

# Special Education Guide for Parents and Caregivers



## **North Region SELPA**

Alameda, Albany, Berkeley, Emery, and Piedmont Unified School Districts

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# Using this guide to support your child

Discovering your child needs extra support in school may leave you feeling helpless or confused. The journey can be frustrating and deciding what to do next can be overwhelming. You may hear words or attend meetings that you do not fully understand. You also may not know where to find information. This guide can help you find your way.

This guide helps you decide what your child needs and which path to take. It also helps you fully take part in teams working to support your child. The information in this guide can be helpful whether a parent:

- Believes their child needs extra support and wants help figuring out what to do.
- Would like to address a possible or known disability.
- Needs information about managing or updating services/supports a child already receives.

**Although this document focuses on special education, it is not the only option or solution.**

It is important to remember that every child is unique and other options may be a better fit for your child. If your child needs special education services, this guide will help you understand the options you have moving forward. If your student already has special education services, the information provides guidance with their current program. This guide is also a roadmap to understanding the special education processes and rules. These processes can take time and patience.

## Words and language used

The word disability may feel uncomfortable, yet it comes from special education law. It is used to communicate about student needs. Staff often use words and refer to laws and policies that the districts must follow. This is not meant to offend, intimidate, or confuse you.

### Don't be afraid to ask for help!

Sometimes staff can forget that parents/caregivers may not know all the words they use often. **It is important to your child's success that you learn these words, processes, and guidelines. If you ever have a question or need an explanation, do not be afraid to ask!**

## How to use this guide

This guide uses tables and graphics to show important items. Links allow you to jump to topics and are found:

- In the Table of Contents
- At the top of each page
- Throughout the guide

Icons are used to point out important information such as timelines and your rights. The table on the next page defines the icons.

## Icons used in this document

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**Upcoming Terms Alert** - definitions of words used in the section you are about to read.

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**Tips** - Helpful tips for parents/caregivers.

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**Lists** - Useful items to keep track of.

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**15-day timeline** - Processes that must be completed within 15 days.

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**60-day timeline** - Processes that must be completed within 60 days.

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**No required timeline** - Processes that have no set timelines, but should be watched, as they can affect delivery of services.

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**Signed Consent** - Items that need your signed consent before they can begin, change, or stop.

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**Parent Right or Safeguard** – Legal steps and rights for you and your child.

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**Start of a process** - An indicator for what starts a process.

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**End of a process** - An indicator for what ends a process.

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## What if I have concerns about my child's progress in school?

When you have concerns, your child's teacher or other staff that work with your child can be good resources. Share your concerns with them. If the teacher has concerns, ask questions. Give yourself time to reflect on how their information does or doesn't match what you know about your child.

### **Get involved!**

You know and understand your child's needs better than anyone. **Your input is important**, and often legally required, when creating a plan of action for their success. It is important to get involved so that you have input on the solutions chosen for your child.

### ***Take a moment to reflect on your current feelings***

There is a lot to learn. You probably did not plan for your child to have a learning challenge or disability. Supporting your child may get rough at times. You don't have to do it alone. Some families find strength within themselves. Others find support to help handle stress and challenges. If you do not have a personal support system, there are resources available.

Collecting information about your child's challenge, services available, parent groups, advocates, experts and what you can do to support your child can be very helpful to your child and empower your family.

Keep in mind that the word 'disability' is a legal term that allows children who need extra support to receive it. A learning challenge does not mean your child cannot learn. It may mean special supports are needed for them to make progress. If school staff see behavior issues that you do not see at

home, it might be because your child's learning needs are not being met. Often small adjustments can go a long way in helping a child blossom, remove learning frustrations, and support positive behaviors. Children are often unable to express themselves or do not know what they need. It is important to always be patient with yourself and your child.

**It may also help to remember:**

- Children develop at different rates.
- Most parents aren't prepared for their child to have learning challenges or a disability.
- You can 'wait and see' or ask for help, assessments, clarification, and anything else that you need to support your child.
- It is not your "fault." Talking with people who have been through it can help.
- You may go through a grieving process, possibly multiple times over the course of your child's educational journey. This is natural and may include the following feelings in any order and at any time:
  1. **Denial** — "Never." "Not my child." "They'll grow out of it."
  2. **Guilt** — "Why me?" "If only I had..."
  3. **Isolation** — "It's too much trouble to take my child out." "I don't want kids to make fun of them."
  4. **Panic** — "Will my child ever learn to take care of themselves?"
  5. **Anger** — "No one can help me." "Why aren't they doing more?"
  6. **Bargaining** — "Maybe if I..." "Maybe if they..." "Maybe if my child..."
  7. **Hope** — "There are resources that can support my child."
  8. **Acceptance** — "There are good days and bad days. We'll make it."

You can choose the path and speed that you are comfortable with. When you are ready, the following graphic provides possible paths you can take.



## WHAT CAN I DO? My Child is Having Trouble

Use the following tips to find support for your child.

### My child is struggling, I'm not sure what they need

- Talk with their teacher about your concerns.
- Ask questions about strategies being used.
- Ask what is working/not working.
- Share information you think is important about your child's learning style.
- Ask school staff about SST (Student Success Team) or COST (Coordination of Services Team) support.



### My child may or may not have a disability

**In addition to the above, you can also try any of the following:**

- Request in writing (to the principal if possible) a 504 assessment to find out if your child qualifies for a 504 plan\*.
- Request in writing (to the principal if possible) a special education assessment to find out if your child qualifies for special education services\*.

*\* 504 and special education assessments require your written consent.*

**For more info see the 504 Plan and IEP chart in this document.**

### My child doesn't qualify for special education services

- Get SST or COST involved for support.
- Request school staff hold a SST to discuss your child's learning difficulties, decide on strategies to help and measure their progress.
- Consider asking your school principal about a 504 plan to assist your child.



### My child has an IEP and I have concerns

- Speak with your child's teachers or support staff.
- Speak with the special education case manager about your concerns.
- Request an IEP meeting as needed.
- Request additional or updated assessments as needed.

### Support is based on your child's current needs

When your child's needs change, refer to this guide for other possible paths of support.

For more info: [504 Plan and IEP Chart](#)

# Deciding Which Path to Take



## Upcoming Terms Alert

- **Student Success Team (SST)** — reviews students' learning needs, recommends strategies, and decides next steps. The team usually includes parents, teachers, and may include specialists or others with knowledge of your child.
- **Coordination of Services Team (COST)** — discusses the strengths and needs of students needing support. Manages and combines supports and resources. The team includes school staff, administrators, and school-based providers.
- **504 Plan** — accommodations for students with disabilities to make sure they have access to learning and to prevent discrimination.
- **General Education** — standards-based instruction for all students.
- **Special Education** — supports and services to ensure students with disabilities benefit from school.

Schools are legally required to find, evaluate, and identify any child that may have a disability. This is called child find. If you or someone else thinks your child may have a disability, an assessment is recommended. This helps to decide if your child is eligible to receive extra learning supports and special rights.

**Students with disabilities may qualify for a 504 Plan or special education. Both are based on federal law, require assessment and written plans, but they have different purposes.** To understand the purposes, see [504 Plan and IEP Chart](#). Choose the best path based on your child's unique needs after reviewing all possible options.



## You Have Options!

- Ask how to get your child more help. The Student Success Team and Coordination of Services Team are both options.
- Request, in writing, a 504 Evaluation if you think your child may have a disability and may need adjustments at school.
- Request, in writing, a special education assessment if you think your child may have a disability and may need special instruction. This process includes:
  1. **Referral** — Write a letter to the school asking for an assessment. The school may request an assessment as well. You must approve assessment plans in writing before testing can start.
  2. **Evaluation** — Assessments are given to find out if your child is eligible for special education.
  3. **Decision** — If found eligible, a program is created to address your child's needs. If they are not eligible, refer to the first two bullets to find support for your child.

## Which assessment option should I choose?

Assessments are provided to families for free. You may choose to have your child assessed by writing a referral (or consenting to a referral made by someone else). To decide which assessment option may be the best starting point for your child, it is important to understand the 504 Plan and an IEP (see the following chart).

