



IEP The Individual Education Plan

The Individuals with Disabilities Education Act (IDEA) is a federal education law which requires that qualifying students with disabilities receive a free and appropriate public education (FAPE) in the least restrictive environment (LRE). The Individual Education Plan/Program (IEP) is the written statement which describes the specially designed instruction and services needed to meet the individual needs of the special education student. Matrix offers workshops for parents on IEPs.

The information in this packet provides introductory information on the legal basis of IEPs, assessment and eligibility for special education, the development of IEPs and their components, help in preparing for effective IEP meetings and resources to assist you in learning more. An overview of Assessments, Behavior Concerns, School Discipline, and Assistive Technology is provided. Matrix has available in-depth information packets on these topics which are available by request or can be viewed and downloaded from our website www.matrixparents.org. Matrix also has a resource library in both Novato and Fairfield with many books, videos/DVDs and articles. Please call to make sure that the library is available before coming to the office. For information on the dates of upcoming workshops, look at our website or call Matrix at 1-800-578-2592.

Available Information Packets:

ADD/ADHD
Advocacy and Communication
Special Education Assessments
Autism
Behavior Issues and Special Education
Bullying
Emotional Difficulties
Learning Disabilities
Letter Writing
Promotion and Retention
Resolving Disagreements
School Discipline
Transitions
504 Plans

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IEP Resources

Selected Materials

- Complete IEP Guide: How to Advocate for Your Special Ed Child* (2004) – Lawrence Siegel
- From Emotions to Advocacy: The Special Education Survival Guide* (2005) – Peter & Pamela Wright
- How Well Does Your IEP Measure Up? Quality Indicators for Effective Service Delivery* (2002) – Diane Twachtman-Cullen
- Local Parent Handbooks on Special Ed – Call your SELPA (Special Ed. Local Plan Area)
- Negotiating the Special Education Maze* – Deidre Hayden
- Nolo's IEP Guide: Learning Disabilities* (2005) – Lawrence Siegel
- Special Education Rights and Responsibilities* – CASE and PAI
- Straight Talk about Psychological Testing for Kids* (2003) – Ellen Braaten and Gretchen Felopulos
- Why Johnny Doesn't Behave: Twenty Tips & Measurable BIPs* (2003) – Barbara Bateman & Annemieke Golly
- Wrightslaw: IDEA 2004* (2005) – Peter and Pam Wright
- Writing Measurable IEP Goals and Objectives* (2003) – Barbara Bateman & Cynthia Herr

Selected Websites:

- CADRE – Consortium for Appropriate Dispute Resolution in Special Education www.directionservice.org/cadre
- California Department of Education www.cde.ca.gov
- Families and Advocates Partnership for Education www.fape.org
- Great Schools www.greatschools.net
- Matrix Parent Network and Resource Center www.matrixparents.org
- National Dissemination Center for Children with Disabilities www.nichcy.org
- Protection and Advocacy, Inc. (PAI) www.pai-ca.org

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IEP Overview

The **Individuals with Disabilities Education (IDEA)** act is a Federal law that describes how public education is required to serve children and youth from age 3 through 22 (or graduation with a high school diploma whichever comes first) with special needs who meet eligibility requirements. IDEA is founded upon **6 core principles**:

- Free and appropriate public education (FAPE)
- Appropriate Assessment,
- An Individual Education Plan (IEP)
- Educational services in the least restrictive environment (LRE)
- Parent and student participation in decision making
- Procedures to safeguard the rights of children and parents

There are other federal laws that protect students with disabilities including **Section 504 of the Rehabilitation Act of 1973** and the **Americans with Disabilities Act**. Students who do not qualify for special education under IDEA may qualify for a “504 Accommodation Plan” under Section 504 of the Rehab Act. There are also federal regulations and state laws and regulations that spell out the requirements of schools who serve students with disabilities.

The **Individual Education Plan document** is developed in IEP meetings with parent participation and agreement, following an important sequence of steps. The document is used by the school to be sure your child receives an appropriate education. What is an appropriate education in special education? It is an education that provides for reasonable progress and one that enables your student to access the general education curriculum.

The first step in developing an IEP is obtaining an **assessment** or evaluation to identify if your child is eligible for special education and to identify educational needs. Eligibility is based on two factors: 1) whether or not a student has one or more of the 13 disabilities listed in IDEA; and 2) whether or not they need specialized instruction or services in order to benefit from their education. Eligibility is determined by the “IEP team” after reviewing assessments which include both formal “tests” as well as teacher and parent observations and work samples.

The **IEP team** must include, at a minimum, certain individuals: a parent, the child’s teacher, a special educator, the person who did the assessments or someone knowledgeable about such assessments, an administrator who is knowledgeable about potential programs for the student and can make decisions about those programs, and the student (if appropriate). Others who may attend at the invitation of either the school or the parent are those who know the child or have expertise related to the student.

There are **required components** that every IEP must have in order to be in compliance with education laws and regulations.

- After introductions, the IEP meeting should begin with what is called “**present levels of performance**”—in other words how is the child currently doing, in academic as well as non-academic areas. Both strengths and areas of need should be discussed.
- **Parental concerns** should be specifically addressed and included in writing in the IEP.

- Based on the needs that are identified, **annual goals** are developed. For example, if a student is having difficulty in math, at least one math goal would be written. If there was also a concern with reading, paying attention, asking for assistance, bothering other students, etc., then annual goals would be written in those areas.
- If a student needs other services called “**related services**” such as speech therapy, community mental health services, occupational or physical therapy, or specialized physical education called “APE”, in order to benefit from their special education services, those are included in the IEP. The frequency, duration and location of those services must be specified.
- Program **accommodations or supports** needed by the student must also be listed. For example, if a student needs to take their tests in a quiet area away from other students or requires more time for assignments to be completed, that should be listed as an accommodation. At the high school level, it is important to carefully consider whether or not “modifications” are needed as the use of certain modifications can prevent a student from achieving a diploma.
- **Assistive technology** which can be either “high tech” such as a computer or “low tech” such as pencil grips or slant boards is needed for some students and should be identified in the IEP.
- The amount of time that a child WILL NOT be in a general education setting must be stated, with the understanding that a student should be educated in the **Least Restrictive Environment (LRE)** appropriate for that particular student.
- The question must always be asked: “Does the student’s **behavior** interfere with their learning or the learning of other students?” If the answer is yes then in some manner positive behavioral supports or interventions must be determined and specified.
- For students 16 years and older, **Transition Services** must be addressed. This means that a long-term plan must be developed, which can always be adjusted, helping the student prepare for when they leave public school.
- Other **special considerations** related to English language proficiency and children with visual impairments are addressed in the IEP as well.
- When a student is at the secondary level, it is important to discuss whether or not his aim is to receive a **diploma or a certificate** of achievement as certain courses must be completed in order to graduate with a diploma, as well as passing the California High School Exit Exam or CAHSEE.

An important feature of IDEA is parent participation and agreement. If a parent doesn’t agree with an aspect of their child’s IEP there are methods to **resolve disagreement** such as Alternative Dispute Resolution (ADR) and more formal State mediation and Due Process.

