NOT MEET SPECIAL EDUCATION ELIGIBILITY CRITERIA?

Section 504 of the Rehabilitation Act of 1973 was the first civil rights act for people with disabilities. Regulations became effective in 1977 and prohibited discrimination on the basis of disability in all programs which receive federal financial assistance. Each federal department, including the U.S. Department of Education, developed its own set of implementing regulations. Section 504 guarantees the civil right of equal access to educational services for students with disabilities, even if they do not qualify for special education under IDEA (see Section 3). Discrimination or a failure to provide a free, appropriate education to students with disabilities is regarded as a violation of basic civil rights.

Here is a summary of some of the major rights under Section 504:

WHO IS CONSIDERED ELIGIBLE UNDER SECTION 504?

The definition of a disability is much broader under Section 504 than under IDEA, and covers many students not eligible for services under IDEA. A disability is defined as a physical or mental impairment that substantially limits one or more major life activities.

WHAT ARE CONSIDERED “MAJOR LIFE ACTIVITIES”?

Major life activities include seeing, hearing, speaking, walking, breathing, learning, working, caring for oneself, and performing manual tasks.

WHAT ARE SOME EXAMPLES OF DISABLING CONDITIONS?

Some conditions that entitle a student for a 504 Plan may include: intellectual disability, learning disabilities, emotional disturbance, AIDS, cancer, alcohol addiction, attention deficit hyperactivity disorder (ADHD), diabetes, asthma, physical disabilities, behavior disorders, etc., so long as they substantially limit a major life activity.

ELIGIBILITY

Students are referred for Section 504 eligibility thru either school site SST, medical referral or parent request. A 504 team will meet to discuss eligibility and if appropriate, develop an appropriate plan to support the student in the general education setting.

LEAST RESTRICTIVE ENVIRONMENT/MAXIMUM APPROPRIATE INTEGRATION

Children covered under Section 504 should be educated in the general education setting and be with their non-disabled peers to the maximum extent possible. Within this setting they should receive all aids and services which they need to meet their educational needs.

WHAT ARE SOME SAMPLES OF SERVICES AND ACCOMMODATIONS WHICH ARE CONSIDERED REASONABLE UNDER SECTION 504?

- Adaptations in regular education programs
- Repeating and simplifying instructions for in-class and homework assignments
- Supplementing verbal instructions with visual instructions
- Using behavioral management techniques
- Adjusting class schedules
- Providing accommodations during classroom, district or state testing
- Using computer aided instruction or other audio-visual equipment/technology
- Selecting modified textbooks or workbooks
- Use of NCR paper or photocopying for note taking
- Regular administration of medication or non-certified nursing procedures
- Arrangements for consultation and special resources such as reducing class size
- Use of school-wide and/or targeted interventions

PROCEDURAL SAFEGUARDS

This means that parents must receive notice about any actions regarding their child's educational placement. Parents/guardians must have the ability to influence or contest any decisions regarding their child.

HOW ARE STUDENTS SERVED THROUGH SECTION 504?

The intent of Section 504 is to guarantee access to general education for students with disabilities that limit one or more major life activity. Services can include consultation by related service providers and appropriate accommodations and modifications to general education offered by the district.

Section 504 plans need to be reviewed annually to ensure they are updated to meet the needs of the student.

For additional assistance in planning for your child's needs under Section 504, contact the 504 Coordinator at your school site, or:

Darlene Almeida, Administrator – Section 504
(510)965-4451



FREQUENTLY ASKED QUESTIONS

ARE SPECIAL EDUCATION INFANT AND PRESCHOOL PROGRAMS AVAILABLE?

Yes. Infants and toddlers aged birth through 36 months with diagnosed disabilities, or at risk for disability, are served thru Cameron School in El Cerrito. Preschool children ages 3-5 are also eligible for services. You can obtain further information about infant and preschool programs by calling (510) 231-1445.

IF I THINK MY CHILD HAS A LEARNING PROBLEM, WHAT SHOULD I DO?

First discuss your concerns with your child's classroom teacher. If your child has a demonstrated problem which prevents him/her from functioning in a regular school program without special help, then your child may be eligible for special education services. As a first step you may request that your child's teacher make a referral to the Student Success Team, or you may send a request for an assessment to the Special Education Department.

WHAT IS A STUDENT SUCCESS TEAM (SST)?

The SST is a general education function. It is comprised of teachers and other school personnel based at your local school site. This team reviews a student's problem(s) and plans alternative strategies to be used in the regular program.

WHAT IS RESPONSE TO INTERVENTION (RTI)?

Rtl is a three-tiered intervention model available to all students in general education. It is not a special education function. Students identified for additional interventions are identified through a wide variety of measures including testing, teacher assessments, observation and consultations with parents. Rtl is designed to work with the SST for students who may need more intensive supports for a longer period of time. At the first level, interventions are typically those implemented in the general education classroom by the classroom teacher. These interventions are for specific, targeted periods of time and may include accommodations and modifications to the general education program. Students who demonstrated a continued need for more interventions are placed at Level two. The SST may discuss a possible referral for assessment for Special Education. However, even at Level three, school-site interventions may preclude a special education referral.

IF MY CHILD IS ELIGIBLE FOR SPECIAL EDUCATION, WHO DECIDES WHAT SERVICES MY CHILD WILL RECEIVE AND WHAT PROGRAM HE/SHE WILL BE IN?

The appropriate services and programs will be based upon your child's individual special education needs, which are based on an assessment of all areas of suspected disability. The planning of your child's program and services is done by the Individualized Education Program (IEP) team. The parent is an important member of this team.

WHAT IS THE RESOURCE SPECIALIST PROGRAM?

This program provides special instruction and other services to students with special needs who remain in their general education class. Students receive most of their instruction in the regular classroom with some special small group instruction from the Resource Specialist.

WHAT IS AN INDIVIDUALIZED EDUCATION PROGRAM (IEP)?

The IEP is a written document developed for each student eligible for special education, which is based on the educational needs of the student as specified by the IEP team (professionals and parents).

WHAT ARE RELATED SERVICES?

Related Services are provided in addition to class placement, when needed. They include Speech, Physical and Occupational Therapy, Vision, Orientation & Mobility, Hearing and Audio-logical Services, Counseling, Assistive Technology, and Transportation.

WHAT IS DUE PROCESS?

Due Process refers to procedures established to ensure that the rights of students and parents are protected.

WHEN ARE TRANSPORTATION SERVICES PROVIDED?

If age, disabling condition, or distance would prevent a child from benefiting from the IEP determined educational program, transportation services will be provided to ensure the student has access to their program.

WILL MY CHILD BE ABLE TO PARTICIPATE IN AN EXTENDED YEAR PROGRAM?

Extended school year is available to those students who require a continuation of services in order to benefit from FAPE. The IEP team determines the need.



IF I HAVE A PROBLEM WITH MY CHILD'S IEP OR SERVICES, WHAT SHOULD I DO?

First, discuss the problem with your child's teacher and any other school personnel who are familiar with your child's special needs and who may be able to help resolve the problem for you. You may contact your child's Program Specialist/ Administrator and/or request that the IEP team meet to review and/or develop a new IEP.

MAY I OBSERVE A SPECIAL EDUCATION PROGRAM THAT IS OFFERED IN THE DISTRICT?

Yes, contact a Program Specialist/Administrator in the Special Education Department (307-4641 middle & high school or 307-4640 for elementary) to schedule an appointment.

MAY I SEE MY CHILD'S SCHOOL RECORDS?

Yes, you are entitled to see your child's school records. Make your request in writing to the Special Education Department.

MAY I OBTAIN AN INDEPENDENT ASSESSMENT OF MY CHILD, AND CAN ASSESSMENT BE CONSIDERED BY THE SCHOOL DISTRICT IN EDUCATIONAL PLANNING?

Yes. Parents may have an independent assessment done, at their own expense at any time, and the results may be considered by the school to support the need for appropriate educational services. Under certain conditions the school district may pay for an independent assessment.

FOR HOW LONG WILL MY CHILD RECEIVE SPECIAL EDUCATION SERVICES?

Special education services are provided as long as the IEP team, including the parents agree that it is needed. This will be based on an on-going evaluation of your child's eligibility needs.

HOW WILL MY CHILD'S IEP BE AFFECTED IF WE MOVE OUT OF THIS SCHOOL DISTRICT?

Your child's IEP will still be valid and he/she will be placed in a comparable program for a period of 30 days if you should move. During that time an IEP review should take place in your new school district.

MAY I VOLUNTEER AT MY CHILD'S SCHOOL?