504 Plan	Individualized Education Program (IEP)
<p><b>Section 504 1973 Rehabilitation Act:</b> federal civil rights law to prevent discrimination against people with disabilities of any age</p>	<p><b>Individuals with Disabilities Education Act (IDEA):</b> federal special education law for children ages 3-21 and a special plan for families of 0–2 year old infant/toddlers</p>
<p><b>ANY disability</b></p> <ul style="list-style-type: none"> <li>• related to basic life activities (including learning)</li> <li>• affects learning in the general education classroom</li> </ul>	<p><b>Child has 1 or more of 13 disabilities listed in the law.</b></p> <ul style="list-style-type: none"> <li>• related to learning.</li> <li>• affects learning and benefiting from general education.</li> <li>• Special instruction is needed to make reasonable progress in school.</li> </ul>
<p><b>Some legal safeguards</b> for child and parent</p> <ul style="list-style-type: none"> <li>• District defined assessment standards.</li> <li>• Office of Civil Rights uses state timelines (60 days in CA)</li> </ul>	<p><b>Many legal safeguards</b> for child and parent</p> <p>Legally defined assessment standards and 60-day timeline</p>
<p><b>Decisions made by a team of people familiar with the child, who understand the evaluation data, and service options. For example:</b></p> <ul style="list-style-type: none"> <li>• Parent/caregiver</li> <li>• General education teacher</li> <li>• Special education teacher</li> <li>• Principal</li> </ul>	<p><b>Decisions made by a specific team:</b></p> <ul style="list-style-type: none"> <li>• Parent/caregiver</li> <li>• General education teacher</li> <li>• Special education teacher</li> <li>• School staff or other specialists who can interpret evaluation results</li> <li>• District representative with authority over special education services</li> </ul>
<p><b>Documented plan has no legally required components.</b> Typically, lists accommodations to help a child access the general education program</p>	<p><b>Documented plan has many legally required components to ensure child benefits from school</b></p>

*Summary of understood.org chart with permission from Understood.*

## Tips for Getting Started



- **Talk about your concerns!** This is the first step to getting on the same page with your child's teacher. They may be working on your concerns or not know about them. Ask for an interpreter if necessary.
- **Your child's general education may be adjusted by the SST.** They discuss your child's learning needs, write strategies, and check progress. Ask questions about how progress will be monitored and when it will be reviewed. If the adjustment doesn't work, the SST meets again to adjust. If it appears your child may have a disability, the SST can refer your child for a special education assessment.
- **You do not have to have an SST. You can also decide to request an evaluation for 504 or special education during the SST process.**



- **The school district has 15 days to respond to your written request for special education assessment.**
- **The school must go ahead with the special education assessment process unless you withdraw your request for assessment in writing.**



- **Create a file of documents related to your concerns.**
- **Whether your child receives special education services or not.**
  - Document their progress through school.
  - Keep track of assessments and communication with district staff.
  - Keep up-to-date records of each step of the process and your participation.
- **Keep copies of all communication:**
  - Letters
  - Emails
  - Notices
  - SST notes
  - IEPs
  - Phone conversation notes with names, times, and dates
  - Oral agreements followed up to in writing
  - Your written statements of your understanding of all agreements
- **Send all letters by registered mail.** If hand delivered, ask a staff member initial and date for proof of receipt.

# Understanding Special Education



## Upcoming Terms Alert

- **Services** — specialized instruction, speech, occupational therapy and/or other items to support your child.
- **Accommodations** — adjusting how classroom instruction, learning, and assessments are provided.

## What is Special Education?

Special education is for eligible students with disabilities that need services the general education program cannot provide. Special education provides these services to ensure students benefit from their education.

### Sample special education services and supports:

- **Specialized instruction** — adjusted teaching to fit the student and their way of learning (e.g., small groups).
- **Accommodations** — adjusted teaching, learning, and assessment methods (e.g., directions given out loud, in print, and in pictures, seating arrangements) to address a child's unique learning needs.
- **Speech and language therapy** — helping with pronunciation or language norms.
- **Assistive technology** — high and low tech supports to bypass or compensate for disability (e.g., screen reader or pencil grip).
- **Behavior supports** — plans to address behaviors that affect the student's or other student's learning.
- **Occupational therapy** — helping with movement issues that interfere with learning and participation (e.g., exercises and pencil grip to increase writing speed).
- **Modified curriculum** — changing what is learned to achieve individualized goals.

- **Adapted physical education** — changing required physical activities according to student’s physical ability.

**Special education is not:**

- A place.
- Support for learning difficulties mostly due to cultural or economic differences.
- Service for learning needs mostly due to limited English language or school experience.
- For students who have temporary physical disabilities.
- A guarantee that your child will reach their maximum learning potential.

The type and frequency of support your child receives is based on your child’s individual needs determined by assessment results.

## Who can get special education services?



### *Upcoming Terms Alert*

- **Individualized Education Program (IEP)** — a legally binding document that explains what special education services your child will get and why.
- **IEP team** — parents, regular and special education teachers, school administrators, specialists (as needed) and anyone else you invite to support you and your child.
- **Educational Benefit** — student progress over time on appropriate IEP goals.
- **Present levels of performance** — your child’s current abilities based on assessments and monitoring of their progress.

Children ages 0-21 may qualify for special education services. The services depend on your child’s age and other factors explained below.

**Infants and toddlers ages 0-2** — Services primarily to assist families to support their children with disabilities. If the Regional Center finds your child

has a developmental disability an Individual Family Service Plan (IFSP) is created. An IFSP is also created if the school district finds your child has a vision, hearing, or orthopedic impairment. Contact your local Regional Center or school District if you have concerns about your infant or toddler's development or think they may have a disability.

**Children ages 3-21** — If an IEP team finds one of the following conditions, they may be eligible for special education services.

<b>Autism</b>	<b>Deafness</b>
<b>Deaf-Blindness</b>	<b>Intellectual Disability</b>
<b>Hard of Hearing</b>	<b>Multiple Disabilities</b>
<b>Emotional Disturbance</b>	<b>Orthopedic Impairment</b>
<b>Other Health Impairment</b>	<b>Specific Learning Disability</b>
<b>Speech or Language Impairment</b>	<b>Visual Impairment</b>
<b>Traumatic Brain Injury</b>	

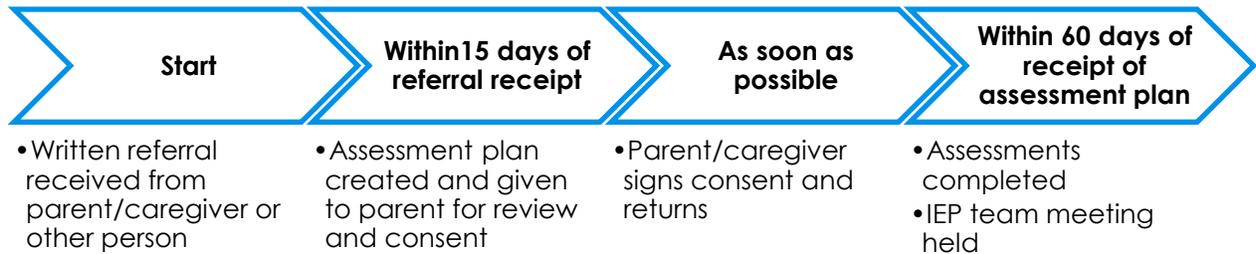
**If the IEP team finds a child is eligible, it identifies the specialized services, accommodations, and/or supports the child will need to progress in school.**

The IEP team's bases its eligibility decision on three factors:

1. If the child has an educational disability in one or more of the thirteen categories, and
2. The disability negatively affects their learning, and
3. The impact of the disability requires special education services for the child to meaningfully benefit from school.

## How does my child get special education services?

Once a written request for assessment is made, the following timelines are followed:



1. After assessments are completed, the IEP team must figure out if your child is eligible.
2. If your child is found eligible, the IEP team identifies and documents individual supports and services in an IEP.
3. The school then follows the IEP.

The next two pages provide an overview of the required steps for a child to receive special education services.

## Part 1 - Referral and Assessment

<h3>1. Referral</h3>	
	<p>You or someone else thinks your child may have a disability and makes a written request for special education assessment.</p>
<h3>2. Assessment Plan (Completed within 15 days of receiving referral)</h3>	
<p>If District agrees, an assessment plan based on learning concerns and suspected disability is sent to parent/caregiver for approval.</p>	
<h3>3. Assessment Period (Completed within 60 days of signed assessment plan.)</h3>	
	<p>All parent consented assessments are done within 60 days of school receiving parent signature. <b>Parent/caregivers are encouraged to discuss assessment results with district staff prior to the IEP meeting whenever possible.</b></p>
<h3>4. IEP Team Meeting</h3>	
<p><b>The IEP team decides whether your child is eligible</b> for special education. An IEP is usually developed at the same meeting for eligible students.</p>	

## Part 2 - IEP Development and Implementation (if eligible)

### 5. IEP Development (if eligible)

- IEP team decides on needs, goals, services, and supports
- Parent/caregiver signs consent when they agree to the IEP.

### 6. IEP Implementation

- School follows the IEP.
- Staff provides progress reports.

### 7. Annual Review IEP

- Case manager schedules IEP at an agreeable time. Parent may invite others.
- IEP updated as needed. Parent/caregivers signs consent to agreed items.

