

*South Orange County
Special Education Local Plan Area*



CAC



Community Advisory Committee



Parent Handbook

February 2015

Dear Parent(s),

This handbook was compiled to help you become familiar with the special education process, as mandated by the State of California and the Federal Government. It is our hope that you actively participate as a collaborative partner with school district personnel in the design and implementation of your child's Individual Education Plan. This plan should always be focused on ensuring your child has equal access to meaningful educational opportunity.

You play an important role in the education of your child. As a parent, you have expert knowledge of your child. We encourage you to team up with your child's teacher and school staff and make them your equal partners in the educational process. Building and nurturing your relationships with school staff is important, as is making your views known in a positive and constructive manner. Communication is a critical part of this process. The planning, implementation, and on-going support of programs are greatly enhanced when parents are involved.

Parents are encouraged to talk with their child's teacher(s) about volunteer opportunities. Getting involved is a great way to build a positive relationship with your child's teacher and other school personnel. Keep your teacher(s) informed of your child's home behaviors. You should always attend scheduled teacher conferences, PTA Meetings, Community Advisory Committee (CAC) meetings, and other school functions whenever possible.

Our Districts are proud of their programs and are dedicated to helping your child grow, learn and develop into a competent, well-adjusted individual.

*Community Advisory Committee (CAC)
South Orange County Special Education Local Planning Area (SOC SELPA)
Revised: 2015*

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Acronyms

ABA	Applied Behavior Analysis	LH	Learning Handicapped
APE	Adapted Physical Education	LICA	Local Interagency Coordination Area
CAC	Community Advisory Committee	LIF	Limited Intellectual Functioning
CAPA	California Alternate Performance Assessment	LRE	Least Restrictive Environment
CCR	California Code of Regulation	NPA	Nonpublic Agency
CCS	California Children's Services	NPS	Nonpublic School
CH	Communicatively Handicapped	OH	Orthopedically Handicapped
CMA	California Modified Assessment	OHI	Other Health Impaired
CTS	Career Transition Specialist	OI	Orthopedically Impaired
D/HOH	Deaf or Hard of Hearing	OT	Occupational Therapy
DIS	Designated Instruction and Services	PH	Physically Handicapped
EC	Education Code	PL	Public Law
ED	Emotionally Disturbed	PT	Physical Therapy
ELD	English Learning Development	RAPP	Referral Assessment and Placement Procedures
FAPE	Free and Appropriate Public Education	ROP	Regional Occupational Program
IA	Instructional Aide	RSP	Resource Specialist Program
IBI	Individual Behavior Intervention	SDC	Special Day Class
ID	Intellectual Disability	SDVE	Specially Designated Vocational Education
IDEA	Individuals with Disabilities Education Act	SE	Special Education
IEP	Individualized Education Program	SELPA	Special Education Local Plan Area
IFSP	Individualized Family Service Plan	SH	Severely Handicapped
ISGI	Individualized and Small Group Instruction	SL (SLI)	Speech & Language (Speech & Language Impaired)
ITP	Individualized Transition Plan	SLD	Specific Learning Disabled
IWEN	Individual With Exceptional Needs	SLP	Speech and Language Pathologist
JTPA	Job Training Partnership Act	TBI	Traumatic Brain Injury
LCI	Licensed Children's Institute	TPP	Transition Partnership Project
LEA	Local Education Agency	VI	Visually Impaired
LEP	Limited English Proficient		



Terms and Definitions

Adapted Physical Education (APE)

Specially designed physical education program, utilizing services, accommodations or modifications tailored to the needs of students who require developmental or corrective instruction.

Accommodations

Changes in an educational program that allow a person with a disability to participate fully in an activity, such as extended time for taking exams, different test formats, alterations in a classroom or workplace.

Assessment or Evaluation

All testing and diagnostic processes leading up to the development of an appropriate, individualized educational program for a student with exceptional needs.

Assistive Technology

Equipment (such as a Braille printer, slant board, pencil grip, etc.) to increase or improve function of people with disabilities.

Case Carrier/Manager

The person deemed to be the main contact person for the student's IEP team. These terms are used interchangeably.

Community Advisory Committee (CAC)

A committee whose membership includes parents of school children (with and without special needs), school personnel, and representatives of public, community, and private agencies. This committee advises school administrators and local school boards regarding the Local Plan for Special Education, assists with parent education, and promotes public awareness of individuals with special needs.

Cumulative File

Records maintained in a central location by the school district for any child enrolled in school; it may contain evaluations and information about a child's disability and special education placement. Parents have a right to inspect the files.

Designated Instruction Services (DIS)

Instruction and services not normally provided by regular classes, resource specialist programs, or special day classes. They include speech therapy, and adaptive physical education.

Developmental Disability

Mental and/or physical condition (such as mental retardation, cerebral palsy, autism) that begins before age 18, causing the child to acquire skills at a slower rate than peers and is expected to continue indefinitely, impairing the child's ability to function normally in society.

Differential Standards for Graduation

Standards for graduation that may be modified for students with exceptional needs.

Disability

Physical or mental impairment that substantially limits one or more major life activities.

Due Process

This process includes mediation and possibly a due process hearing to resolve a dispute between members of the IEP team.

