



RIVERSIDE COUNTY SPECIAL EDUCATION
LOCAL PLAN AREA



A Special Education Guide for Parents and Guardians



Riverside County SELPA
2935 Indian Avenue
Perris, Ca. 92571
(951) 490-0375
FAX (951) 490-0376

<http://www.rcselpa.org/Home/CAC>

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Acknowledgements

The Community Advisory Committee (CAC) and Riverside County Special Education Local Plan Area (SELPA) offers this handbook as a tool to assist parents in their endeavor to support their child(ren) to achieve their greatest educational potential.

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North Orange County SELPA (1997) and
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Welcome

Dear Parent/Guardian:

You, as a parent/guardian of a child with special needs, are very special! For *You*, the role of parenting has a much greater dimension than any ordinary child-rearing book imagined. *You* are the primary protector of your child's interests, the guardian of your child's rights, and your child's primary advocate.

You are an essential member of the educational team that designs the school program which best suits your child. Your firsthand, round-the-clock knowledge of your child is important information. As an active team participant, *You* must give the educational team a picture of your child's educational growth.

This handbook was written by parents/guardians and special education administrators to help *You* become an effective member of the educational team and to provide a continual reference for *You* throughout your child's years in school. We believe ... *You* and the educational team can create a successful program for your special child.

Special Education Local Plan Areas (SELPA's)

- are dedicated to the belief that all students can learn and that special needs students must be guaranteed equal opportunity to become contributing members of society.
- facilitate high quality educational programs and services for special needs students and training for parents and educators.
- collaborate with county agencies and school LEAs to develop and maintain healthy and enriching environments in which special needs students and families can live and succeed.

Each SELPA is mandated by state law to have a Community Advisory Committee (CAC). It is a group of parents/guardians of children enrolled in special education and individuals with a personal or professional interest in securing appropriate services for children with disabilities. The CAC membership represents the geographic, ethnic, and socioeconomic makeup of our community. The broad goal of the CAC is to involve interested parents, students, teachers, education specialists, and consultants in advising the County and LEA Boards of Education and their administrative and professional staff of the unique requirements of individual students with disabilities, and to assist the administration in furthering and improving the functioning of the SELPA. This is done by:

- Advising the policy and administrative entity of the LEA, the SELPA, or county office, regarding the development, amendment, and review of the Local Plan. The entity shall review and consider comments from the CAC.
- Recommending annual priorities to be addressed by the plan.
- Assisting in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the plan.
- Encouraging community involvement in the development and review of the Local Plan.
- Supporting activities on behalf of students with disabilities.
- Assisting in parent awareness of the importance of regular school attendance.

The members of the Riverside County SELPA CAC support your efforts in meeting the special needs of your child. We encourage *You* to ask questions and seek the information *You* need to make wise decisions about your child's future.

Sincerely,

Your CAC and SELPA Members



Riverside County SELPA Local Education Agency Members

| | |
|--|---|
| Alvord USD (951) 509-5045 | Murrieta Valley USD (951) 696-1600 Ext. 1020 |
| Banning USD (951) 922-0224 | Nuview Union SD (951) 928-1841 |
| Beaumont USD (951) 845-1631 Ext. 5379 | Palm Springs USD (760) 416-8402 |
| Coachella Valley USD (760) 848-1109 | Palo Verde USD (760) 922-4164 Ext. 1242 |
| Desert Center USD (760) 392-4227 | Perris Elementary SD (951) 940-4942 |
| Desert Sands USD (760) 771-8652 | Perris Union High SD (951) 943-6369 x 81300 |
| Empire Springs Charter School (951) 252-8881 | River Springs Charter School (951) 252-8881 |
| Harbor Springs Charter School (951) 252-8881 | Riverside County Office of Education (951) 826-6476 |
| Hemet USD (951) 765-5100 Ext. 4001 | Romoland Elementary SD (951) 926-9244 Ext. 1237 |
| Jurupa USD (951) 360-4144 | San Jacinto USD (951) 929-7700 Ext. 4249 |
| Lake Elsinore USD (951) 253-7130 | Santa Rosa Academy (951) 672-2400 |
| Menifee Union SD (951) 672-1851 Ext. 271 | Val Verde USD (951) 940-6104 |

What is a SELPA?

In 1977, all school LEAs and county school offices were mandated to form consortiums in geographical regions of sufficient size and scope to provide for all special education service needs of children residing within the boundaries. These regions became known as a SELPA (Special Education Local Plan Area). Each SELPA has a Local Plan describing how it provides special education services across and within its Local Educational Agency (LEA) members. LEA membership refers to school districts, LEA charter schools, and the County Office of Education. There are 129 SELPAs in California. The Riverside County SELPA is the largest multi-district SELPA in the state. SELPAs are responsible for assuring:

- All individuals with disabilities receive a free appropriate public education in the least restrictive environment.
- All general education resources are considered / utilized on a local or regional basis to meet the needs of students with disabilities.
- A system exists at the regional level for identification, assessment, and placement of students with disabilities.
- A viable system for public education is functioning in the community, with participation and interaction involving parents and other agencies.
- An annual compliance monitoring system is implemented and reviewed to assure identified non-compliant items are rectified.

Each SELPA is required to have an approved Local Plan for special education. The plan includes all the following:

- (1) Provision of a governance structure and any necessary administrative support to implement the plan.
- (2) Establishment of a system for determining the responsibility of participating agencies for the education of each individual with exceptional needs residing in the SELPA.
- (3) Designation of a responsible local agency to perform functions such as the receipt and distribution of funds, provision of administrative support, and coordination of the implementation of the plan. Any participating agency may perform any of these services required by the plan.

The Riverside County SELPA has 24 LEA members as previously listed. The LEAs provide direct services to students with disabilities while the SELPA has more administrative functions. Val Verde Unified School LEA serves as the administrative unit for the SELPA. The Local Plan defines the organizational structure of the Riverside County SELPA as follows:

Governing Board Responsibilities

Each participating LEA governing board accepts responsibility in the policy-making process as demonstrated by approval of the Local Plan for the Riverside County SELPA. The procedures for carrying out that responsibility are locally defined and fulfilled by regular communication with the respective superintendents and the administrators responsible for special education.

Superintendent Responsibilities - Governance Council

The Governance Council consists of each participating LEA superintendent, Charter School Chief Executive Official (CEO), and the Riverside County Superintendent of Schools (RCSS). When the term "Superintendent" is included therein, it refers to all such personnel. The superintendents serve as representatives of the LEA and their governing boards in overseeing the delivery and effectiveness of special education programs. The Governance Council

operates as a committee of the whole to approve policies and guidelines for the operation of the Master Plan for Special Education, to allocate resources and the annual budget plan, and to mediate problems arising from the implementation of the Master Plan and the administration of contracts. It is the intent of the Governance Council to minimize financial encroachments upon LEAs' general education funds. The Governance Council also serves as the Board for the Joint Powers Agreement (JPA).

Coordinating Council

The Coordinating Council consists of the special education administrator, or a designated person who has been empowered by the superintendent, from each participating LEA to act on behalf of the LEA in fiscal and educational matters related to special education. The Coordinating Council formulates potential decisions for program organization, structure, allocation, and policy issue recommendations to assure that all students with disabilities receive appropriate program and services.

SELPA Finance Committee

The purpose of the SELPA Finance Committee is to analyze all financial and related issues with the resulting recommendations transmitted to the Governance Council/JPA Board and Coordinating Council via their respective committees. The SELPA Finance Committee shall support the Governance Council/JPA Board to minimize financial encroachment upon the LEAs' general education funds.

Community Advisory Committee

The Community Advisory Committee (CAC) serves the SELPA in an advisory capacity, in accordance with EC §56190-56194 and legislation related thereto. Parents comprise a majority of the membership of the CAC; and of these members, the majority must be parents of children with disabilities. Members of local PTAs, special education teachers, general education classroom teachers, other school personnel, students with disabilities, representatives of related public and private agencies, and other persons concerned with the needs of children with disabilities may also be represented.

A collaborative working relationship between parents, students, school and agency personnel facilitates obtaining appropriate services for every student with a disability.