### 8. Three-year review (re-evaluation of eligibility)

- Parent/caregiver is given a new assessment plan for their signature. Case manager schedules the IEP meeting.



- **Your written consent is required** for assessment to start.
- **Your written consent is required** for services to start, change, or stop.



- **IEPs are reviewed every year** to insure your child is making progress and to adjust goals and services as necessary.
- **You may ask for additional IEP meetings.** Meeting must be held within 30 days of school receiving request.
- **Your child is entitled to be re-evaluated every three years** to decide if any changes to eligibility are needed.

[For more information about your rights: Special Education Procedural Safeguards](#)

## What is in an IEP?

The Individual Education Program (IEP) is a legally binding document based on your child's individual needs. It shows the special education services your child will receive from the school district and why. It also lets you know where those services will be provided, how often, and for how long. IEPs are reviewed at least once each year.

### **Each IEP includes:**

1. The disability that qualifies a child for special education services.
2. Learning needs based on the educational impact of the disability.
3. Annual goals related to learning needs and the job titles of the people responsible for each goal.
4. Services and supports required to make progress on goals.
5. Percentage of time a child will be in general education program.
6. Where services will be provided.
7. Progress reports on IEP goals.

### **Items not required in the IEP:**

- Daily lesson plans
- Teaching methods
- Curriculum
- Specific staff used to implement the IEP

**[For examples see: Sample IEP Goals](#)**

**[For information see: Help with IEP Planning](#)**

## Tips to Prepare for an IEP Meeting



- **Get informed** — speak with staff who assessed your child. Ask questions before the meeting to understand what may be recommended.



- **Get support when needed** — gather information about your child’s disability, needs, and support options. School staff, parent groups, agencies, advocates, and others can provide ideas and support.

- **Keep good records** — create a binder of your child’s information that may help during the meeting. [View sample doc list.](#)

- **Prepare** — make notes, list your questions, prepare your requests, and be prepared to listen to suggestions. [View sample parent expectations.](#)

[For detailed information review: IEP Preparation Steps](#)

## Where are special education services provided?



### Upcoming Terms Alert

- **Least Restrictive Environment (LRE)** — setting as similar as possible to the one attended by non-disabled peers and where student can make realistic progress toward meeting their IEP goals.
- **General Education classroom** — a class for all students including implementation of IEPs based on the IEP teams' decisions.
- **Nonpublic school** — a separate specialized school for students with disabilities that an IEP team decides cannot benefit from the public school program.
- **Individuals with Disabilities Education Act (IDEA)** — federal special education laws
- **Free Appropriate Public Education (FAPE)** — free public education that is appropriate to your child's needs

Students are required to receive special education services in the environment that the IEP team determines is the least restrictive (LRE). The LRE for most students with IEPs is the general education program. Services provided outside of the general education setting only occurs when the IEP team decides a different setting is required for the child to have a reasonable opportunity to reach IEP goals. As a student's educational needs change, service location may also change.

### Examples of special education service locations:

- General education classroom
- General education classroom part of the day, separate location part of the day
- Separate classroom on public school campus
- Program at a public school in a different school or different district
- Non-public school
- State special school
- Home/Hospital
- Residential program with school on-site

# Special Education Key Principles

As a parent/caregiver it is important to familiarize yourself with The Individuals with Disabilities Act (IDEA). IDEA is the federal law for special education. Below are the key parts of IDEA.



## Free Appropriate Public Education (FAPE)

IDEA requires districts provide a FAPE to eligible children.

**Free:** Special education services provided as described in an IEP for free.

**Appropriate:** The IEP provides a reasonable opportunity for your child to make progress on challenging goals based on their individual needs.

**Public:** Special education and related services are provided by the public school as described in the IEP.

**Education:** preschool, elementary school, or secondary school education.



You have the right to receive Information about the availability of FAPE, and program options, both public and nonpublic.



## Procedural Safeguards and Parent Rights

Special education rights and safeguards are legal protections for you and your child. For example, IDEA requires parents be given opportunities to take part in decisions about their child's special education program. Safeguards also tell when the written document must be provided to you.

## What to do when you receive your Safeguards and Rights



- **Take the time to read the safeguards carefully** — although it is a lot of information, the information will help you navigate the special education system.
- **Keep the document in your file** — add the document to your binder of your child's information.
- **Refer to it as often as you need** — as you go through the special education process refer to relevant sections as necessary.
- **Ask questions** — ask school staff to explain anything you do not understand. You may also refer to other [resources](#).

[For more information go to: Procedural Safeguards](#)



### Individualized Education Program (IEP)

The Individual Education Plan (IEP) is a legally binding document, based on your child's individual needs, that is developed and reviewed regularly. It shows the special education services your child will receive from the school district, why, and where those services will be provided.

[For more information go to: What is an IEP?](#)

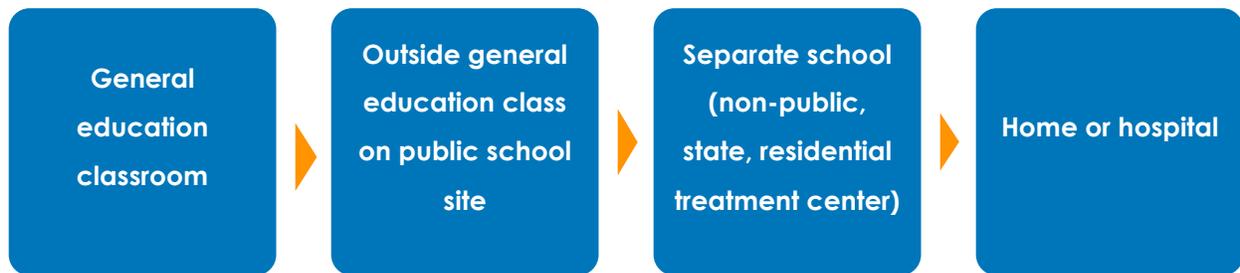
[For more information go to: Parent participation in IEP decision making](#)



### Least Restrictive Environment (LRE)

IDEA states learning should take place in the class and school your child would be if they did not have a disability, unless doing so prevents your child's progress on IEP goals or other children's learning. As your child's learning needs change, the environment that supports them may also

change. Below is an example of least to most restrictive environments where specialized instruction may take place:



## Educational Benefit

IDEA requires that the IEP results in your child making progress over time. **Educational benefit is reviewed at least once a year during the IEP team review of your child's progress on IEP goals.** However, educational benefit also considers growth over longer periods of time.

The educational benefit requirement may be different from what is needed for your child to reach their maximum potential.

### Educational benefit asks:

- What did assessment data say about needs?
- Are the goals/objectives that address needs challenging enough, given your child's unique circumstance?
- Were services and supports provided that gave your child reasonable opportunity to meet goals?
- Did the student make progress during the year? Over 2 years? 3 years?
- If expected progress was not made, what IEP changes are needed?

To better understand your child's progress on IEP goals or how to better support your child at home, refer to progress reports on IEP goals. Progress on goals is provided throughout the year on a schedule agreed to by the IEP team.

# Special Education Procedural Safeguards and Parent Rights



## Upcoming Terms Alert

- **Procedural Safeguards** — rules on what the school can and cannot do when assessing your child and providing special education to your child.
- **Informed consent** — parent/guardian signed agreement after fully understanding decisions about their child.
- **Revoke consent** — take back your consent if you change your mind.
- **Prior written notice** — notification in writing before the district starts, stops, or changes the IEP.
- **Assessments** — tests to figure out your child's current abilities and difficulties in areas of concern.

IDEA provides legal protections to you and your child called procedural safeguards. Procedural safeguards say what the school can and cannot do when assessing your child and when providing special education services to your child. Procedural safeguards also describe your rights and your child's rights. Procedural Safeguards are listed below and summarized on the following pages:

1. [Written Notice](#)
2. [Independent Educational Evaluations](#)
3. [Parent Participation in IEP](#)
4. [Access to Educational Records](#)
5. [Parental Consent](#)
6. [School Disciplinary Procedures](#)
7. [Prior Written Notice](#)
8. [Private School](#)
9. [Assessment](#)
10. [Surrogate Parent Appointment](#)
11. [Resolve Disputes](#)



## Written Notice of Procedural Safeguards

**A written Notice of Procedural Safeguards must be provided to you:**

- The first time your child is referred for a special education assessment
- Each time you are given an assessment plan to assess your child
- Upon receipt of the first state or due process complaint in a school year
- When a discipline decision is made to remove your child from class causing a change of placement.
- When you ask for a copy



## Parent Participation in IEP Decision Making

As the person(s) who knows your child best, IDEA requires that parent/caregivers be IEP team members. As a team member you take part in making decisions about your child's IEP.