Parent involvement is strongly encouraged. Speak to your child's teacher about volunteering at school. There are many ways in which you can become involved.



WHAT IF I AM INTERESTED IN REQUESTING AN INDEPENDENT EDUCATIONAL EVALUATION?

The parent/guardian has the right to obtain an Independent Educational Evaluation (IEE) at public expense when the parent disagrees with the assessment conducted by the LEA. However, the LEA may initiate a due process hearing to show that its evaluation is appropriate. If the LEA initiates a hearing and the final decision is that the LEA's assessment is appropriate, the parent has the right to an IEE, but not at public expense.

The LEA is not responsible for providing or reimbursing an IEE when parents merely feel the need for additional information about their child, which is not based on a disagreement with LEA assessment results or IEP team findings. Further, when the parent disagrees with an assessment previously conducted by the LEA and obtains multiple IEE reports in the same assessment areas, the LEA will not reimburse the cost of more than one IEE in any one area assessed.

WHAT IF I WANT AN IEP MEETING SOONER THAN THE ANNUAL REVIEW?

You can request an IEP meeting at any time. Expressing in your request what your specific concerns are and/or desired outcomes can help the school ensure that the right people are in attendance. The case manager has thirty days from the date of your request in which to hold the IEP meeting.

WHAT IF I WANT TO FILE A COMPLAINT?

If you suspect a school is in non-compliance with state laws or regulations, and the matter cannot be resolved informally, you can file a complaint in writing with the LEA's superintendent using the LEA's uniform complaint procedures.

A compliance complaint may be filed by a parent when they allege that the LEA has violated education code. The CDE will review all relevant information and make an independent determination about the alleged education code violations. An on-site investigation may be conducted if necessary and a written decision will be provided to the complainant addressing each allegation. Thirty days after the timeline for corrective action, the CDE's Focused Monitoring and Technical Assistance Unit contacts the complainant to confirm that the complaint has been resolved. CDE "Compliance Complaint"

Form: <http://www.cde.ca.gov/sp/se/qa/documents/cmpltntnvsrqst.doc>.

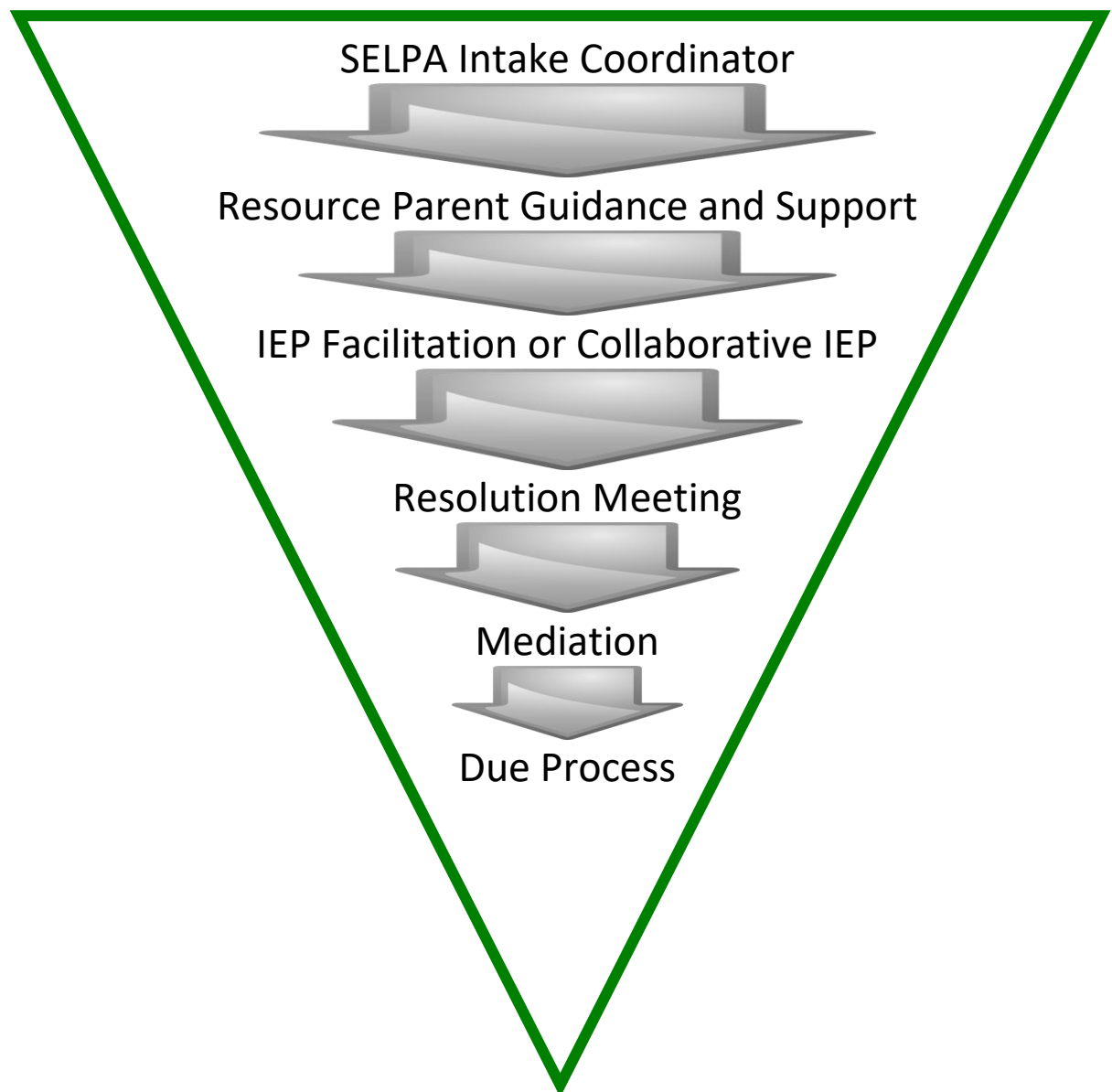


ALTERNATIVE DISPUTE RESOLUTION

Alternative Dispute Resolution, also known as ADR, is a free service that offers parties the opportunity to resolve disputes collaboratively and avoid time-consuming and costly litigation.

All components of the ADR process are confidential. Confidentiality means the restriction of access to verbal and written communications, including clinical, medical and educational records, to appropriate parties.

Alternative Dispute Resolution (ADR) Continuum



SELPA Intakes:

ADR Intakes are strongly encouraged by SELPA and the California Department of Education (CDE). ADR intakes can come in the form of a phone call, written letter, written notice from Procedural Safeguards Referral Services with CDE, or a potential due process. The SELPA Intake Coordinator is trained to match strategies to the disputes and is available to both parents and LEA staff to assist with the ADR process. During the intake, all concerns are heard and help is provided to both parties in identifying problems and conflicts. Dispute resolution options are discussed and follow up is provided to check on the outcome of the option chosen. The ADR collaborative process allows for both parties to build relationships and is the first step in a positive resolution for both the parent and the local education agency (LEA) so that matters do not escalate into a potential complaint or due process.

Resource Parent Guidance and Support:

Resource Parents are volunteers who have children with exceptional needs in the West Contra Costa Unified School District. They are trained in the IEP process, district policies and procedures and Alternative Dispute Resolution. Resource Parents receive ongoing training to stay current in changes to district information, as well as, State and Federal laws.

Whether a child is in general education with an Individualized Education Plan, or receiving support through a Section 504 Plan, Resource Parents are available to support all WCCUSD families.

A Resource Parent can assist you in finding answers to your specific questions. They will guide you as you navigate the education process for your child. With extensive experience with specific disabilities and services, they are able to direct you to the right person for your situation.

IEP Facilitation or Collaborative IEPs (ADR Meeting):

This process provides a choice of additional elements to facilitate or guide the IEP team meeting, including pre-meeting preparation through follow-up tasks. As part of the process, there may be a neutral facilitator who clarifies the agenda and meeting outcomes, enforces working agreements, keeps the group focused on the IEP process, encourages problem solving, monitors time and encourages participation by all team members. Additionally, there is a recorder who records key ideas and information, asks for clarification and makes corrections while maintaining a neutral perspective. The outcome of the facilitated or collaborative IEP is a signed IEP which has been developed collaboratively and with agreement between the LEA and parents.

Resolution Meeting:

The resolution meeting is a requirement of IDEA 2004 within 15 days of LEA receipt of a filing for due process. Attorneys are not intended to be involved. This meeting provides the opportunity for discussion and clarification of issues, with both the school and parent, including a neutral facilitator trained to help the parties come to resolution. The team collaboratively determines solutions to the issues and creates a written agreement which in turn maintains a positive rapport between both parties.