Major Laws Affecting Special Education

In 1974, the Education of All Handicapped Children (PL 94-142) provided the right for children with disabilities to receive an appropriate public education. The Individuals with Disabilities Educational Improvement Act (IDEIA, 2004) reaffirmed these rights. IDEIA continues to guarantee four basic rights to all children with disabilities. In order to guarantee these rights, the Law also includes two protections:

Rights under IDEA

- **Free Appropriate Public Education (FAPE)** – Children with disabilities (3-21 years) are entitled to a public education, appropriate to their needs, at no cost to their families.
- **Least Restrictive Environment (LRE)** – Children with disabilities must be educated with students who do not have disabilities as much as possible and as close to the home as possible with appropriate support and services.

- **Supplementary Aids and Services (Related Services)** – Children with disabilities must be provided the services they need in order to benefit from their educational program. Some examples are: physical therapy, occupational therapy, speech therapy, counseling, classroom aide, sign language interpreter, etc.
- **Assessment** – An assessment must be completed to determine the needs of the child in all areas related to his or her suspected disabilities. This may be done only with the parent's/guardian's informed consent.

Protections under IDEA

- **Due Process** – Due process rights ensure that no changes can be made in a child's program without prior notice to the parents/guardians or if the parents/guardians disagree. Further, due process provides a mechanism for the resolution of disagreements.
- **Individualized Education Program (IEP)** – The IEP must be prepared at least annually for each child with a disability. It is developed by a team comprised of one or both of the pupil's parents or a guardian, special education teacher or provider, a general education teacher, those people who assessed the child (if applicable), and a person who is knowledgeable about general curriculum and the availability of resources. Whenever appropriate, the pupil is encouraged to attend. Other persons who have knowledge or special expertise regarding the pupil may also attend at the discretion of the LEA or parent/guardian. If more than one general education teacher is providing instructional services to the pupil, one teacher may be designated to represent the others.

Part C of IDEA

Part C authorizes assistance to address the needs of infants and toddlers with disabilities and their families. These grants support coordination across agencies and disciplines to ensure that comprehensive, multidisciplinary, and family-focused early intervention services are available on a statewide basis. These services are designed for children below the age of 3 who meet the state's eligibility criteria. Part C promotes a coordinated system of early intervention services for children with disabilities and their families via:

- Individual Family Service Plans (IFSPs) for birth to three years old;
- The transition process at age 2.9 years; and
- Provisions for using Part C and Part B Funds (Section 619).

Section 504 of the Rehabilitation Act

Section 504 guarantees that people with disabilities may not be discriminated against because of their disability. While IDEA protects children in the area of education, Section 504 protects those with disabilities for life and encompasses the right to vote, accessibility, and employment, in addition to education.

Americans with Disabilities Act (ADA) of 1990

The ADA guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, state and local government services, and telecommunications.

Corresponding state laws regarding special education can be found in the California Education Code, Part 30, and California Code of Regulations, Title 5.

Assessment and IEP Timeline

| Referral | Assessment Plan | Informed Consent | Complete Assessment & Hold IEP Team Meeting | Development and or Implementation of IEP | IEP Review |
|---|-----------------|------------------|---|--|------------|
| Verbal or Written Referral from Parent, School Staff or Community | From LEA | From Parent | LEA responsible | By LEA | By LEA |
| | Within 15 Days | At Least 15 Days | Within 60 Days of Consent (not including days between regular school sessions or vacation in excess of 5 school days) | Immediately | Annually |

Education Code – California Code of Regulations – (CCR) Title 5

CCR 3021. Referral: All referrals for special education and related services shall initiate the assessment process and shall be documented. When a verbal referral is made, staff of the school LEA, SELPA, or county office shall offer assistance to the individual in making a request in writing, and shall assist the individual if the individual requests such assistance.



Special Education Process Timeline

| 15 Days | | 15 Days Minimum | | 60 Days | | | | ASAP | 1 YEAR |
|---|--|---|--|--|---|--|---|---|--|
| Referral➡ | Problem Solving Team➡ | Informed Consent➡ | Assessment Plan➡ | Receipt of Parent Guardian Consent ➡ | Multidisciplinary Assessment Begins➡ | IEP Team Meeting➡ | Development of IEP➡ | Implement IEP➡ | Annual Review of IEP ⬇ |
| By parents, Guardians, teachers, doctors, agencies, or others who are familiar with the child | <p>Respond to reason for referral ⬇</p> <p>Document response to pre-referral intervention ⬇</p> <p>Continue intervention; If appropriate, refer to multi-disciplinary team member for next steps ➡</p> | <p>Meet or Call Parent to explain:</p> <p>Notice of Parent Guardian Rights and Procedural Safeguards ⬇</p> <p>Prior Written Notice (PWN) & proposed assessment plan ➡</p> | <p>Describe reason for assessment ⬇</p> <p>Identify areas to be assessed ⬇</p> <p>Check type of tests or procedures to be used ⬇</p> <p>Obtain parent guardian permission to assess ➡</p> <p>Note who will conduct assessments</p> | <p>Assessment begins when parent guardian permission is received ➡</p> | <p>Assess in all areas of suspected disability, such as:</p> <ul style="list-style-type: none"> • Academic or Pre-Academic Achievement • Social, Emotional, and/or Adaptive Behavior • Psychomotor Development • Communication Development • Vision/Hearing • Intellectual Development • Vocational/Career Development • Other (e.g., audiological, health, independent evaluation, etc.) | <p>Provide Notice of Meeting ⬇</p> <p>Provide Notice of Parent Guardian Rights and Procedural Safeguards ⬇</p> <p>Discuss present levels of performance ⬇</p> <p>Determine eligibility for special education services ⬇</p> <p>Identify impact of disability on educational performance ⬇</p> <p>If eligible go to next column ➡</p> | <p>Develop goals and objectives ⬇</p> <p>Discuss special factors, including means of state testing ⬇</p> <p>Identify supplementary aides & services; Determine special education and/or related services ⬇</p> <p>Discuss location, % time in general education ⬇</p> <p>Make clear offer of FAPE ⬇</p> <p>Obtain parent guardian consent ➡</p> | <p>Provide PWN after IEP clarifying offer of FAPE ⬇</p> <p>Provide special education services per written IEP ➡</p> | <p>Send Notice of Meeting to convene prior to the due date at a mutually convenient time to review progress on prior goals and propose IEP ⬇</p> <p>Incorporate parent input into teacher(s) and/or specialist(s) reports ⬇</p> <p>Modify or add goals, objectives, special factors, etc. ⬇</p> <p>Offer FAPE in least restrictive environment ⬇</p> <p>Obtain parent guardian consent</p> <p>Provide copy</p> |

Special Education Eligibility

Children who exhibit learning problems and meet specific eligibility criteria may qualify for special education under one of the following areas:

**Autism
Deaf/Blindness
Deafness
Emotional Disturbance
Hearing Impairment
Intellectual Disability
Multiple Disabilities**



**Orthopedic Impairment
Other Health Impairment
Specific Learning Disability
Language or Speech Disorder
Traumatic Brain Injury
Visual Impairment, including
Blindness**

Eligible children may exhibit a variety of learning problems. For a complete description of the eligibility criteria, go to the Riverside County SELPA website – www.rcselpa.org – Policies and Procedures tab – look under Evaluations – “*Best Practices for Special Education Evaluations*”.

If a student does not meet the special education eligibility requirement, (i.e., the student’s disability did not significantly affect the student’s ability to learn) a student **may** qualify for services or accommodations under Section 504. Students who qualify under Section 504 are not required to have a written IEP document; however, there may be a written 504 Plan.

What is Section 504?

Congress passed Section 504 of the Rehabilitation Act in 1973. It is a civil rights statute designed to prevent discrimination against individuals with disabilities. It states that:

No otherwise qualified individual with handicaps in the United States, shall, solely by reason of his/her handicap, be excluded from the participation in, be denied benefits of, or be subjected to discrimination *under any program or activity receiving federal financial assistance.* . . .

Who is considered to be “otherwise qualified”?

- All students with disabilities who are entitled to attend school under state law
- Parents with a disability
- An employee with a disability who can, with or without reasonable accommodation, meet the essential requirements of a job
- Under the Americans with Disabilities Act (ADA), persons who are discriminated against because of their association with individuals with disabilities

Who is an “Individual with a Disability”?

A person who:

- Has a physical or mental impairment which substantially limits a major life activity;
- Has a record or history of having such an impairment; or
- Is regarded as having such impairment

What are considered “Major Life Activities”?

Major life activities include seeing, hearing, speaking, walking, breathing, learning, working, caring for oneself, and performing manual tasks.