**You have the right to:**

- Participate in IEP team meetings held on a mutually agreed day.
- Participate in the development of the IEP.
- Audiotape IEP team meetings (with 24-hour notice to district IEP team members).
- Not consent to recording if the district wishes to record an IEP meeting.
- Bring anyone to an IEP meeting that you feel can support you and your child.



## Parental Consent

### Assessments

A request for a special education assessment for your child is called a referral.



**You must give informed, written consent** before your child's first special education assessment can start. Informed consent means **you can ask questions until you understand the assessments before giving your consent.** [See Assessment Plan checklist for guidance.](#)

### Assessment consent timelines



**Parent/caregiver:** Districts request you return the signed assessment plan within fifteen (15) days if you consent.



**School district:** The assessment must be completed, and eligibility meeting held within sixty (60) days from the day the school received parent/caregiver written consent.

### Services

**You must give informed, written consent before your school district can provide services.** If a change in services is recommended in the future, your informed, written consent is required before the change can start.



**There is no deadline for your signed consent for services.** However, initial services will not start and changes to future services will not happen without your signed consent.

## What if I don't consent?

- **If you do not provide consent for an initial assessment**, the school district may choose to pursue an evaluation by using mediation and/or legal steps.
- **If you do not consent in writing to start initial IEP services**, the school district will not provide special education services and shall not seek to provide services through legal steps.
- **If you consent in writing to some special education services for your child, but do not consent to all parts of the IEP**, the parts you have consented to must be implemented without delay.
- **If you do not consent to re-evaluations**, the school district may use mediation or legal steps to do the reevaluation without your consent. The school district must document reasonable effort to obtain your consent.

## Can I revoke consent?

You can change your mind. If you decide not to continue a process or service, you may revoke your consent in writing. Once received, the school will double check with you and then the process or service will stop.

### If you revoke consent the school:

- **May not continue to provide special education services** to your child but must provide you with written notice before stopping services.
- **Will not be in violation of the requirement to offer FAPE.**
- **Is not required to hold an IEP team meeting or develop an IEP** to provide special education services.
- **Is not required to remove references to special education in the child's education record.**
- **Is not required to follow the Special Education Procedural Safeguards.**

If you decide in the future that your child needs special education, you will start the referral process with a written request. The timelines for an initial IEP assessment and meeting start from the beginning.



## Prior Written Notice

**You must be notified in writing by the school district when/if they:**

- Propose or refuse to start or change the identification, services, or educational placement of your child.
- Propose or refuse to provide an IEP.
- Propose assessment of your child with an assessment plan within fifteen (15) days of receiving your written request for evaluation.

Prior written notice is required before the action being proposed/refused takes place, not before proposing the action. Prior written notice can be provided in an IEP since no action is taken until written parent consent is given. **All prior written notices must be in a language or a mode of communication you understand unless it is clearly not possible to do so.**



## Assessment

**You have the right to have your child assessed in all areas that you or someone else suspects they have a disability.**

- Materials and procedures used for assessment must not be racially, culturally, or sexually discriminatory.
- Tests and materials must be provided in a language or communication mode your child understands.
- Assessments must be in the form most likely to get correct information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not possible to do so.
- No single test or procedure can decide if your child is eligible for special education services or be used in developing FAPE for them.



## Independent Educational Evaluations



### Upcoming Terms Alert

- **Independent Educational Evaluations (IEE)** — if you disagree with a District assessment, you can request a second assessment by an outside agency.
- **Educational Records** — general and special education documents directly related to a student and maintained by the school or district.
- **Functional Behavioral Assessment** — tests to identify behavioral conditions and recommendations to support expected school behavior.

**If you disagree with the results of a district assessment, you have the right to ask for an independent educational evaluation (IEE) at the district's expense.** The school district must respond to your request for an IEE. **You have the right to select your own assessor that meets the district policy criteria.** The district can help you find an IEE assessor if you do not have one.

If the school district believes that the district's assessment is appropriate and an IEE is unnecessary, the school district must request a due process hearing to prove its assessment was appropriate. **If the district wins, you still have the right to an independent assessment, but at your own cost.**



- **You are entitled to one independent educational evaluation at district expense each time the district conducts an evaluation with which you disagree.**
- **The IEP team must consider all independent assessments completed by selected assessors that meet district criteria when creating your child's IEP whether paid for by you or by the district.**



## Access to Educational Records

**You have a right to inspect, review, and/or receive copies of all your child's education records when requested, without unnecessary delay.** The school district must provide you access to records or copies within five (5) business days after the request has been made in writing or orally. Although oral requests are honored, districts prefer written requests. Additionally, providing your requests in writing allows you to better manage your copies of your child's records and requests.



## School Discipline and Disciplinary Placement Procedures

When a child with a disability violates a code of conduct, the school discipline procedures apply (including suspension and expulsion), but the child has special rights.

**After a child has been removed from their current placement for a total of ten (10) school days in the same school year, the school must provide services** to enable the child to take part in the general education curriculum and make progress on IEP goals..

**If a child is removed for a total of more than ten (10) school days in one school year that results in a change of placement or for more than ten (10) consecutive school days, an IEP team meeting must be held to decide whether the child's conduct is caused by the disability.** This IEP meeting happens as soon as possible or within ten (10) days of the district's decision to take this disciplinary action.

An IEP meeting is held to decide whether:

1. The conduct in question is due to or caused by the child's disability,
- or

2. The district did not implement the IEP

The team will decide whether the IEP needs to be changed. A Functional Behavioral Assessment (FBA) will be completed if not already done and/or behavioral support services may be added to prevent future violations. The team will decide if any of the following are needed:

- Temporary change to a different educational setting (e.g., separate class)
- Temporary change to another setting (e.g., hospital)
- Suspension for not more than ten (10) consecutive school days

### **What if the misconduct is not caused by the disability?**

If the IEP team decides that the misconduct was not a result of the child's disability, the district may take disciplinary action, such as suspension or expulsion, in the same manner as it would for a child without a disability.



## **Private School**



### **Upcoming Terms Alert**

- **Service Plan** — program for supports provided to eligible students who are placed in private school by their parents.
- **Reimbursement** — a refund of money spent for private school or services.

School districts are responsible to offer FAPE to students with disabilities. However, when children are placed by their parent in private schools, their rights to receive special education change. **The district is not required to provide special education at a private school if the district made FAPE available in their public school.** The district where the private school is located may offer a service plan to students in private school who are eligible for special education.

## **Service Plans**

Each year the school district consults with private schools within their district to decide what private school services will be offered. The district may provide a service plan to students placed by their parents in private schools who are eligible for special education. A service plan is not required to provide FAPE nor to provide the educational benefit a public school is required to provide. The law requires only a small amount of funding for services plans. Instead of providing direct services to students, service plans often provide consult or training to the private school teachers from district specialists.

## **Reimbursements for private school**

**Parents may request a district to reimburse private school costs even if the district offered FAPE or before the district offers FAPE.** To do so parents must either:

- Notify the district in writing at least ten (10) business days (including holidays) before placing their child in a private school
- Reject the district's proposed placement and inform the district of their intent to enroll their child in private school at public expense at the most recent IEP meeting.

If the district thinks the FAPE is appropriate, a Prior Written Notice recommending the child continue in the public school special education must be sent.

The district is required to reimburse parents' private school and special education costs only if through a due process hearing:

1. The public program is found to be inappropriate  
or
2. The district had not made FAPE available in a timely manner and the private program is found to be appropriate.

### **The following items can affect reimbursement requirements:**

- **Not making your child available for assessment before removal** - Reimbursement may be reduced or denied if you did not make your child available for a district assessment before removing your child from public school.
- **Not informing the district that you were rejecting the proposed special education placement** - reimbursement may be denied if you did not inform the school district that you were rejecting their proposed special education placement while stating your concerns and intent to enroll your child in a private school at public expense.

### **When can reimbursement NOT be reduced or denied?**

Reimbursement cannot be reduced or denied to you if you did not provide written notice to the school district for any of the following reasons:

- The school prevented you from providing notice
- You had not received a copy of the Notice of Procedural Safeguards or otherwise been informed of the requirement to notify the district
- Providing notice would likely have resulted in physical or serious emotional harm to your child
- Illiteracy/inability to write in English prevented you from providing notice

### **Notices**

When planning to remove your student from public school and request reimbursement your notice to the school district must be given either:

- At the most recent IEP team meeting you attended before removing your child from the public school, or
- In writing to the school district at least ten (10) business days (including holidays) before removing your child from the public school.



## Surrogate Parent Appointment

### What if a parent cannot be identified or located?

School districts must ensure that someone is assigned to act as a representative for a child when:

- A parent cannot be identified or located.
- They are an unaccompanied homeless youth.
- They are an adjudicated dependent or ward of the court who has an IEP or is referred to special education.