Mediation:

Mediation is a way of settling a disagreement through facilitated discussion. At mediation the parties have the help of a trained mediator, who is unbiased and independent. The mediator helps the parties work together to try to find a solution that will satisfy those involved. The parties decide whether or not the dispute is settled. If the parties try mediation but can't reach an agreement, they still have the right to continue to a due process hearing.

Due Process:

Both parents and the LEA have the right to request an impartial due process hearing regarding the identification, evaluation, educational placement or the provision of a free, appropriate public education for a child. ADR is in place to minimize the use of this option and to encourage parents and LEAs to come to agreement before the issues escalate to this level.

**How can I get answers to questions that are not answered here?**

Anyone may call OAH at (916) 263-0880 for further information about the due process hearing and mediation system. OAH staff cannot give legal advice, but will answer any procedural questions a parent or a LEA may have.

A copy of the Office of Administrative Hearings (OAH) list of Attorneys and Advocates can be obtained by contacting the West Contra Costa County SELPA at (510) 307-4630

Hierarchy to Follow when Resolving Conflicts

Site Level

Teacher

(Educational and Classroom issues)

School Psychologist

(Assessment, Behavior, and or Program/Placement Issues)

Site Administrator

(School Safety and Personnel Issues)

District Level

Program Specialist/Coordinator

(Program Concerns)

Special Education Director

(Educational, Program or Placement Issues)

Assistant Superintendent / Area Executive Director

(Site, Personnel, or Educational Issues)

LEA Superintendent

(Site, Personnel, Educational Issues)

SELPA Level

Intake Coordinator

(Alternative Dispute Resolution (ADR) Strategies)

SELPA Director

(Compliance Issues)

SELPA Director

(Local Plan Implementation, Systems Issues)

State Level ~

California Department of Education/Special Education Division

(Issues Dealing with Compliance, Implementation of IEP,
Federal and State Education Code)

Office of Administrative Hearings (OAH)

(Disputes over assessment, Identification, Educational Placement or Offer of
FAPE)

Resources

Listed below are resources which provide services, support, or cash benefits to families with a child with a disability. They are divided into sections for ease of reference.

MANDATED PROGRAMS

- × **California Children Services (CCS)**.....

Provides specialized medical care, therapy and treatment, and equipment for families eligible through residency, medical condition, and financial situation.

www.dhcs.ca.gov/services/ccs/pages/default.asp/

(925) 313-6400
- × **Child Health & Disability Prevention Program (CHDP)**.....

Provides preventive health care for children of low-income families or in foster care.

www.cchealth.org/services/childhealth

**(800) 495-8885 or
(925) 313-6150**
- × **Contra Costa County Department of Employment & Human Services**.....

Financial assistance, food stamps, Medi-Cal, IHSS, for low income families.

**Hercules –
(510) 262-7700
Richmond-
(510) 412-3000**
- × **Contra Costa Regional Medical Center**.....

County hospital required to provide medical care to any resident regardless of ability to pay. www.cchealth.org.

(925) 370-5000
- × **Regional Center of the East Bay Concord Office (new intakes)**.....

Evaluation, case management, and purchase of services for clients with developmental disabilities. www.rceb.org

**(510) 618-6122
3yrs to adult
(510) 618-6195
Birth to 3 yrs**
- × **Social Security Administration**.....

Cash benefits (through Supplemental Security Income [SSI] program) for children with diagnosed disabilities. If you receive cash benefits through the County Department of Employment & Human Services you will probably be eligible. www.ssa.gov

(800) 772-1213
- × **Women, Infants, and Children (WIC)**.....

Vouchers for food supplements for low-income women who are pregnant, breast-feeding, or have children from birth to age three. <http://www.cchealth.org/services/wic>.

(800) 414-4942

Special Programs

- **CARE Parent Network**.....(925) 313-0999
Information, resources, training, and parent-to-parent support.
www.careparentnetwork.org
- **Center for Accessible Technology**..... (510) 841-3224
Technology resources, hardware and software loans,
newsletter, workshops. <http://www.cforat.org>
- **Crisis Center Hotline**..... (800) 833-2900
CCHHealth's Behavioral Health 24 hour crisis support line.
- **Deaf Counseling, Advocacy and Referral (DCARA)**..... (510) 343-6670
Resources, counseling, advocacy and referral for individuals
with hearing impairments.
www.dcara.org
- **Disability Rights Education and Defense Fund (DREDF)**.....(510) 644-2555
Law and policy center dedicated to advocacy, technical
assistance, education and training to protect the civil rights
of people with disabilities. www.dredf.org
- **Down Syndrome Connection**.....(925) 362-8660
Information, referral and support for parents, and services
for children. www.dsconnection.org
- **Easter Seals**.....(510) 835-2131
Early intervention, ABA, & social skill services. www.esnorcal.org
- **Epilepsy Foundation Northern California**.....(800) 632-3532
Information, referral and support groups
www.epilepsynorcal.org
- **Fetal Alcohol Syndrome (National Organization on)**.....(925) 588-9737
Bay Area Parent Group for www.nofas.org
- **George Mark Children's House**.....(510) 346-4624
Provides palliative care to children and support to their families.
info@georgemark.org
- **Prader-Willi Support Group**.....(800) 400-9994
Quarterly support group
www.pwcf.org
- **Support for Families of Children with Disabilities**.....(415) 282-7494

Informational conferences, parent to parent support
www.supportforfamilies.org

- **Through the Looking Glass**..... (510) 848-1112
Parent training, counseling and support groups; adaptive equipment for parents with disabilities. www.lookingglass.org
- **United Cerebral Palsy (UCP)** (510) 832-7430
Programs for individuals with cerebral palsy. www.upcgg.org
- **West Contra Costa Unified School District Resource Parents**.....(510) 307-4634
Trained parent volunteers available to provide information, support and confidential consultation to parents of students with special needs.
- **WCCUSD Parent Library at Cameron School**.....(510) 231-1445
A lending library for parents, donated by the CAC and members of the community, containing books and tapes on a variety of disabilities, teaching strategies, and parenting techniques.
- **Parents Helping Parents**.....(408) 727-5775
Provide information, training, resources, technical assistance and advocacy for parents of children with disabilities.
www.php.com

After School Programs

- **George Miller Center After School Program** (510) 374-3981
This program is vendorized through Regional Center of the East Bay

Counseling

- **Catholic Charities of the East Bay –Counseling Services**
Richmond.....(510) 234-5110
Support groups; individual and family counseling. All religions.
www.cceb.org
- **West County Children’s Mental Health Services**.....(510)374-3261
Counseling for children and families.
- **Family Stress Center** (925) 827-0212
Therapy for families and individuals; respite nursery.
<http://www.familystresscenter.org>
- **John F. Kennedy University Community Counseling Center** (800) 696-5358
Counseling by advanced graduate students under the supervision of licensed therapists.
- **Circle of CARE (formerly PediatriCARE)**.....(510) 531-7551

Support groups for children living with a family member with Chronic illness or disability, or who have experienced a death in the family. www.ebac.org

- **Touchstone Counseling Services, Inc**..... (925) 932-0150x300
Support groups, workshops and therapy.
- **West Coast Children's Center** (510) 527-7249
Out patient mental health services for children and their families. Sliding scale, accepts Medi-Cal, and some insurances.
www.westcoastcc.org

Child Care/Respite

- **Child Care Council of Contra Costa County, West County** (510) 758-5439
Provides referral to licensed public and private preschools, childcare centers, family child care homes, play groups, baby-sitting exchanges and cooperatives. www.cocokids.org
- **Family Stress Center** (925) 827-0212 x 106
Provides short-term on-site respite for families who need relief – four hours per week for up to 2 months; can care for medically fragile infants.
<http://www.familystresscenter.org>
- **Bay Area Crisis Nursery (Concord)**..... (925) 685-8052
Residential care for children in time of family crisis. Can leave children from 24 hours to 3 weeks.
www.bacn.info



Recreation

- **Aquatics (SNAP)** (510)495-4102
Special Needs Aquatic Program, (SNAP); individual and or small group sessions ranging from 30 to 60 minutes.
Contact Dori Maxon. snapkids.net
- **Baseball** (510) 758-4715
Challenger Little League, for boys and girls 6-17 years.
Call Pinole-Hercules Little League.
- **Special Olympics Northern California** (925) 944-8801
For children 6 and over. Activities include swimming, soccer, track and field, bowling, bocce ball, baseball, and basketball.
www.sonc.org
- **Bay Area Outreach and Recreation Program (BORP)** (510) 849-4663
For children 5 and over with physical disabilities. Activities include basketball, tennis, track and field, power soccer, skiing, and other outdoor activities. There is no charge except for special events and trips. Call Tim Orr or Kathryn Black.
www.borp.org
- **Theme Parks**
The following theme parks do not offer discounts on ticket price but do issue passes which allow you to go to bypass long waiting lines. Six Flags, Great America and Disneyland require a letter from your child's doctor verifying the disability. Special passes are issued through the Guest Relations offices at the parks.