What are some examples of disabling conditions?

Some conditions that entitle a student for a 504 Plan may include: intellectual disability, learning disabilities, emotional disturbance, AIDS, cancer, alcohol addiction, attention deficit disorder, diabetes, asthma, physical disabilities, behavior disorders, etc., so long as they substantially limit a major life activity.

Samples of services and accommodations which are considered reasonable under Section 504:

- Adaptations in regular education programs
- Repeating and simplifying instructions for in-class and homework assignments
- Supplementing verbal instructions with visual instructions
- Using behavioral management techniques
- Adjusting class schedules
- Modifying test delivery
- Using computer aided instruction or other audio-visual equipment/technology
- Selecting modified textbooks or workbooks
- Use of NCR paper or photocopying for note taking
- Regular administration of medication or non-certified nursing procedures
- Arrangements for consultation and special resources such as reducing class size and use of one-on-one tutorials

What are the Procedural Safeguards of Section 504?

Parents of students who have a disability must be provided with **NOTICE** of their rights prior to conducting an evaluation, making identification, or making a significant change in the student's placement. Parents and employees have a right to file a grievance with the LEA. Every LEA must have a Section 504 Compliance Officer. Parents are also entitled to file a request for a due process hearing.

Individual Family Service Plan (IFSP)



Infant/Early Start Services

(For detailed information on IFSP, please refer to *Policy and Procedures for Students with Disabilities Birth to Three*, posted at www.rcselpa.org/policiesandprocedures.)

Who qualifies for an IFSP?

An IFSP is written for infants/toddlers, (between the ages of birth and thirty-six months) who have disabilities and their families. The child is assessed and if he or she meets eligibility criteria, an IFSP is developed.

What is an IFSP?

An IFSP is a written plan for providing early intervention services to infants and toddlers. The IFSP is a family focused plan, which documents the following:

- Child's eligibility
- Parent concerns and priorities
- Health history
- Present levels of functioning
- Goals and outcomes appropriate to the needs of the child and the family
- Services to be provided
- Any other relevant information which is required to meet the needs of the child and his/her family

What is a transition IFSP and timeline for developing an IEP?

A transition IFSP is held during the period when the child's age is two years six months to two years nine months. The purpose is to develop a plan for initiating the referral to the child's district of residence.

Prior to the child's third birthday, the IFSP team must meet to discuss eligibility. If the child is eligible for special education services under Part B of the Individual with Disabilities Educational Act (IDEA), then an Individualized Education Plan (IEP) is written for the child at this meeting.

Who participates in the development of the IFSP during transition?

The IFSP Service Coordinator will contact the parent and the LEA to coordinate the meeting within thirty days following notifications that transition planning will occur. The following participants are typically invited for the transition IFSP: Parents, Early Start Service Coordinator, Service providers (as needed), and LEA representative. Other family members, advocates, persons familiar with the child may be invited by the parent.

What must the IFSP contain to facilitate transition?

For those students who may be eligible for special education preschool services from the LEA under Part B of IDEA, the team must consider and include the following points:

- The information necessary for transition to the LEA, including evaluation and assessment information to determine eligibility for regional center and special education.
- The regional center or LEA responsible for assessment and their timelines.
- The people responsible for convening the initial IEP and final IFSP meeting and the Regional Center person responsible for developing an Individual Performance Plan (IPP) if necessary for the toddler by age 3.
- Review of progress toward outcomes.
- Discussion about options and the transition plan.
- A statement of the steps outlined to ensure that the referral to the LEA is received in time to process, assessments are completed, an IEP is implemented by the child's third birthday, and a referral for evaluation will be made no later than the time the toddler is two years nine months of age or before the LEA break in school services.



The Individualized Education Program (IEP) Team Process

What is an IEP?

The IEP is a written plan for the child who qualifies for special education services.

What is an IEP Team Approach?

The IEP team approach is the collaborative effort between *You*, your child's teacher(s), and significant others. The IEP team develops the IEP at a meeting that must be held at a mutually convenient time and place for all participants. The teacher(s) and other individuals who work with your child are responsible for designing learning tasks and activities which correspond with the goals and objectives written in the IEP. They must also keep a record of your child's progress.

Who is on the IEP Team?

The IEP team that develops the IEP must include:

- *You*, the parent/guardian
- An administrator or designee who is knowledgeable about general curriculum and about availability of LEA resources
- Your child's special education teacher(s)
- At least one general education teacher if your child is or might be participating in a general education environment
- Your child (if appropriate)
 - ✓ Beginning at age 16, younger if agreed; your child needs to be in attendance at the IEP meeting
 - ✓ Beginning at age 17, your child must be given information regarding transfer of parental rights and procedural safeguards when he/she turns 18 years old
- A person who had conducted the assessment of your child or someone who understands the assessment procedures used with your child and who is familiar with the results
- Other support persons, as decided by the school and/or yourself

Steps the IEP Team Follows in Developing the IEP

- The IEP team reviews the findings of the assessment and establishes your child's eligibility for special education services. Feel free to ask questions if you do not understand the test results.

- Your primary concerns, the child’s strengths, his/her present levels of performance, and the areas of need for extra special education support are documented.
- Annual Goals are written for each area where the team has identified a need.
 - Goals describe how the team wants a student’s competence to change after instruction, usually over the period of a year.
- Short term objectives may be written for students participating in an alternate functional skills curriculum.
 - Objectives are incremental steps to be taken to reach the goals. They are specific, meaningful, observable, and measurable. Objectives are based on a particular activity and easy to understand. The objective identifies who will measure the results and how they will do it.
- The team will ask if you agree with the goals and objectives that have been generated.
- The team will review classroom and testing accommodations and/or modifications.
- For students turning age 16, the team will obtain assessment information to lead to the creation of a Transition Plan. This is to help map out strategies for the student to successfully transition from school to work and/or continuing education.
- For high school, the team will review graduation requirements for diploma vs. certificate of completion. A summary of performance (SOP) will be completed upon completion of educational program with diploma or age out.
- Special factors such as impact of a low incidence disability, behavioral challenges, English learner needs, and statewide assessment are discussed and documented.
- All possible program options are explored, and the least restrictive placement option that will allow your child to benefit from the agreed upon goals and objectives is chosen.
- Appropriate supplemental aides and services, modifications and supports, special education and/or related services are identified, with specific frequency and duration.
- After the team has made an offer for a Free Appropriate Public Education (FAPE), the parents need to give written consent for the IEP to be implemented.
- Parents are provided with a copy of the IEP, preferably at end of the IEP meeting. You can request that a copy also be provided to you in your primary language.
- You may take the IEP forms home to review before you sign, but services cannot start without your signed permission on the IEP form. You or any other member of the team may suggest that the IEP meeting be completed at another time.
- If, after at least three attempts by the LEA to engage your participation, you choose not to attend the meeting, the other members of the IEP team will meet on the scheduled day and develop the program in order to meet compliance timelines. A copy of the completed IEP will be sent to you for your review and written consent.

What Must the IEP Contain?

The form used to record the IEP is designed by the SELPA and it must always contain the following specific items:

- Parent consent and the signature of all IEP team members.
- Your child’s present levels of educational performance.
- Annual goals and short-range instructional objectives, if appropriate.
- Method by which progress on goals will be evaluated and reported to parents/guardians.
- Persons responsible for implementation of the IEP goals.
- Determination of need for special factors:
 - assistive technology devices or services;

- low incidence services, equipment and/or materials (for blind, visually impaired, deaf, hard of hearing, or orthopedically impaired);
- regular or specially designed physical education;
- none, regular education, or special transportation;
- English language learner needs related to the IEP; and/or,
- need for positive behavioral supports and interventions.
- Description of the accommodations and modifications to be used in the general education or special education classroom.
- Special education instruction, related services and supplementary aids and services, and program modifications or supports. Frequency and duration must be noted.
- Extent to which your child will participate in regular education programs. If your child changes program or placement, the IEP must include provisions to help your child make a successful transition. Also included should be an explanation of the extent of which your child will NOT participate in regular education classes and any harmful effects of this decision.
- Description of supports/modifications to school personnel, if needed.
- Reason for the type of educational placement/services.
- Projected initiation date and projected duration of IEP.
- Description of state approved accommodations and modifications to be utilized by child when taking LEA and state assessments. The accommodations and modifications listed must also be used for classroom use.
- For students with disabilities grades 7 and above, projected date of graduation with recommendation for diploma vs. certificate of completion which includes the number of credits required and earned. Additionally, CAHSEE scores are included.
- Determination of need for extended school year services and data to support decision.
- Pre-vocational/vocational and career development, as appropriate. For students 16 and older, the IEP must include transition goals and services which promote movement from school to post school activities based on interview of student/collaboration of team.
- Change in location transition plans (*i.e., preschool to elementary school; public school to adult service provider*).
- Information about the transfer of educational rights prior to age 18.

