

Team up



*with
your school!*

MAKING SPECIAL EDUCATION WORK FOR YOUR CHILD

Overview



This booklet is about special education and the very important role that parents play in helping plan their child's special education program. The booklet has two main sections. The first section – **An Introduction to Special Education: The Short Version** – contains a brief discussion of the important facts about special education. It will be most useful for parents whose child will be receiving special education services for the first time or who want the “big picture.”

The second section – **The Long Version** – gives quite a bit more detail about special education, special education law, and parents' rights and responsibilities in this most important area. It will be most helpful to parents who already have some experience with special education or who find themselves disagreeing with the school district about what is the best educational program for their child. If you already know something about special education and the law, you may want to go directly to this second section.

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An introduction to Special Education: the short version

WHAT IS SPECIAL EDUCATION?



The rules about how special education operates are contained in a very important federal law called the *Individuals with Disabilities Education Act*, or *IDEA*. The purpose of *IDEA* is to make sure that every child with a disability between the ages of 3 and 22 receives an education that meets his special needs and prepares him for employment and independent living. Consider the four things that *IDEA* guarantees for your child with a disability.

- **A Free and Appropriate Public Education** – *IDEA* says that you should not have to pay for the education of your child with a disability. It also says that the educational program developed for your child should be appropriate for him. This means that it should be based on an individual assessment and planning process and that he should benefit from it.
- **Placement in the Least Restrictive Environment** – The least restrictive educational environment for your child is a regular classroom with typical children in his neighborhood school. *IDEA* says that your child may be placed in a more restrictive setting (e.g., special education classroom or segregated school) only when he has demonstrated that he cannot be successful in the least restrictive environment with aids and supports.
- **A Fair Assessment** – An assessment is a structured way of looking at your child to learn about his strengths and needs. Usually an assessment includes standardized tests and observations by professionals, and it forms the basis for the child's educational program. Your child must be assessed at least every three years, and more often if you or his teacher request it or if it is necessary to plan his educational program.
- **Parent Involvement** – In order for your child to be successful in school, you need to be an active participant in his education. This means that in addition to your rights under *IDEA*, you have responsibilities. A very important one is to participate in the development and reviews of his educational program and support the school as it implements that program.

WHAT IS THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)?

IDEA also says that every child with a disability must have a written Individualized Education Program (IEP) that guides his education. The IEP is based on the findings of the assessment. It states what your child will be taught in school, how he will be taught, and how he will be supported. The IEP is reviewed and revised at least once a year to ensure that the educational program continues to be right for the child.

The IEP for your child is developed by a team of people including teachers and other representatives of the school district, you, your child (if appropriate), and other people you choose to invite to the IEP meeting. For example, you may invite your regional center counselor, a therapist or other professional who works with your child, someone to act as your advocate, or a friend or relative who can give you emotional support.

The school district will send you a written notice about the IEP meeting and who will be attending. The meeting should be scheduled at a time and place convenient for you. If you are unable to attend the IEP in person, you may participate by conference call. The school will also supply you with an interpreter if you feel you need one for the meeting.

The law sets timelines leading up to the development of the IEP. The most important timelines are:

- The school district develops a written assessment plan within 15 days of the initial referral or your request for an assessment.
- You have at least 15 days to decide whether or not you will consent to the assessment that the school proposes.
- The assessment will be completed and IEP meeting held within 50 days.
- If no assessment is required, the IEP will be held within 30 days.

You should expect to see all members of the planning team at the IEP meeting. If one or more members of the team are unable to attend, you may ask for the meeting to be adjourned until everyone is available. If you believe that any part of the IEP needs input from a team member who is not present, you may withhold your approval for that part of the program.

You should be prepared to present information to the IEP team and participate actively in the meeting. At the end of the meeting, you will receive a copy of the IEP.

The other people who attend the IEP meeting will sign the form to indicate that they attended the meeting. **Your** signature on the plan means that you attended **and** that you approve of the IEP. If you do not agree with an IEP, you may refuse to sign all or part of it. Only the parts of the IEP that you agree with will be implemented, and the law says they must be put in place as soon as possible. You should discuss the other parts with school district representatives to try to reach agreement on how they should be changed. If you can't reach agreement this way, you may ask for a due process hearing.

If you are unsure about whether or not the IEP that was developed is the best program for your child, you may ask for it to be implemented for a trial period of time, such as 30 days, and then reviewed again. During this period, you will be able to see for yourself how well it works for your child. Normally, the IEP is reviewed once a year. However, if you have concerns about your child's progress or the educational program, you may ask for more frequent reviews.

What's in the IEP?

The IEP addresses five subjects:

- Your child's present level of performance and functioning.
- Goals and objectives that your child will work on during the school year.
- A description of your child's classroom placement.
- A description of other services and supports your child will receive.
- A description of how your child's progress will be measured and the date when the team will meet to review and revise the IEP.

IDEA says that a child with a disability is entitled to any service that is required for him to benefit from his educational program, even if the service is not specifically educational in nature. For example, if a child with a disability has emotional problems that are preventing him from progressing in school, the school must ensure that the child receives appropriate mental health services to address these problems. The child's parents may seek such services using private insurance or through a public mental health agency. If they are unable to access these services through these means, however, the school district is responsible for providing them. Such services are written into the IEP.