Disneyland (407) 560-2547
Universal Studios (818) 622-3735
Great America (408) 988-1776
Gilroy Gardens (408) 840-7100
Six Flags Discovery Kingdom (707) 644-4000
- **Oakland Ice Center/Special Skater Program** (510) 268-9000
For all ages, this program was developed especially for athletes with special physical and mental challenges. With assistance of volunteers emphasizing fun and safety, skating helps to improve balance and coordination as well as develop skills, make new friends and experience a newfound freedom and sense of accomplishment. Fridays, 5:00 p.m. – 5:45 p.m. \$6.00 drop in fee includes skates.
<http://www.oaklandice.com>

Financial Assistance

One of the ways in which families can be supported is with financial assistance which makes it possible for them to meet the needs of their children. We have listed some of the organizations we have found which may help you.

- **Native Daughters of the Golden West**(800) 994-6349
Serves children from infancy to age 18 who are not eligible for any other existing aid. Can meet either physical or material needs, such as braces, wheelchairs, operations, hearing aids, camperships, etc. Contact the Native Daughters of the Golden West for an application; may also require a statement from a physician or hospital. Parents will be required to furnish a financial statement.
www.ndgw.org
- **Avery- Fuller- Welch Children's Foundation**.....(415) 561-6540
Provides grants to children for the purpose of increasing their self-sufficiency. Application must be made by the professional with primary care responsibility. www.afwchildrensfoundation.org
- **NORD's Medication Assistance Programs**(800) 999-NORD (6673)
People who cannot afford medication may be helped if they need one of the qualifying prescription drugs: www.rarediseases.org

Utilities

- **Pacific Gas and Electric**.....(800) 743-5000
PG&E has a program called "Medical Baseline Rate" for individuals who require a life-support device, or special heating or air-conditioning needs. Call number above to obtain application. Must be certified by physician. Also, "Balanced payment Plan" for individually metered customers. Contact the number shown on your bill for further information.



ACRONYMS

SPECIAL EDUCATION ACRONYMS

AE Age Equivalency
APE Adaptive Physical Education
AB Assembly Bill (state legislation), Adaptive Behavior
ADD Attention Deficit Disorder/Auditory Discrimination in Depth Program
ADHD Attention Deficit Hyperactive Disorder
ADE Average Daily Attendance
AU Administrative Unit of the SELPA
AUT Autism

BD Behavior Disorder
BIP Behavior Intervention Plan

CAA California Alternate Assessment
CAC Community Advisory Committee/California Administrative Code
CBA Curriculum-Based Assessment
CBE Children with Behavioral and Emotional Difficulty
CBI Community-Base Instruction
CBM Curriculum-Based Measurement
CCR Coordinated Compliance Review/California Code of Regulations
CCS California Children Services
CDE California Department of Education
CEC Counseling Enriched Classroom
CFR Code of Federal Regulations
CH Communicatively/Communication Handicapped
COE County Office of Education

DB Deaf/Blind
DC Developmental Center
DHH Deaf and Hard of Hearing
DIS Designated Instruction and Services

EC Education Code (state)
EHA Education of the Handicapped Act (PL 94-142)
ESL English as a Second Language
ESN Extensive Support Needs
ESY Extended School Year

FAPE Free and Appropriate Public Education
FES Fluent English Speaker
FFH Foster Family Home
FI Full Inclusion
FTE Full Time Equivalent
FY Fiscal year

HI Hearing Impaired
HOH Hard of Hearing

HH Hard of Hearing

ICF Intermediate Care Facility
IDEA Individuals with Disabilities Education Act (PL 94-142)
IEP Individualized Education Program
IEPT Individualized Education Program Team
IFSP Individualized Family Service Plan
IHE Institute of Higher Education (or institution)
IHP Individualized Habilitation Plan
IIP Individualized Implementation Plan
IPI Individually Present Instruction
IPP Individual Program Plan (used in other agencies)
IPSU Instructional Personnel Unit (fiscal term)
ID Intellectual Disability
ISP Individual Service Plan
ITP Individual Transition Plan
IWEN Individual with Exceptional Needs
IWRP Individual Written Rehabilitation Plan

LCI Licensed Children Institution
LD Learning Disabled; Learning Disability
LEA Local Educational Agency
LEP Limited English Proficient
LES Limited English Speaking
LH Learning Handicapped
LPA Local Plan Area (same as SELPA)
LRE Least Restrictive Environment (usually meaning educational environment)
LSH Language, Speech and Hearing
LSS Language and Speech Services

MA Mental Age
MGM Mentally Gifted Minor
MH Multiply Handicapped
MMSN Mild/Moderate Support Needs
MS Multiple Sclerosis
MTU Medical Therapy Unit

NCLB No Child Left Behind
NEP Non-English Proficient
NPS Non-Public School

OCR Office of Civil Rights
OH Orthopedically Handicapped
OHI Other Health Impaired
OI Orthopedically Impaired
OMH Other Multiple Handicapped
OSEP Office of Special Education Programs (US)
OSERS Office of Special Education and Rehabilitative Service
OT/PT Occupational Therapy/Physical Therapy

PE Physical Education
PH Physically Handicapped
PKU Phenylketonuria
PL Public Law
PT Physical Therapy/Precision Teaching
PTA Parent Teacher Association

RIS Requires Intensive Services (used to distinguish preschool students)
RLA Responsible Local Agency
ROC Regional Occupational Center
ROP Regional Occupational Program
RS Resource Specialist
RSP Resource Specialist Program
RT Recreational Therapist/Recreational Therapy

SB Senate Bill (state legislator)
SD Standard Deviation
SDC Special Day Class
SDE State Department of Education
SDL Severe Disorder of Language
SE Standard Error
SEA State Educational Agency
SEACO Special Education Administrators of County Office
SED Seriously Emotionally Disturbed; Special Education Division
SELPA Special Education Local Plan Area
SEM Standard Error of Measurement
SIP School Improvement Plan
SLD Specific Learning Disability
SLH Speech, Language, Hearing
SM Socially Maladjusted
SPI Superintendent of Public Instruction
S-R Stimulus Response
SSC School Site Council
SSI Supplemental Security Income
SSPI State Superintendent of Public Instruction
SSR Support Service Ratio
SSS State Special School
SST Student Success Team

TB Tuberculosis
TDD Telecommunication Device for the Deaf
TTY Teletypewriter (connected to a telephone)

UR Unit Rate
USC United States Code

VE Vocational Education
VH Visually Handicapped
VI Visual Impairment, Visually Impaired

GLOSSARY

Advocate	Someone who takes action to help someone; also, to take action to help someone.
Age of Majority	Age 18, the age at which special education parental rights transfer from the parent to the child with a disability unless conservatorship is made.
Allergist	Doctor specializing in diseases of the immune system, including allergies.
Alternative Dispute Resolution	A free impartial panel that aides in settling disagreements between parents and district personnel.
American with Disabilities Act (ADA)	This act prohibits discrimination of individuals based on disability
Apgar	A method of evaluating the overall well being of the newborn infant, done at 1 minute and 5 minutes after birth.
Appeal	To make a request for a change of a decision.
Applied Behavior Analysis	Application of learning principles derived from operant conditioning used to increase or decrease specific behaviors
Assessment	Collecting information about a child's social, psychological, and educational needs by observing, testing, collecting, and analyzing data.
At Risk	A term used to describe children who have, or could have, development problems that may affect learning.
Audiology	The study of hearing problems.
Autism Spectrum Disorder	A developmental disability appearing in children, usually by the age of 3, characterized by disturbances in communication, unusual social behavior, and abnormal responses to sensations.
Behavior Disorder	Aggressive, unmanaged behavior of a child that interferes with daily activities, development, or learning skills.
California Children's Services (CCS)	Agency which provides medically necessary physical and occupational therapy for students eligible under CCS criteria.

