Welcome to:

A Guide to IEPs and the Special Education Process for Parents and Professionals
In this training you will learn about:

- Laws that protect students with disabilities
- 6 Core Principles of Special Education (IDEA) law
- Cycle of Special Education
- Skills in advocating
- Options when parents & schools disagree
These are the laws that protect students with disabilities:

Child Find
Serves ALL STUDENTS with the goal of identifying students in need of assistance

FERPA: Family Educational Rights & Privacy Act
Right to inspect and review “any and all” records the district keeps
These are the laws that protect students with disabilities:

504: Section 504 of the Rehabilitation Act (1973)
Removes barriers to learning and educational opportunity

IDEA: Individuals with Disabilities Education Act (1975)
Provides an IEP: special education plan
Individuals with Disabilities Education Act

Federal Education Law

Age 3-22

Specific Learning Disability (SLD)
Speech and Language (SLI)
Other Health Impairment (OHI)
Emotional Disturbance (ED)
Autism (AUT)
Intellectual Disability (ID)
Hard of Hearing (HH)

A need for:
Specialized Support and Instruction

Deaf
Deaf/Blindness (DB)
Multiple Disabilities (MD)
Orthopedic Impairment (OI)
Traumatic Brain Injury (TBI)
Visual Impairment (VI)

Individualized Education Plan

IDEA (1975)
Core Principles

- Free & Appropriate Public Education
- Appropriate Assessment
- Individualized Education Plan
- Student & Parent Participation
- Least Restrictive Environment
- Procedures to Safeguard Rights
Cycle of Special Education

- **Reason for Concern / Dx**
- **Request Assessment in writing**
- **Assessment Plan or Prior Written Notice:** within 15 days
- **Assessment:** 60 days to complete
- **IEP Meeting:** within the 60 days
- **Goals, Individualized Instruction and Services determined**
- **Appropriate Placement: determined**
- **Implementation**
- **Review IEP annually, or if requested**
- **“Informed consent”:** 15 days for parent questions (if needed)

**EPU Children’s Center**

**Cycle of Special Education**
How to request a Special Education Assessment to determine the need for Special Education Services
• Request in writing to assess all areas of suspected disability.

• Sample letters are available.

• You may ask verbally, and the district is obligated to help put the request in writing.

• Assessment requires consent
The team may request a SST (Student Study Team) to gather more information at this time, or develop interventions and accommodations to try in class to meet the needs of the child.

This meeting should not stop the assessment timeline unless you agree to revoke your assessment request.
An appropriate assessment must use a variety of methods such as:

- Teacher/Parent Observations
- Attendance Records
- Standardized Tests
- Behavior Charting
- Graded Work Samples
- Assessment
Some of your assessments rights are:

- Assessed in Primary Language
- Outside Assessments considered
- Request Further Assessments
- Reports Translated when *feasible*
- Request to Review Results in Advance

**Assessment Rights**
Remember:
Assessments determine need for services.

Assessments should be done before any service is given or taken away.
Annual IEP review of goals and creation of new plan yearly

Triennial IEP re-evaluation every three years

Assessment
The IEP Process
• District must provide WRITTEN NOTICE of IEP meeting. (date, time allotted & participants)
• Let district know ASAP if you need another date/time. “Mutually agreeable”
• Let district know what team members you need there.
• Provide WRITTEN notice at least 24 hours in advance:
  • to audio record IEP meeting.
  • to bring an attorney.
• You may request/remind district to provide assessment reports prior to the IEP meeting.
The IEP Team

- General Education Teacher
- Special Education Teacher
- Parent or Guardian
- Student
- Local Education Agency Rep

The IEP Team (IEP: Individualized Education Program) is a collaborative effort involving multiple stakeholders to develop, review, and update a student's educational plan.
IEP Plan Components

- Parent Concerns
- Present Levels of Performance
- Goals
- Services
- Placement
Present Levels of Performance

- Contains your child’s current skills:
  - using specific and measurable statements
  - gathered by teacher/parent

- Each area of need should include:
  - Parent input or student input if appropriate
  - Several statements about each skill, not just test scores but also statements about what the student is seen doing in school.
• Describe how the disability affects being part of the general education program

• Can include any academic or non-academic area any area the disability impacts that is related to being part of the learning at school

• Are the starting point from which to measure progress on the goal
Goals are the MAJOR FACTOR in determining IEP services and placement.