HOW CAN I BE AN EFFECTIVE TEAM MEMBER?

You are expected to be a full partner with other members of the IEP team in planning your child's educational program and putting it in place. Here are five things you can do to make yourself a more effective team member:

- **Keep good records** – You no doubt have gathered a wealth of information about your child from agencies and professionals who have served him. Keep all of this information well organized – in a loose-leaf notebook, for example – and carry it with you to all meetings about your child, including the IEP meeting.
- **Team up with your child's teachers** – Your child's teachers are responsible for translating IEP objectives into meaningful classroom activities. Make them your partners to assure that the best program is carried out for your child. Treat them with respect, listen to their opinions, and do not hesitate to advocate for what you believe is right for your child.

- **Learn about the classroom settings where your child may be placed** – Before your child is assigned to a classroom or school, make it a point to visit a number of different settings, talk to the teachers, and observe the children to help you decide which one would be best for him.
- **Develop your own goals for your child** – A goal describes knowledge, a skill, or behavior you would like to see your child master or do better. Think about things you would like to see your child achieve, write them down, and take them to the IEP meeting to discuss with the team.
- **Be well prepared for the IEP meeting** – Be sure to go to the IEP meeting well prepared. Make a list of materials you need to bring to the meeting and tasks you need to complete before the meeting. Use the list as a guide to your preparation.

DUE PROCESS: WHAT IS IT?

IDEA gives parents a right called *due process* if they disagree with the school about their child's education program. Due process is a series of steps intended to do two things. The first is to protect your right to disagree with educational decisions made for your child. The second is to ensure that all parties – your child, you, and the school – are treated fairly in attempts to resolve a disagreement.

If you find yourself disagreeing with the school about your child's program, you should work with the IEP team to find a solution that everyone agrees on. If this is not possible, you may discuss the matter with the school district's Special Education Director, or you may contact a representative of the Special Education Local Planning Area (SELPA) that oversees special education services for your school district. If none of these discussions results in a solution that satisfies you, you may request a due process hearing.

A due process hearing is a formal fact-finding meeting chaired by an independent hearing officer. The hearing officer listens to the arguments, considers the evidence, and makes a decision about the issues and what needs to be done to carry out the decision.

The law says that a fair hearing should take place within 30 days of the request and the hearing officer should issue a written decision within 45 days.

However, either party – the parent or the school district – may ask for an extension to the timelines. Moreover, in most cases, extensions are requested and the process is not completed within the 45-day window.

Preparing for the Hearing

It's a good idea to prepare a written plan or an outline for presenting your case at the hearing. You should state clearly what things you want the hearing officer to make decisions about. If the issues are complicated, you may want to give the hearing officer a written statement with the facts of the case, the issues to be decided, and your reasons for requesting a certain decision. You may want to have another person – called an advocate – represent you or argue for you. An advocate may be an attorney, but does not have to be. At the hearing, you may call as a witness any person who has information relevant to the disagreement. You may also submit written testimony or other documents.

For more information about due process or any other subject discussed in this section, please proceed to Section II, *The Long Version*.

An introduction to Special Education: the long version

WHAT IS SPECIAL EDUCATION?

The federal government guarantees every child with a disability the best possible education. This guarantee is written into a law originally passed by the U.S. Congress in 1975 as the *Education for All Handicapped Children Act* (Public Law 94-142). It was amended several times over the years, and in 1990 its name was changed to the *Individuals with Disabilities Education Act* (PL 101-476). This law is usually referred to as *IDEA*. California has passed its own special education laws and they are generally similar to *IDEA*. These laws are found in the California Education Code, Section 56000 et seq. and the California Administration Code, Title 5 Regulations, Section 3000, et seq.

The purpose of *IDEA* is to make sure that "all children with disabilities have available to them a **free and appropriate** public education that...meets their unique needs and prepares them for employment and independent living."

In recent (1997) amendments to *IDEA*, Congress made special mention of two factors that are critical to education of children with disabilities. These factors are:

- "having high expectations for [these] children and ensuring their access [to] the general curriculum to the maximum extent possible; and
- strengthening the role of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home."

As you will see, these two factors greatly influenced what was written into *IDEA*.



YOUR RIGHTS AND RESPONSIBILITIES

Your child's success in school depends on the support and active participation of many people, but most especially you. As a full partner in your child's education, you have special rights and responsibilities.

You have the right...

- to receive information about your child and your child's program
- to review your child's records
- to be a full partner in your child's educational program
- to stand up for your child to make sure your child gets the services he or she needs
- to make recommendations about your child's program and services
- to help plan for your child's future

You have the responsibility...

- to gather and maintain information
- to ask questions when you do not understand terms or reports
- to become and remain an active member of the team that plans your child's education
- to base your actions on accurate information
- to make recommendations
- to help your child achieve his or her goals

Special education is instruction and other services, called "related" services, designed to meet the unique needs of each child with a disability. It is intended to provide **maximum interaction** between children with disabilities and typical children, in a manner that is appropriate to both. Further, it is intended to do this in the **least restrictive educational environment**.