California Department of Education	State agency responsible for educational policies and procedures required by legislation.
Community Advisory Committee (CAC)	A group of parents and special education administrators mandated by law which advises school boards and administrators about special education programs.
Cerebral Palsy (CP)	A group of conditions characterized by nerve and muscle problems (awkward gait, motor problems, speech difficulties) caused by damage to the brain.
Case Management	The coordination of services, usually performed by a professional working with the family.
Cochlear Implant	A device implanted in the inner ear that stimulates the hearing nerve.
Cognitive Skills	The act or process of knowing, analytical or logical thinking.
Communication Handicap	A difficulty with receptive (understanding) language or expressive (speaking) language.
Community Based Instruction	A strategy for teaching functional skills in the environment in which they would naturally occur.
Confidentiality	A guarantee that personally identifiable information about a child or family remains private and may only be shared among agencies with written permission of the parent.
Core Curriculum	The LEA-defined Curriculum which must be learned for successful grade promotion and graduation. IEP goals and objectives should reflect implementation of core curriculum as adapted for the student with disabilities.
Developmental Delay	A general term used to describe children who cannot perform the same skills that other children of the same age can usually do.
Developmental History	Recording the age at which a child has reached developmental milestones (crawling, walking, etc.).
Disability	The result of any physical or mental condition that affects or prevents one's ability to develop, achieve, and/or function at a normal rate.
Due Process	Procedures established to protect a child's right to entitled services.
Early Intervention	Services and programs for infants and young children who have special needs.

Eligibility	Determination of whether a child qualifies for services based on meeting established criteria.
Entitlement	The legal right to certain services and benefits.
Evaluation	The collection of information about a child's learning needs, strengths, and interest.
Facilitated IEP	A facilitated IEP as part of the Alternative Dispute Resolution Process is developed by a collaborative team whose members share responsibility for the IEP meeting process and results.
Fine Motor Skills	Use of the hand or small muscle group.
Free & Appropriate Public Education (FAPE)	A guarantee, through IDEA, that students with disabilities will be educated free of charge.
Geneticist	Specialist in the study of heredity.
Gross Motor Skills	Use of large muscle groups.
Heredity	The transmission of genetic characteristics from parents to children.
Hydrocephalus	An abnormal accumulation of fluid in the brain that leads to enlargement of the head.
Hypertonic	Increased muscle tone; greater than normal tension.
Hypotonic	Decreased muscle tone; lesser than normal tension.
Inclusion	Total integration of a child with disabilities into all activities of a general education program.
Individualized Education Program (IEP)	A written document that states a child's current level of educational performance, specific annual goals and short-term instructional objectives, and appropriate services needed to meet the goals.
Individualized Family Service Plan (IFSP)	A written plan for an infant or toddler and the family documenting the level of development, strengths and needs, major goals or outcomes expected, services needed, date of the next evaluation, and the starting date.
Individualized Program Plan (IPP)	Service plan originated by a Regional Center.
Individual Service Plan	Plan that describes services that an LEA will provide to an eligible student who is voluntarily enrolled by a parent in a private school.

Informed Consent	A parent's written permission to assess their child, to provide services for the child, or to place the child in special education.
Intake	The process through which a determination is made by an agency for eligibility for services.
Intellectual Disability	Delay in a child's ability to learn and function independently; can be mild, moderate, severe, or profound.
Integration	Joining of two groups previously separated, as in disabled and non-disabled children in a school or community setting.
Language Delay	Lag in the development of a child's ability to use or understand language.
Learning Disability	Problems using language, memory, concentrating, following instructions, reading, calculating, or learning through listening or looking.
Least Restrictive Environment (LRE)	An education setting that provides a child with disabilities the chance to work and learn to the best of his or her ability and which provides as much contact as possible with children without disabilities.
Local Education Agency (LEA)	A school district, SELPA approved Charter school, or county office of education that provides education services.
Local Plan	The state required plan (EC 56170) that designates how the local education agencies will meet both state and federal requirements for educating individuals with exceptional needs, residing in the geographic area served by the plan.
Low Incidence Disability	A severe disability with an incident rate of less than 1 percent of the total K-12 statewide enrollment.
Mainstreaming	Placing children with disabilities in regular education classroom for specified period of time.
Manifestation Determination	The determination made any time a disciplinary action is taken that may involve a change of placement. A review is conducted of the relationship between the child's disability and the behavior subject to the action.
Mediation	Formal intervention between parents and agencies to achieve reconciliation, settlement, or compromise.
Mobility	Movement
Multi-Handicapped	A student with a combination of two or more disabilities.
Neonatologist	Doctor specializing in care of newborns.

Non-Public School (NPS)	A private, nonsectarian school certified by the CDE that enrolls students with disabilities pursuant to an IEP.
Occupational Therapy	Treatment of children to help improve fine motor skills and everyday tasks.
Office of Administrative Hearings (OAH)	The agency that handles due process hearings and conducts mediations when there is a dispute between districts and parents.
Ophthalmologist	Doctor specializing in diseases or injuries of the eye.
Optometrist	Specialist in examining the eye and related structures to determine the presence of visual problems or disease.
Orientation and Mobility	Training children with visual impairments to know their position in space and be able to move safely from place to place.
Orthopedic Handicap	A physical disability.
Orthopedist	Doctor specializing in diseases and injuries to muscles, joints and bones.
Pediatrician	Doctor specializing in the treatment and management of childhood diseases and problems.
Physical Therapy	Treatment of children to help improve gross motor activities.
Psychiatrist	Medical doctor specializing in the diagnosis and treatment of psychological, emotional, behavioral, and developmental problems.
Psychologist	A specialist who administers psycho-educational tests; may also diagnose and treat social, emotional, psychological, or behavioral problems.
Referral	A recommendation for assessment to determine if a specialized service is required and at what level.
Related Services	Also known as Designated Instruction and Services (DIS). Refers to all services required by a child with a disability to benefit from public education (speech therapy, audiology, physical therapy, occupational therapy, etc.).
Resolution Session	A structured meeting led by a facilitator with the primary goal of clarifying issues and determining if solutions can be achieved.

Response to Intervention (RtI)	Interventions that include screening, observing, intervening, and tracking progress over time.
Reverse Mainstreaming	Placing non-disabled children in special education classrooms to play and learn with children who have disabilities.
Section 504	A civil rights law that prohibits discrimination on the basis of disability in programs and activities, public or private that receive federal financial assistance. Any person is protected that has a disability that substantially limits a major life function
Self-Help Skills	Skills needed for feeding, dressing, and toileting.
Social Skills	Skills needed by children to get along with adults and other children at home, in school, and in community settings.
Social Worker	A specialist in providing and/or coordinating services for individuals and families experiencing social or emotional problems; may also provide treatment for social or emotional problems.
Special Education	Specially designed instruction and services.
Specific Learning Disability	A disorder in one or more of the basic processes involved in understanding or in using language, spoken or written, that may manifest itself in the difficulty to listen, think, speak, write spell, or do mathematical calculations.
Speech & Language Therapy	A program to improve and correct speech and/or language problems.
“Stay Put”	During the pendency of a hearing a child with a disability must remain in his or her current educational placement.
Student Success Team (SST)	A team of educational personnel including classroom teachers who are responsible for developing modifications to the regular program and providing appropriate learning environments for students who may be exhibiting school related problems. The SST may generate solutions that enable the student to remain in general education or be referred for special education.
Surrogate Parent	A person appointed by the SELPA who acts as a child’s parent for the purpose of the IEP process to ensure the rights

of an individual with exceptional needs when no parent can be identified or located, or the parents do not retain educational rights for the child.

Time Line

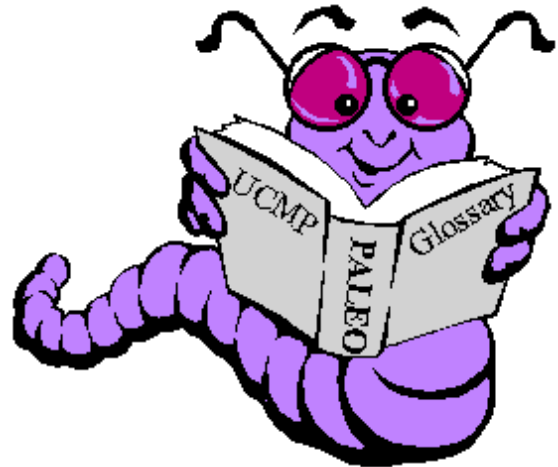
The time within which entitled and mandated services must be provided; also prohibits being put on a waiting list for any service to which you have a right.

Transition

A change from one program or situation to another (as hospital to home or from an infant program to preschool). Also refers to planning for students leaving school in preparation for adult life.

**Triennial
Assessment**

Every student with a disability eligible for special education services shall have a complete reassessment at least every three years.