## Resolving Disputes



### Upcoming Terms Alert

- **Dispute** — when you disagree with all or a part of your student's plan/services.
- **Mediation** — a meeting to discuss and solve disputes in a neutral setting.
- **Compliance** — following required laws, regulations, policy, procedures, and guidelines.
- **Alternative Dispute Resolution (ADR)** — a no cost process to resolve conflicts.
- **Pre-hearing Mediation Conference** — a meeting with a state appointed mediator without involving attorneys.
- **Mediation after Requesting a Hearing** — mediation with the right to use attorneys.
- **Due Process Hearing** — formal court process to handle a dispute before a judge that allows you to bring evidence and witnesses.
- **Compliance Complaint** — a complaint filed within one year of the date you believe a school district violated federal or state special education law.

If you disagree with the district's decision(s) about your child's referral, assessment, services, or placement, you have several options. Some of the options such as Alternative Dispute Resolution (ADR) and voluntary mediation are no cost, less formal ways to gain agreement. You may ask

the school district to resolve disputes through ADR or mediation. Other options, such as due process, are formal legal steps that may cost families and/or the district attorney fees. Details about each option are described in the upcoming pages.



### ADR or Pre-hearing Mediation?

You have the right to skip the ADR and voluntary mediation steps. However, these meetings can be successful because you have more control over the solution than when a judge decides.

## Alternative Dispute Resolution (ADR)

IEP team members have a common goal of gaining agreement. Each team member has their own points of view, and this sometimes can cause disagreements. There are several ways to handle these disputes. Legal steps are an option. Alternative Dispute Resolution (ADR) is a different option. ADR is a voluntary method to resolve a dispute. ADR may not be used to delay your right to a due process hearing. **The SELPA supports ADR at no cost to you or the district.** ADR happens in different ways.

#### Some examples of ADR are:

- A simple phone call to clarify information
- IEP meeting facilitation by a neutral party.
- Coaching or consultation on options.

## Pre-hearing Mediation Conference

**Pre-hearing mediation allows you and the district to meet with a state appointed mediator *without involving attorneys*.** A request for mediation may be made either before or after a request for a due process hearing is made. The conference is informal and conducted in a neutral manner to resolve issues relating to the identification, assessment, or educational placement of a child or to a FAPE.

**The parent or the school district may bring or be advised by friends, family, advocates, specialists, district staff, etc. at a pre-hearing mediation.** The parent or district may also consult with an attorney prior to or following the conference.

## Mediation After Requesting a Hearing

If you request a hearing, your case will automatically be assigned to a mediator unless you and the district agree to waive the mediation. The mediation process is the same as the Pre-hearing Mediation Conference, except **both you and the district may use attorneys in the mediation conference.**



### Due Process or a Compliance Complaint?

Due process procedures involve a disagreement over what a student's program should include. A compliance complaint is when you believe the district did not follow the rules or do what is written in the IEP.

## Due Process Hearing

Due Process is a legal term that refers to timely steps that protect the rights of each person; your child, you, and the school staff. It ensures that each child is treated fairly.

### Key things to know about a due process hearing:

- **It is a formal procedure before a judge** from the Office of Administrative Hearings (OAH) that allows you to bring evidence and witnesses.
- **The judge makes a final decision on the issues.**
- **You may request a hearing by writing** to the Special Education Hearing Office **within two years of the date of the alleged action** of the complaint.
- The school district also has the right to request a due process hearing.

### During the hearing procedures you and the district have the following rights:

- **To obtain a due process hearing date within a specific time** after a written request is received.
- **To be represented by an attorney.**
- **To present evidence, question, cross-examine, and require the attendance of witnesses.**
- **To obtain a word-for-word record of the proceedings** at the hearing.
- **To obtain a written report of the findings** of the hearing and the decision reached.
- **To appeal the administrative law judge's final decision in court.**

You may request a pre-hearing mediation conference or a due process hearing by sending your written request to:



**Office of Administrative Hearings (OAH)**

Attention: Special Education Division

2349 Gateway Oaks Drive, Suite 200

Sacramento, CA 95833-4231

(916) 263-0880 | FAX (916) 263 – 0890

The OAH can also be contacted by email using the Secure e-file Transmission (SFT) system. The SFT may be found on the [OAH website](#)

## Compliance Complaint

You may file a state compliance complaint within one year of the alleged violation date when you believe that a school district has violated federal or state special education laws or regulations. You must forward a copy of the complaint to the school district at the same time you file a complaint with the California Department of Education (CDE).



**Complaints should be mailed to:**

California Department of Education

Special Education Division

Complaint Support Unit

1430 N Street, Suite 2401

Sacramento, CA 95814

You may also email your complaint to [speceducation@cde.ca.gov](mailto:speceducation@cde.ca.gov)

## Uniform Complaint Procedures (UCP)

For complaints involving issues not covered by federal or state special education laws or regulations, consult your district's Uniform Complaint Procedures (UCP).

A UCP complaint is a written and signed statement alleging a violation of general federal or state laws or regulations which may include:

- Unlawful discrimination
- Harassment
- Intimidation
- Bullying

A signature may be handwritten, typed (including in an email) or electronic. Complaints may be filed anonymously. A complaint filed on behalf of a student may only be filed by that student or that student's authorized representative. If the person filing the complaint is unable to put it in writing, due to conditions such as a disability or illiteracy, the local agency shall assist them in filing the complaint.

## If I have concerns, where should I start?

Your child's teacher(s) is always the first point of contact. Other staff such as the school counselor, special education case manager, and/or the principal can also assist. If these individuals are not able to help, contact your school district special education administrator.

### ***Special Education Administrators by District***

- Alameda Unified School District: 510-337-7075
- Albany Unified School District: 510-559-6536
- Berkeley Unified School District: 510-644-8913

- Emery Unified School District: 510-601-4907
- Piedmont Unified School District: 510-594-2893

### ***North Region Special Education Local Plan Area (SELPA)***

The North Region SELPA provides support for the five school districts' families and staff.

SELPA Director 510-525-9805

Website: <https://www.northregionselpa.org/>

[Alternative Dispute Resolution Parent/Caregiver Guide](https://www.northregionselpa.org/ADRparentcaregiverguide)

<https://www.northregionselpa.org/ADRparentcaregiverguide>

### ***Additional resources***

Regional Center East Bay

- Website: <https://www.rceb.org>

Family Resource Navigators of Alameda County (FRN):

- Phone: 510-547-7322
- Website: <https://familyresourcenavigators.org/>

Parent Training and Information Center:

- Phone: 510-644-2555
- Website: <https://dredf.org>

IEP vs. 504 Plan: What's the Difference?

<https://understood.org/en/articles/the-difference-between-ieps-and-504-plans>

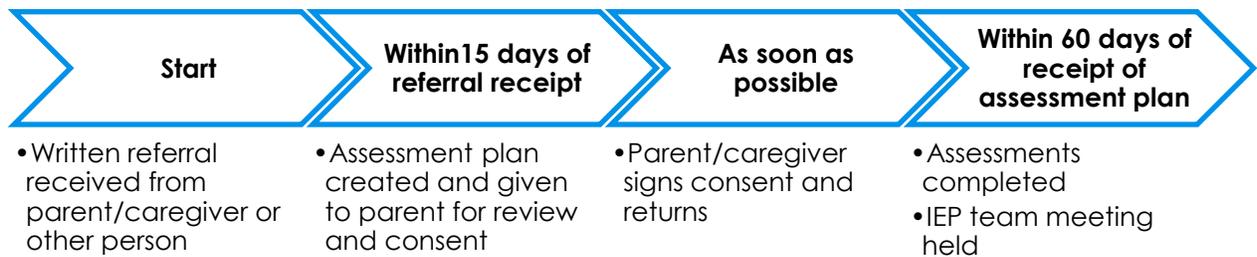
# Special Education Steps (Overview)

The special education steps have a specific path that moves your child from referral to an eligibility decision. If an IEP team finds your child eligible for special education, the steps also include IEP development and implementation.

**To see details of any step, select that step below:**



## Timeline



**Note:** Time limits do not apply during breaks of more than 5 consecutive school days.

## Special Education Procedural Steps

### Step 1 — Written Referral

	Request made by parent, school staff, and/or Student Success Team (SST).
	Parent submits written request for assessment or is informed in writing of district's intent to refer child for special education assessment.

**May include:**

- Evidence of child’s learning needs and modifications/strategies attempted in the general education program
- Strategies or intervention that worked or didn't work
- Which disability is suspected and why their need(s) cannot be met in the general education program even with adjustments.

[For more details see: Appendix Step 1 - Referral](#)

### Step 2 – Assessment Plan Developed and Given to Parent

	<b>Completed within 15 days from district receiving written referral</b>
	School receives written request for assessment. Assessment plan and Procedural Safeguards sent to parent.
	Signed assessment plan received by school.