Related services include a wide range of support services that a student needs to benefit from his special education program. (In California related services are called "designated instruction and services," or DIS.) Since *IDEA* says that special education should prepare children with disabilities for employment and independent living, related services focus on much more than academics. Examples of related services are: speech and language therapy, physical and occupational therapy, audiology services, psychological services, mobility instruction, adaptive physical education, career preparation and vocational training, counseling and guidance, behavior management, parent education, and school health services.

A school district must provide a related service to a student with a disability if that service is necessary to help him benefit from educational instruction. If it is, then the service is "related." Let's look at an example.

EXAMPLE: A child with a disability is having family problems at home that require the

services of a psychologist or other mental health professional. These problems are interfering with his ability to make satisfactory progress in his special education program. In this situation mental health services are "related" to his ability to succeed in school. Therefore, the school district is responsible for making sure he receives these services. If he were performing satisfactorily in school, the school district would have no such obligation.

Sometimes related services such as mental health services are provided by other state agencies. Sometimes they may be paid for by the family's

health insurance. If neither of these things is true, however, and if the services are necessary for the child to benefit from his education, the school district is responsible for providing them.

A CLOSER LOOK AT IDEA

IDEA guarantees four things to all children with disabilities:

- a “free and appropriate” public education;
- placement in the “least restrictive environment”;
- “fair assessment” procedures; and
- parent involvement in educational decisions.

The law also requires two more things that are intended to protect the child and the family:

- a written Individualized Education Program and
- the right of “due process” if parents disagree with the school about their child’s education program.

Let’s look at what each of these provisions means for your child.

A Free and Appropriate Public Education

A free and appropriate education is the most important requirement of *IDEA*. Under this law, any child with a disability between ages 3 and 22 must receive an educational program specially designed to meet his unique learning needs. The educational program must be provided at no cost to the family. *IDEA* also says that it must be appropriate. One thing this means is that the program and any related services were determined to be necessary based on an individual assessment and planning process.

Appropriate also means something else, and federal and state court decisions have defined what this is. The U.S. Supreme Court said that an appropriate educational program is one that provides services to the disabled student that enable him to obtain “educational benefit.” In California, educational benefit means the child is making progress toward achieving goals and objectives in the Individualized Education Program (IEP), the written plan that guides his education.

The Least Restrictive Environment

Under both federal and state laws the preferred school placement for a child with special needs is:

- in his or her neighborhood school,
- in a regular classroom,
- with typical students of the same age, and
- with aids and supports as necessary to make him successful.

By definition, this is the least restrictive educational environment. A child with a disability may be placed in a more restrictive setting only when he has demonstrated that he cannot be successful in a regular classroom with appropriate aids and supports.

IDEA gives parents working with a planning team the chance to decide what is the least restrictive educational setting that will meet their child's educational needs. School districts are required to offer a full range of classroom placement choices for children with disabilities to ensure that these children receive services in the least restrictive environment. The options must include the following:

- General education (regular) classroom.
- General education class with special education related services.
- General education class and resource specialist program – A resource specialist provides instruction and services to students with disabilities either in the regular classroom working cooperatively with the teacher, or in a separate room working with one or more special education students.
- General education class with special day class – Under this model, the student with disabilities spends part of the day in a general education classroom and part of the day in a separate classroom with other students with disabilities.
- Special day class.
- Special school or center.
- Non-public school – When no appropriate education program is available for a student with disabilities in the public schools, he or she may be placed in a private school at state expense.
- Instruction in non-school settings such as home or hospital.
- State schools for students with visual or hearing disabilities.

No matter what school setting the child is in, he should still have opportunities to interact with his general education peers through non-academic and extracurricular activities.

A Fair Assessment

An assessment is a way of studying the whole child to learn about his strengths and needs. **The assessment forms the basis for a child's IEP.** For that reason, it is most important that the assessment give an accurate and complete picture of the child.

Each student with a disability must be assessed at least every three years. In addition, a new assessment must occur when the student's parents or teacher request it or when it is necessary for purposes of program planning.

A student should be assessed in all areas related to his disabilities. The areas may include health and development, vision and hearing, language, general ability, academic performance, self-help and other adaptive behaviors, motor, orientation and mobility, career and vocational abilities and interests, and social and emotional functioning.

Standardized tests are usually an important part of an assessment. Each child must be given a complete series of tests that are appropriate for the child and administered by a qualified professional (usually a school psychologist or a psychometrician). Depending on the child's needs and type of disability, tests will focus on one or more of the following areas:

- Speech and language
- Auditory or visual perception
- Adaptive behavior
- Achievement
- Aptitude or intelligence
- Personality

All tests must be given to the child individually, in his primary language. The tests must also be fair for the child. In other words, the results should not be affected by the child's language, gender, race, or cultural background. If the child has a speech, hearing, or other such disability, the test results must not be affected by these disabilities, unless the test is specifically measuring them.

Sometimes standardized tests are not appropriate for a child – for example, if the child is too young or the test has not been shown to be valid when used with children of his cultural background. When tests are not suitable, other methods of assessment, such as observations and interviews, may be used, but they must also be conducted by qualified professionals.