Special Education Service Options

Special education services means that unique combination of facilities, personnel, location, or equipment necessary to provide instructional services to students with disabilities as specified in the IEP document. Check the primary service as determined by the IEP team.

- **General Education Class** – The student does not qualify for special education programs and/or services. His/her needs can be met in the general classroom with (or without) modifications.
- **General Education Class with Supplemental Services and Aids** – The student qualifies for special education services and placement will be in the general education classroom with support services (e.g., consultation, accommodations).
- **General Education Class with Related Services** – The student qualifies for itinerant special education services. Services will be provided in the general education classroom.
- **General Education Class with Consult and/or Collaboration from the Special Education Staff** – The student receives all special education services in the general education classroom from both the general education and



special education staff planning and working together on the service delivery and accommodations.

- **General Education Class with Specialized Academic Instruction** – The student obtains direct support from special education personnel within the general education classroom.
- **General Education Class with Specialized Academic Instruction (pull-out model)** - The student works with the special education staff in another portion of the general education classroom or separate classroom up to 49% of the school day.
- **Separate Classroom with Specialized Academic Instruction for Majority of the Day (Mild/Moderate)** – The student works with special education staff in a separate classroom for 50% or more of the school day.
- **Separate Classroom with Specialized Academic Instruction for Majority of the Day Utilizing Alternate Curriculum Standards (Moderate/Severe)** – The student works with the special education staff in a separate classroom utilizing alternate curriculum and standards for the majority of the day.
- **State Special School Referral** – The IEP team may recommend placement in a state special school only upon finding that no appropriate placement is available in the SELPA. Referrals for further assessment to the California School for the Deaf and/or Blind or the Diagnostic Centers shall not constitute placement in a state special school.
- **Nonpublic School (NPS)** – A school under contract with the SELPA to provide a continuum of program services. Qualified students may be served in a NPS setting if neither the LEA nor county office has an appropriate program. As a NPS placement entails additional expenses to the local education agency, each NPS placement must be approved by the local school board.
- **Alternative Education** – These programs include community school, juvenile court schools, independent study, home instruction, and hospital setting.
- **Home/Hospital Instruction** – Refers to special education services provided to eligible students in a home teaching program or a hospital setting. When recommending placement for home instruction, the IEP team shall have in the assessment information a medical report from the attending physician or a report of the psychologist stating the diagnosed condition and certifying that the severity of the condition prevents the student from attending a less restrictive setting. The IEP team shall review and revise the IEP whenever there is a significant change in the student's current medical condition.
- **Instruction in Non-Classroom Setting** – A special education program option for older (18-22) students with severe disabilities continuing their public school education in a non-classroom setting.

Decision Based on FAPE in the LRE for the Individual Child

Special Education Service Options

Least Restrictive

General Education Class

General Education Class with Supplemental Services and Aids

General Education Class with Related Services

General Education Class with Consult and/or Collaboration from the Special Education Staff

General Education Class with Specialized Academic Instruction
(in-class support model)

General Education Class with Specialized Academic Instruction
(pull-out model)

Separate Classroom with Specialized Academic Instruction for most of the
Instruction (Mild/Moderate)

Separate Classroom with Specialized Academic Instruction
(Moderate/Severe)

State Special School Referral

Non-Public School

Alternative Education

Home/Hospital

Instruction In Non-Classroom Setting

Most Restrictive



Transition Services Planning: Preparing for Adulthood

Transition Services Planning is a required part of the IEP that is put in place prior to the student turning 16 years of age, or sooner if necessary. If the student will turn 16 during the year ahead, this may be included in the annual IEP. Transition planning is a long-range plan to support the student's movement into the adult world.

Transition planning must include the following:

- ✓ Student participation and input
- ✓ Family involvement
- ✓ Transition plan based on current transition assessment
- ✓ Measureable post-secondary goals in the areas of education or training, employment, independent living, and community experiences
- ✓ Appropriate annual goals that are developed based on the transition assessment and reviewed annually, to support the long range planning that addresses identified areas of need
- ✓ Transition activities that address areas of need based on transition assessment and post-secondary goals
- ✓ Review of high school course of study to ensure alignment of appropriate instruction to support student's post-secondary goals
- ✓ Appropriate transition services and other related services, as appropriate, to support transition activities that enable the student to meet transition goals
- ✓ Identify the person/agency responsible to assist with meeting their transition goals
- ✓ Notification to the family that educational rights transfer to the student at age 18

Grade 9 Level Activities for Parents to Support Transition

- Encourage as much independence as possible!
- Discuss interests by asking, "What do you like to do?"
- Discuss career plans, options, and goals with your child.
- Develop a systematic, four-to-six-year plan of study.
- Review with your child the necessary requirements for high school graduation.
- Become aware of the career training opportunities in school and in the community.
- Understand education and training requirements in career areas of interest.
- Help your child become familiar with student organizations or clubs in school or in the community and encourage their participation.
- Stress the importance of staying in school and earning a diploma.
- Understand the difference between high school and the postsecondary world; explore the supports available at college or work.

Grade 10 Level Activities for Parents to Support Transition

- Encourage as much independence as possible!
- Review your son or daughter's academic performance and progress toward the four-to-six-year plan of study.
- Check on financial aid and scholarship opportunities.

- Encourage your son or daughter to attend career fairs or attend them with your son or daughter.
- Encourage your son or daughter to talk with people who work in positions related to careers of interest to him or her.
- Assist your son or daughter in exploring degree or vocational programs available at your local community college.
- Continue to stress the importance of staying in school, earning a diploma, and pursuing post-school options.
- Review the eleventh and twelfth grade plan of study with your son or daughter and include in it as many general education classes as appropriate.

Grade 11 Level Activities for Parents to Support Transition

- Encourage as much independence as possible!
- Help your son or daughter check on college entrance exam dates and registration procedures.
- Review your son or daughter's academic performance and progress toward the four-to-six-year plan of study.
- Assist your son or daughter in identifying entrance requirements of various postsecondary career training options in the community.
- Review graduation requirements and your child's progress toward earning a diploma.
- Assist your son or daughter in checking on financial aid and scholarships.
- Review the twelfth grade plan of study for your son or daughter and include in it as many general education classes as appropriate.
- Help him or her learn about the salary and benefits in his or her career area of interest.
- Assist him or her in identifying education/training requirements for his or her area of interest.
- Encourage volunteer or service learning experiences.
- Encourage work experiences.

Grade 12 Level Activities for Parents to Support Transition

By the twelfth grade your son or daughter should do as much as possible by himself or herself. Your son or daughter should:

- Check due dates for financial aid and scholarships.
- Recheck graduation requirements and your child's progress toward graduation.
- Complete and check applications to postsecondary education or career training options.
- Learn about available support services in college or career training options (e.g., Disabled Student Services).
- Learn about costs associated with post-school training and/or living arrangements.
- Learn about their disability-related needs that may impact postsecondary success, and develop a plan to address those needs.



Transition Checklist for Parents and Students

Parents can support their son or daughter through the transition activities listed in the checklist below. This list offers a variety of activities for a student to consider when preparing his or her individual transition plan section of the IEP. The student's skills and interests will determine which items on the checklist are relevant. The list can also help identify who should be part of the IEP team. Responsibility for who carries out which specific activities should be determined at the IEP meetings.

Four to five years before leaving the school district:

- Identify personal learning styles and the accommodations necessary to becoming a successful learner and worker.

- Identify career interests and skills, complete interest and career inventories, and identify additional education or training requirements.
- Explore options for postsecondary education and admission criteria.
- Identify interests and options for future living arrangements, including supports.
- Learn to communicate your interests, preferences, and needs effectively.
- Be able to explain your disability and the accommodations you need.
- Learn and practice informed decision-making skills.
- Investigate assistive technology tools that can increase your community involvement and employment opportunities.
- Broaden your experiences with community activities and expand your friendships.
- Pursue and use local transportation options outside of the family.
- Investigate money management and identify necessary skills.
- Acquire an identification card and practice your skills in communicating personal information.
- Identify and begin learning skills necessary for independent living.
- Learn and practice personal health care.