**Assessment plan is a form that includes:**

- Reason for assessment
- Areas to be assessed
- Staff that will be conducting the assessments
- Type of test or procedures to be used

If the district decides not to assess, they will provide parents with a written reason.

[For more details see: Appendix Step 2 - Assessment Plan](#)

[See Assessment Plan Checklist](#)

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**Step 3 – 60 Day Assessment Period**

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	<b>Completed within 60 days of District's receipt of signed Assessment Plan.</b>
	School district receives parent's signed consent on the Assessment Plan.
	Staff that performed assessments complete written reports.

**Assessment period activities may include:**

- Observation in class and other settings
- Formal/informal testing
- Gathering information about:
  - Health and developmental history
  - Social/adaptive behaviors

- Communication skills
- Achievement, scores, and other important data.
- Parent input on child through interviews and/or surveys

**[For more details see: Step 3 Assessment Period](#)**

**[For more information on who may contribute see Assessment Plan Contributors](#)**

## **Step 4 – IEP Team Meeting to Determine Eligibility**

	<b>Held within 60 calendar days of receipt of signed Assessment Plan.</b>
	<ul style="list-style-type: none"> <li>• Case manager schedules IEP team meeting at mutually agreed date and time</li> <li>• Case manager sends written invitation to required IEP team members. Parents may invite others they wish to attend.</li> </ul>
	IEP team determines if your child is eligible. If eligible, the team develops an IEP (see step 5). If your child is found ineligible for special education services, the IEP team will discuss other strategies to address your child's learning needs.

### **Eligibility meeting includes:**

- Summary of each assessment report, procedures, and results.
- IEP team discussion on whether your child meets criteria for 1 or more of the educational disabilities.
- **If assessment data shows your child meets criteria for an educational disability**, IEP team discussion on whether your child's learning needs can be met in a general education program without special education.
- **If your child is found eligible for special education**, development of an IEP to address their needs. This work is usually done at the eligibility meeting. However, sometimes the IEP is developed at a separate meeting. See [Step 5: Develop IEP](#) for details.

- **If your child is not found eligible for special education services**, IEP team discussion of strategies to address your child’s learning needs.

[For more details see: Appendix Step 4 - IEP Team Meeting to Determine Eligibility](#)

[For more information on what's included in an IEP see: IEP contents](#)

[Also see tips for preparing yourself to take part in the IEP meeting](#)

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## Step 5 – Develop IEP

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	Child is found eligible for special education.
	Parent signs consent to begin implementation of all or part of the IEP.

Based on assessment information, an IEP is developed by the IEP team and **usually includes:**

- Present levels of educational performance
- Learning needs that result from disability
- Annual goals (and objectives, as appropriate)
- Services and supports information
- An Individual Transition Plan (ITP) for students 16 and older to prepare them for life after school
- Annual review and 3-year reassessment dates
- Signature of participants
- Signed parent consent to implement all or part of the IEP

[For more details see: Appendix Step 5 – IEP Development](#)

## Step 6 – Implement IEP

	<p>School district receives signed parent consent to all or some of the IEP.</p>
	<p>The IEP team adjusts the IEP at an Annual Plan Review meeting or at a requested meeting</p>

### Usually includes:

- Providing specially designed teaching and services as defined on the IEP.
- Communication between special educators, general education teachers, and parent.
- Written progress reports on IEP goals at least as often as report cards.

[For more details see: Appendix Step 6 - IEP Implementation](#)

## Step 7 – IEP Plan Review Meeting - At least once a year

	<p>Case manager schedules IEP team meeting at mutually agreed date and time and sends written invitation to potential members. Parents may invite others they wish to attend.</p>
	<p>School receives parent signed consent to all or some of the updated IEP, or student graduates from school.</p>

### Usually includes:

- Reports from services providers and general education teachers on current performance.
- Review of your child’s progress on IEP goals.

- Updated learning needs based on reports if needed.
- IEP Team updates on goals.
- Review and adjustment of services if needed to give your child reasonable opportunity to meet goals
- Individualized Transition Plan (ITP) for all students aged 16 and older.

If you would like to better understand your students 'progress or how to better support your child at home throughout the year, refer to progress reports provided according to the schedule agreed to by the IEP team.

[For more details see: Appendix Step 7 - Annual IEP Review](#)

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### **Step 8 – IEP 3 Year Eligibility Evaluation Meeting**

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	<p>Re-evaluation meetings occur at least every three years and begins with the assessment plan. Parents may also invite others they wish to attend to re-evaluation meetings.</p>
	<p>Eligibility is confirmed or updated and signed by parent, or ends when student leaves school for adult life.</p>

**Usually includes:**

- IEP Team
- Formal and/or informal assessment procedures
- Review of your child’s eligibility when appropriate
- Review of reports from service providers
- Review of your child’s progress

The Annual Plan Review is typically held at the Eligibility Evaluation meeting so that needs, goals, and services can be updated based on current assessment information.

[For more details: Appendix Step 8 - Triennial Assessment](#)

Appendix

# Special Education Steps (Detailed)



## Part 1: Determining if your child is eligible for special education

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### Step 1: Referral

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#### Who can refer?

**Under current federal and state law, if anyone suspects a child has a disability, they can refer the child for special education assessment.**

Typically, referrals are made by a parent/caregiver or a Student Success Team (SST). These two referral processes are described below.

#### Parent referral

A parent can provide a written request for special education assessment to the school principal or the child's teacher. **The school district has 15 days to respond to your written request.** The district may send you an Assessment Plan for your signed consent. If an SST meeting has not already been started, the district might recommend in writing that an SST meeting be held instead of a special education assessment. However, the district cannot require you to attend an SST. The district must do the special education assessment unless you withdraw your assessment request in writing, or the district provides prior written notice of their reason not to assess.

#### How does SST referral work?

Parents can request a SST meeting to discuss concerns and share information about their child's school performance. The teacher, staff with knowledge about your child, principal, and specialists can be SST members. Based on information, the SST may decide to change teaching methods or add supports in the classroom to support your child. Changes will be written down. Progress will be monitored. Additional testing for your child is not needed for an SST meeting.

## What happens if SST doesn't work?

If the changes do not work, the SST will meet again to figure out next steps. The SST may decide to refer your child for a special education assessment if it suspects your child may have a disability. Your written consent for special education assessment is required.

## When special education is not recommended

### Special education assessment is not recommended if:

- Current information suggests that your child does not have a disability, or their needs can be met in the general education program, with or without accommodations.
- The SST, including you, agrees that assessment is not currently appropriate.
- You decide a special education assessment is not currently appropriate.

## When you receive your Rights and Safeguards



- **Take the time to read the safeguards carefully** — although it is a lot of information, the information will help you navigate the special education system.
- **Keep the document in your file** — add the document to your binder of your child's information.
- **Refer to it as often as you need** — as you go through the special education process refer to relevant sections as necessary.
- **Ask questions** — ask district staff or the SELPA to explain anything you do not understand. You may also refer to other [resources](#).

## Step 2 - Assessment Plan

The school has 15 days after receiving a written request for assessment to develop an assessment plan and provide it to you. Districts request you return the signed assessment plan within 15 days. When you receive the Assessment Plan, you will also receive a copy of the special education Procedural Safeguards. This document explains the legal safeguards and rights available to you and your child. **You must sign an assessment plan before the school can begin assessing your child.** If a parent refuses to approve an assessment plan when the district believes an assessment is needed, the district may request a ruling through the due process procedures.



- **The school district must give you a written assessment plan within 15 days of receiving your written request for an assessment to figure out if your child is eligible for special education services.**
- **The assessment plan informs parents about:**
  - The purpose of the assessment
  - The methods or techniques which will be used
  - The people (by title) who will be conducting the assessment

When you receive an assessment plan, review it carefully. Use the checklist below to help you review it before you sign it.

Assessment Plan Checklist	Yes	No
Do you fully understand the areas in which your child is being tested?		
Do you need more information about the tests?		

Assessment Plan Checklist	Yes	No
Does the assessment plan address all areas of your child's suspected disability?		
Did you release requested information to the school district, such as medical reports, independent psychological assessments, or other relevant information?		
Are the tests given in your child's primary functional language?		
Do the tests consider the nature of your child's disability?		

If you can answer yes to the questions in the checklist, you are ready to sign and return the assessment plan. **If you find the assessment plan lacking, contact the person who sent it to discuss. Assessment will not begin nor does the timeline start until a signed assessment plan has been received.**

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### **Step 3 - Assessment Period**

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Once the school has received the signed the assessment plan, they have 60 calendar days to complete the assessments and hold an IEP meeting. The 60-day count stops when school is not in session more than five consecutive school days.