Other kinds of information about the child, in addition to the formal assessment data, need to be considered when an educational program is developed. They may include:

- the child's medical history, if it could affect his school performance;
- observations by school staff who have worked with the child; and
- the parent's own knowledge about the child, his previous school experiences as well as his abilities, behavior outside of the school setting, and feelings about school.

Consenting to the assessment. You must give your consent for your child to be assessed. The school will prepare an assessment plan describing what kinds of tests and other measures they will use, and they will send it to you for your review and approval. The plan will explain each type of test or other measure to be used, its purpose, and who will administer it and interpret its results. Often, the plan will list more than one test for each area to be assessed. This is to allow the assessor to get to know your child before deciding which specific measure is the best one to use.

A notice of **due process** is sent to parents along with the assessment plan. This notice explains all of the rights that parents have to disagree with the school district about their child's assessment or his IEP. It also explains all of the procedures (e.g., informal meeting, mediation conference, fair hearing) available to parents who disagree and the timelines for each type of procedure.

If there is something in the assessment plan that you do not understand or agree with, you may choose not to sign the consent. Instead, you may discuss the assessment with school district representatives and try to reach an agreement on what will be included in the assessment. If you cannot come to an agreement with the school district, you may either ask for a due process hearing or go outside the school district for an independent assessment of your child. If you do obtain your own assessment, the school district is obligated to consider it in the development of your child's educational program. The school district will not be required to pay for this assessment, however, if they can show (through a due process hearing or some other way) that their assessment was complete, accurate, and met all legal requirements.

Parent Involvement

IDEA strongly supports parent involvement in the education of their children with disabilities. This applies to all aspects of the educational program, from assessment to planning to implementation. Involvement in the development of the IEP is perhaps the most important activity for parents.

WHAT IS THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)?

As we've said, assessment results are used to develop a plan for how your child will be educated and what he or she will be taught. This plan is called the Individualized Education Program or IEP. The IEP is a written guarantee that the services determined by the team to be necessary and appropriate for the child will be delivered. It helps ensure that all reasonable efforts are made to help the student reach the goals and objectives set out in the plan, but it does not guarantee that the goals and objectives will be achieved.

The IEP is reviewed and revised every year, or more often if necessary, to ensure that the educational program continues to be right for the child. You are expected to participate in the meetings where your child's IEP is developed and reviewed.

The IEP is developed by a "multi-disciplinary" team. This team includes:

- you, the child's parent or guardian;
- a general education teacher;
- a special education teacher;
- a school district representative who has the authority to commit the resources necessary to put the plan in place;
- the person who assessed your child or someone qualified to explain the assessment results;
- your child, when appropriate; and
- other people invited by you or the school who have special knowledge of your child or special expertise that is relevant to your child's education.

The people you invite to the team may include, for example, your child's regional center counselor, a child care provider, or a therapist. You may also wish to invite a friend or relative who knows about special education or who can offer you support during the meeting. We encourage you to invite one or more people who can give you emotional support, advocate for you, or who know about the IEP process.

The meeting where the IEP is written must be held at a time and place convenient for all participants, and all members of the team are expected to attend. If one or more members are unable to attend, you may ask for the meeting to be adjourned. Alternately, you may withhold your approval of a part of the IEP that you believe needs the input from a team member who did not attend.

Your attendance at the IEP is considered so important that the law requires the school to do certain things to make sure parents have every opportunity to attend. School authorities are actually required to keep a written record of their attempts to arrange with the parents a mutually agreed on time and place for the meeting. The IEP meeting may not be held without you if you want to attend. If, in the end, you are unable to physically attend the meeting, you may ask the school to arrange a conference call so you can participate in that way. The school district is also required to provide you with a translator, at no cost to you, if you need one for the meeting.

People attending the IEP team sign the IEP document to show that they participated. The parents' signatures signify that they attended and that they approve the IEP. The plan cannot be implemented without a parent's approval.

If you do not agree with the IEP that is developed, you may withhold your signature. If you only disagree with a part or parts of it, you may consent to the parts you agree with and explain why you disagree with other parts. Usually the IEP form will be designed in such a way that you can approve the different parts (e.g., goals and objectives, placement) separately, and explain your disagreement with any part and how you think it should be resolved.

Only the parts of the IEP that you agree with can be put in place and this should happen as quickly as possible. The other parts will be subject to further discussion or the due process procedures.

WHAT'S IN THE IEP?

All IEPs address five things:

- **Your child's present level of performance and functioning.** The plan describes your child's current abilities and level of functioning in areas such as academic, social, language, motor, self-help, and pre-vocational activities. These descriptions must be based on formal assessments, but they should not be merely reports of test scores.

They should tell how your child actually performs in the different areas. What they say should match your knowledge of your child's abilities. This section of the IEP also describes your child's classroom performance and how the disability affects his participation and progress in the general education curriculum.

- **Annual goals and short-term objectives.** The IEP contains goals and objectives that your child will work on during the year. It functions as a "blueprint" for the year's instruction and learning activities.