APPENDIX

Sample Letters

A collection of sample letters you can refer to when making requests of the special education department.

By submitting your request in writing you are creating a written record and establishing a timeline.

Parents Rights

Copy of the Procedural Safeguards which is be provided annually at each IEP meeting.

Sample letter requesting an initial assessment to determine if your child qualifies for special education services.

Name of Principal or Special Education Administrator

Name of School

Street Address City, State, Zip Code

Dear (person's name),

I am writing to request that my son/daughter, (child's name), be evaluated for special education services. I am concerned that (child's name) is having difficulty in school and I believe he/she may need special services in order to learn. (Child's name) is in the (_) grade at (name of school). (Teacher's name) is his/her teacher. Specifically, I am worried, because (child's name) does/does not (give a few direct examples of your child's problems at school). We have tried the following to help (child's name): (If you or the school have done anything extra to help your child, briefly state it here).

I understand that I have to give written permission in order for (child's name) to be assessed. I would be happy to talk with you about (child's name). You can send me information or call me during the day at (daytime telephone number). Thank you for your prompt attention to my request.

Sincerely,

Your name

cc: your child's principal (if letter is addressed to an administrator) your child's teacher(s)

Sample letter to request assessing if your child qualifies for Section 504 accommodations.

Name of Principal or Special Education Administrator

Name of School

Street Address City, State, Zip Code

Dear (person's name),

I am writing to refer my son/daughter, (child's name), to determine if he/she is eligible for accommodations or program modifications under Section 504. I am concerned that (child's name)'s health (or other) needs are making it difficult for him/her to access general education opportunities. (Child's name) is in the (_) grade at (name of school). (Teacher's name) is his/her teacher. (Give a few direct examples of how your child's disability limits a major life activity which has impacted his/her ability to access instruction and/or activities at school).

I would be happy to talk with you about (child's name). I am also able to provide documentation from my child's doctor. Please contact me during the day at (daytime telephone number). Thank you for your prompt attention to my request.

Sincerely,

Your name

cc: your child's principal (if letter is addressed to an administrator) your child's teacher(s)

Revocation of Special Education Consent

If you wish to exit your child from special education

Date: _____

Re: _____
_____ (Student's Name Birthdate)

I am the parent or legal guardian of [Student's name] _____
("Student"), who is currently enrolled at [School name] _____,
and is eligible to receive special education services and supports.

I revoke my consent to the provision of special education services and supports to Student. I no longer wish for Student to receive any special education services or supports, but rather want Student to be considered to be a general education student.

I understand that, by revoking my consent to the provision of special education, certain rights and services will no longer apply to Student. I understand that, among other things:

Student will no longer be entitled to a free appropriate public education ("FAPE") as defined in special education law. FAPE includes all substantive and procedural special education rights, including, among other things, placement in special education classrooms; receipt of services such as speech and language or occupational therapy; assessments every three years; and development of IEPs. However, Student will remain entitled to a free public education in the same manner as students who are not eligible for special education.

In the event of conduct that leads to disciplinary action, Student will be disciplined in accordance with the rules that apply to regular education students, not the rules for special education students. Disciplinary procedures that apply to special education students, such as manifestation determinations, will not be available to Student.

Student's school district and county office of education cannot legally be found to be in violation of the requirement to make FAPE available to Student during any

time in which I have revoked consent for Student to receive special education services. I understand that I may at any time change my mind and request that my student be returned to special education. If I do so, Student's district of residence will conduct appropriate assessments and convene an IEP team meeting to determine whether Student still qualifies for special education, and, if so, to develop an appropriate program and placement.

Sincerely,

Signature _____

Print Name _____

Address _____

City, State, Zip _____

Telephone _____

Special Education Rights of Parents and Children Under the Individuals with Disabilities Education Act, Part B, and the California *Education Code*

Notice of Procedural Safeguards

Revised October 2016

Note: The term school district is used throughout this document to describe any public education agency responsible for providing your child's special education program. The term assessment is used to mean evaluation or testing. Federal and state laws are cited throughout this notice using English abbreviations, which are explained in a glossary on the last page of this notification.

What is the Notice of Procedural Safeguards?

This information provides you as parents, legal guardians, and surrogate parents of children with disabilities from three (3) years of age through age twenty-one (21) and students who have reached age eighteen (18), the age of majority, with an overview of your educational rights or procedural safeguards.

The Notice of Procedural Safeguards is required under the Individuals with Disabilities Education Act (in English, referred to as IDEA) and must be provided to you:

- ☐ When you ask for a copy
- ☐ The first time your child is referred for a special education assessment
- ☐ Each time you are given an assessment plan to evaluate your child
- ☐ Upon receipt of the first state or due process complaint in a school year, and
- ☐ When the decision is made to make a removal that constitutes a change of placement

(20 *USC* 1415[d]; 34 *CFR* 300.504; *EC* 56301[d] [2], *EC* 56321, and 56341.1[g] [1])

What is the Individuals with Disabilities Education Act (IDEA)?

IDEA is a federal law that requires school districts to provide a "free appropriate public education" (in English, referred to as FAPE) to eligible children with disabilities. A free appropriate public education means that special education and related services are to be provided as described in an individualized education program (in English, known as IEP) and under public supervision to your child at no cost to you.

May I participate in decisions about my child's education?

You must be given opportunities to participate in any decision-making meeting regarding your child's special education program. You have the right to participate in IEP team meetings about the identification (eligibility), assessment, or educational placement of your child and other matters relating to your child's FAPE. (20 *USC* 1414[d] [1]B–[d][1][D]; 34 *CFR* 300.321; *EC* 56341[b], 56343[c])

The parent or guardian, or the local educational agency (LEA), has the right to participate in the development of the IEP and to initiate their intent to electronically audiotape the proceedings of Notice of Procedural Safeguards CDE, T07-037, the IEP team meetings. At least 24 hours prior to the meeting, the parent or guardian shall notify the members of the IEP team of their intent to record a meeting. If the parent or guardian does not consent to the LEA audiotape recording an IEP meeting, the meeting shall not be recorded on an audiotape recorder.

Your rights include information about the availability of FAPE, including all program options, and all available alternative programs, both public and nonpublic. (20 *USC* 1401[3], 1412[a][3]; 34 *CFR* 300.111; *EC* 56301, 56341.1[g][1], and 56506)

Where can I get more help?

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 special education local plan area (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. You may also want to contact one of the California parent organizations (Family Empowerment Centers and Parent Training Institutes), which were developed to increase collaboration between parents and educators to improve the educational system. Contact information for these organizations is found on the CDE special education California Parent Organizations Web page at <http://www.cde.ca.gov/sp/se/qa/caprntorg.asp>. Additional resources are listed at the end of this document to help you understand the procedural safeguards.

What if my child is deaf, hard of hearing, blind, visually impaired, or deaf-blind?

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. Such programs are offered to students aged 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 (CDE) Web site at <http://www.cde.ca.gov/sp/ss/> or ask for more information from the members of your child's IEP team.

Notice, Consent, Assessment, Surrogate Parent Appointment, and Access to Records

Prior Written Notice

When is a notice needed?

This notice must be given when the school district proposes or refuses to initiate a change in the identification, assessment, or educational placement of your child with special needs or the Notice of Procedural Safeguards CDE, T07-037, provision of a free appropriate public education. (20 *USC* 1415[b][3] and (4), 1415[c][1], 1414[b][1]; 34 *CFR* 300.503; *EC* 56329 and 56506[a])

The school district must inform you about proposed evaluations of your child in a written notice or an assessment plan within fifteen (15) days of your written request for evaluation. The notice must be understandable and in your native language or other mode of communication, unless it is clearly not feasible to do so. (34 *CFR* 300.304; *EC* 56321)

What will the notice tell me?

The Prior Written Notice must include the following:

1. A description of the actions proposed or refused by the school district
2. An explanation of why the action was proposed or refused
3. A description of each assessment procedure, record, or report the agency used as a basis for the action proposed or refused
4. A statement that parents of a child with a disability have protection under the procedural safeguards

5. Sources for parents to contact to obtain assistance in understanding the provisions of this part
6. A description of other options that the IEP team considered and the reasons those options were rejected; and
7. A description of any other factors relevant to the action proposed or refused. (20 *USC* 1415[b][3] and [4], 1415[c][1], 1414[b][1]; 34 *CFR* 300.503)

Parental Consent

When is my approval required for assessment?

You have the right to refer your child for special education services. You must give informed, written consent before your child's first special education assessment can proceed. The parent has at least fifteen (15) days from the receipt of the proposed assessment plan to arrive at a decision. The assessment may begin immediately upon receipt of the consent and must be completed and an IEP developed within sixty (60) days of your consent.