Two to three years before leaving the school district:

- Identify community support services and programs (vocational rehabilitation, county services, centers for independent living, etc.) and invite them to the IEP team meeting.
- Match career interests and skills with vocational course work and community work experiences.
- Gather more information on postsecondary programs and the support services offered.
- Make arrangements for accommodations to take college entrance exams, if appropriate.
- Identify health care providers and become informed about sexuality and family planning issues.
- Determine the need for financial support (Supplemental Security Income, State Financial Supplemental Programs, Medicare, etc.).
- Learn and practice appropriate interpersonal communication and social skills for different settings (employment, school, recreation, etc.).
- Explore legal status with regard to decision making prior to age of majority.
- Begin a résumé and update it as needed.
- Practice independent living skills (budgeting, shopping, cooking, housekeeping, etc.).
- Pursue and use local transportation options outside of the family.
- Learn about money management and identify necessary skills.
- Identify needed personal assistant services; and, if appropriate, learn to direct and manage these services.
- Learn and understand the laws that impact postsecondary opportunities, and develop and practice self-advocacy skills.
- Participate in work experience.

One year before leaving the school district:

- Apply for financial support programs (Supplemental Security Income, independent living services, vocational rehabilitation, and personal assistant services).
- Identify the postsecondary school you plan to attend and arrange for accommodations.
- Practice effective communication by developing interview skills, asking for help, and identifying necessary accommodations at postsecondary educational and work environments.
- Specify desired jobs and obtain paid employment with supports, as needed.

- Take responsibility for arriving on time to work, appointments, and social activities.
- Register to vote and, if male, register for the selective service.
- Parents and teachers: Inform students of their rights one year before they reach the age of majority (18).

Summary of Performance

The Summary of Performance (SOP) form is a summary of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting post secondary goals. It is developed for each student whose eligibility for special education is terminated due to graduation with a regular diploma or reaching maximum age of eligibility. It is accompanied by a Prior Written Notice form as the student will be exiting from Special Education services.

How to Prepare for an IEP Meeting

Below is a simple checklist to help you through the IEP team meeting process:

- Be sure to respond to the IEP notification sent to you! You are invited and encouraged to attend as a member of the team to develop, review, and/or revise your child's IEP. You may reschedule the meeting or ask to attend via phone conference. If you need to reschedule, notify the school as soon as possible. Have a couple of alternative dates ready when you call.
- Be clear on the purpose of the IEP meeting (example – initial, annual, triennial, or addendum). This will help you prepare for the meeting.
- Sit down with your child and others involved in his/her education, brainstorm strengths, needs, and challenge areas. List some of the areas you would like to share with the IEP team.
- Write down your questions and concerns. This will help the IEP meeting move smoothly as well as address your concerns.
- Review copies of your child's previous IEP prior to your meeting. If you cannot find it, you may make a written request for a copy from the school LEA. (Remember, it may take up to 5 business days to get a copy).
- If you have specific areas or goals in mind, contact the case carrier to discuss your ideas so they may be included.
- If the meeting plans to address a change in program or transition to a new school, you may want to find out more information prior to the IEP. If you would like to visit that program, contact your child's special education teacher for help to set up a visitation date and time.
- If you wish to tape record the IEP team meeting, notify the IEP team at least 24 hours before the meeting. You may indicate this on the IEP conference notice if returned within the timeline above and/or via fax or email.

Your Role During The IEP Meeting:

- Be introduced to everyone at the meeting and if their title is not determined, ask them in what capacity they serve your child
- Actively listen
- Share your child's needs, strengths, what motivates him/her
- Give input and feedback
- Ask questions, especially if the team is referring to terms with which you are not familiar
- Take notes
- Be an equal partner in the decision making process

Tips on Communicating in an IEP Meeting:

- Have a positive attitude
- Give and expect treatment with respect; everyone on the team has feelings

- Keep your child as the focus of the IEP process
- Involve your child whenever possible
- Have goals in mind and let the team know what they are, in advance if possible
- Remember that the team is there to make your child successful
- Remember, you share a common goal
- Keep the lines of communication open
- Be fair and be willing to compromise

Implementation of the IEP:

- If you consent with the IEP as written, it will be fully implemented.
- If you do not agree with all the parts of the IEP, you may sign consent only for those portions of the program with which you agree.
 - Those portions you agreed upon will be implemented without delay.
 - It is important to continue to work with the IEP team to reach full agreement.
- If you consent with the IEP and later decide you disagree with any part of it, you may request, in writing, an IEP meeting to discuss this concern.
- If you consent with the IEP and later decide you disagree, you may revoke consent, in writing.
 - This action is not retroactive.
 - The student will exit from special education.
 - If, in the future, you seek re-enrollment in special education, the request will be treated as an initial assessment.



After the IEP Meeting:

- Review the results of the meeting with your child, if appropriate.
- Maintain communication with your child's teacher.
- Check that new services or resources were put in place.
- Verify the related service providers have seen the current IEP (if appropriate).
- Visit your child's program on a regular basis.
- Periodically check the IEP against school work for consistency.
- Monitor homework.
- Evaluate progress:
 - ◆ Are you receiving periodic reports from school on progress or problems?
 - ◆ How is your child progressing?
 - ◆ Do you think the program is working?
 - ◆ Are there some changes you would like to make? If so, can they be done informally, or do you think they require a more formal agreement or new IEP?
 - ◆ How does your child feel he/she is doing?
 - ◆ Is your child happy at school?

Keep Accurate Records

As the parent/guardian of a child with a disability, *You* have gathered a tremendous amount of information about your child from various professionals and service agencies. Each time *You* seek services for your child, *You* will be asked to supply this information.

As the primary decision maker, observer, and advocate for your child, it is to your benefit to keep accurate, up-to-date records.

Here's an effective way to keep your information organized. Keep records in a loose-leaf binder with a picture of your child on the cover and tabbed dividers within. Suggested sections for your notebook are:



- Background Information
- Developmental History
- Medical History and Medical Records
- Family Health History
- Educational History
- Educational, Psychological, and Therapy Reports
- IEP including Long-Term Goals
- With or Without Short-Term Objectives
- Samples of Past and Present Work
- Records from Outside Agencies (e.g., Regional Center, etc.)
- Correspondence – Letters You have Written and Received
- A Record of Your Contacts with School Agencies (such as personal visits, phone calls, etc.)
- School Report Cards and IEP Progress Reports

You may want to take your notebook with you when you go to your child's IEP meeting, or when You visit a new agency or service provider.

*** So Remember ... Keep Your Notebook Up-To-Date! ***

Remember, even a well developed program requires your involvement.



Working with the School Program

If, as a result of the IEP team meeting, it has been recommended that your child receive services in a special program, you are encouraged to visit the school and/or classroom prior to signing consent to the IEP or IEP implementation. LEA personnel will assist you in arranging a site visit.

Please keep in mind that the schools care about your child and try very hard to provide a high quality, effective program. Your cooperation, understanding, and support are important.

At times, both the school staff and parents/guardians need to recognize constraints such as geography, limited resources, time restrictions, etc., but given reasonableness by all, **together**, we can provide what each child needs!

Resolving Differences

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

Re-evaluation

If you think that your child's educational program is inappropriate due to outdated information in his/her records, you can request a re-evaluation before its scheduled time. Best practice does not support a re-evaluation in the same areas within 12 months of a previous assessment. It may be appropriate to reassess if additional areas of suspected disability arise which impact educational success.

Independent Educational Evaluation

The parent/guardian has the right to obtain an Independent Educational Evaluation (IEE) at public expense when the parent disagrees with the assessment conducted by the LEA. However, the LEA may initiate a due process hearing to show that its evaluation is appropriate. If the LEA initiates a hearing and the final decision is that the LEA's assessment is appropriate, the parent has the right to an IEE, but not at public expense.

The LEA is not responsible for providing or reimbursing an IEE when parents merely feel the need for additional information about their child, which is not based on a disagreement with LEA assessment results or IEP team findings. Further, when the parent disagrees with an assessment previously conducted by the LEA and obtains multiple IEE reports in the same assessment areas, the LEA will not reimburse the cost of more than one IEE in any one area assessed.