As you become informed about your child’s educational rights, the processes that are in place in the schools as well as the particular strengths and needs of your child, you will be positioned to advocate positively and effectively for your child. Your unique input as a critical member of the IEP team will be part of a collaborative process of developing your child’s educational plan.

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Six Principles of IDEA

A free and appropriate public education (FAPE)

A child's education must be designed to appropriately meet his/her unique needs. "Appropriate" is defined within the Individualized Education Plan and based on the unique needs of the child.

Appropriate Evaluation/Assessment

Each child with disabilities must receive a complete, non-discriminatory educational assessment prior to being placed into a special education program and must be re-evaluated at least every three years. The assessment must include a variety of procedures that provide developmental and functional information. Assessment can only be performed with written permission of the parent(s). Parents' information must be included in the assessment.

Individualized Education Plan (IEP)

An Individualized Education Plan (IEP) is a focused set of goals and objectives that address the student's individual educational needs. The IEP is to be developed jointly by the school and the child's parents, and it includes statements which describe how the child's program will be modified, and how the child will be involved in, and progress in, the general education curriculum. It must be designed to meet the child's unique needs and must be in effect before special education services begin. The IEP must be reviewed by the team at least once a year.

An Education in the Least Restrictive Environment (LRE)

Children with disabilities are to be educated as much as possible with peers who do not have disabilities. Placement in the general education classroom is the first option the IEP team must consider and the decision must be based upon the child's unique needs. Children should be removed to segregated settings only when education in the regular class with the use of supplementary aids and services cannot be satisfactorily achieved.

Parent and Student Participation in Decision Making

Parents are members of the IEP team, providing input during the entire process, including evaluation, eligibility and placement. They must receive regular reports about their child's progress. Students are to participate in their IEP meetings when appropriate, and specifically when transition services are to be discussed.

Procedural Safeguards

The law requires that the rights of children and their parents are protected, that students with disabilities and their parents are provided with the information they need and that there are ways for disputes to be resolved. Parents must give informed consent during the entire special education process and they have access to due process.

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IEPs: The Sequence

The Individuals with Disabilities Education Act (IDEA) is the federal special education law which requires that students with disabilities receive a free and appropriate education (FAPE) in the least restrictive environment (LRE). This law establishes a process with a sequence designed to ensure that students with disabilities receive an individualized education program (IEP) based on their specific needs, and that they not be needlessly segregated from their non-disabled peers.

You will see that the sequence of discussion and decisions must proceed in an orderly manner: first assessments, then goals, then services, and only then, placement. Assessment is the base or foundation for the development of the IEP. All of the components of the IEP are to flow from assessments of the student. Below you will see how the IEP is “built” from the foundation up.

4. Placement

The last decision to be made is where services should occur for the student to make adequate progress on their goals and be in the least restrictive environment appropriate for this student. Discussion of placement occurs after agreement is reached on assessment, goals, and related services and should be based on needs, not category of disability. Parents have a right to visit any recommended placement.

3. Services

Once goals are written, the team determines the services the student needs to make progress on their goals and be educated in the least restrictive environment. This means being educated to the greatest extent appropriate with non-disabled peers. The frequency and duration and location of services must be specified. Availability and convenience should not determine services; rather the determination is based on what the student needs to make progress. Needed modifications should be specified as well as behavioral support.

2. Goals

Using the assessment information, the IEP team, including the parent, identifies areas of need that the IEP will address so that the student will make progress in the general curriculum. Beginning with specific and measurable statements of present levels of performance, the team develops annual goals, both academic and functional. These are specific and measurable statements of how the student will perform after one year of special education services. Student strengths and interests must be considered in addressing areas of needs.

1. Assessment

Assessment should occur in all areas related to the suspected disability. It consists of standardized tests, background information, and data on functional performance such as work samples and observations. Assessment cannot be discriminatory: students not speaking English should not be tested in English, visually impaired students should have assessments that do not rely on seeing, etc. For students with language disabilities, their cognitive ability (intelligence) should not be measured with tests that are heavily dependent on language. No single procedure is to be used as the sole criterion of eligibility. Parental consent is required for all such assessments. Screenings by teachers are not considered to be an evaluation.

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How to be an Effective Advocate

You believe your child's education is not going well. What should you do, how can you make a difference? If, as a parent, you react to concerns you have about your child's educational program without being an effective advocate, you risk having those concerns ignored or addressed in ways that are not satisfactory. So what does effective advocacy involve?

- Research
- Preparation and planning
- Good communication
- Willingness to solve problems

When advocating effectively, it is important to remember to focus on your critical areas of concern, your "interest" versus your "position," and ensure that your emotions do not interfere with your objective. Separating emotions from advocacy is difficult, but so very necessary.

Here are some things to do to help you be an effective advocate:

- Learn the rules of the game: legal requirements and how decisions are made
- Gather information and organize it
- Don't jump to conclusions
- Take good notes and add them to your "IEP binder"
- Keep written records of IEPs, assessments, correspondence, and phone calls
- Ask questions and listen for answers—it's ok to not know something
- Identify problems/barriers
 - Be a problem-solver—don't blame or accuse others
 - Bring in strategic people to overcome barriers
- Propose solutions
 - Use the facts, not speculations
 - Discuss issues not positions. By discussing your concern (your interest) rather than proposing a single solution (your position), you allow everyone to brainstorm options that might be different/better than your original solution or the IEP team might come to the same conclusion as you.
 - Find common interests. If behavior is your concern, it is probably a concern of school staff as well and everyone, including your child, will benefit with a solution that is well thought out and not a "band-aid" action such as sending your child to the office.
 - Don't rehash the past—focus on what can be done today
 - Brainstorm—think outside the box—and make offers and proposals

It is always important to communicate respectfully, without being aggressive or blaming others. By being assertive, your concern will be the focus of the discussion and others in the room will be less defensive. And finally, always acknowledge good efforts and good intentions and thank those who have worked with you. You are building a relationship with those who educate your child.

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Assessments – An Overview

An assessment (or evaluation) provides information about your child's strengths and weaknesses to determine eligibility for special education services or a 504 Plan or to help in revising an existing plan. Assessments must address all areas related to a suspected disability. To qualify for special education, your child must have at least one of 13 listed disabilities, which adversely affects their educational performance to the degree that they require special education and/or related services. If your child is found eligible for either special education or a 504 Plan, the assessment is the foundation for developing the plan to ensure that your child receives an appropriate education. If your child is not found eligible, the assessment should provide new information that the general education staff can use to educate your child.