Goals describe specific knowledge, skills, and behaviors that your child and his teacher will be trying to achieve over the school year. Objectives are more short-term; they describe the things that the child should achieve along the way as he works toward a goal. Goals and objectives should be written in easy to understand language. There should be a specific time period for each objective to be achieved and it should be clear how achievement will be measured.

IEP goals are not the only educational goals that your child will work on during the year, but they represent the things that the team considers most important for the child at the time. (If a child has a limited command of English, his or her IEP must include goals related to English language development.) The teachers and other specialists who work with your child design learning tasks and activities that will result in the objectives and goals being achieved.

- **A description of your child's classroom placement and how much he will be included in the regular school program.** This part of the IEP states how much time your child will spend in each learning setting each day and what type of supports he will receive in each setting. For example, your child might receive all instruction in a general education classroom with the support of a full-time instructional aide. Alternately, he may leave that classroom for a certain number of hours each day and receive special instruction or support from a resource specialist in a separate room, or the child may spend most of the day in a special education class but have lunch, recess, and music class with general education students.

- **Related services your child will receive.** This part of the IEP describes the program modifications and supports that teachers, aides, etc., will receive to help them help your child. These may include services such as speech therapy, assistive technology, adaptive physical education, and extended school year. The IEP describes the type of service, when it will begin, its frequency and duration, and how long it will continue.

- **Evaluation and review.** This portion of the IEP describes how your child's progress will be measured. It also includes the annual review date – that is the date when the team will meet to review and revise the IEP. The IEP is reviewed at least once a year. A "triennial" review based on full assessment occurs every three years so the team can look closely at how the child's program has been working for him.

PARENTS' RIGHTS IN THE IEP PROCESS

IDEA and California laws give parents certain rights in the IEP process. They include the right:

- to receive a written notice about the time and place of the meeting and who will participate;
- to have the meeting scheduled at a time and place that are agreeable to all participants;
- to attend the meeting and invite other people to attend with them;
- to present information to the IEP team and participate equally in the development of the IEP;
- to have an interpreter at the meeting, if they need one;
- at your request, to receive a copy of the IEP;
- to have the IEP reviewed annually; and
- to have the IEP put in place as soon as possible.

The following chart describes the important parts of the process that is followed when a child is referred for special education. It also gives some important timelines for the school district leading up to the IEP meeting, creating the IEP, and putting the plan in place. (The timelines are expressed in *calendar* days.) An exception to a timeline occurs for any school holiday longer than five days.

COMPONENT	PROCEDURES	TIMELINES
Identification	Referral and initial screening Consultation: interview and observation	Written assessment plan within 15 days of initial referral or of parent's written request
Assessment	Referral for assessment Assessment plan developed Parents give consent for assessment Assessment completed	Parents have at least 15 days to decide whether they will consent to assessment
Planning	Team meets and develops IEP and placement recommendation Parents approve IEP and placement Student is placed and program implementation begins	Assessment must be completed and IEP meeting held within 50 days If no assessments are required, the IEP must be held within 30 days of parent's written request The IEP should be implemented immediately
Evaluation	Annual program review and revision (assessment at least every 3 years)	

HOW CAN I BE AN EFFECTIVE TEAM MEMBER?

You are expected to be a full partner with other members of the IEP team in planning and implementing your child's educational program. Here are five things you can do to make yourself a more effective team member.

■ KEEP GOOD RECORDS

You probably possess a wealth of information about your child that you have gotten from service agencies and professionals. You can be a more effective advocate for your child if you keep this information well-organized and close at hand. One good way to organize the material is in a loose-leaf binder with tabbed dividers using categories such as these:

- Developmental history
- Medical history
- Family health history
- Psychological and other therapy reports
- Educational history
- IEPs and progress reports
- Samples of the child's school work
- Records from the regional center
- Correspondence
- A log of phone calls and visits with schools and service agencies
- The goals that you would like to have in your child's IEP

You should take your child's notebook to the IEP meeting as well as to all meetings with service agencies and professionals.

■ TEAM UP WITH YOUR CHILD'S TEACHER

Your child's teacher is the person who will translate the IEP objectives into meaningful classroom activities. Make her your partner to assure that the best program is carried out for your child. Here are some tips for working with teachers:

- Regard your child's teacher as an equal partner in the educational process.
- Acknowledge the teacher's expertise in the classroom and show respect for her views, even when they differ from your own.
- Discuss your views with the teacher in a positive and constructive way.
- Set up a system for communicating regularly with the teacher. For example, you may use a notebook that is exchanged daily, or keep in touch using notes or phone calls.
- Keep the teacher informed about what is going on in your child's life at home.
- Ask the teacher for help if learning or behavior problems arise at home.

- Visit the classroom often to show your interest in your child's progress.
- Attend all scheduled teacher conferences and appointments.
- Become a school volunteer or attend PTA meetings, Community Advisory Committee meetings, and other school functions where you will have opportunity to comment on how the school operates.