IEP Review

If you think your child's IEP is no longer appropriate, at any time you can request in writing that another IEP meeting be held. The LEA has thirty days in which to schedule an IEP meeting.

Information Meeting/Conference

If you have a concern with the school, make an appointment with the person most closely connected with the area of concern. For example, if you are concerned about a situation in a classroom, meet with the teacher and if appropriate, the school principal. The following Hierarchy to follow when resolving conflicts provides more examples.

Uniform Complaint Procedure

If you suspect a school is in non-compliance with state laws or regulations, and the matter cannot be resolved informally, you can file a complaint in writing with the LEA's superintendent using the LEA's uniform complaint procedures.

Don't Jump!

Follow Steps to Resolve
Issues at the Lowest
Possible Level!



Hierarchy to Follow when Resolving Conflicts

~ SITE LEVEL ~

Teacher

(Educational and Classroom issues)

School Psychologist

(Assessment, Behavior, and or Program/Placement Issues)

Site Administrator

(School Safety and Personnel Issues)

~ District Level ~

Program Specialist/Coordinator

(Program Concerns)

Special Education Director

(Educational, Program or Placement Issues)

Assistant Superintendent of Educational Services or Student Support

(Site, Personnel, or Educational Issues)

LEA Superintendent

(Site, Personnel, Educational Issues)

~ SELPA LEVEL ~

Intake Coordinator

(Alternative Dispute Resolution (ADR) Strategies)

(see next page)

SELPA Assistant Director

(Compliance Issues)

SELPA Executive Director

(Local Plan Implementation, Systems Issues)

~ STATE LEVEL ~

California Department of Education/Special Education Division

(Issues Dealing with Compliance, Implementation of IEP,

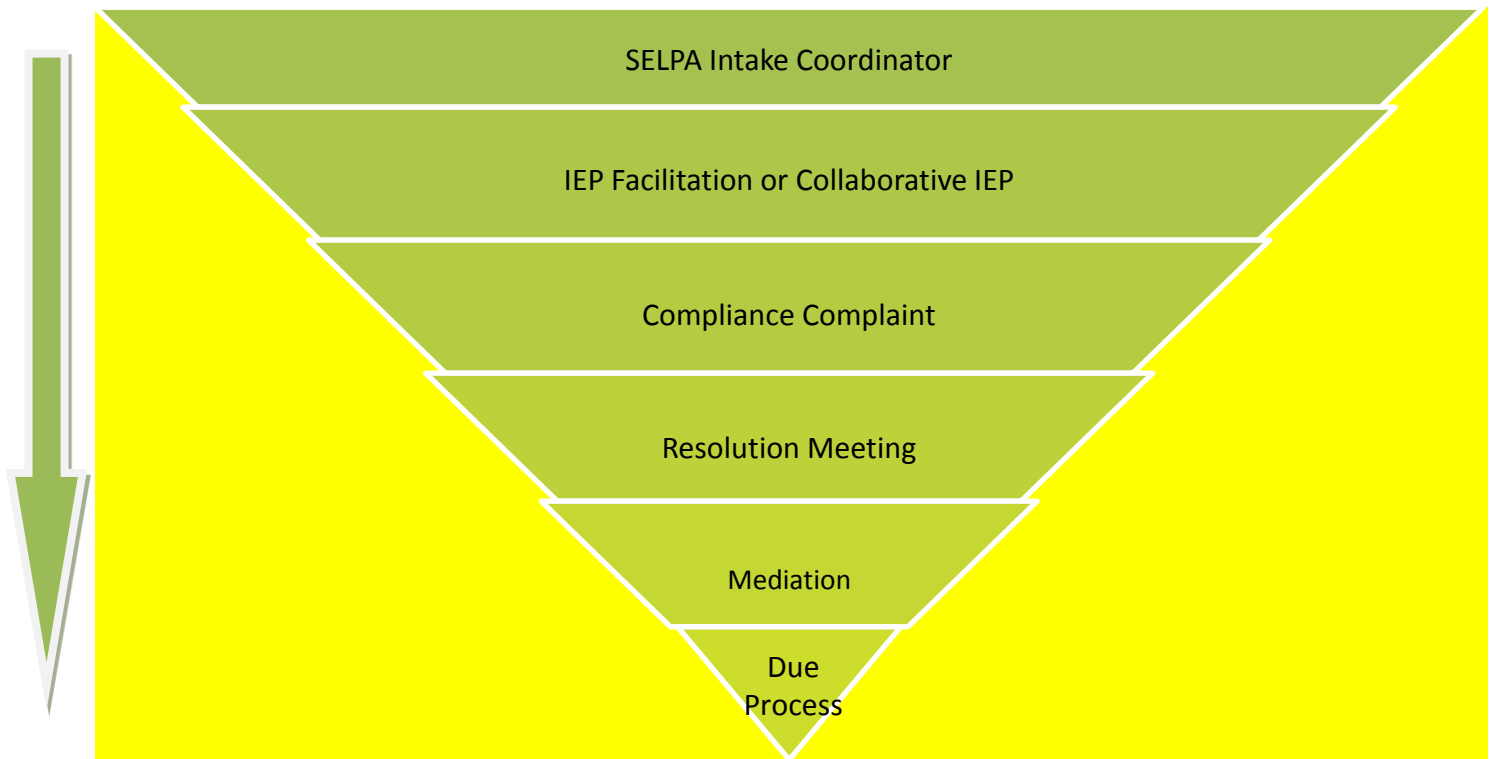
Federal and State Education Code)

Office of Administrative Hearings

(Disputes over assessment, Identification, Educational Placement or Offer of FAPE)

Alternative Dispute Resolution (ADR) Continuum

ADR offers parties the opportunity to resolve disputes collaboratively and avoid time-consuming and costly litigation. All components of the ADR process are confidential. Confidentiality means the restriction of access to verbal and written communications, including clinical, medical and educational records, to appropriate parties.



Frequently Asked Questions

For additional information, please see, "Frequently Asked Questions: Special Education Due Process Hearings and Mediation" taken from the Office of Administrative Hearings: <http://www.documents.dgs.ca.gov/oah/SE/Forms/OAH%2070,%20rev.%2007-08.pdf>
(This document follows on page 27)

Least Intensive

SELPA Intakes:

ADR Intakes are strongly encouraged by SELPA and the California Department of Education (CDE). ADR intakes can come in the form of a phone call, written letter, written notice from Procedural Safeguards Referral Services with CDE, or a potential due process. The SELPA Intake Coordinator is trained to match strategies to the disputes and is available to both parents and LEA staff to assist with the ADR process. During the intake, all concerns are heard and help is provided to both parties in identifying problems and conflicts. Dispute resolution options are discussed and follow up is provided to check on the outcome of the option chosen. The ADR collaborative process allows for both parties to build relationships and is the first step in a positive resolution for both the parent and the local education agency (LEA) so that matters do not escalate into a potential complaint or due process.

IEP Facilitation or Collaborative IEPs (ADR Meeting):

This process provides a choice of additional elements to facilitate or guide the IEP team meeting, including pre-meeting preparation through follow-up tasks. As part of the process, there may be a neutral facilitator who clarifies the agenda and meeting outcomes, enforces working agreements, keeps the group focused on the IEP process, encourages problem solving, monitors time and encourages participation by all team members. Additionally, there is a recorder who records key ideas and information, asks for clarification and makes corrections while maintaining a neutral perspective. The outcome of the facilitated or collaborative IEP is a signed IEP which has been developed collaboratively and with agreement between the LEA and parents.

Compliance Complaint:

A compliance complaint may be filed by a parent when they allege that the LEA has violated education code. The CDE must resolve the complaint within 60 days. It will review all relevant information and make an independent determination about the alleged education code violations. An on-site investigation may be conducted if necessary and a written decision will be provided to the complainant addressing each allegation. Thirty days after the timeline for corrective action, the CDE's Focused Monitoring and Technical Assistance Unit contacts the complainant to confirm that the complaint has been resolved. CDE "Compliance Complaint" Form: <http://www.cde.ca.gov/sp/se/ga/documents/cmplntinvsrqst.doc>

Resolution Meeting:

The resolution meeting is a requirement of IDEA 2004 within 15 days of LEA receipt of a filing for due process. Attorneys are not intended to be involved. This meeting-provides the opportunity for discussion and clarification of issues, with both the school and parent, including a neutral facilitator trained to help the parties come to resolution. The team collaboratively determines solutions to the issues and creates a written agreement which in turn maintains a positive rapport between both parties.