Types of Special Education Evaluations

- Initial: determines if a disability exists and if the extent of the disability requires an Individual Education Plan (IEP) or a 504 Accommodation Plan
- Re-evaluation: if your child has an IEP, re-evaluation occurs every 3 years to determine if your child continues to have a disability and continues to need special education, how he is progressing, and current educational needs. *If the school district indicates no further testing is needed to determine eligibility and you request testing, the school must proceed with testing.*
- As needed: to determine how to meet the unique needs that result from the disability of a special education student (behavior support plan, occupational therapy, etc.)
- At parent request: but not more than once per year (or if district and school agree otherwise)
- Independent Educational Evaluation at public expense (IEE): if a parent disagrees with an evaluation performed by the school district (see side 2)

Timelines for Special Education Evaluations

- Upon receipt of a request by a parent/guardian for an evaluation (PUT YOUR REQUEST IN WRITING – a sample letter is available), a proposed assessment plan must be provided to the parent within **15 CALENDAR DAYS** (excluding school vacations greater than 5 days). If the district determines that an assessment for special education is not needed, the district **MUST** put this in writing, noting the reasons for the denial. You have a right to appeal the denial.
- After the parent/guardian gives consent to the assessment plan, the district has **60 DAYS** to complete the assessment and hold an IEP meeting to review the findings, determine eligibility and develop an IEP.

Requirements – special education law specifies procedures and components of assessments.

Important Considerations

- Ask for a copy of all written reports before the IEP meeting so you have time to check for accuracy of information, develop questions, identify areas of agreement or disagreement or review the report with others who can be of help.
- Formal testing is only one method of assessment. A variety of methods must be used to gather relevant information. *This includes information provided by the parents/guardians.* Methods include: interviews, observations, work samples, review of past history, etc.

- Organize your input – write down your ideas, concerns, and observations; bring these and other important papers to the IEP meeting
- Before signing the consent to assess, understand why the tests are proposed, what they measure and if you feel all areas of concern are being evaluated

Assessments from Professionals in Private Practice

As a parent, you may obtain an independent/non-school assessment at your own expense or request an Independent Educational Evaluation (IEE) at public expense. In either case, you want to do your homework. The IEP team must consider outside assessments you obtain at your own expense, not necessarily use it or agree with it. However such assessments are often quite useful for the team. Matrix has information to help you sort out the type of evaluation your child needs.

On other occasions, you might disagree with the school’s assessment and request an independent assessment at public expense, doing so in writing. The school may respond by offering to do additional assessments. In the end, if you feel that the school’s assessments are not accurate or sufficiently comprehensive, you may request an Independent Educational Evaluation. The school must either provide you with information on how to pursue a publicly funded independent assessment, or initiate a due process hearing to show that its assessment was appropriate. If a ruling states the school’s assessment was appropriate, then the school would not pay for the independent assessment. It is important to obtain the school district’s policy on IEEs **before** obtaining such an assessment if you want it paid for by the school.

Important information to consider in selecting an evaluator:

THE PROFESSIONAL	THE PROCESS
Experience with children such as yours (does it match your needs) and training and licensing	How much time is involved? Will there be a classroom observation? is there a separate meeting with you as the parent?
References from others, including other parents	Fee structure—charges for phone consultation? comparison with other professionals?
How well do they communicate w/you?	The report—will it include test scores? Will it include recommendations for interventions? Typical length?
Will they attend IEP meetings?	When can the evaluation begin?

Types of Evaluators

A professional’s training can impact an evaluation. Sometimes the level of education is important—PhD., Master’s or Bachelor’s Degree. Some assessments can only be administered by a specific professional. Know the different types of professionals. For example:

Types of psychologists: educational, clinical and school psychologists; neuro-psychologists

Types of professionals who provide counseling: Marriage and Family Therapists (MFT), Clinical Social Workers, Psychiatrists, Clinical Psychologists

Physicians: general pediatrician, developmental pediatrician, child psychiatrist

Educators: general education, special education, educational therapist, educational consultant

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Checklist for Assessments

Parents must give written consent to assess. In order to understand the assessments that will be used with your child, ask questions about why each assessment tool has been selected, the specifics of what will be measured and how this will be done. Written notice must be provided to parents documenting the school's reasons for denial of assessment.

Assessment:

- Child assessed in all areas related to the suspected disability – think: C.H.A.M.P.S. (communication, health & living skills, academics, motor, perceptual & social/emotional)
- Includes a variety of tools: observation, work samples, interviews and standardized tests
- Includes information from the parent, teachers and related service personnel
- No single score or procedure determines eligibility or a student's program
- Includes discussion of strengths as well as areas of need
- Specifies educational need and explicit instructional implications (i.e. if you are concerned that your child can't read long passages of text, a reading test is needed that assesses this and not a test that involves reading single words or 1-2 sentences).
- Administered by trained persons in accordance with testing instructions
- Tests are valid, non-discriminatory (race, culture, native language) and accurately measure what they are designed to measure
- Tests take into account age, level of functioning, disabilities and attention
- Tests given to students with impaired sensory, manual or speaking skills must accurately reflect aptitude and ability rather than reflecting the impairment (i.e. if you have low vision, a reading test with small text may not measure your intellectual ability accurately)
- Assessment results are in writing and presented in a manner that you understand

At the time you provide your written consent, ask to receive written reports BEFORE the IEP meeting so you can digest the information, prepare questions, manage any emotions privately and participate better more knowledgeably in the discussions.

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Questions to Ask Yourself When Reviewing Your Child's Assessment

As you read the reports the professionals have written about your child use these questions as a guide. Many families find it helpful to use a photocopy of the original report to make margin notes or use different colored highlighters to make it easier to find information you want to bring up at the IEP meeting.

- Is the information accurate? If information is not accurate, highlight that in one color. Ask to have the report corrected. If the evaluator agrees, get a corrected copy and review your child's file to be sure the inaccurate copy is removed. If the district REFUSES to correct the information ask for the District's student record policy. There are legal requirements regarding parent requests to amend student records.
- Does the assessment "feel" right? Does it sound like your child? Highlight in another color key areas which you agree with and in another color, areas you disagree with. This can help you quickly find these areas for discussion. If after the IEP meeting you still disagree with an assessment, ask your district for a copy of the policy on seeking an independent educational evaluation (IEE) at public expense. Information on IEE's is available through Matrix or from the CA Department of Education at 1 (800) 926-0648.
- Are inconsistencies in results explained? Do the evaluators explain possible causes when there are different findings for the same area? If there is a large variation in scores in different areas, is this taken into consideration when averaging scores or considering how the disability may be measured on this evaluation tool?
- If a weak area is identified, is it further evaluated to better understand the weakness? This is similar to "unpeeling the onion" to get to other layers.
- Are scores shown in percentiles as well as standard and/or scaled scores? Do you understand the scores and how they are reported? Many families find percentiles are easiest to understand. Ask to have scores converted to a method you understand.
- Were multiple methods of evaluation used? This means the evaluation includes MORE than test scores and includes items such as teacher observations, work samples, interviews, review of history, reports from other professionals, rating scales.
- Were all areas of suspected disability evaluated and were your initial concerns addressed? If not, you could request further evaluation.

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Special Education Categories of Eligibility

To be eligible for Special Education services, the student must have a disability that adversely affects educational performance and therefore needs special education and related services to benefit from their educational program. The lack of educational achievement cannot be the result of limited school experience, poor school attendance, a history of inappropriate instruction, or environmental, cultural or economic disadvantage. Schools provide an evaluation at no expense to parents to determine eligibility for special education.