Goals should be written for all needs identified by assessment and present levels.
Annual SMART Goals
Special Education & Related Services
and any other individualized supports and services
the student NEEDS to be able to:

Make progress toward annual goals.
Make progress in the General Ed curriculum.
Participate in extracurricular and non-academic activities.
Be educated & participate with ALL children.
Not enough to benefit from a service.
It must be needed to provide FAPE.
Free
Appropriate
Public
Education

Free
At no cost to families

Appropriate
Able to meet the child’s unique needs

Public
Provided by or paid for by the school system

Education
Services identified as necessary for the child to benefit

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FAPE
• Audiology/Interpreter Services
• Braille
• Counseling Services
• Early Identification & Assessment of Disabilities
• Medical Services (To determine eligibility)
• School Health Services (for health-related needs)
• Occupational Therapy
• Orientation & Mobility Services
• Parent Counseling & Training
• Physical Therapy
• Psychological Services
• Recreation
• Rehabilitation Counseling Services
• Social Work Services in School
• Speech/Language Pathology Services
• Transportation
• Interpreter Services
• Transition Specialist
• Vocational Trainer/Counselor
• ...& others as needed

“This is not an exhaustive list.” — US Dept. of Education IDEA and IDEA regulations
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<th>Duration</th>
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**SPECIAL EDUCATION AND RELATED SERVICES**

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<th>Start Date</th>
<th>End Date</th>
<th>Provider</th>
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**Notes:**

- IEP Date:
- Considerations (In selecting LRE, consideration is given to any harmful effect on the child or quality of services that the child needs)
- Transportation: Yes
  - [ ] Staff
  - [ ] Bus
  - [ ] Van
  - [ ] Car
  - [ ] Other

**Primary Program Placement:**
- [ ] SDC
- [ ] IEP
- [ ] Dis

**Special Education Services:**
- [ ] Section 504
- [ ] 504 Plan
- [ ] 504 Plan Only
Specialized instruction & Services
[Defined with frequency, location, duration]
Example: SLP, 2x/45 min/week, push-in, group social skills.

- Pay close attention to the “Service Page”
- The terms “up to” and “as needed” should be clarified
- Check start and end dates
- Where will the service be provided? Why?
- How: Individual, group, or consult?
- Appropriate people providing?
- Remember: IEP GOALS should drive the services.
Specialized Instruction & Services beyond typical school year if necessary.

Data or assessment shows child will regress without such services.

Beyond the normal school year: Extended School Year (ESY)
Accommodations ⇐ remove barriers but do not alter what is being tested.
Example: frequent breaks, math problems read aloud

Modifications ⇐ alter what is being tested.
Example: calculator on math test

If Alternate Assessment is needed, team must define why.
(Ex: CAA California Alternate Assessment for student w/severe disability)
Student Accommodations

- **Individualized**
  - Time limited
  - More time to complete assignments
  - Frequent Breaks

- **Create Equal Access**
  - Environmental
    - Quiet setting
    - Preferred Seating
  - Health
    - Frequent restroom access
    - Nut-free lunch table

- **Remove Barriers**
  - Assistive Technology
    - Computer access
    - Audiobooks
Modifications change the grade-level curriculum standard or what a test is supposed to measure.

Example: 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.

Note: If a student needs modifications in high school this should be discussed as a team, as it may result in the student not getting a high school diploma.
LRE Placement
Video: ARC on LRE
Students should be educated as much as possible with peers who do not have disabilities.

General Education

Students should be provided supports in their LRE before moving to a separate or more restrictive setting.
Inclusion: Where in General Education can your child be included?