Mediation:

Mediation is a way of settling a disagreement through facilitated discussion. At mediation the parties have the help of a trained mediator, who is unbiased and independent. The mediator helps the parties work together to try to find a solution that will satisfy those involved. The parties decide whether or not the dispute is settled. If the parties try mediation but can't reach an agreement, they still have the right to continue to a due process hearing.

Due Process:

Both parents and the LEA have the right to request an impartial due process hearing regarding the identification, evaluation, educational placement or the provision of a free, appropriate public education for a child. ADR is in place to minimize the use of this option and to encourage parents and LEAs to come to agreement before the issues escalate to this level.

Most Intensive



Frequently Asked Questions Special Education Due Process Hearings and Mediations

Taken from: *What's So Special About Special Ed? CASBO, April 6, 2009*

These Frequently Asked Questions (FAQs) are designed to provide parents, students, and educational agencies with information on how to access the California Office of Administrative Hearings (OAH) special education due process hearing and mediation system. These FAQs were developed in consultation with the California Department of Education (CDE).

What is OAH?

The OAH provides a neutral forum for fair and independent resolution of matters while ensuring due process and respecting the dignity of all. OAH is divided into two statewide divisions: General Jurisdiction and Special Education Division. OAH's Special Education Division provides Administrative Law Judges (ALJ) to hear disputes as well as to provide mediation and settlement services throughout the state to school LEAs and parents of children with disabilities. The Special Education Division has regional offices in Laguna Hills, Sacramento and Van Nuys.

What happens when there is a disagreement about the special education needs of a student or whether a student needs special education services?

When a disagreement arises about a child who has (or is suspected of having) special education needs, a request for due process hearing may be filed. The request for due process must be in writing, such as a letter. Alternatively, a parent, student or education agency may use a form that has been developed by OAH and CDE in order to submit a request for due process.

Where can these forms be obtained?

OAH and CDE have developed a form entitled "Request for Due Process Hearing and Mediation" to assist parties in filing a request for hearing. Another form for "mediation only" has also been developed and is entitled "Request for Prehearing Mediation Only." Both of these forms are available on OAH's website at www.oah.dgs.ca.gov or by writing or telephoning the Office of Administrative Hearings, Special Education Division, 2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833, (916) 263-0880. Forms may also be obtained by contacting the California Department of Education at (916) 319-0800 or by visiting their website at www.cde.ca.gov.

How do I ask for a due process hearing or a mediation only?

To begin the process, a "Request for Due Process Hearing and Mediation" or a "Request for Prehearing Mediation Only" must be filed with the OAH. Although OAH has regional offices, all due process requests must be filed in Sacramento. The party requesting a due process hearing must at the same time send or deliver a copy of the request to the other party or parties. The request may be sent via facsimile (fax) to (916) 376-6319, hand delivered or mailed to the Office of Administrative Hearings, Special Education Division, 2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833. At this time, OAH is unable to accept any requests for a due process hearing or mediation via email.

What is the difference between mediation and a due process hearing?

Mediation is a voluntary, confidential, informal meeting at which the parties and an experienced, impartial mediator attempt to resolve the dispute in a cooperative, non-adversarial atmosphere. The mediator does not provide advocacy or legal advice to either side, but facilitates communication between the parties. The participation of the neutral mediator makes it more likely that the parties will reach a mutually satisfactory resolution. Most mediations successfully resolve the dispute. Most mediations occur as part of the due process hearing procedures. However, as noted, a parent or school LEA can request a "mediation only," which is a mediation that takes place without also requesting a due process hearing. A hearing is a more formal, trial-like legal proceeding in which all parties are given a chance to present evidence and arguments before an impartial Administrative Law Judge (ALJ). The ALJ then issues a written decision, which is the final administrative decision resolving the matter.

Who may request a due process hearing or mediation only?

A parent or legal guardian of a student with a disability (or suspected of having a disability) may request a hearing or mediation. A school LEA or other educational agency may also make such a request. In some cases, the student may make a request. Each side of the disagreement is referred to as a "party."

How long do I have to request a due process hearing or mediation only?

Education Code section 56505, subdivision (I), provides that a request for a due process hearing must be filed within two years from the date the party initiating the request knew or had reason to know of the facts underlying the basis for the request. This is typically referred to as the "statute of limitations." However, there are exceptions to the application of this two-year provision, and OAH recommends that parents, students, and school LEA obtain advice from legal counsel to determine the viability of a request for due process.

What must be in a request for a due process hearing?

All requests for due process hearing and mediation are confidential. To be legally sufficient, a request for a due process hearing must contain all of the following information:

- 1) the name of the child, the address of the residence of the child, and the name of the school the child is attending;
- 2) if the child is homeless, available contact information for the child and the name of the school the child is attending;
- 3) a description of the nature of the problem, including facts relating to the problem; (i.e., describing the facts of the disagreement, such as the "who, what, where, how, why and when/dates"); and
- 4) a proposed resolution of the problem which is what the party wants the ALJ to order the other party to do.

What will happen to the student's education during the due process hearing process?

The law requires that the student remain in his or her present educational placement during the mediation and hearing process until the ALJ issues a written decision, unless the school LEA and the parents agree otherwise. This requirement is often referred to as the "stay put" provision of the law. There are some specific exceptions to the stay put requirement when discipline is involved.

How will I know when my mediation and due process hearing have been scheduled?

You will receive a written document titled “Notice of Due Process Hearing and Mediation and Scheduling Order” approximately one week after filing a request for due process hearing. The notice will contain a date, time, and location of the mediation and due process hearing. It will also contain a date for a telephonic prehearing conference.

When will the due process hearing be scheduled?

The hearing is initially scheduled approximately 55 days after the hearing request is received, to allow time for the 30-day resolution meeting and for a mediation to take place. The average hearing takes approximately 5 days to complete.

What happens in the first 30 days after the form is filed requesting a due process hearing?

Within the first 30 days after the request for hearing is made, the parties must have a meeting called a “resolution meeting.”

What is a resolution meeting?

Once a school LEA receives notice that a due process hearing request has been filed by a parent, the LEA has 15 days to hold a resolution meeting with the parents. The resolution meeting must include someone from the LEA who has the authority to make a decision for the LEA. The LEA’s lawyer is not allowed to come to the resolution “unless” the parent brings a lawyer. This meeting gives parties an opportunity to resolve the dispute. If the dispute is not resolved within 30 days after the LEA has received the due process hearing request, then the hearing proceeds as scheduled in the Scheduling Order. There is no requirement in the law for a resolution meeting in LEA filed requests for hearing.

Does the resolution meeting have to include the entire IEP team?

The law requires participation by “relevant” IEP members who have knowledge of the complaint.

What is the process for notification of the resolution meeting?

The school LEA, not OAH, is responsible for convening the resolution meeting and assembling the required participants.

May the resolution meeting be waived?

The parents and the school LEA may mutually agree to waive the resolution meeting. This agreement must be in writing. The parents and the LEA may also agree to use mediation instead of holding the resolution meeting. If OAH receives a written waiver of the resolution meeting signed by both parties, the period allotted for the resolution meeting ends, and the matter proceeds to mediation and hearing.

What if the parents do not attend the resolution meeting?

If the parents refuse to go to the resolution meeting, then they have not met the legal requirements to get a due process hearing, and the case may be dismissed.

What if the case is settled in the resolution meeting?

If the case is resolved at the resolution meeting, then both parties sign a settlement agreement. The settlement agreement is a legal document that can be enforced by a state or federal court of competent jurisdiction. The parties have three business days after the settlement agreement is signed to cancel the agreement. If the agreement is cancelled, then the due process hearing goes forward. If the parties reach an agreement at the resolution meeting they must notify OAH in writing.

If the resolution meeting is unsuccessful or cancelled, should the parties advise OAH?

Yes, because OAH will be able to advance the scheduling of a hearing date. If no communication is received, OAH will assume after 30 days that the resolution meeting was unsuccessful and the matter will proceed to mediation and hearing.

Do the parties have to wait 30 days before notifying OAH that they can't resolve issues in a resolution meeting and therefore need to proceed to hearing?