Specific Learning Disability

To determine eligibility, districts now have the option to either use what is known as the “discrepancy” method or the “RTI” method (response to intervention). The discrepancy method requires the finding that there is a severe discrepancy between the child’s intellectual ability and his academic achievement, both of which are measured by standardized tests. The discrepancy must be due to 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 imperfect ability to listen, think, speak, read, write, spell, or perform mathematical calculations.

The RTI method involves monitoring the student’s response to increasingly intensive levels of general education intervention to determine if specialists should be brought in for a comprehensive evaluation to see if special education is needed. Ask your district if this methodology is an option.

Speech and Language

An articulation disorder in which all of the following exist: reduced intelligibility or inability to use speech which significantly interferes with communication or attracts adverse attention, significant interference in communication when production of single or multiple speech sounds is below age level. Other language disorders include abnormal voice and fluency disorders. A Language disorder (expressive or receptive) in which the student scores at least 1.5 standard deviations below the mean or below 7% for age on two or more standardized tests in one or more of the following: morphology, syntax, semantics, pragmatics.

Other Health Impairment

Limited strength, vitality or alertness due to chronic or acute health problems, including but not limited to: asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and this condition adversely affects their academic performance.

Severe Emotional Disturbance

One or more of the following conditions are exhibited over an extended period of time and to a marked degree: inability to learn which cannot be explained by intellectual, sensory or health factors; an inability to build or maintain satisfactory interpersonal relationships exhibited with peers and teachers; inappropriate types of behavior or feelings under normal circumstances exhibited in several situations; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems.

Autism Spectrum/Pervasive Developmental Disorder

Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, which adversely affects a child’s educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

Mental Retardation (Limited Cognitive Ability)

General intellectual functioning is significantly below average with deficits in adaptive behavior which are manifested during the developmental period.

Hearing Impairment/Deaf

A hearing impairment, whether permanent or fluctuating which impairs the processing of linguistic information through hearing, even with amplification.

Deaf/Blindness

Both hearing and visual impairments exist, the combination of which causes severe communication, developmental and educational problems.

Multiple Disabilities

Combinations of disabilities such as mental retardation and blindness, mental retardation and deafness, mental retardation and orthopedic impairment, (excludes deaf-blindness) to the extent that needs cannot be met in programs that address only one of the impairments.

Orthopedic Impairment

Severe orthopedic impairments adversely affecting educational performance, including those caused by congenital anomaly, disease or other causes (such as cerebral palsy, amputations and fractures or burns which cause contractures).

Traumatic Brain Injury

An acquired injury to the brain caused by an external force or by an internal occurrence such as stroke or aneurysm, resulting in partial or total functional disability or psychosocial maladjustment resulting in mild, moderate or severe impairments in one or more areas, including cognition; language; memory; attention; reasoning; abstract thinking; judgment, problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not include congenital, degenerative or brain injuries induced by birth trauma.

Visual Impairment

A visual impairment, including blindness, which even with correction adversely affects a child's educational performance. Includes partial sight and blindness.

Additional Eligibility Criteria for Children Birth through 4 years & Nine Months

The child is functioning at or below 50% of her/his chronological age in one of 5 skill areas (gross or fine motor, receptive or expressive language, social or emotional development, cognitive development and visual development) or between the 51% and 75% in any of two areas or the child has a medical condition or congenital syndrome which the IEP team determines has a high predictability of requiring intensive special education and services.

Early Start Services (provided by Regional Centers and Local Education Agencies)

Available to children ages birth through two years of age who meet one of the following criteria: 1) have a developmental delay in one or more of five areas (cognitive development, physical and motor development, communication development, social or emotional development, or adaptive development); 2) have an established risk condition with a high probability of developmental delay; or 3) at high risk of substantial developmental delay due to a combination of factors.

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Contents of IEP Document

Required:

- Present levels of performance—describe academic achievement and functional performance, include how the disability affects the child’s involvement and progress in the general education curriculum.
- Annual goals, academic and functional, must
 - be specific and measurable,
 - meet the child’s needs that result from the disability to
 - enable the child to be involved in and make progress in the general education curriculum and
 - meet each of the child’s other needs that result from their disability
- Progress reports
 - how will progress be measured
 - when will periodic reports be provided
- Statement of services to be provided to child
 - includes special education, related services and supplementary aids & supports
 - based on peer-reviewed research
- Statement of program modifications or supports for school personnel to assist child
 - in making progress on goals and in general education curriculum
 - in participating in extracurricular and other non-academic activities
 - in being educated and participating with non-disabled peers
- Statement of how much time child will NOT spend with non-disabled peers
- Statement of needed accommodations for statewide and/or districtwide assessments
- Dates when services will begin and frequency, location and duration of services

Special Factors:

These factors must be discussed by the IEP team to determine if any are needed

- Behavior: Does this child have behavior that impedes their learning or the learning of other students? If yes, then a behavior goal must be written or a positive behavior support plan must be developed. [NOTE: if behavior is severe or extreme, other

measures must be taken including a Functional Analysis Assessment (FAA) and/or Positive Behavior Intervention Plan (pBIP)]

- Assistive Technology: Does this child need assistive technology devices or services?
- Blind or visually impaired children MUST be provided instruction in Braille unless the IEP determines after thorough assessment that this is not appropriate
- Special consideration of the needs of children who have limited English proficiency

Other Considerations:

- The concerns of the parents must be heard and considered
- The child's strengths as well as their needs must be considered in developing an IEP
- The preference in special education law is for children with disabilities to be educated with their non-disabled peers *to the maximum extent appropriate* which is known as Least Restrictive Environment or LRE
 - LRE also applies to non-academic and extracurricular services and activities such as recess, meals, athletics, counseling, groups and clubs
- Transition services planning must be in effect when the child turns 16 and include:
 - appropriate, measurable post-secondary goals
 - goals are based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills
 - specified services needed to assist child in reaching these goals
- Exiting special education
 - No longer eligible – determined by assessments
 - Reach age 22
 - Earn a high school diploma (not a certificate of achievement or equivalent)
 - If diploma or “aging out,” the school must provide the child with a summary of academic achievement and functional performance along with recommendations to assist him in meeting post-secondary goals.

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Present Levels of Performance Goals/Benchmarks

Present Levels of Performance

- includes strengths and needs
- states results of most recent evaluations which include observations, work samples, test scores
- describes how the disability affects involvement in the general education program
- includes parent or student concerns
- measurable – means observable (can you see it, count it, hear it)
- can be in an academic or non-academic area – any area the disability impacts

Goals

- in any area the disability impacts
- addresses each need identified in assessments
- meaningful and functional
- attainable in one year and focuses on priority areas
- allows student to be involved in and progress in the general curriculum
- specific, measurable and clear on what the student will do, how, where, when and to what degree – NOT OK : “Sarah will improve her writing skills”
- clear on how progress will be measured
- include positive behavior supports if needed
- can you describe the behavior when the goal is reached?
- description of when periodic progress reports will be provided to parents

Benchmarks

- as of 7/1/05, only required for students with significant cognitive disabilities
- measurable and specific
- steps or major milestones toward the goal – think of it as a year long trip and ask where will the student be and what will he/she be doing at certain time periods moving toward the end mark
- at least 2 per goal

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Related Services

According to the Individuals with Disabilities Education Act (IDEA) related services means transportation and any other developmental, corrective or other supportive services **that a child needs to benefit from special education**. Some children need related services in order to meet the goals in their Individualized Education Program (IEP).