Early Intervention

Programs for developmentally delayed infants and toddlers through 35 months of age; designed to help prevent problems as the child matures.

Free Appropriate Public Education

Special education and related services, that have been provided at public expense, under public supervision and direction, and without charge, that meet the standards of the State educational agency, including an appropriate preschool, elementary or secondary school education and are provide in conformity to the student's IEP.

Inclusive Education

Inclusive education serves students with disabilities in local neighborhood schools in general education classrooms, with appropriate supportive services.

Individualized Education Program (IEP)

A written document that states goals, objectives, and services for students receiving special education.

Individualized Education Program Team (IEPT)

A committee of parents, teachers, administrators, and school personnel providing service to the student. The committee may also include medical professionals and other relevant parties. The team reviews assessment results, determines goals and objectives and program placement.

Individualized Family Service Plan (IFSP)

A process of providing early intervention services for children (ages 0 to 3) with special needs. Family based needs are identified, and a written plan is developed and reviewed periodically.

Individual Transition Plan (ITP)

This plan starts the year the student turns age 16 and addresses areas of post-school activities, post-secondary education, employment, community experiences, and daily living skills.

Least Restrictive Environment (LRE)

The placement of a special needs student in a manner promoting the maximum possible interaction with the general school population. Placement options are offered on a continuum including regular classroom with no support services, regular classroom with support services (aides and/or resource specialist program), designated instruction services, special day classes, private special education programs or institutionalization or hospitalization.

Local Education Agency (LEA)

A school district participating in a SELPA.

Local Plan

A plan developed by a SELPA and submitted to the State Department of Education for approval. The document outlines the plan for delivery of support services to eligible students living within the geographic boundaries of the plan area.

Mainstreaming

Integrating children with special needs into regular classrooms or other portions of regular education programming for part of the school day. Mainstreaming is also called partial inclusion.

Multidisciplinary Team

A group that evaluates a child's levels of functioning in various areas to determine if the child is disabled and if so, supports preparation of his or her IEP based on assessment results, is led by a case coordinator (school psychologist, social worker, or special education teacher) and includes the classroom teacher, parents, and educational and medical specialists as appropriate.

Program Specialist

An individual who holds an administrative credential and a valid special education credential, health services credential, or school psychologist authorization, and has advanced training and related experience in the education of children with special needs.

Related Services

Services that are required to allow the student to benefit from his or her special education program. Services may include therapy and transportation.

Resource Specialist Program (RSP)

A program that provides instruction, materials, and services to students with identified disabilities who are assigned to general classrooms for the majority of the school day.

Special Day Class

A self-contained special education class which provides services to students with intensive needs that cannot be met by the general school program, RSP, or DIS programs.

Special Education Local Plan Area (SELPA)

A school district or group of school districts within a geographic area that administers the delivery of special education services.

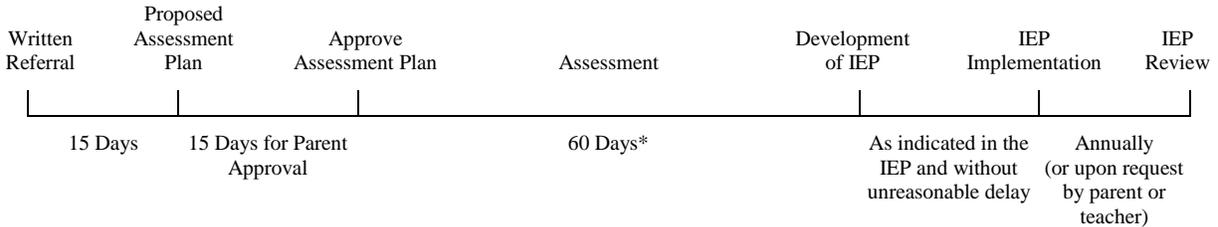
State Schools

Residential schools operated by the State of California for the deaf, blind, and neurologically handicapped.

Surrogate

A person appointed to represent the rights of a ward or dependent of the court with special needs in all educational matters.

Timeline from Initial Referral to IEP Review



*Calendar days, which do not include days between regular school years, or school vacations in excess of 5 school days for the traditional school schedule, or the days between terms for year-round school schedules as provided in California Education Code.

Overview from Referral to IEP Review

How the Process of Identification for Special Education Eligibility Works

A referral for identification of an individual (age 0-19) with possible special needs may come from a variety of sources to include:

- Parent or Legal Guardian
- Student Study Team
- Community Agency
- Teacher
- Administrator
- Physician
- Concerned Person

In order to provide special education services, the following process has been established in an effort to conform with federal and state regulations:

Step One, Referral

A letter should be sent to your home school principal or school district special education department requesting an assessment. Within 15 days of receipt of your letter, the district will provide you with a written response to your request for assessment. If the district is declining your request, the district must give you a reason; if the district is agreeing to your request, the district will provide you with a proposed assessment plan containing a copy of the notice of parent rights. You have at least 15 days to respond to the assessment plan. Upon the district's receipt of your written approval the district has 60 calendar days to complete the assessment, with some exceptions relating to breaks in the school calendar, to determine eligibility for services, and conduct an Individualized Education Program (IEP) team meeting.