- Field trips
- Lunch
- Recess
- Sports
- Band
- PE

- Music
- Art
- Library
- School jobs
- Reverse inclusion
- Classroom party

Least Restrictive Environment
The Least Restrictive Environment is a concept, not a place

Appropriate placement is one in which the student has a reasonable expectation of achieving IEP goals.

Ask for OBSERVATIONS
How can parents consent to placement without observation?
The extent to which the student will learn with and participate in school with students without disabilities.

% in GenEd / % removed from GenEd

IDEA law presumes that students with disabilities learn with Non-Disabled peers.

- Home school site
- Typical classes
- General Education Setting

ASK: Where is the data that supports removal from typical learning environment?
Other Components that might be included in your child’s IEP
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: behavior goals, supports & services, or a behavior plan.
Tier 1: Behavior Supports offered are part of a School Wide Plan.

Some schools integrate Positive Behavior Systems to encourage positive behavior outcomes.
Tier 2: A Behavior Plan is created. Behavior plans are not punitive.

Behavior plans are positive plans describing how the school will support positive behavior through instruction or changing the environment.
Tier 3 Behavioral Supports:

A Functional Behavior Assessment (FBA) is completed. A FBA is not a list of misbehaviors, but an effort to determine why a behavior occurs.
Assistive Technology (AT) is any technology that can assist your student to access their general education. AT helps your child go around or bypass a problem. This includes devices, software, and hardware, for example:

- Audiobooks
- Speech-to-text technology
- Noise-cancelling headphones
- Slant board
- Pencil grip
- Auditory Trainer
Special consideration of the needs of children who have limited English proficiency, have special communication needs, or are blind or visually impaired.

All assessments should be conducted in the child’s primary language.
Transition planning must be in effect when the student turns 16.
Reviewing the IEP
A core part of Special Education law is parents being involved and agreeing to the plan. If a parent doesn’t agree with their child’s IEP, or a part of it, there are methods to resolve disagreement.
There are three places on the form where the school district would like your signature.

- Attendance/Participation
- Agreement
- Medi-Cal release
The IEP is a legally binding document.

“Would I sign any other legally-binding document without adequate time for a thorough review?”

Sign in that you are an IEP participant, but...
Before consenting (agreeing to sign) the IEP:

☑️ Ask for copies of the IEP & other documents
☑️ You may take these copies home for careful review

Your signature is as valuable as GOLD
When the school district and family disagree
Procedural Safeguards make sure that parent’s and student’s rights are protected in the process when a child receives special education.

- Procedural safeguards
- Prior Written Notice
- Access to All Records
Prior written notice must be provided whenever the school proposes or refuses to initiate or change any of the following:

- Identification
- Evaluation
- Educational Placement
- Provision of FAPE to the student
An IEE is an Independent Educational Evaluation and occurs at public expense

- Right to disagree with district assessment(s).
- Parent sends WRITTEN notice of disagreement, or request, for IEE at public expense.
- Without unnecessary delay district must:
  1. Say YES and pay for the IEE [or]
  2. Say NO by filing for a Due Process hearing to prove district assessment was appropriate. Judge decides.
- Independent Educational Evaluations MUST be considered, no matter who paid.
- Qualified evaluator is necessary.
- NO requirement to pick from district list.
Due Process:
Legal resolution to resolve disagreements about amount, type, intensity, frequency, or location of Special Education Services

Compliance Complaint:
An allegation that a Special Education Law is not being followed
Alternative Dispute Resolution provides ways to resolve disagreements and follows certain steps.

- Facilitated IEP
- Mediation

If the issues fail to be resolved, the party who requested the conference has the option for filing for a Due Process Hearing.
More information:
If you would like more information regarding your parental and student rights and responsibilities, please contact:

California Department of Education, Special Education Division, Procedural Safeguards Referral Service, Attn: PSRS intake 1430 N Street, Sacramento, CA 95814 Attention: Toll free: 800-926-0648

Office of Administrative Hearings : 916-263-0880
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EPU Children’s Center

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Questions?

Thank you for coming!
Don’t forget to fill out an evaluation before you leave.