Related Services may include:

Speech-language and audiology services	Recreation
Adapted physical education	Specialized vision or hearing services
Interpreting services	Social work services
Psychological or counseling services (CMH)	School health or nurse services
Physical or occupational therapy	Orientation and mobility services

Related services are not limited to the ones outlined above. If a service is necessary for the child to benefit from his or her special education program, the service must be provided.

Who provides related services?

Qualified professionals may provide related services in the area of their expertise. Assistants who are trained and supervised may also assist in providing related services.

Who decides which related services are right for a child?

The student's IEP team, including the parent, decides which services are necessary, gathering information from the assessments.

How are related services written into the IEP?

The IEP team will write goals for each related service, such as occupational therapy, that a child needs. The IEP will describe the type of related service that will be provided and how often, how long and where that service will be delivered. Related services may be provided in group or individual settings. They may be provided in the regular education classroom or in a separate setting. Related services may be provided in all educational settings and support special education in the least restrictive environment.

Who pays for related services?

Related services must be provided at no cost to a child's family. The school may ask for parent consent to bill other *private agencies*, such as a parent's private insurance, for related services.

What if the related services in a child's IEP are not being provided because there are staff shortages?

The school district must provide the related services in the child's IEP. The district may contract with providers outside the school district if there are personnel shortages in the school.

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Accommodations and Modifications

Accommodations and modifications are changes in instruction, testing, or completion of assignments that will assist the student in accessing the general education curriculum. They must be written in the IEP or the 504 Plan. Having too many accommodations or modifications may be overwhelming to both teacher and student, so often it is recommended to identify those top items that will have the greatest impact on the student's learning and then to be sure those items are implemented. Each setting needs to be considered as a student may need different accommodations or modifications in different subjects or settings. The accommodations or modifications that are needed may change in different grades or different schools.

There are very important differences between an accommodation and a modification:

Accommodations: allow the student to access the same curriculum as general education students WITHOUT altering that curriculum. What is altered is the way in which the student accesses the curriculum – changes in time, format, setting, schedule and/or presentation. It does not alter what the test measures. For example, a test to measure a student's ability to "decode" words must be read by the student rather than having it read to them. An accommodation would be providing a quiet space or longer time to read.

Modifications: change the standard or what the test is supposed to measure. The student is expected to master part of a concept or standard or is given an alternate assignment that is easier. Examples include allowing a student to use a calculator in a math test (when other students are not allowed to do so) or using a lower grade level text or test. If a student needs modifications this should be made very clear to the parent as it may later impact the student's ability to attain a high school diploma.

Ideas on what accommodations or modifications a student needs should be based on assessment of the student as well as a discussion with the student. If a student refuses an accommodation it will not be helpful. There are many common accommodations but the IEP team should also be creative and think out of the box to come up with ideas that work for the individual student. Accommodation and modification examples which are common and not so common:

Classroom Environment

- Keep workspaces clear of unrelated materials.
- Provide a computer for written work.
- Seat the student close to the teacher or a positive role model (preferential seating)
- Use a study carrel. (Provide extras so that the student is not singled out.)
- Seat the student away from windows or doorways.

Daily Work and Homework

- Extended time for assignments
- Shorten assignment
- Number and sequence the steps in a task
- Show a model of the end product

- Provide interim grade or check-in
- Weight daily work higher than tests

Tests

- Go over directions orally
- Teach the student how to take tests (e.g., how to review, to plan time for each section)
- Permit as much time as needed to finish tests
- Allow tests to be taken in a room with few distractions
- Have test materials read to the student, and allow oral responses
- Divide tests into small sections of similar questions or problems
- Use recognition tests (true-false, multiple choice, or matching) instead of essays

Behavior

- Arrange a “check-in” time to organize the day
- Pair the student with a student who is a good behavior model for class projects
- Use nonverbal cues to remind the student to refocus on their work
- Minimize the use of punishment; provide positive reinforcement of good behavior
- Increase the frequency of reinforcements

Math

- Group similar problems together (e.g., all addition in one section).
- Provide fewer problems on a worksheet
- Require fewer problems to attain passing grades.
- Use enlarged graph paper to write problems helping student keep numbers in columns.
- Provide a table of math facts for reference.
- Tape a number line to the student’s desk.
- Read and explain story problems, or break problems into smaller steps.

Handwriting

- Use worksheets that require minimal writing.
- Use fill-in questions with space for a brief response rather than a short essay.
- Provide a “designated note taker” or photocopy of other student or teacher notes. (Do not require a poor note taker or a student with no friends to arrange with another student for notes.)
- Provide a print copy of any assignments or directions written on the blackboard.
- Omit assignments that require copying, or let the student use a tape recorder to dictate answers

Lengthy lists of suggestions are available, see www.fape.org.

It is important to include the older student in the discussion of what is needed, as when a student offers what he or she thinks would help, that creates ownership of the ideas, and he or she is more likely to use the ideas.

Monitoring the implementation of accommodations and modifications is important. If something isn’t working or being used well, call an IEP meeting (or a 504 meeting) to discuss the situation and make changes that will work for the student.

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Least Restrictive Environment (LRE) and Placement

Least Restrictive Environment is the requirement in federal law that: to the “maximum extent appropriate,” children with disabilities are to be educated with children who are not disabled AND placement in separate or special classes is appropriate only when supports in the general education class are not sufficient.

How does the IEP team determine the least restrictive setting for students with disabilities?

- IDEA has a strong preference for educating students with disabilities in regular or general education classes with appropriate aids and services.
- The student’s placement in the general education classroom is the first option the IEP team must consider.
- The IEP must consider what supplemental aids and services as well as program modifications and supports for school personnel would allow a student to be involved in and progress in the general curriculum and participate in extracurricular and non-academic activities.
- Before placement outside of the regular educational environment, the IEP team **must** consider the full range of supplementary aids and services that, if provided, would facilitate the student’s placement in the regular classroom setting.
- Districts must have available a full continuum of placement options to ensure that a student’s IEP can be implemented including regular class placement, regular class placement with resource, regular class placement with related services, special classes with related services as needed, non-public schools, state schools and finally instruction in non-class settings such as home or hospital.
- The IEP must include a statement of the extent that a child will not participate with non-disabled peers in the classroom and in out of classroom activities.
- Even when a child is not placed in a regular or general education classroom, the district must take steps to maximize opportunities for students to interact with non-disabled peers to the extent appropriate to the needs of the special education student.
- Placement decisions may not be based **solely** on category of disability, severity of disability, configuration of delivery systems, availability of educational or related services or space, or administrative convenience.
- Some pertinent findings by the courts include: token gestures of accommodation are not permitted; modification of the curriculum, even dramatic modification, is to be considered; learning differently than peers in a general education setting is not justification to exclude a student; and a child should not be denied education in age-appropriate regular classes solely because the child’s education required modification to the general curriculum.