Step Two, Assessment

Upon receipt of the approval for assessment, a case carrier/manager will be assigned. The case manager will make arrangements to have your child's strengths and areas of suspected disability evaluated. Information from you, including from outside assessments, is an important part of this

process. Based on the results of the assessment, the student may or may not meet the eligibility criteria for special education services. Additional information on Assessment is provided later in this handbook.

Step Three, Individualized Education Program

During the IEP meeting, assessment results will be shared with the parent and/or parent's designated representative. The parent may request a copy of the assessment reports in advance of the IEP meeting; there is, however, no requirement that the district provide parents copies prior to the IEP meeting. Districts will make every effort to provide assessment reports when it is feasible to do so. Parents will get a copy of final assessment reports at the IEP meeting. If the IEP team determines that special education placement is needed for your child to obtain educational benefit, an individual educational program ("IEP") will be developed to meet your child's needs. Parents are equal participants along with teachers and school personnel in developing, reviewing and revising the child's IEP.

Step Four, Appropriate Placement/Services

If your child has been determined to qualify for services under IDEA, the IEP team will identify your student's unique needs, develop goals, and determine appropriate placement/services. You and the school team will consider the least restrictive environment where your child's needs can appropriately be met. Parents can ask about placement options that are available and appropriate to meet your child's needs. (See page 13 for a discussion of various placement options.)

Step Five, IEP Review

Your child's program and progress will be reviewed at a minimum annually. Additional meetings may be scheduled during the year according to IEP goals and/or objective/benchmarks to determine the appropriateness of the program in meeting your child's needs. You may request a review or change to the IEP when necessary, by writing to your child's teacher, school psychologist, or administrator.

Assessments

The following applies to any evaluations conducted:

- Written consent from parent/guardian/surrogate of a student under 18 years of age must be obtained prior to assessment. If the student is 18 years or older, he/she must sign the assessment plan, unless a court of competent jurisdiction has determined otherwise.
- Evaluation is done by a multidisciplinary team, with the exception of some limited purpose assessments, which assesses all areas related to the child's suspected areas of disability including, where appropriate, vision, hearing, motor abilities, self-help, mobility skills, cognition, achievement, speech and language, career and vocational abilities/interests, and social/emotional levels of functioning.
- Tests must be valid for the specific purpose used and be administered by trained personnel. Tests must accurately measure a child's aptitude or achievement and assess specific areas of educational need. No single procedure or test is to be used for determining an appropriate educational program for a child.

- The assessments must be given in the child’s native language unless the child has been determined to be competent in English or other mode of communication. If this is not feasible, an interpreter must be used.
- Testing and evaluation materials must be selected and administered so as not to be racially, culturally, or sexually discriminatory.
- The school must provide the parents a copy of the assessment report at the IEP meeting. A parent may request that a copy of the written assessment report be provided prior to the IEP meeting. Any report provided prior to the IEP team meeting should be considered a draft of the report, with the final version presented at the meeting.
- If you disagree with any portion of the assessment or the assessment results, please see the Resolving Differences section (page 18) of this handbook.
- A re-evaluation of your child to determine continued eligibility for special education will be completed at least once every three years. Re-evaluations may also occur if a new area of suspected disability is identified. An assessment plan will be prepared prior to the completion of any recommended assessment.
- A copy of the notice of parent rights must be included with the assessment plan. This notice will explain all of the procedural rights of a special education student under federal and state law. It will include information on other agencies, resources and procedures, from informal to formal, that parents may use if they disagree with the district’s assessment

Special Education Eligibility

Eligibility for Special Education is a two-part determination. First, the child must be identified as having a disability. Second, the child must be found to require special education services as a result of his/her disability. The eligibility categories under IDEA are denoted as follows per State and Federal requirements:

Intellectual Disability	Hard of Hearing	Deafness
Speech and/or Language Impairment	Visual Impairment	Emotional Disturbance
Orthopedic Impairment	Other Health Impairment	Established Medical Disability
Specific Learning Disability	Deaf-Blindness	Multiple Disability
Autism	Traumatic Brain Injury	

How to Prepare for an IEP Meeting

- Respond to the IEP notification. Parents are invited and encouraged to attend. You are a full and equal partner along with school personnel in developing, reviewing, or revising your child’s IEP and deciding appropriate services. IEP meetings are to be arranged at a mutually agreeable date and time.
- Familiarize yourself with the Procedural Safeguards document. Ask questions of the other IEP team members if you do not understand or have a question about these rights. (See Appendix for a copy of the Rights)

- Be prepared to share important information about your child such as school and medical reports and/or recent private assessments. (Refer to the Building Your Child's Home File section of this handbook.)
- You may request a copy of your child's assessment results and proposed goals prior to the IEP meeting. The District will accommodate your request when it is feasible to do so.
- Write down any questions, concerns, and suggestions you may have and take to the IEP meeting.
- When requesting a meeting, be prepared to identify the reason for the meeting.
- The IEP meeting may be audio recorded if you notify the case carrier in writing at least 24 hours before the meeting. The district may audio record the meeting as well.
- Be an equal partner in the decision making process. Do not be afraid to ask other members of the IEP team to explain or clarify the process and procedures that you are unfamiliar with.

The IEP Meeting

The purpose of the initial IEP meeting is to review the assessment and determine the child's eligibility for special education services. If the child is eligible, an IEP is developed and it is implemented upon the parent's *written consent*. The IEP is reviewed at least annually or sooner upon written request by a parent or other member of the child's IEP team.