When is my approval required for services?

You must give informed, written consent before your school district can provide your child with special education and related services.

What are the procedures when a parent does not provide consent?

If you do not provide consent for an initial assessment or fail to respond to a request to provide the consent, the school district may pursue the initial assessment by utilizing due process procedures. Notice of Procedural Safeguards CDE, T07-037, If you refuse to consent to the initiation of services, the school district must not provide special education and related services and shall not seek to provide services through due process procedures.

If you consent in writing to the special education and related services for your child but do not consent to all of the components of the IEP, those components of the program to which you have consented must be implemented without delay.

If the school district determines that the proposed special education program component to which you do not consent is necessary to provide a free appropriate public education to your child, a due process hearing must be initiated. If a due process hearing is held, the hearing decision shall be final and binding.

In the case of reevaluations, the school district must document reasonable measures to obtain your consent. If you fail to respond, the school district may proceed with the reevaluation without your consent. (20 *USC* 1414[a][1][D] and 1414[c]; 34 *CFR* 300.300; *EC* 56506[e], 56321[c] and [d], and 56346).

When may I revoke consent?

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:

1. 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
2. May not use the procedures in subpart E of Part 300 34 *CFR* (including the mediation procedures under 34 *CFR* Section 300.506 or the due process procedures under 34 *CFR* Sections 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child
3. Will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services
4. Is not required to convene an IEP team meeting or develop an IEP under 34 *CFR* Sections 300.320 and 300.324 for the child for further provision of special education and related services

Please note, in accordance with 34 *CFR* Section 300.9 (c)(3), that if the parents revoke consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency 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.

Surrogate Parent Appointment

What if a parent cannot be identified or located? Notice of Procedural Safeguards CDE, T07-037, School districts must ensure that an individual is assigned to act as a surrogate parent for the parents of a child with a disability when a parent cannot be identified and the school district cannot discover the whereabouts of a parent.

A surrogate parent may also be appointed if the child is an unaccompanied homeless youth, an adjudicated dependent or ward of the court under the state Welfare and Institution Code, and is referred to special education or already has an IEP. (20 *USC* 1415[b][2] ; 34 *CFR* 300.519; *EC* 56050; GC 7579.5 and 7579.6)

Nondiscriminatory Assessment

How is my child assessed for special education services?

You have the right to have your child assessed in all areas of suspected disability. Materials and procedures used for assessment and placement must not be racially, culturally, or sexually discriminatory.

Assessment materials must be provided and the test administered in your child's native language or mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer.

No single procedure can be the sole criterion for determining eligibility and developing FAPE for your child. (20 *USC* 1414[b][1]–[3], 1412[a][6][B]; 34 *CFR* 300.304; *EC* 56001[j] and 56320)

Independent Educational Assessments

May my child be tested independently at the district's expense?

If you disagree with the results of the assessment conducted by the school district, you have the right to ask for and obtain an independent educational assessment for your child from a person qualified to conduct the assessment at public expense.

The parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

The school district must respond to your request for an independent educational assessment and provide you information about where to obtain an independent educational assessment.

If the school district believes that the district's assessment is appropriate and disagrees that an independent assessment is necessary, the school district must request a due process hearing to prove that its assessment was appropriate. If the district prevails, you still have the right to an independent assessment but not at public expense. The IEP team must consider independent assessments.

District assessment procedures allow in-class observation of students. If the school district observes your child in his or her classroom during an assessment, or if the school district would have been allowed to observe your child, an individual conducting an independent educational assessment must also be allowed to observe your child in the classroom. Notice of Procedural Safeguards CDE, T07-037, If the school district proposes a new school setting for your child and an independent educational assessment is being conducted, the independent assessor must be allowed to first observe the proposed new setting. (20 *USC* 1415[b][1] and [d][2][A]; 34 *CFR*

300.502; *EC* 56329[b] and [c]) Notice of Procedural Safeguards CDE, T07-037,

Access to Educational Records

May I examine my child's educational records?

You have a right to inspect and review all of your child's education records without unnecessary delay, including prior to a meeting about your child's IEP or before a due process hearing. The school district must provide you access to records and copies, if requested, within five (5) **business** days after the request has been made orally or in writing. (*EC* 49060, 56043[n], 56501[b][3], and 56504)

How Disputes Are Resolved

Due Process Hearing

When is a due process hearing available?

You have the right to request an impartial due process hearing regarding the identification, assessment, and educational placement of your child or the provision of FAPE. The request for a due process hearing must be filed within two years from the date you knew or should have known about the alleged action that forms the basis of the due process complaint. (20 *USC* 1415[b][6]; 34 *CFR* 300.507; *EC* 56501 and 56505[l])

Mediation and Alternative Dispute Resolution

May I request mediation or an alternative way to resolve the dispute?

A request for mediation may be made either before or after a request for a due process hearing is made.

You may ask the school district to resolve disputes through mediation or alternative dispute resolution (ADR), which is less adversarial than a due process hearing. The ADR and mediation are voluntary methods of resolving a dispute and may not be used to delay your right to a due process hearing.

What is a pre-hearing mediation conference?

You may seek resolution through mediation prior to filing a request for a due process hearing. The conference is an informal proceeding conducted in a nonadversarial manner to resolve issues relating to the identification, assessment, or educational placement of a child or to a FAPE. At the prehearing mediation conference, the parent or the school district may be accompanied and advised by nonattorney representatives and may consult with an attorney prior to or Notice of Procedural Safeguards CDE, T07-037, following the conference. However, requesting or participating in a prehearing mediation conference is not a prerequisite to requesting a due process hearing.

All requests for a prehearing mediation conference shall be filed with the Superintendent. The party initiating a prehearing mediation conference by filing a written request with the Superintendent shall provide the other party to the mediation with a copy of the request at the same time the request is filed.

The prehearing mediation conference shall be scheduled within fifteen (15) days of receipt by the Superintendent of the request for mediation and shall be completed within thirty (30) days after receipt of the request for mediation unless both parties agree to extend the time. If a resolution is reached, the parties shall execute a legally binding written agreement that sets forth the resolution. All discussions during the mediation process shall be confidential. All prehearing mediation conferences shall be scheduled in a timely manner and held at a time and place reasonably convenient to the parties. If the issues fail to be resolved to the satisfaction of all parties, the party who requested the mediation conference has the option of filing for a due process hearing. (*EC* 56500.3 and 56503)

Due Process Rights

What are my due process rights?

You have a right to:

1. Have a fair and impartial administrative hearing at the state level before a person who is knowledgeable of the laws governing special education and administrative hearings (20 *USC* 1415[f][1][A], 1415[f][3][A]-[D]; 34 *CFR* 300.511; *EC* 56501[b][4])
2. Be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities (*EC* 56505 [e][1])
3. Present evidence, written arguments, and oral arguments (*EC* 56505[e][2])
4. Confront, cross-examine, and require witnesses to be present

(*EC* 56505[e][3])

5. Receive a written or, at the option of the parent, an electronic verbatim record of the hearing, including findings of fact and decisions (*EC* 56505[e][4])
6. Have your child present at the hearing (*EC* 56501[c][1])
7. Have the hearing be open or closed to the public (*EC* 56501[c][2])
8. 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 within five (5) business days before a hearing (*EC* 56505[e][7] and 56043[v])
9. Be informed by the other parties of the issues and their proposed resolution of the issues at least ten (10) calendar days prior to the hearing (*EC* 56505[e][6])
10. Have an interpreter provided (CCR 3082[d])
11. Request an extension of the hearing timeline (*EC* 56505[f][3])
12. Have a mediation conference at any point during the due process hearing (*EC* 56501[b][2]), and
13. Receive notice from the other party at least ten days prior to the hearing that the other party intends to be represented by an attorney (*EC* 56507[a]). (20 *USC* 1415[e]; 34 *CFR* 300.506, 300.508, 300.512 and 300.515)

Notice of Procedural Safeguards CDE, T07-037,

Filing a Written Due Process Complaint

How do I request a due process hearing?

You need to file a written request for a due process hearing. You or your representative needs to submit the following information in your request:

1. Name of the child
2. Address of the residence of the child
3. Name of the school the child is attending
4. In the case of a homeless child, available contact information for the child and the name of the school the child is attending, and
5. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s)

Federal and state laws require that either party filing for a due process hearing must provide a copy of the written request to the other party. (20 *USC* 1415[b][7], 1415[c][2]; 34 *CFR* 300.508; *EC* 56502[c][1])

Prior to filing for a due process hearing, the school district shall be provided the opportunity to resolve the matter by convening a resolution session, which is a meeting between the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request. (20 *USC* 1415[f][1][B]; 34 *CFR* 300.510)

What does a resolution session include?