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Assistive Technology and the IEP

One area that is required in each Individual Education Plan (IEP) is consideration of the child's need for Assistive Technology.

WHAT IS ASSISTIVE TECHNOLOGY (A.T.)?

A.T. is any technology that can assist your student in accessing the general education curriculum. AT helps your child "go around" or "bypass" a difficulty. This includes devices, software and hardware. It may be a computer program that reads written text to your student, a device that assists your student in communicating, or a simple pencil grip or slant board.

ASSESSMENT

Assistive technology needs are determined through an assessment process. If you feel through the assessment process that there is something your child cannot do because of his or her disability that is getting in the way of learning, ask for the team to consider if assistive technology would be of educational benefit.

If the team, which includes you as the parent, determines that A.T. is not needed, keep in mind that in the future you might want to once again consider A.T. As school demands change and increase, sometimes a new need emerges for technology. Each year when the IEP is developed, Assistive Technology must be reviewed as an option.

If the team determines that AT is needed for your child, remember, having A.T. doesn't mean your child doesn't still need remediation in that area of deficit. AT will help your child compensate for an area in which they may have limited skills AND remediation of this weak area may indeed still be critical.

WHAT WOULD HELP?

There are many devices and technology programs that are available. Speak with the teacher and others who work with your child. You might consider searching on the web for different options and talking with others whose students may have used assistive technology.

In order for AT to be of educational benefit, children must be able and willing to use it. Some school districts or County SELPAs have Assistive Technology Centers where a child can "try out" a device or software. Sometimes several items need to be tried to find the one that is most appropriate for your child. Additionally, it is essential that staff who will be working with your child receive training on using the AT and supporting your child using the AT. This needs to be documented in the IEP.

RESOURCES:

www.fctd.info

www.ATaccess.org

Family Center on Technology and Disability

Alliance for Technology Access

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Behavior and Special Education An Overview

When the behavior of a student with an IEP gets in the way of his or her learning or that of others, the IEP team must develop goals or a behavior support plan around those needs. Behavior plans are not meant to be punitive. Behavior plans identify frequency, duration and intensity of the behavior, the predictors of the behavior, what purpose the behavior may serve and what is needed to teach the student replacement behaviors that are positive.

Examples of Behavior That May Interfere with Learning

- not completing assignments or turning in work
- outbursts (talking out of turn, tapping pencils, screams, threats, swearing)
- not being able to pay attention
- poor attendance
- leaves classroom/school without permission
- aggression (pushing, shoving, kicking)
- using materials dangerously (putting chairs on tables, eating crayons)

What Can Behavior Be Saying

Understanding difficult behavior is difficult! Behaviors can stem from many sources: emotional problems (i.e. depression, anxiety), neurological issues (i.e. ADHD, Autism, Tourettes, Bi-Polar), environmental issues (i.e. academic work is too hard or too easy, atmosphere is over-stimulating or under-stimulating, bullying by others, peer pressure). Sorting out what may be the cause of the behavior can influence the interventions.

Levels of Support

The team may first develop an IEP goal for the behavior. If despite this goal, the behaviors continue, then a behavior support plan is written. If behavior is defined as serious or extreme (assaultive, self-injurious or pervasive and maladaptive) AND is interfering with mastery of IEP goals AND if behavior approaches already in the IEP have not been effective, an in-depth, comprehensive functional analysis must be performed by a professional trained in this area.

Link to Home

When students are struggling with behavior at school, it is not uncommon to have behavior issues at home. This can affect the whole family. Reach out to others who may be able to provide support and help – both from friends and professionals. There are books, articles and websites with helpful information for parents. Strategies from school may also work at home. Never worry alone.

School Discipline

The Matrix information packet on School Discipline describes when and how students can be disciplined for their difficult behaviors.

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School Discipline Overview

Students with disabilities who have IEPs (Individual Education Plans) might have behavior problems or issues that are associated with their disability. When the student's IEP team meets, they should address any concerns, preferably BEFORE a student gets in trouble. The focus needs to be on preventing problems by understanding a student's needs and planning in advance so that behavior does not disrupt their education. Many students do not understand the implications of their behavior or are unable to sufficiently control their behavior so that they remain within the school's required behavior standards.

Because many students with disabilities have behavior issues, special education laws and regulations spell out how an IEP team should work to provide positive behavioral supports for students. Interventions with a student should be positive and not punitive, with a goal of reducing the disruptive behavior and addressing student needs expressed through the behavior.

When students with disabilities break school rules they generally are treated the same as their non-disabled peers. However, they cannot be suspended for longer than 10 consecutive days without this constituting a change of placement, necessitating an IEP meeting and a "manifestation determination." If the IEP team determines that a behavior is caused by or directly related to the student's disability (a "manifestation" of the disability), then the student cannot be suspended longer than 10 days or expelled. At that point special considerations are required to support the student in his program.

If the behavior is determined to NOT be a manifestation of the student's disability then the student will be subject to discipline as would any other student.

The laws and rules regarding the discipline of students with disabilities are complicated and can feel overwhelming. However, remember that there is a process and sequence that must be observed by schools and by the IEP team when discipline results in removing a student from school. Additionally, if you disagree with the decisions that are made, you appeal those decisions. This should be done in writing and as soon as possible.

You may also find helpful the Matrix information packet on "Behavior Issues and Special Education" as well as "School Discipline." Useful internet links include:

www.fcsn.org/peer/ess/pdf/posbehavib.pdf

www.nichcy.org/resources/behavassess.asp

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Understanding Community Mental Health (CMH) Referrals

Community Mental Health services are available for students in special education when a student's emotional status has a negative effect on educational performance and services are required for the student to benefit from special education. A student does not need to be classified as "emotionally disturbed" to receive mental health services. The pupil must have emotional or behavioral characteristics that:

- are observed by qualified educational staff providing special education or related services
- impede the pupil from benefiting from educational services
- are significant, as indicated by their rate of occurrence or intensity
- are associated with a condition that cannot be described solely as a social maladjustment
- are associated with a condition that cannot be described solely as a temporary adjustment problem that can be resolved with less than 3 months of school counseling

In addition, the pupil functions at a level that allows them to benefit from mental health services **AND** the school has provided other services which have not been sufficient to meet this need.

AB 3632 is the assembly bill which provides for coordination of a number of state agencies to provide services to children with disabilities in special education. One of these agencies is Community Mental Health (CMH) and the term "AB 3632" is often used interchangeably with "CMH Services". CMH, not the school district, determines if services are needed and if so, recommends the level of care. If CMH services are deemed needed, a continuum of services must be considered ranging from after school therapy to a class with an on-site therapist, to a day treatment program (all day program with therapy) to residential placement.