#### **Assessments are done to:**

- Figure out whether your child has a disability and special learning needs that require special education services
- To inform the team about your child's present skill levels and learning needs.
- To assist in creating their educational plan.

Assessments collect important information from you and district staff. This may include some or all of those listed below:

Contributor	Expected Contributions
<b>Parents</b>	<ul style="list-style-type: none"> <li>• Review and return signed assessment plan.</li> <li>• Provide health and developmental history.</li> <li>• Describe the child's responses to tasks and social interactions in the non-school settings of home, neighborhood, and community.</li> <li>• Release existing assessment reports if available, including physicians' reports.</li> </ul>
<b>General Education Teachers</b>	<ul style="list-style-type: none"> <li>• Inform team about the child's academic, physical/motor performance, and social behavior in the classroom.</li> </ul>
<b>Education Specialist</b>	<ul style="list-style-type: none"> <li>• Inform team about the child's academic, physical/motor performance, and social behavior in the classroom.</li> </ul>
<b>Nurse</b>	<ul style="list-style-type: none"> <li>• Reviews the child's medical background and physical development.</li> <li>• Screens vision and hearing.</li> </ul>
<b>School Psychologist</b>	<ul style="list-style-type: none"> <li>• Examines the child's social, emotional, academic, and intellectual development.</li> </ul>

Other specialists such as Speech/Language and Occupational Therapists, etc., are only required if related impairments are suspected.

**Assessments may include:**

- Formal or informal testing in a one-on-one setting
- Review of school records

- Parent/caregiver(s) interviews
- Teacher interviews
- Observation of the student in the classroom and possibly in other settings, such as on the playground
- Health and Developmental History

District assessment information will be summarized in written reports. The assessment review will also consider outside evaluations you provided to the school.



- The school district will make every effort to provide copies of assessment reports before the IEP meeting.
- **You may request time to review the reports prior to the IEP meeting** so that you are able to better participate in the IEP meeting.

**Consider the following questions as you review the assessment reports:**

Reviewing Assessment Reports	Yes	No
Based on what you know about your child's learning needs, was the assessment thorough?		
Did the assessment provide a clear picture of how your child performs in critical skill or developmental areas?		
Did the assessment describe your child's areas of strength as well as weaknesses?		

Reviewing Assessment Reports	Yes	No
If appropriate, did the assessment include observations of your child at school in social as well as academic settings? If so, did the assessment name behaviors needing improvements in a way that progress can later be measured?		

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### Step 4 - IEP Team Meeting to Determine Eligibility

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Your participation in IEP meetings is important for your child's success. The next section lists key items for a successful IEP meeting and details:

- [How eligibility is determined](#)
- [Who must attend an IEP meeting](#)
- [Who else may be invited to the meeting](#)
- [How a 'Team Approach' to an IEP team meeting works](#)
- [How to prepare for an IEP team meeting](#)

### How Is Eligibility for Special Education Determined?

The IEP team works together to determine eligibility by using assessment results to answer two questions:

1. Does your child meet criteria for one or more of the thirteen conditions?  
If yes,
2. Can your child's learning needs be addressed through the general education program (with or without individual accommodations)? Are special education services needed for your child to get meaningful benefit from their educational program?

## Who Must Attend an IEP Team Meeting?



**The following persons must be present for an IEP team meeting**

unless written parent consent for them to be excused is obtained prior to the meeting:

- The parent(s) or guardian(s)
- Students 16 years and older must be invited and should attend whenever possible.
- The general education teacher, if the student is, or may be, in the general education environment for any part of the school day.
- Specialists that provide related services (e.g., occupational therapist, etc.).
- At least one special education teacher.
- An administrator, or designee, who is knowledgeable about the general education curriculum and the resources of the school district.
- An individual who assessed the student, or who is knowledgeable about the assessment procedures and can interpret the instructional implications of the results. This individual may be a member of the team described above.



**All students are encouraged to attend at least a part of their IEP meeting.** Students can practice self-advocacy skills, learn to ask for what they need, and learn about their rights. You are welcome to bring your child to the IEP meeting whenever you feel it is appropriate.

## Who else may attend an IEP team?

Additional people can join the IEP team meeting. People who have important information about your child should be invited. For example:

- Your child, with your permission
- Agency representatives such as a Regional Center case manager with your permission
- Non-school therapists or specialists who work with your child that you invite
- A friend or relative who will provide moral support and take notes for you

## How Does a “Team Approach” to an IEP Meeting Work?

The team approach to IEPs involves communication and cooperation among you, your child’s teacher(s), a special education case manager, an administrator or designee, and other school and outside specialists. Think of the IEP team as a circle of participants with your child at the center. Not all potential participants will be present at every meeting, but they may provide input. The team meets at a time and place that is convenient for you and the school staff.

## How Can I Prepare for an IEP Team Meeting?

Families have critical knowledge and information about their child that needs to be considered in IEP meetings. Preparing in advance of the meeting helps you be most effective when sharing this information.

This section provides examples of ways to prepare.

- Understand the assessment results
- Be prepared to work as a team member at the IEP team meeting
- Decide if you wish to audio tape the IEP team meeting

- [Invite others to the IEP team meeting](#)
- [Know what you want for your child](#)

[See: \*Sample Parent Expectations and Possible IEP Goals\*](#)

[See: \*Tips for Success\*](#)

### **Understand the assessment results**

Parents can request a copy of the assessment reports before the IEP team meeting. If the assessment report is completed, it will be provided to you before the meeting. It is helpful to understand the assessment results before the IEP meeting. You can ask the person who did the assessment questions about their report. You can also discuss the assessment with any support people or experts who know your child. Discussing the results helps you and your support persons/experts be better prepared for the IEP team meeting.

### **Be prepared to work as a team member at the IEP team meeting**

IEP decisions are made by the IEP team. You have known your child longer than anyone else and observe your child in different situations. As the person who knows your child best, you are an equal team member, not a guest. Communication and teamwork among all people in the meeting will help the IEP team to reach true agreement.

### **Decide if you wish to audiotape the IEP team meeting**

You may audiotape the IEP team meeting using your own equipment. Recording the meeting lets you review key parts of the meeting. **You must give the district at least a 24 hour notice** by contacting the staff member who sent the invitation. If you record the meeting, the district will also typically record the meeting.

## Invite others to the IEP team meeting

You may bring anyone who knows about your child and the problems they are experiencing to the meeting. You may include anyone outside of the school district who has been involved in your child's development and can provide insight about your child. In addition, you may invite a person (e.g., a friend, relative, or support group member) to provide you with moral support during the meeting. You may want to ask this person to take notes for you.

If your child is a Regional Center client, you may invite the case manager. If your child receives services from other agencies, you may invite them. The school and agency providers may both be more effective if they understand each other's programs. With your permission, they may provide information and advice to each other. **Outside agencies and schools working together can make your child's program more effective.**

## Know what you want for your child

You know your child best. You also know what you want for your child's future based on your own values, background, and experiences. Think in advance about these things to ensure your goals for your child are considered. Be prepared to voice what you want for your child at the IEP team meeting. Look for ways that your child's assessed learning needs, IEP goals and your expectations can align.

**You are one of the experts on the needs of your child. Your own values, knowledge, and hopes are critical to your child's educational plan.**

## Tips for Success



- **Communicate!** — Before the IEP team meeting talk with teachers and school staff who assessed your child. Find out what they recommend based on the assessments.



- **Keep good records** — bring relevant documents to the IEP team meeting. Create a notebook/binder that includes sections for:
  - Background information
  - Developmental history
  - Medical history and medical reports
  - Family health history
  - Educational history
  - Psychological and therapy reports
  - Copies of your child's previous IEPs, report cards, and school progress reports
  - Samples of your child's past and present work
  - Copies of outside agency records (such as Regional Center)
  - Copies of letters you have written or received about your child's disability/abilities
  - Records of your contacts with schools and agencies (personal visits, telephone calls, etc.)

## Part 2: If your child is found eligible for special education

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### **Step 5 – IEP Development**

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When an IEP team finds a student eligible for special education services, they work together to develop an IEP that supports your child’s current education needs. The IEP is usually developed at the eligibility meeting, but sometimes it is developed at a separate meeting. District staff make recommendations based on assessment results and their professional expertise. Your knowledge and expertise about your child are also important information the team needs to make decisions. The team discusses and decides on the key components of your child’s IEP. The team works to reach a decision that everyone agrees to. If agreement cannot be reached the district must still provide an offer of FAPE based on data and its professional expertise.