An IEP specifies in writing the determination by the IEP team and the commitment of the school district to provide the services needed to assist your child in working toward his/ her goals. It does not, however, guarantee that your child will achieve the growth anticipated or described in the IEP.

What to do:

- Be sure you are introduced to everyone at the meeting. If their titles are not mentioned, ask them in what capacity they serve your child.
- Share your child's strengths and needs and what motivates him or her.
- Give input and feedback. If you received copies of draft reports and/or goals for your child prior to the IEP meeting, give feedback to the team.
- Ask questions, especially if the team is referring to terms you are not familiar with.
- Take notes. A district member of the IEP team will also reflect agreements and disagreements in the Notes Section of the IEP. You will also be provided an opportunity to identify your parent concerns which will be reflected in the IEP document.
- Don't let your emotions or stress affect you. Take a break if necessary.
- Don't worry about time. If you feel rushed, request a follow-up meeting.

- You do not have to sign consent to the IEP meeting if you are not comfortable doing so at the time of the meeting. Sharing the content with your spouse or significant other and/or taking additional time to reflect and review the content is acceptable. You must remember, however, that recommended services and/or Goals/Objectives will not be implemented until consent is provided.

Tips on communicating:

- Have a positive attitude.
- Show respect for each member of the team.
- Remember that your child is the focus of the IEP process.
- Involve your child whenever possible.
- Have educational goals in mind and let the District team know what they are.
- Keep the lines of communication open between self and child's service providers.

Your child's IEP should include, but is not limited to, all of the following:

- A statement of your child's present level of performance, both strengths and weaknesses.
- A statement of annual goals, including short-term instructional objectives/benchmarks as needed, for students who take alternative assessments based on alternative achievement standards (CAPA).
- A statement of the specific educational placement and other related services (DIS) to be provided to your child.
- The extent to which your child will be able to participate in general educational programs.
- The projected dates that services will begin and how long they will be expected to continue.
- Appropriate objective criteria and evaluation procedures and schedules for determining on at least an annual basis, whether progress is being made or the short-term instructional objectives are being achieved.
- Vocational education goals may be included in an IEP. These may include prevocational education, career awareness and development, working training programs, and travel training. Preparing students with special needs for employment is the long-term goal of vocational education.
- An Individual Transition Plan (ITP) is developed prior to the student turning 16. The ITP is designed to develop a long-range plan for the student's movement into the adult world. Goals are developed by the IEP team and may include the areas of employment training, post-secondary education, residential, recreational, social, and independent living.

- For Limited-English-Proficient students, that is, for children whose primary language is other than English, the IEP should include linguistically appropriate goals, objectives, programs and services. If a parent has a primary language other than English, attempts will be made to obtain an interpreter at the IEP meeting so that information will be made available in his or her primary language.

The IEP team must include the following people:

- Parent(s)/Legal Guardian/Surrogate
- An Administrator or Designee
- General Education Teacher
- Special Education Teacher

When appropriate, additional individuals may be invited to participate. These individuals may include, but are not limited to:

- School Psychologist
- Designated Instruction Services personnel
- Program Specialists
- Parent or child representative, legal counsel, or anyone chosen by parent who has knowledge of the child
- Interpreter (if necessary)
- Student (when appropriate) Note: when the student attains the age of 18, the student holds his/her own educational rights unless a court has determined otherwise.
- Agency representatives who provide services to the student

The school district is required to notify the parent in writing regarding whom the district will be inviting to the IEP team meeting. It is helpful in planning for your child’s meeting if you indicate additional individuals that will be attending the meeting with you on the Notice Form. This form should be returned prior to the IEP meeting.

Steps in developing the IEP:

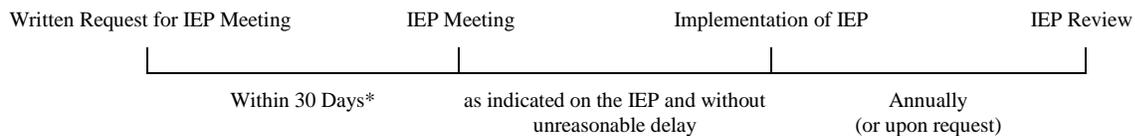
- The IEP team will review all relevant data and establish your child’s present level of performance in the areas of need. Feel free to ask questions if you do not understand the information. You may request to see the results of any reports prior to the IEP meeting in order to read them and prepare questions in advance. Every effort will be made to accommodate your request.
- Goals/Objectives and/or accommodations should be written for each area where the team has identified a unique need.
- Goals describe how the team wants a student’s skill level to change after instruction, usually over a one-year period of time.
- Objectives are developed for students who take alternative assessments based on alternative standards (CAPA). Objectives/benchmarks are measurable steps to be taken to reach the goals. They should be specific, meaningful, observable, and measurable. The objective should clearly say who will measure the results and how they will do it.