Initial Assessment: If CMH is not currently involved with the student, the referral to CMH for assessment must be made by the IEP team. A referral packet documents services and/or interventions that have been provided and why they are "clearly inadequate or inappropriate." If a student is not currently eligible for special education, a referral can still be made to CMH based on preliminary assessment results with the same referral packet information.

Level of Care Assessment: If CMH is currently involved and the student is not making progress as expected, a referral is made for a level of care assessment to determine if services should be changed. Changes in services must occur through the IEP process.

Note: If the LEA (district) and parent are in disagreement on any aspect of CMH services or eligibility, the parent can request local mediation or exercise their due process rights.

Sequence of Referral to CMH

ACTION	TIME LINE
Referral for CMH Assessment: LEA, IEP team or parent can initiate a referral for assessment of a student's social and emotional status. An IEP team meeting will be convened to discuss assessment results and determine if any additional services are needed, including making a referral to CMH. A referral to CMH requires parental consent.	Within 5 days , district sends referral to CMH. Within 5 days , of receipt of referral, CMH to determine if assessment is necessary. If not necessary, must notify parent and district within 1 day. Within 15 days of receipt of the district's referral, (if assessment is needed) CMH provides parent with an assessment plan and a consent form.
Assessment Performed <ul style="list-style-type: none"> • review records (IEPs, educational or psychological assessments, other relevant reports, behavior plans) • interview child, family • interview staff 	Within 60 days of receipt of the parent's consent, the assessment must be completed and the IEP team convened to review the results.
Written Report	At least 2 days prior to the IEP team meeting, CMH must provide written copy of the report to the parents and appropriate members of the IEP team and must review and discuss recommendations with parent before IEP meeting.
IEP Meeting – discussion of recommendation If services are needed OR a change in the level of services is needed: <ul style="list-style-type: none"> • goals are agreed upon • services agreed upon • parental consent for services obtained 	Within 60 calendar days of receipt of the parent's consent (see above explanation of the 60 day requirement) IEP meeting must be held to discuss assessment results and recommendations.
IF residential placement is recommended: <ul style="list-style-type: none"> • the LEA will convene an expanded IEP team to recommend placement • The LEA will convene to review placement 	Within 30 calendar days of a recommendation for residential placement, expanded IEP team meeting will be convened. Within 60 calendar days of placement, expanded IEP team must review placement.

Interim Placements: When a student who has been receiving mental health services pursuant to the IEP transfers into a school district from another school district, the new district (LEA) shall refer the student to CMH within 5 working days to determine appropriate mental health services. Interim services must be provided per the existing IEP for no more than 30 days unless the parent agrees otherwise.

System of Care: In several counties, including Marin and Napa, if a student is at risk for out of home placement and there are other high risk factors, CMH can refer families in need of more in-depth support to the System of Care in order to keep children with their family.

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Transition from High School to Post-secondary Options

Some students who receive special education services will graduate with a diploma at age 18 or 19. At that point, special education services will end. Other students may finish high school with a certificate of completion which means they have completed their course of studies at the high school level and may continue in public school post-secondary programs through the semester during which they turn 22. Public school programs provide a variety of options for students who do not receive a diploma and remain in school past high school. It should be noted that students who receive a certificate of completion may participate in all graduation activities including grad night, graduation ceremonies, etc.

The decision to work toward a diploma or a certificate of completion is an important one and needs to be considered during early middle school and finalized during early high school. This must be documented in the IEP. In either situation, students must have a Transition Plan that is included in their IEP that is in effect during the year during which they turn 16. Questions regarding the student's participation in standardized assessments (those for all students) and the California High School Exit Exam must be carefully addressed. A student must pass specific courses such as Algebra in order to receive a diploma.

Transition services are defined as "a coordinated set of activities" that is "results oriented" and focused on "improving the academic and functional achievement" of the child who is leaving high school. The focus is on preparing them for "further education, employment and independent living." Plans must address a child's needs and take into consideration strengths, preferences and interests. The high school activities that are part of the transition plan can include instruction, related services, community experiences, the development of employment or other adult living objectives and, when appropriate, the acquisition of daily living skills and a functional vocational evaluation.

Transition planning is not one meeting or one set document. It needs to occur over time, involving the student and outside agencies and resources as appropriate. The relationship between the student's high school activities and desired post-school outcomes needs to be clear and meaningful.

The Transition Plan, whether it be part of the IEP or a separate but included document, needs to include appropriate and measurable post-secondary goals that are based on transition assessments related to training, education, employment and, where appropriate, independent living skills. The "who, what, and when" in carrying out those goals needs to be specified. Additionally, a "summary of achievement" (both academic and functional) needs to be provided to a special education student when they exit special education with a diploma or when they reach age 22. This summary must include recommendations on how to assist a student in achieving their postsecondary goals.

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School Records

Accurate and complete records ensure that school personnel and parents have access to the same information. In reviewing your child's records, you may find that you are missing a document or the school is missing something from your records. School records are so important in planning and serving students with special needs that these questions have been addressed in federal law. The law governing school records is called the Family Educational Rights and Privacy Act (FERPA). For more information, ask for your district's school records policy.

Where are School Records Kept?

There are several types of records that may be located in different places: a cumulative file (cum file) maintained at the school, a confidential file which often is maintained by the school psychologist, and a compliance file (at the school district's office).

How Can I See or Get a Copy of School Records?

Call or make a written request to the school principal or special education director. You may request copies (you may be asked to pay the reproduction cost for the copies), or you may ask simply to review them at the school, when you can make copies of only those documents you need. California law states that schools must give you access to your child's records and/or copies within **5 DAYS** after your written or oral request.

What Records Can I See?

Parents can see all records, files, documents and other materials that are maintained by the school system and contain information relating to their child. This includes all records that refer to your child in any personally identifiable manner.

Are there Records I Can't See?

Personal notes of teachers, counselors, and or school administrators made for their own use and shown to no one else (except a substitute teacher); records of school security police when they are kept separate from other records and used for law-enforcement purposes; personnel records of school employees.

May I Make Changes to School Records?

If you feel that a document is inaccurate or misleading, you have a right to request that it be removed or corrected. If the school disagrees, you may submit a written response to the document and it must be included in the file. If the school does not want to comply with your request to correct the information, you may ask for a formal records hearing.

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**Sample Letter
Request for an Initial Assessment
for Special Education or 504 Plan Eligibility**

Parent/Guardian's name
Address
City, State, Zip Code
Daytime Telephone

Date

_____ (Principal or Special Education Director)
Local School District
Address
City, State, Zip Code

Dear _____:

I am the parent of _____ who is in the ___ grade at _____ (school). I am requesting a comprehensive assessment in all areas related to suspected disability to determine whether _____ is eligible for special education and/or related services either under the Individuals with Disabilities Education Act (including the Other Health Impairment category) or Section 504 of the Rehabilitation Act of 1973. **[NOTE: If your child has a health impairment such as ADHD, Tourettes, or sleep apnea, eligibility under the Other Health Impairment category needs to be considered.]**

I am requesting this assessment because _____ (be specific). The following interventions and accommodations have already been tried. (list interventions such as seating assignments, quiet area to take tests, etc.) However, my student continues to struggle in school with _____. *If applicable add:* _____ has been diagnosed with _____ by _____ (professional).