■ LEARN ABOUT THE CLASSROOM SETTINGS WHERE YOUR CHILD MAY BE PLACED

It's a very good idea to visit a number of different classroom settings to help you decide which one would be best for your child. When observing the school and the classroom, think about the following:

Program Setting:

- How will my child get to school? Will he need to ride a school bus? If so, for how long?
- Will he be at school for the same length of time as children of the same age without disabilities?
- Is the physical plant (classroom, bathrooms, stairs, playground, etc.) accessible and adapted to his needs?
- Are there reasonable opportunities for him to interact with general education students outside of the classroom?

Classroom:

- Will my child be able to interact with general education students inside the classroom?
- Do the children receive instruction that is individualized to meet their unique needs?
- Are children given the chance to communicate their needs?
- Have activities been planned to teach children specific skills?
- Are children exposed to a variety of learning activities?

Teacher:

- Does the teacher appear comfortable with children with disabilities?
- Are there enough adults to teach and supervise the children?
- Does the teacher communicate regularly with parents?
- Does the teacher welcome parent involvement in the classroom?

Medical Needs:

- If your child has special medical needs (special medication, feeding tube, frequent seizures), is someone on the staff trained to meet these needs?

■ DEVELOP YOUR OWN GOALS FOR YOUR CHILD

Setting goals and systematically working toward them is a way of turning wishes into reality. If you know what you want for your child and can state clearly what that is, you're more likely to get it.

Goals are not difficult to write, and you don't need special training to develop them.

You can make a real contribution to the design of your child's educational program by taking some time to think about goals that you would like to see your child achieve. You should bring these goals to the IEP meeting and discuss them with the team.

Writing Goals

A goal describes knowledge, a skill, or behavior you would like to see your child master or do better. Most goals fall into one of five areas:

- Academic (reading, writing, spelling, math)
- Self-help (eating, dressing, shopping)
- Motor (riding a bike, climbing stairs)
- Social/emotional (sharing, making friends)
- Vocational/pre-vocational (being on time, completing a task)

Here are three steps to follow when preparing goals to bring to the IEP meeting.

Step 1: Make a list of things that you would like your child to be able to do. For each item on the list you should be able to answer yes to these four questions.

- Is it stated in a positive way (i.e., what your child *will* be able to do)?
- Does it describe knowledge, a skill, or behavior that your child will be able to demonstrate at the end of some time period (e.g., be able to communicate rather than receive speech therapy; read simple sentences rather than be taught to read)?
- Can it be achieved within a reasonable period of time?
- Is it clear how progress toward the goal will be measured?

Step 2: Look at all of the goals you have written and decide which one is the most important to you and to your child. Place a "1" beside this goal. Place a "2" beside the next most important goal and continue until you have numbered them all. You now have a prioritized list of goals for your child.

Step 3: Bring the list of goals to the IEP meeting. At the meeting, be prepared to:

- Explain why a goal you have developed is important and why you think your child should work on it.
- Adjust your goals to reflect additional information the team gives you about what is realistic or important for your child at this time.
- Accept goals for the IEP that school personnel think are important.
- Find out what you can do at home to help your child reach the goals included in the IEP.

These are some examples of goals:

GOAL TYPE	SAMPLE GOALS
Academic	read and understand traffic safety signs, read at a third grade level, make change for \$1.00, write a simple sentence
Motor	cut with scissors, throw a ball, walk unassisted
Self-help	eat with a knife and fork, go to the store on errands, use the stove safely, ride the bus, use the telephone, cross a street with traffic signals
Social-emotional	demonstrate good manners, play appropriately with peers, sleep without a light on, participate in group activities, take turns
Pre-vocational/vocational	be on time, learn to type, listen and follow instructions, complete a task, fill out a job application, work independently

Some goals seem to fit into more than one area. For example, learning to type could be counted as a vocational skill or as a motor skill. Knowing which area a goal should fit into is not really that important; the skill areas merely help you to think of the things you would like your child to do.

If the team members agree that some of your goals should be included on the IEP, they should be able to suggest objectives that will result in achievement of selected goals.

■ BE WELL PREPARED FOR THE IEP MEETING

It is very important that you go to the IEP meeting well prepared. The following is a list of things you should think about before you go to the meeting:

Materials you will need for the meeting:

- The notebook containing your child's records
- Your prioritized list of goals
- A list of your child's abilities and strengths
- A list of your child's needs
- Information about your child's skills at home

Things to be done before the meeting:

- Notify your child's regional center counselor about the meeting.
- Invite specialists who work with your child or know him well.
- Invite other people who can support or advocate for you.
- Give the school district names of the people you have invited.
- Sign a release of information to give the team access to medical reports or other documents that will be helpful in development of the IEP.
- Give the school a copy of any independent assessment you have had done for your child.

- ❑ Sign and return the written notice you received about the IEP meeting.
- ❑ Request copies of assessments done by the school district, or meet with appropriate specialist(s) to review and discuss the assessment results.

Questions to ask yourself before meeting with the IEP team:

- ❑ Have I followed through with suggestions made by the school staff that I agreed with?
- ❑ Have I observed my child's classroom, teacher, and services?
- ❑ Is the current education program helping my child?
- ❑ Do I know my rights and due process safeguards under *IDEA*?