- All appropriate program options are explored. The option deemed to be the least restrictive placement option that will allow your child to benefit from the agreed upon goals and objectives should be offered.
- After the team has offered placement/services, the parents need to provide written consent for placement/services to be initiated.
- You may take the IEP forms home to review before you consent, but services cannot start until your consent has been provided.
- Parents are provided with a copy of the written IEP at the IEP meeting. You can request that your copy be in your primary language.
- If you choose not to attend the meeting and do not request a rescheduling of the meeting, the other members of the IEP team will meet on the scheduled day and develop the program with your permission. A copy of the completed IEP will be sent for your review and written consent.

Partial implementation of the IEP:

- Except for the initial IEP, if you do not agree with all the parts of the IEP, you may give written consent for only those portions of the program that you do agree with. Those portions agreed upon will be implemented without undue delay. Areas of disagreement may become the basis for a due process hearing. See Resolving Differences Page 17.
- You have the right to include a written statement of disagreement with the IEP. If you sign the IEP and later decide you disagree with any part of it, you may withdraw your consent at any time after giving written notification to the case carrier/school administrator.

Timeline to Amend an Existing IEP



*Calendar days, which do not include days between regular school years, or school vacations in excess of 5 school days for the traditional school schedule, or the days between terms for year round school schedules. In the event that the district does not agree to an IEP meeting, the district must respond in writing giving the basis for the decision.

Classroom Placement and Program Options

In accordance with federal and state law, the SOC SELPA makes available a range of educational programs for students with special needs, referred to as the continuum of options. The IEP team

determines program placement/services of each student based on the principle of Least Restrictive Environment (LRE).

LRE should offer the fewest differences, separations, or restrictions from the general education program, as is appropriate for the student. A student may be accommodated in the Least Restrictive Environment through appropriate supports and services. Examples of “supports and services” include such things as curriculum modification, an instructional aide, assistive technology devices, and designated instruction services. The IEP team determines these accommodations. Your child cannot be separated from students without disabilities any more than is educationally necessary for your child. Also, your child’s education program and other services must be located as close to your child’s home school as possible.

Early Intervention Services

Early intervention services are provided to children younger than three years old who are experiencing developmental delays in the areas of cognitive development, physical development, language and speech development, social or emotional development, or self-help skills. These services are also provided to children younger than three years old who have diagnosed mental or physical conditions that would typically result in delays, or who are at risk of substantial delays.

In California, early intervention services are provided by school districts and regional centers. Regional centers are non-profit agencies, each one covering a different geographic region, that are under contract with the State of California to provide services to persons with developmental disabilities. School districts are responsible for providing educational programs for infants who meet the following criteria:

- Have solely low incidence disabilities, defined as conditions that are solely visual, hearing, or severe orthopedic impairments, or any combination thereof;
- Are eligible for special education; and
- Are not eligible for services from a regional center.

Regional Centers are responsible for providing early intervention services to all other eligible infants, including children who have developmental delays or are at risk of delays. Some school districts, however, provide early intervention services for infants and toddlers that have non-solely low incidence disabilities because of “maintenance of effort” obligations to continue their existing programs.

A referral for determination of eligibility for early intervention services for an infant or toddler may be made orally or in writing by the parent, a doctor or any other service provider, to a regional center or school district. The branch office of the Regional Center of Orange County that serves southern Orange County can be contacted by telephone at (714)796-5100 (24 hours), Toll free (800)244-3177 or www.rcocdd.com.

If eligibility for early intervention services is determined, then a multidisciplinary team, including the parent or guardian, develops an Individualized Family Service Plan (IFSP) that identifies the appropriate early intervention services that are required to meet the unique needs of the infant or toddler, under IDEA Part C. The family of the infant or toddler receiving early intervention services is provided a review of the IFSP at six-month intervals or more often when needed. The IFSP is evaluated and changed, if necessary, at least once a year.

An important part of any IFSP is a transition planning to other appropriate services. This includes assessments to determine eligibility for special education services under Part B of the Individuals with

Disabilities Education Act, as the child turns 3 years of age. If an infant or toddler is found eligible for services under Part B, then an Individualized Education Program must be developed and implemented before the child's third birthday. This is an important transition for children and their families as there is a substantial difference between IDEA Part C and IDEA Part B services.

Preschool Program

Preschool-age children with special needs may be served in several ways:

- Designated instruction services provided by school district or SOC SELPA staff to support a regular preschool placement.
- Designated instruction services only
- Special day class
- Special day class with designated instruction services.

K-12 General Education Classroom

Students are members of age appropriate general education classrooms with individually appropriate special education supports and services provided in that environment, at their resident school.

Specialized Academic Instruction Programs (SAI)

Within the SOC SELPA, there are a variety of service delivery models of Specialized Academic Instruction (SAI) to meet the diverse learning needs of students. There are three basic services delivery models that can be found include collaborative/consultative, pull-out, and self-contained classrooms. In collaborative and consultative models, students are not removed from the general education classroom; rather, support providers deliver support in the general education setting. In pull-out SAI instructional models, students are removed from the general education classroom for limited periods of time to receive instruction in a separate classroom or support in a learning center. The final model of SAI found within SOC SELPA are special day classes. In these classes, students are grouped in smaller special education classroom settings. There are a variety of special day classes within SOC SELPA to meet the unique needs of the students.

Designated Instruction Services (DIS)

These support services are provided when they are determined appropriate to allow a student with special needs to benefit educationally from his or her instructional program.