Resolution sessions shall be convened within fifteen (15) days of receiving notice of the parents' due process hearing request. The sessions shall include a representative of the school district who has decision-making authority and not include an attorney of the school district unless the parent is accompanied by an attorney. The parent of the child may discuss the due process hearing issue and the facts that form the basis of the due process hearing request. The resolution session is not required if the parent and the school district agree in writing to waive the meeting. If the school district has not resolved the due process hearing issue within thirty (30) days, the due process hearing may occur. If a resolution is reached, the parties shall execute a legally binding agreement. (20 USC 1415[f][1][B]; 34 CFR 300.510)

Does my child's placement change during the proceedings?

The child involved in any administrative or judicial proceeding must remain in the current educational placement unless you and the school district agree on another arrangement. If you are applying for initial admission of your child to a public school, your child will be placed in a public school program with your consent until all proceedings are completed. (20 USC 1415[j]; 34 CFR 300.518; EC 56505[d]) Notice of Procedural Safeguards CDE, T07-037

May the decision be appealed?

The hearing decision is final and binding on both parties. Either party may appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final decision. (20 USC 1415[i][2] and [3][A], 1415[l]; 34 CFR 300.516; EC 56505[h] and [k], EC 56043[w])

Who pays for my attorneys' fees?

In any action or proceeding regarding the due process hearing, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you as parent of a child with a disability if you are the prevailing party in the hearing. Reasonable attorneys' fees may also be made following the conclusion of the administrative hearing, with the agreement of the parties. (20 USC 1415[i][3][B]–[G]; 34 CFR 300.517; EC 56507[b])

Fees may be reduced if any of the following conditions prevail:

1. The court finds that you unreasonably delayed the final resolution of the controversy
2. The attorneys' hourly fees exceed the prevailing rate in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience
3. The time spent and legal services provided were excessive, or
4. Your attorney did not provide to the school district the appropriate information in the due process request notice.

Attorneys' fees will not be reduced, however, if the court finds that the State or the school district unreasonably delayed the final resolution of the action or proceeding or that there was a violation of this section of law. (20 USC 1415[i][3][B]–[G]; 34 CFR 300.517)

Attorneys' fees relating to any meeting of the IEP team may not be awarded unless an IEP team meeting is convened as a result of a due process hearing proceeding or judicial action. Attorneys' fees may also be denied if you reject a reasonable settlement offer made by the district/public agency ten (10) days before the hearing begins and the hearing decision is not more favorable than the offer of settlement. (20 USC 1415[i][3][B]–[G]; 34 CFR 300.517)

To obtain more information or to file for mediation or a due process hearing, contact:

Office of Administrative Hearings
Attention: Special Education Division
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833-4231
(916) 263-0880

School Discipline and Placement Procedures for Students with Disabilities

School Discipline and Alternative Interim Educational Settings

May my child be suspended or expelled?

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 who violates a code of student conduct from his or her setting to:

- ☐ An appropriate interim alternative education setting, another setting, or suspension for not more than ten (10) consecutive school days, and
- ☐ Additional removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct

What occurs after a removal of more than ten (10) days?

After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the public agency must provide services to enable the child to continue to participate in the general education curriculum and progress toward meeting the goals set out in the child's IEP. Also, a child will receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not recur. If a child exceeds ten (10) days in such a placement, an IEP team meeting must be held to determine whether the child's misconduct is caused by the disability. This IEP team meeting must take place immediately, if possible, or within ten (10) days of the school district's decision to take this type of disciplinary action.

As a parent you will be invited to participate as a member of this IEP team. The school district may be required to develop an assessment plan to address the misconduct or, if your child has a behavior intervention plan, review and modify the plan as necessary.

What happens if the IEP team determines that the misconduct is not caused by the disability?

If the IEP team concludes that the misconduct was not a manifestation of the child's disability, the school district may take disciplinary action, such as expulsion, in the same manner as it would for a child without a disability. (20 *USC* 1415[k][1] and [7]; 34 *CFR* 300.530)

If you disagree with the IEP team's decision, you may request an expedited due process hearing, which must occur within twenty (20) school days of the date on which you requested the hearing. (20 *USC* 1415[k][2]; 34 *CFR* 300.531[c])

Regardless of the setting the school district must continue to provide FAPE for your child.

Alternative educational settings must allow the child to continue to participate in the general Notice of Procedural Safeguards CDE, T07-037, curriculum and ensure continuation of services and modifications detailed in the IEP. (34 *CFR* 300.530; *EC* 48915.5[b])

Children Attending Private School

May students who are parentally placed in private schools participate in publicly funded special education programs?

Children who are enrolled by their parents in private schools may participate in publicly funded special education programs. The school district must consult with private schools and with parents to determine the services that will be offered to private school students. Although school districts have a clear responsibility to offer FAPE to students with disabilities, those children, when placed by their parent in private schools, do not have the right to receive some or all of the

special education and related services necessary to provide FAPE. (20 USC 1415[a][10][A]; 34 CFR 300.137 and 300.138; EC 56173)

If a parent of an individual with exceptional needs who previously received special education and related services under the authority of the school district enrolls the child in a private elementary school or secondary school without the consent of or referral by the local educational agency, the school district is not required to provide special education if the district has made FAPE available. A court or a due process hearing officer may require the school district to reimburse the parent or guardian for the cost of special education and the private school only if the court or due process hearing officer finds that the school district had not made FAPE available to the child in a timely manner prior to that enrollment in the private elementary school or secondary school and that the private placement is appropriate. (20 USC 1412[a][10][C]; 34 CFR 300.148; EC 56175)

When may reimbursement be reduced or denied?

The court or hearing officer may reduce or deny reimbursement if you did not make your child available for an assessment upon notice from the school district before removing your child from public school. You may also be denied reimbursement if you did not inform the school district that you were rejecting the special education placement proposed by the school district, including stating your concerns and intent to enroll your child in a private school at public expense.

Your notice to the school district must be given either:

- ☐ At the most recent IEP team meeting you attended before removing your child from the public school, or
- ☐ In writing to the school district at least ten (10) business days (including holidays) before removing your child from the public school. (20 USC 1412[a][10][C]; 34 CFR 300.148; EC 56176)

When may reimbursement not be reduced or denied? Notice of Procedural Safeguards CDE, T07-037, A court or hearing officer must not reduce or deny reimbursement to you if you failed to provide written notice to the school district for any of the following reasons:

- ☐ The school prevented you from providing notice
 - ☐ You had not received a copy of this Notice of Procedural Safeguards or otherwise been informed of the requirement to notify the district
 - ☐ Providing notice would likely have resulted in physical harm to your child
 - ☐ Illiteracy and inability to write in English prevented you from providing notice, or
 - ☐ Providing notice would likely have resulted in serious emotional harm to your child
- (20 USC 1412[a][10][C]; 34 CFR 300.148; EC 56177)

State Complaint Procedures

When may I file a state compliance complaint?

You may file a state compliance complaint when you believe that a school district has violated federal or state special education laws or regulations. Your written complaint must specify at least one alleged violation of federal and state special education laws. The violation must have occurred not more than one year prior to the date the complaint is received by the California Department of Education (CDE). When filing a complaint, you must forward a copy of the complaint to the school district at the same time you file a state compliance complaint with the CDE. (34 CFR 300.151–153; 5 CCR 4600)

Complaints alleging violations of federal and state special education laws or regulations may be mailed to:

California Department of Education
Special Education Division
Procedural Safeguards Referral Service
1430 N Street, Suite 2401

Sacramento, CA 95814

For complaints involving issues **not** covered by federal or state special education laws or regulations, consult your district's uniform complaint procedures.

To obtain more information about dispute resolution, including how to file a complaint, contact the CDE, Special Education Division, Procedural Safeguards Referral Service, by telephone at (800) 926-0648; by fax at 916-327-3704; or by visiting the CDE Web site at <http://www.cde.ca.gov/sp/se>. Notice of Procedural Safeguards CDE, T07-037,

Glossary of Abbreviations Used in This Notification

ADR Alternative Dispute Resolution

CFR: Code of Federal Regulations

EC California Education Code

FAPE Free Appropriate Public Education

IDEA Individuals with Disabilities Education Act

IEP Individualized Education Program

OAH: Office of Administrative Hearings

SELPA: Special Education Local Plan Area

USC: United States Code