The nine components that are always included in an IEP are listed below and summarized in the following pages:

1. [Present Levels of Performance](#)
2. [Learning need resulting from the disability](#)
3. [Your child’s annual goals](#)
4. [Services](#)
5. [Participation in State or District-wide Assessments](#)
6. [Individualized Transition Plans \(ITP\)](#)
7. [Placement](#)
8. [Annual Plan Review and Eligibility Evaluation Dates](#)
9. [Signatures and Parent/Guardian Approval](#)

**The IEP document always includes the following items:**

### **1. Your child's present levels of educational performance**

Information about what your child currently can and cannot do are based on assessment information. This information is called present levels of performance and usually includes:

- Academic, social, language, motor, self-help, and pre-vocational skills.
- Assessment summaries about the test results and the way your child performs.
- Basic health-related information including vision and hearing screening results. **If your child has important medical or health considerations, this information will be documented in the IEP with your consent.** Your child's detailed personal medical information does not have to be included in the IEP.
- If your child has a medical condition that requires adults at school to take action (e.g., seizures or prescriptions), this information will be recorded in an Individual Health Plan.
- If your child is found to have a disability, the IEP will also describe how that disability affects your child's participation and progress in the general education curriculum.

### **2. The learning need(s) resulting from the disability**

Based on assessment information, the IEP team identifies each area of special need. Learning needs may include academic, behavior, social, or other assessed areas that impact a child's ability to benefit from school.

### **3. Your child's annual goals**

Based on your child's identified learning needs, the IEP specifies skills your child will work on.

## The IEP must specify:

- **Measurable annual goals** that your child can reasonably be expected to accomplish within one year
- **Annual goals that are challenging** given your child's individual circumstances shown by the assessment data.
- **The job title of staff responsible** to work on each goal.
- If appropriate, **short-term objectives** (smaller goals between where your child is now and the annual goals).
- For children who are **English Language Learners**, the goals must consider English language development and be based on the child's level of English language ability.



• **It is important that you tell the IEP team your own expectations and keep track of your long-term goals for your child.**

- If your expectations are integrated into the IEP, you and other team members can work together to achieve the same goals.
- Goals serve as guides for planning and implementing teaching/learning activities in the classroom and as milestones for measuring progress.
- Goals enable your child to take part in and progress in the general education program.



• **The goals must relate to meeting your child's educational needs that result from the identified disability.**

- **Staff responsible for goals must also keep a record of your child's progress and report that progress to you at least as often as report cards occur.**

#### 4. Services that give your child reasonable opportunity to achieve the IEP goals

Teachers and specialists named on the goals provide learning activities to support your child's progress on IEP goals. The teacher(s) and other specialists are responsible to provide learning activities which correspond with the IEP goals. Special educators make services recommendations based on their professional expertise and assessment results.

The IEP team decides what supports can be provided by the general education program and what specialized services are required. The IEP states when specialized services will begin, how long they will last, and how often they will be provided.

**Based on assessed areas of need and goals, the IEP team decides which services your child may require. Sample services:**

<b>Specialized Instruction</b>	<b>Psychological Services</b>
<b>Speech/Language Therapy</b>	<b>Parent Counseling and Training</b>
<b>Counseling</b>	<b>Health and Nursing Services</b>
<b>Orientation and Mobility</b>	<b>Social Worker Services</b>
<b>Adapted Physical Education</b>	<b>Career Awareness</b>
<b>Physical Therapy</b>	<b>Hearing Services</b>
<b>Occupational Therapy</b>	<b>*Transportation</b>
<b>Vision Services</b>	<b>Behavior Intervention</b>

*\* The IEP team determines whether your child needs special education transportation services. If your child is eligible for transportation, but you choose to transport your child, this will also be documented in the IEP.*

**The IEP team may also decide your child needs added supports such as:**

- Accommodations that change how instruction is provided or how your child shows what they know. For example, the teacher provides written lessons or repeats verbal instructions.
- Modifications that change WHAT is taught. For example, some students with more extensive disabilities may have modified curriculum that changes the learning content.
- Supplemental aids and supports such as a paraprofessional or specialized equipment in the classroom

Accommodations, modifications, and supplemental supports are documented in the IEP.

## Sample Parent Expectations and Possible IEP Goals



**Sample Expectation #1:** I want my child to be able to get around independently.

**Possible related IEP goals/objective areas:**

- Respond to school start and end bell system.
- Use cane skills to travel safely and independently in indoor environments.
- Use cardinal directions to navigate school campus.
- Use a school map to find a new classroom.
- Ride city bus alone to mall.
- Ask for help in a variety of contexts.

**Sample Expectation #2:** I want my child to read.

**Possible related IEP goals/objective areas:**

- Recognize upper case and lower-case letters
- Sound out three letter words accurately
- Memorize 100 sight words
- Read aloud short sentences fluently
- Read silently short paragraphs with comprehension

### 5. Participation in State or District-wide Assessments

The IEP identifies the most appropriate type of state or district-wide achievement assessment for your child. The IEP also names individual accommodations your child requires during these assessments. Alternative assessments agreed to by the IEP team are also written into the IEP.

## 6. Individualized Transition Plans (ITPs)

The Individualized Transition Plan (ITP) is a plan to prepare for a student's entry into the adult world. The first ITP is written at an IEP team meeting before the student is 16 years old. However, it is important to think of your child's adult goals long before 16, so they are on track for this transition.

**The ITP focuses on preparing the student for three adult living goal areas after leaving school:**

- Education/Training
- Employment
- Independent living

Other agencies, such as the Department of Rehabilitation and the Regional Center, may take part in the IEP team development of the ITP with your permission. The ITP review takes place annually, as part of the IEP team process.

## 7. Placement

Placement refers to the program setting where your child's IEP will be implemented.

**The IEP team discusses appropriate placement options considering:**

- Setting required to effectively deliver agreed upon services that give reasonable opportunity to meet IEP goals
- Least restrictive environment to maximize learning with same age peers without IEPs
- Whether the current school has an appropriate program setting
- Whether more time in a setting separate from the general education program is required
- The IEP must specify how much your child will participate in the general education setting.

It is important that you, as a parent or guardian, explore the recommended options throughout the IEP team process to insure they are a fit for your child. You know your child best and should clearly state your own goals and preferences for your child.

## 8. Annual Plan Review and Eligibility Evaluation Dates

These are dates of the next annual review of the IEP and the date of the next 3-year re-evaluation. The IEP must be reviewed at least once each year. However, you or other IEP team members can request an IEP meeting at any time. The school has up to 30 days after the request to schedule and hold an additional IEP meeting.

## 9. Signatures and Parent/Guardian Approval

All persons attending an IEP team meeting are asked to sign in the IEP to indicate their participation. However, only the parent/guardian is asked to consent to the IEP. **An IEP cannot be implemented without parent consent.** If you agree to only some parts of the IEP, you may sign consent to the parts that you agree to. Only the agreed to parts will be implemented.



- **If you are not ready to approve the IEP** because you have more questions, or need time to review reports, you can take the time to do so.
- **If you are not ready to consent**, you can write your name for participation, but not consent.
- The first IEP (or goals and services updated at an annual Plan Review meeting) will not be implemented until you sign consent.
- Although your child will not lose current services, staff will not work on new or updated goals or provide new or updated services until you have provided signed consent.

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## **Step 6 – IEP Implementation**

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The IEP is implemented once you approve it. It is recommended that you maintain regular contact with your child’s teacher(s) and other professionals involved in your child’s IEP. Remember, the IEP is only a piece of paper until meaningful instructional activities happen. There may be things you can do at home to reinforce the work that is being done at school. This enables you to assist your child to achieve the IEP goals.

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## **Step 7 – Annual IEP Plan Review**

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The IEP is reviewed at least once a year. You and other IEP team members may request reviews of the IEP at any time to consider changes in your child’s program. The team reviews the IEP at a meeting held at a time and place that is convenient for you and the school staff.

Changes in your child’s program and services are made, as appropriate, and a revised IEP is developed for the following year.



- The annual IEP Plan Review team reviews the previous IEP, your child’s progress, and the appropriateness of the goals, services, supports, and placement.
- Teachers who are working with your child should provide input about your child’s progress to the IEP team.
- If you would like to better understand your child’s progress or how to better support your child at home, refer to progress reports provided throughout the year on the schedule agreed to by the IEP team.

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## ***Step 8 – Eligibility Evaluation (3-year review)***

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Every three years, students who receive special education services must be re-evaluated. The re-evaluation determines whether eligibility or disability category changes have occurred. A new assessment plan will be developed. The process begins with your signed consent on the assessment plan. The IEP team meets to discuss the new assessment results. Parents may present any relevant updated information. Usually, the annual Plan Review meeting is held at the same time as the Eligibility Evaluation meeting. If your child continues to be eligible for special education, the IEP team develops an IEP based on the updated assessment information. If the IEP team determines, based on assessment that your child no longer requires special education services, a plan may be designed to assist your child with returning to the general education program full time.