Designated Instruction Services include, but are not limited to, the following:

- Speech and language therapy
- Audiological services
- Orientation and mobility instruction
- Instruction in the home or hospital
- Adapted physical education
- Occupational therapy
- Physical therapy
- Vision therapy
- Counseling and guidance services
- Psychological services other than assessment and development of the IEP
- Parent counseling and training
- Health/nurse services

- Specially designed vocational education and career development
- Specialized services for low-incidence disabilities such as readers, transcribers, and vision and hearing services
- Transportation

Nonpublic School (NPS)

This placement is considered only when a student's needs cannot be met within public school programs. A NPS placement is deemed to be more restrictive than a public school placement. Residential NPS facilities are an even more restrictive placement as the student is not residing in the home for a period of time as determined by the IEP team.

State Schools

This placement is considered only when no appropriate placement is available within, but not limited to, the SOC SELPA and when a State, specialized residential placement is needed for the child to meet his or her educational goals.

Other

Specialized instruction may also occur in settings other than traditional classroom settings (e.g., home instruction, residential placement).

Monitoring the IEP

- Review the outcome of the meeting with your child, if appropriate.
- Maintain communication with your child's teacher.
- Volunteer in your child's program on a regular basis if possible, and/or attend PTA Meetings in an effort to get involved and be visible.
- Periodically check the IEP against schoolwork for consistency.
- Monitor homework.
- Monitor your child's progress and contact your child's case carrier any time you have questions.
- Confirm that new services or resources are put in place when in doubt.
- Communicate, Communicate, Communicate ...

The Transition IEP

The term “transition” is used in a variety of ways in special education. For this part of the Handbook, transition refers to times at which students move from one level of schooling to another. A transition IEP should be held at certain times during your child’s school career. The first of these, unless your child was on an IFSP as discussed previously, is when your child moves from a preschool program to kindergarten. The next transition IEP should take place when your child completes elementary school and is entering middle or intermediate school. Another meeting should occur when your child is ready to start high school. An additional transition meeting for some students non-diploma bound will occur in the spring of their 12th grade year. This meeting will assist in planning for their Post High School experience. The transition IEP meeting can take place anytime in the school year, and often is held between March and June preceding the changes; usually the change occurs at the beginning of the next school year. If you have not received notice of an IEP meeting to discuss transitioning from one school level to another by May, you can contact your child’s case carrier to arrange for such a meeting.

The transition IEP often times is held in conjunction with the annual or triennial review. Your child’s special education teacher may do additional testing to aid in determining appropriate placement and services at the new school as well as in updating your student’s IEP goals and objectives. Before coming to the transition IEP, it is important for you to discuss the programs available to your student at the new school with your child’s case carrier. You may request a visit to programs your child may transition to. A representative from the school your child will be attending should attend the meeting. It is a common practice for middle or intermediate and high school students to be invited to and participate in their transition IEP meetings.

Building Your Child’s Home File

As a parent of a child with special needs, you will gather a tremendous amount of information about your child from various professional and service agencies. Each time you seek services for your child from a new agency, you may be asked to provide information from other service-providers.

As the primary decision maker, observer, and advocate for your child, it is to your advantage to keep complete and up-to-date records in a notebook or home file.

Suggested items to include in your child’s home file:

- Your child’s medical history and medical reports
- A list of medications prescribed and taken currently and in the past
- Your child’s developmental and family health history
- Copies of all your child’s school reports, including report cards, progress reports, discipline reports, IEP’s etc...
- Copies of all Assessment reports including both District evaluations and private evaluations you may have had completed
- All letters and written communications to and from school personnel and other service providers

- Copies of your child's past and present work

Consider purchasing a 3 ring binder, to collect and maintain your records. Record keeping is not mandatory, but good records prove helpful in day-to-day contacts. Bring your records to any and all meetings with school, health, or other agency personnel.

Resolving Differences

During the course of your child's education, you and the school district might disagree. Listed below are some things you can do:

Request a Teacher/Service Provider Conference:

If you have a concern, ask to meet with the student's teacher, case carrier, and if appropriate, the school principal. You do not need an IEP meeting to ask questions of service providers.

Request an IEP Meeting:

An IEP meeting may be requested at any time should you have concerns about your child's program. The District must convene this meeting within 30 days of your request. IEP meetings should be requested if a change in services is being requested.

Independent Education Evaluation:

If you do not agree with the school district's evaluation, you may consider obtaining an independent educational evaluation (IEE). The IEP team is required to CONSIDER AN IEEs. If you want to get reimbursed for an IEE, you must first disagree with an assessment that the district has done within the past 2 years. You then must request an IEE in writing or at an IEP meeting where the IEE request is written on the IEP. The district must respond to your request for an IEE and reimbursement. Rather than granting your request for an IEE, the district may decide to file for hearing to defend the district's assessment. The Procedural Safeguards will provide additional information on IEE's.

Revocation of Consent:

If you think that the IEP is not appropriate for your child, you can request an IEP meeting to discuss your concerns. You have the ability to revoke consent for the IEP should you believe your child no longer requires specialized services.

Special Education Law

Special education law is very complex and always changing. This section is intended to provide a brief overview of special education law that affects your child. It is not intended to provide a comprehensive review of all special education law nor is it intended to provide legal advice. For additional information on special education law, please refer to the reference sources listed at the end of this section and Procedural Safeguards information that the district provides.