It is my understanding that I will hear back from you in writing within 15 days of this request.

I look forward to hearing from you and working with you and your staff.

Sincerely,

Your name

cc: include others who you think might need to know about your request

NOTE:

If the district agrees to conduct an assessment, when you give your written permission to the assessment plan, it is VERY important to put in writing that you would like copies of all written reports one week prior to the meeting where these reports will be discussed.



Resolving IEP Disagreements: A Continuum of Options

Informal Processes

It is always best to solve problems as close to the source as possible. For instance, if you are concerned that a feature of your IEP is not being implemented, start your discussion with the special education staff responsible for implementation. If the two of you are not able to resolve the issue, then you might speak with the Principal or Special Education Program Manager. If that is not helpful, you can talk with the Director of Special Education, or possibly, the SELPA (Special Education Local Plan Area) Director. You may want to discuss various ideas and strategies with a Matrix Parent Advisor or other experienced parents or advocates. As a general rule, everyone will benefit from concerns being aired and settled in an informal manner. For information on legal requirements, and/or compliance complaint assistance, contact the **California Department of Education/Special Education Procedural Safeguards and Referral Services at 800-926-0648.**

Alternative Dispute Resolution

Many SELPAs have instituted a program of options to assist parents and districts in resolving differences in a non-adversarial manner. These options can include Facilitated IEP Meetings, Resolutions Panels, Ombudsmen such as Sonoma and Solano Counties' Independent Child Advocate, and Local Mediation as in Marin County. These alternative or appropriate methods encourage the use of collaborative strategies that focus on resolving disagreements so that there is a "win-win" result, with a focus on meeting student needs and preserving relationships.

• Facilitated I.E.P. Meetings

This voluntary process is one in which an impartial facilitator conducts the meeting. The facilitator uses specific strategies to create an environment in which communication is clear.

A facilitator:

- develops a meeting agenda and helps set ground rules for the meeting with the team
- keeps team members focused on developing a satisfactory I.E.P.
- guides team discussion
- promotes a mutual problem solving approach
- builds agreement and working relationships
- assists team members in resolving differences or conflict

A facilitator does NOT:

- impose a decision on a group
- take sides, place blame or decide if an issue is right or wrong
- facilitate disputes unrelated to the I.E.P.

• Ombudsmen

Both Sonoma and Solano County offer an ombudsmen program through Independent Child Advocates. These staff can provide a more intensive intervention, interfacing between parents and districts, focusing on meeting student needs through legally compliant educational services.

If you would like more information on these and other ADR services, contact your SELPA office:

Marin SELPA (415) 499-5850 www.marinschools.org/selpa.htm

Napa SELPA (707) 253-3929 www.ncoe.k12.ca.us/selpa/

Solano (upper county) SELPA (707) 399-4465 www.solanocoe.k12.ca.us

Sonoma SELPA (707) 524-2750 www.scoe.org

Vallejo SELPA (707) 556-8921 www.vallejo.k12.ca.us

Formal Methods

• Pre-Hearing Mediation and Resolution Sessions

Mediation does NOT change the rights of a parent, guardian or district to request a due process hearing or to file a compliance complaint. Mediation can be requested at the time of a filing for due process or it can be requested without filing for due process. The request is made with the California Office of Administrative Hearings, Special Education Unit.

Mediation is defined as an attempt to bring about a settlement or compromise between parties to a dispute through the objective intervention of a neutral party. Mediation is an opportunity for parents and school officials to sit down with an independent mediator and discuss their differences in order to resolve the problem amicably without going to due process. Mediation can be initiated at any time, if both parties agree, to expedite the development of a solution.

When due process is requested, a Resolution Session must be held prior to proceeding, unless both parties (parents and school officials) agree to waive such Resolution Session. Mediated agreements and agreements reached through Resolution Sessions are binding. Negotiation details are confidential and cannot be entered into evidence during Due Process Hearings.

If informal resolution of conflict doesn't work, a parent can use more formal methods including State Mediation, Due Process Hearing and Compliance Complaints. It is important to indicate that informal measures to resolve conflicts were tried and failed, and to submit all required information. There is no cost for formal methods unless you decide to employ an attorney.

• Due Process

Where you and the school present evidence before an Administrative Law Judge from the California Office of Administrative Hearings and the judge decides how to resolve the problem. You will be asked first to consider State mediation. Lawyers can be involved. The Office of Administrative Hearings can be reached at (916) 323-6876 or www.oah.dgs.ca.gov.

• Compliance Complaint

Where you contact the State Department of Education and describe what requirement of IDEA you believe the school has violated. The Department of Education must either resolve your complaint, or it will assist the school district and parents to reach a solution. It will then review agreements. In most cases, the complaint must be resolved in 60 days.

Matrix Parent Network and Resource Center

Serving Marin, Napa, Solano and Sonoma Counties

Empowering families of children with special needs to understand and access the systems that serve them.

www.matrixparents.org

94 Galli Drive, Suite C, Novato, CA 94949

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Special Education and Disability ACRONYMS

- 504 – Section 504 of the Rehabilitation Act of 1973
- ADA – Americans with Disabilities Act of 1990
- ADD – Attention Deficit Disorder
- ADHD – Attention Deficit Hyperactivity Disorder
- ASD – Autism Spectrum Disorder
- ASL – American Sign Language
- AT – Assistive Technology
- BD – Behavior Disorders
- BIP - Behavioral Intervention Plan
- CAPD – Central Auditory Processing Disorder
- CCS – California Children’s Services
- DB – Deaf Blind
- DD – Developmental Disability
- DDS – California Department of Developmental Services
- ED – Emotionally Disturbed (also called Seriously Emotionally Disturbed)
- EI – Early Intervention
- ESL – English as a Second Language
- ESY – Extended School Year
- FAPE – Free and Appropriate Public Education
- IDEA – Individuals with Disabilities Education Act
- IEE – Independent Educational Evaluation
- IEP – Individualized Education Program (or Individualized Education Plan)
- IFSP – Individual Family Service Plan
- IQ – Intelligence Quotient
- IPP – Individualized Program Plan
- LEA – Local Education Agency
- LD – Learning Disabilities
- LEP – Limited English Proficient
- LRE – Least Restrictive Environment
- NCLB – No Child Left Behind Act
- OSEP – Office of Special Education Programs
- OT – Occupational Therapy
- PDD – Pervasive Developmental Disorder
- PDD-NOS – Pervasive Developmental Disorder, Not Otherwise Specified
- PT – Physical Therapy
- RSP – Resource Specialist Program
- SDC – Special Day Class
- SLD – Specific Learning Disability (also called LD)
- TBI – Traumatic Brain Injury
- VI – Visually Impaired

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