Remember, if you want to request copies of school records to help you prepare for the IEP meeting, be sure to request them early enough so you'll have time to study them before the meeting. The law says that you should be given copies of school records within five calendar days of your request. Your request may be oral or written.

DUE PROCESS: WHAT IS IT?

The law says that the school district should notify you in writing whenever:

- they plan to assess your child or "change his eligibility for special education services, the evaluation, educational placement, or the provision of services";
- they refuse your request to "initiate or change the eligibility for special education services, the evaluation, educational placement, or the provision of services."

You may disagree with the school district or the IEP team about one or more of these issues. For example, you may believe that an additional service should be included in the IEP. You may believe that the school district should pay for a service your child is receiving because he needs it to benefit from his educational program. You may believe that your child's placement should be changed so he is able to spend more time with non-disabled students. Or, you may believe that his placement should not change because he is doing well.

If you disagree about something, you should attempt to work with the IEP team to come up with a solution that suits everyone. If the team cannot reach consensus, you may discuss the matter with the school district's Special Education Director, or you may contact a representative of the Special Education Local Planning Area (SELPA), the organization that oversees special education services for one or more school districts.

If none of these things works, you may request a due process hearing. Before you do this, however, you should talk to someone who is an expert in special education law. You may call your Harbor Regional Center counselor and ask her to refer you to the Client Rights Advocate assigned to serve HRC families.

THE DUE PROCESS HEARING

Due process is a series of steps intended to protect your right to disagree with educational decisions made for your child. It is also intended to ensure that you, your child, and the school are all treated fairly in attempts to settle the dispute.

A due process hearing may be requested by parents or by the school district to resolve a disagreement about a child's educational program. It is a formal fact-finding meeting chaired by an independent hearing officer hired by the Special Education Hearing Office (see below). The hearing officer listens to the arguments, considers the evidence, and makes a decision about the issues and what needs to be done to carry out the decision.

As a parent, you have the following rights with regard to a due process hearing:

- To have the hearing occur within a specific period of time after the written request is received
- To be represented by an attorney and to be informed about free or low-cost legal services available to you
- To voluntarily attend a mediation conference prior to the hearing, in an attempt to find a resolution to the disagreement
- To have the due process hearing held at a time and place reasonably convenient to you
- To have the hearing conducted by an impartial hearing officer
- To present evidence, question, cross-examine, and require the attendance of witnesses
- To prevent the introduction of evidence that has not been disclosed to you at least five days before the hearing
- To obtain a word-for-word record of the proceedings at the hearing
- To obtain a written report of the findings and decision of the hearing officer
- To appeal the final decision to the State Superintendent of Public Instruction
- To file a lawsuit in state or federal court if the issue is still not resolved to your satisfaction.

HOW TO REQUEST A DUE PROCESS HEARING

You should request a hearing in writing. Include in your request your child's name and address, your name and address, your telephone number, and the reason you are requesting the due process hearing. Send your request to the address below and send a copy to your school district:

Special Education Hearing Office
3200 Fifth Avenue, Sacramento, CA 95817-2705
Telephone: (916) 739-7053 Fax: (916) 739-7066
www.cde.ca.gov/spbranch/sed

- **Within three days** of the school district receiving your request, they will tell you about free or low-cost legal services available in the area.
- **Within 15 days** of the district receiving your request, you and the school district may attend a mediation hearing. Both sides have the option to use this process and both must agree on it for it to occur. A trained mediator will be sent by the state to sit down informally with you and the school district in an attempt to resolve the disagreement. The mediator has no power to force either side to do anything, but only tries to help you reach an agreement.
- **Within 30 days** of the school district receiving your request for a due process hearing, a formal hearing will take place.

The hearing usually takes place at the school district offices. The hearings are generally open, which means members of the public can attend. However, either you or the school district may request that the hearing be closed. Both sides may submit documents and select witnesses to support their position. Each party must give documents and witness lists to the other party at least five days before the hearing. These lists should also be submitted to the Special Education Hearing Office at least seven days before the hearing.

- **Within 45 days** of the school district receiving the request for a hearing, the hearing officer issues a written decision and mails it to you and the school.

A note about the timelines. Either party (the parent or the school district) may ask for an extension to the timelines listed above. Moreover, in most cases, extensions are requested and the process is not completed within the 45 day window.

AT THE HEARING

It's a good idea to prepare an outline or written plan for presenting your case. You will need to state clearly what issue or issues you want the hearing officer to make decisions on. Only issues relating to the IEP and provision of a free and appropriate public education may be raised at this kind of hearing.

You may want to have another person – called an advocate – represent you or plead your case. An advocate may be an attorney, but does not have to be.

At the hearing, you have the right to call as a witness any person who has information that is relevant to the disagreement. Evidence may be in the form of oral testimony or written documents.

If the issues are complicated, you should consider providing the hearing officer with a written statement setting forth the facts of the case, the issues to be decided, and your reasons for requesting a certain decision.