Federal laws form the basis for state laws; states can require more but not less than federal statutes. This applies to the laws related to special education. There are three important federal statutes: the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504) and the Family Educational and Privacy Rights Act (FERPA). The most significant of these statutes is the IDEA, which was originally passed in 1975 by the U.S. Congress as the Education for All Handicapped Children Act (Public Law 94-142). The IDEA has been amended and reauthorized many times since then, with the latest amendment and reauthorization being enacted in 2004.

Individuals with Disabilities Education Act (IDEA)

The IDEA of 2004, Public Law 108-446 is in Title 20 of the United States Code Section 1400 *et seq.* The U. S. Department of Education has developed regulations for administering the IDEA, which are in Title 34 of the Code of Federal Regulations, beginning at Part 300.

California law generally conforms to the IDEA and is found in the California Education Code beginning at Section 56000. The California State Department of Education has developed regulations for administering these laws, which are in Title 5 of the California Code of Regulations, beginning at Section 3000.

The Individuals with Disabilities Education Act provides for the following:

- Ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living.
- Ensure that the rights of children with disabilities and parents of such children are protected.
- Assist states, localities, educational service agencies, and federal agencies to provide for the education of all children with disabilities.
- Assist states in the implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families.
- Ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting systemic-change activities, coordinated research and personnel preparation, coordinated technical assistance, dissemination, and support, and technology development and media services.
- Assess and ensure the effectiveness of efforts to educate children with disabilities.

A child with a disability is defined as a child with intellectual disability, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and who, by reason thereof, needs special education and related services.

An important part of this definition is the phrase “who, by reason thereof, needs special education and related services.” A child with a disability does not automatically qualify for services under the IDEA. A child with a disability must need and be able to benefit from special education and related services in order to receive them.

The IDEA guarantees the following basic rights to all children with disabilities:

Free Appropriate Public Education (FAPE)

Children with disabilities are entitled to a public education, appropriate to their needs, at no cost to their families.

Least Restrictive Environment (LRE)

Children with disabilities must be educated with students who do not have disabilities, as much as appropriate and as close to home as possible.

Supplementary Aids and Related Services or Designated Instruction and Services (DIS)

Children with disabilities must be provided the supportive services that are required to assist them to benefit educationally from their instructional program.

Assessment

An assessment must be completed in areas of suspected disability to determine the child's needs. This may be done only with the parent's informed written consent.

Public Charter Schools

Children with disabilities in public charter schools and their parents retain all rights under the IDEA regardless of the funding sources for the public charter schools. However, the Local Education Agency (LEA) to which the charter school belongs is responsible for providing special education services.

In order to assure that these rights are received, the IDEA also includes the following protections:

Individualized Education Program (IEP)

The student's IEP must be written at least annually for all children with disabilities. It is prepared by a team comprised of those people who have assessed the child; appropriate school personnel, which should include teachers, service providers and a school administrator; and the child's parents or legal guardian.

Due Process

Due process rights ensure that no changes can be made in a child's program without prior notice to the parents. Further, due process provides a mechanism for the resolution of disagreements.

The IDEA Part B applies to public school students. It does not apply to public post-secondary education, employment or any other areas.

Section 504 of the Rehabilitation Act (Section 504)

Section 504 of the Rehabilitation Act is in Title 29 of the United States Code in Section 794. Congressional findings and purpose for this Act are in Section 701, and definitions are in Section 705. The U. S. Department of Education has developed regulations for administering this Act, which are in Title 34 of the Code of Federal Regulations, beginning at Part 104.

The purposes stated for Section 504 of the Rehabilitation Act are the following:

- Empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society, through statewide workforce investment systems implemented in accordance with Title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.] that include, as integral components, comprehensive and coordinated state-of-the-art programs of vocational rehabilitation; independent living centers and services; research; training; demonstration projects; and the guarantee of equal opportunity.

- Ensure that the federal government plays a leadership role in promoting the employment of individuals with disabilities, especially individuals with significant disabilities, and in assisting states and providers of services in fulfilling the aspirations of such individuals with disabilities for meaningful and gainful employment and independent living.

If a student does not meet the special education eligibility requirements of IDEA (i.e., the student's disability did not significantly affect the student's ability to learn), a student may qualify for services or accommodations under Section 504. Students who qualify under Section 504 do not have an IEP; they may be eligible for a 504 plan.

Section 504 is a civil rights law designed to prevent discrimination against individuals with disabilities. It provides that no otherwise qualified individual with handicaps in the United States shall, solely because of his or her handicap, be excluded from the participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Otherwise qualified individuals are considered to be students with disabilities who are entitled to attend school under state law; parents with disabilities; employees with a disability who can, with or without reasonable accommodation, meet the essential requirements of a job; under the Americans with Disabilities Act; or persons who are discriminated against because of their association with individuals with disabilities.

An individual with a disability is defined as a person who has a physical or mental impairment that substantially limits a major life activity, has a record or history of having such impairment, or is regarded as having such impairment. Major life activities may include seeing, hearing, speaking, walking, breathing, learning, working, caring for oneself, and performing manual tasks.