OTHER KINDS OF COMPLAINTS

You may file a *compliance complaint* if you believe the school district has violated a part of the special education law. Examples of breaking the law are: refusing to refer or assess a child for special education, not informing parents of an IEP meeting, failing to put in place a due process decision, and failure to implement the IEP. In other words, while a due process hearing involves a disagreement over what a child's program should include, a compliance complaint involves a failure by the school district to follow the rules or to do what has been agreed to in writing in the IEP, a mediation agreement, or a due process hearing decision. A compliance complaint is filed in writing with the Superintendent of Schools or Director of Special Education in your school district. The school district then has 60 days to complete its investigation.

Under most circumstances the parent may request that the State Department of Education rather than the local educational agency investigate the compliance complaint. In such a case the parent should send the complaint directly to the State Department of Education Complaint Management and Mediation Unit, with a copy to the school district.

Another type of complaint that can be filed is when parents believe their child is being discriminated against based on his disability. This would constitute a violation of Section 504 of the Federal Rehabilitation Act of 1973. Such a complaint is filed with the U.S. Department of Education Office for Civil Rights in San Francisco.

The Protection and Advocacy, Inc. Web site (www.pai-ca.org) contains extensive and detailed information related to the filing of all types of complaints against school districts.

To obtain more information about parental rights or dispute resolution, including how to file a complaint, contact the California Department of Education, Special Education Division, Procedural Safeguards Referral Service, by telephoning (800) 926-0648 or writing to:

California Department of Education
Special Education Division
Procedural Safeguards Referral Service
515 L Street, Suite 270
Sacramento, CA 95814
www.cde.ca.gov/spbranch/sed

Telephone numbers and Web site addresses may be subject to change.

Other places to go for help



The principal is the educational and policy leader of your child's school. Check with the principal on matters of school-wide operations or policy, to get information, to make a suggestion, or to resolve a problem.

Your school district's Director of Special Education or other professionals within the Special Education Department can answer questions concerning services available for students with exceptional needs. They will also be able to give you information about community resources and activities for your child.

Your Special Education Local Planning Area (SELPA) is either a single school district or a group of school districts that join together to provide for the special education needs of all children residing within their boundaries. For example, Los Angeles Unified School District is its own SELPA, as is the Long Beach Unified School District. In the South Bay area of Los Angeles, twelve school districts have joined together to form the Southwest SELPA. Each SELPA has an administrative unit, headed by a director, that is responsible for making sure every eligible child receives appropriate special education services. Your SELPA Director may advise you about services available for your child in your Local Planning Area.

Each SELPA has a Community Advisory Committee composed of parents of children with disabilities, members of the community, students, and special education professionals who advise the school board about special education programs. You may wish to look into opportunities for joining this committee in your area.

Harbor Regional Center's Resource Center has an extensive collection of books, videos, pamphlets, periodicals, and other literature about special education and many other topics of interest to people with disabilities and their families. The Resource Center also has directories of community resources and information on training and educational opportunities for families of children with special needs. Resource Center staff members are eager to help you begin your search. Also, check out the center's Web site (www.HarborRC.org) for links to other organizations and resources for people with disabilities.

ADVOCACY ORGANIZATIONS

The National Information Center for Children and Youth with Disabilities (NICHCY) is an information and referral clearinghouse. It provides information to parents, educators, caregivers, advocates, and others who want to help children and youth with disabilities become participating members of their community. A range of publications is available from this organization. Many are available in alternative formats, such as cassette tape and compact disc, and in languages other than English. Single copies of NICHCY materials are free.

Contact: NICHCY, Box 1492, Washington DC 20013; 1(800) 695-0285 or go to the Web site at www.nichcy.org

Protection and Advocacy, Inc. (PAI) – California is part of a national network of non-profit agencies created by the U.S. Congress to protect and advocate for the rights of persons with developmental disabilities. The agency is staffed with attorneys and paralegals who help families deal with legal issues related to the various entitlement programs in California, including education. The PAI Web site is an excellent place to look for information about special education law and parent rights. PAI also publishes a free newsletter.

Contact: Protection and Advocacy, Inc., 1(800) 776-5746 or www.pai-ca.org

Team of Advocates for Special Kids, Inc. (TASK) is a parent training and information center that provides assistance to parents of children with disabilities. Some services are provided at nominal fees. Training topics include the IEP, due process, advocacy, basic rights, and transition to school. The TASK Web site offers links to a large number of other sites dealing with parent training and information, advocacy, community resources, and assistive technology.

Contact: TASK, Inc., (714) 533-TASK or www.taskca.org

Advocates for Special Kids (ASK) is a non-profit organization dedicated to helping parents with issues related to special education. The goals of ASK are to ensure that parents are fully informed and empowered to advocate on behalf of their children and that educators are fully informed, well-trained, and empowered to take appropriate steps to address the needs of all children in their classrooms. The Web site includes a list of frequently asked questions for parents just getting started in special education, a large number of free resource documents, and links to other sites dealing with special education and disabilities.

Contact: ASK, (310) 480-9310 or www.advocatesforspecialkids.org

Telephone numbers and Web site addresses may be subject to change.



HARBOR DEVELOPMENTAL DISABILITIES FOUNDATION, INC.
21231 Hawthorne Boulevard, Torrance, CA 90503
(310) 540-1711 • www.harborrc.org

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