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act is in Title 20 of the United States Code, Section 1232. The U. S. Department of Education has developed regulations for administering this Act, which are in Title 34 of the Code of Federal Regulations, Part 99. FERPA mandates that all agencies and institutions that receive federal funds, including elementary and secondary schools, colleges, and universities must protect the privacy of parents and students.

FERPA states that personally identifiable information may not be disclosed without the written consent of the parent. Personally identifiable information includes but is not limited to: the student's name, the name of the student's parent or other family member, the address of the student or student's family, a personal identifier, such as the student's social security number or student number, a list of personal characteristics that would make the student's identity easily traceable, or other information that would make the student's identity easily traceable.

FERPA also mandates how schools must maintain the privacy and confidentiality of all educational records. Educational records are defined as records, files, documents, and other materials that contain information directly related to a student; and are maintained by a school or by a person acting for a school.

Parents have a right to inspect and review all educational records relating to their child. This includes the right to copies of the records and to receive explanations and interpretations of them from school officials. A parent also has the right to ask a school to change the educational records if the parent believes that it

contains inaccurate or misleading information. The parent may also request a hearing to correct or challenge misleading or inaccurate information in the educational records.

Educational records may not be released without a parent's written consent except in the following cases:

- To other school officials, including teachers within the educational institution or local educational agency, who have been determined by such agency or institution to have legitimate educational interests.
- To officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.
- In health and safety emergencies.
- To law enforcement agencies and monitoring agencies.

Under the General Educational Provisions Act, schools must retain educational records for at least five years. A school may not destroy any education records if there is an outstanding request to inspect and review them.

Special Education Law References

California Statutes, California Codes

California statutes are laws that have been passed by the California State Legislature and signed by the Governor. California statutes are organized and then published in the California Codes. The California Codes can be viewed at <http://www.leginfo.ca.gov>

California Regulations, California Code of Regulations

Regulations are rules developed by government regulatory agencies to administer statutes. After being legally adopted, regulations have the force of law. California regulations are organized and then published in the California Code of Regulations. The California Code of Regulations can be viewed at <http://ccr.oal.ca.gov>

Laws and Regulations: A Composite of Special Education and Related Laws

This website is published by the California Department of Education. This database contains Education Code, Part 30, and other related laws; and California Code of Regulations, Title 5, and other regulations. The Laws and Regulations can be viewed at <http://www.specedlawsregs.org>

Special Education Rights and Responsibilities

This book, currently in its tenth edition, is written by the Community Alliance for Special Education and Disability Rights California. This entire book discusses both federal and California special education laws through a question and answer format. A specific and detailed answer is provided for each question that explains which special education laws apply to it and why. Legal citations to the statutes, regulations, and administrative and judicial rulings that are referred to in answering the questions are also included with each answer.

An on-line version of this book can be viewed at <http://www.caseadvocacy.org>. This book may be obtained from Protection and Advocacy, Inc. (800) 776-5746. An order form for this book can be obtained at <http://www.caseadvocacy.org>

Wrights Law: Special Education Law

This book, currently in its second edition, is written by Peter W. D. Wright and Pamela Darr Wright, and published by Harbor House Law Press. It includes the text of all major federal special education laws, regulations and court decisions with the authors' explanations, analyses and tips located throughout the text. Each law and court decision that is included in the book is preceded by an overview section that analyzes and interprets it. This book does not include or discuss any California special education laws. This book may be purchased from the "Wrights Law Store" at <http://www.wrightslaw.com>.

South Orange County (SOC) **Special Education Local Planning Area (SELPA)**

For purposes of the distribution of special education funds and the sharing of resources and services, the State of California has grouped neighboring school districts into Special Education Local Plan Areas. As the State of California deems necessary, the SELPA develops a Special Education Local Plan showing how the districts will implement State and Federal Laws relating to special education.

The South Orange County Special Education Local Plan Area includes the Saddleback Valley Unified School District and the Laguna Beach Unified School District. These school districts are joined together to provide special education programs and services to students with special needs. A copy of the local plan is available for public review at the district office of each school district and at the SELPA office.

Community Advisory Committee (CAC)

As a parent of a child in a special education program or as an interested member of the community, you are invited to participate in a group of parents, educators, and community representatives called the Community Advisory Committee. The CAC, which meets periodically during the school year, reviews programs and procedures within the SELPA and makes suggestions for improvements that will benefit students with special needs. The school boards of each of the school districts in the SELPA appoint official representatives, who are students, parents and teachers, to the CAC. The CAC meetings are open to any interested community members, not just appointed representatives.

The CAC determines its own leadership and agenda. Subcommittees within the CAC focus on educational programs, membership, publicity, and Local Plan reviews. Professional staff provides information and support. Guest speakers may also be invited to present information of interest to parents at CAC meetings.

The CAC is a local resource, where parents can learn about the system that manages their children's special services and can become collaborating partners in the process. Parent involvement is very important and a key element in providing effective programs for children.

The CAC and SOC SELPA have also partnered with the South Orange County Family Resource Center located at 23832 Rockfield Blvd., Suite 270, Lake Forest, CA 92630, (949) 364-0500. Information can be borrowed to help parents learn more about special education.

For information on membership to the CAC or for current information on meeting dates and locations, contact the SOC SELPA administration office or local school districts.