If the parties have reached an impasse prior to expiration of the 30-day period and submit to OAH a written statement to that effect, signed and dated by both parties, the matter will proceed to mediation and hearing. OAH will not consider the resolution period terminated based on one party's assertion that the parties are at impasse.

What happens after the first 30 days has passed?

The parties will attend the prescheduled mediation.

What is mediation?

Mediation is a way of settling a disagreement through facilitated discussion. At mediation the parties have the help of a trained mediator, who is unbiased and independent of both parties. The mediator will help the parties try to find a solution that is acceptable to both parties. In mediation, the parties work together to try to find a solution that will satisfy both parties. The parties decide whether or not the dispute is settled. If the parties try mediation but can't reach an agreement, they still have the right to continue to a due process hearing.

What if one of the parties does not want to participate in mediation?

Mediation is a voluntary process. It is encouraged because it is more likely to lead to a settlement of the dispute, but participation in mediation is voluntary. If one of the parties declines the opportunity to mediate, the dispute will proceed to hearing.

What if I need an interpreter at the mediation?

If you need a language interpreter or an interpreter for the hearing or sight impaired, you must notify OAH before the mediation. OAH will provide the interpreter at state expense. When you ask for an interpreter, be sure to say what language or kind of interpreter you need.

Am I allowed to have an attorney represent me?

You may have an attorney represent you at mediation which is scheduled as a part of your due process hearing. You do not have the right to have an attorney appointed for you.

Where can I get assistance in finding an attorney or other representative?

OAH maintains a list of persons and organizations that can provide representation on a free or reduced cost basis. This list is available upon request and is on OAH's website. Other resources for obtaining legal representation may be available through the local school LEAs, or the internet.

Why should the parties participate in mediation?

Both federal and state law encourage the use of mediation for all special education disputes. The majority of special education disputes are resolved through mediation. Mediation is a preferred method for resolving disputes for a number of reasons, including the following:

1. The parties are more likely to maintain a cooperative relationship in the future if the settlement of the dispute is by mutual agreement.

2. Through mediation, the parties have a great deal of flexibility in reaching a mutually acceptable settlement. When the dispute goes to hearing, the ALJ makes the final decision, which may not be completely satisfactory to either party.
3. If the parties reach an agreement in mediation, the agreement is written and signed that same day and can be implemented immediately. If the case goes forward to hearing, the ALJ must take time to consider the evidence presented at the hearing and then write a decision informing the parties of his or her determination.
4. Mediation is less costly than a hearing in terms of time, money, and personal stress.

Is mediation confidential?

Except for enforcement purposes, any agreement reached and everything said in a mediation are confidential and are protected by law from being revealed in any other place. This is to encourage the parties to discuss their dispute candidly without fear of the later consequences of what they say.

What happens during mediation?

While all mediators have different ways of approaching mediation, most mediators begin with all of the parties in the same room. The mediator will explain how the mediation will proceed and will usually ask the parties to explain their positions regarding the dispute. The mediator will summarize the issues and invite discussion. Then the mediator may suggest that the parties adjourn to separate rooms. This is called “caucusing.” During caucusing, the mediator goes back and forth between the parties trying to develop a basis for common ground and a written agreement. Sometimes the parties are brought back together; sometimes they are not.

How will the parties be notified of the mediation?

When a hearing or mediation is requested, OAH sends a notice to all the parties setting the mediation date. A mediator will be assigned shortly before the mediation. The identity of the mediator can be obtained by either calling the Sacramento OAH office or through the online calendar at www.oah.dgs.ca.gov.

Where will the mediation take place?

The mediation is usually held at the school LEA or a nearby OAH office.

What happens if the mediation is successful?

The parties enter into a written agreement resolving their dispute. OAH then closes the matter because the dispute has been resolved.

Is the process different when “mediation only” is requested?

The process is basically the same, except that attorneys and advocates cannot attend mediation only. If parties are unable to resolve the dispute at the mediation only, the matter is closed. However, either party retains the option of filing a due process hearing request if the case is not resolved during mediation.

If mediation is unsuccessful, will the same ALJ be assigned to the due process hearing?

The mediation and hearing functions of OAH are kept separate, so that the parties in mediation will feel free to discuss their dispute candidly. A mediator never discusses the case with anyone else in the office. He or she only reports whether the mediation was successful or not. In addition, all documents that result from mediation are sealed in an envelope marked confidential. The same ALJ will not be assigned to the due process hearing.

What happens after an unsuccessful mediation and a party has requested a due process hearing?

The case will proceed to due process hearing before an ALJ on the date scheduled in the scheduling order unless postponed (see information on continuances below). A telephonic prehearing conference, also scheduled in the scheduling order, will be conducted prior to the hearing.

Who conducts the prehearing conference and the due process hearing?

An Administrative Law Judge (ALJ) from OAH is in charge of the due process hearing, just like a judge is in charge of a trial. The ALJ does not take the side of either party, and is independent of the school LEA and the California Department of Education. The ALJ rules on all procedural matters, runs the hearing, listens to the evidence and arguments of the parties, and writes a final decision. The ALJ will have telephone conferences or meetings before the hearing, give written orders, and generally control the hearing process. All ALJs are licensed California attorneys who have received specialized training in the area of special education law and in the conduct of administrative hearings.

Do I need an attorney to go to a due process hearing?

If you are a party in a due process hearing, you do not have to have an attorney. As a parent or legal guardian, you may represent yourself and your child. If you choose to represent yourself, you will need to know the law and rules that apply to your case. OAH cannot give you legal advice or help you present your case. You can also be accompanied throughout the hearing process by someone with special knowledge or training relating to the problems of special education students, at your own expense. At a parent's request, OAH will provide a mediator without charge to assist the parent in identifying the issues and proposed resolutions that are stated in the request for due process hearing. However, the OAH-provided-mediator can only assist with preparation of documents and answer questions about the process. The mediator cannot provide legal advice.

Am I allowed to have an attorney represent me?

You may have an attorney represent you at due process hearing. You do not have the right to have an attorney appointed for you.

Must I give notice to the other parties if I plan to use an attorney?

The law requires that a party notify all other parties ten days before a hearing if that party intends to be represented by an attorney at the hearing.

What about attorneys' fees?

Parents may be entitled to have attorneys' fees reimbursed if they prevail as a result of filing for a due process hearing. School LEAs may also have attorneys' fees reimbursed, but only if parents act in bad faith in using the hearing process. Attorneys' fees are not awarded by the ALJ hearing the case. Recovery of attorney's fees requires that a separate case be filed with the federal or state court.

Where can I get assistance in finding an attorney or other representative to represent me at the due process hearing?

OAH maintains a list of persons and organizations that can provide representation on a free or reduced cost basis. This list is available upon request and is on OAH's website. Other resources for obtaining legal representation may be available through the local school LEAs, or the internet.

What if I need an interpreter at the due process hearing?

If you need a language interpreter or an interpreter for the hearing or sight impaired, you must notify OAH before the mediation, hearing, or event where the interpreter will be needed. OAH will provide the interpreter at state expense. When you ask for an interpreter, be sure to say what language or kind of interpreter you need.

What if I can't attend the hearing on the day it is scheduled?

You may request a postponement, which is called a continuance, as long as you have "good cause" to do so. A request that the hearing be continued is simply a request by one or more of the parties that the hearing be rescheduled to a later date. Continuing the case also means that the time for issuance of a decision is extended.

What is "good cause" for a continuance?

In determining whether good cause exists for a continuance, the ALJ will consider the facts supporting the request for continuance, prior rulings by OAH on continuance requests, and the legal mandate for speedy resolution of special education disputes.

How do I request or respond to a request for a continuance?

Whenever possible, a party seeking a continuance should first contact the other party to inquire if the other party will agree to continue the hearing. If all the parties agree to the continuance, they should promptly communicate their agreement in writing to OAH. The parties must identify specific facts showing good cause for the continuance. If the parties are unable to agree on a continuance of the hearing, the party requesting a continuance should submit a request in writing to OAH and at the same time send a copy of the request to the other parties. The written request should state the specific facts supporting the request for a continuance, indicate the time at which the parties learned of the facts that created the need for a continuance, and show that a copy of the request has been sent at the same time to the other parties. If you wish to oppose a request for continuance, you must submit your reasons for opposing the request, in writing, to OAH within three (3) business days of the request for continuance.

What is OAH's procedure for ruling on a request for continuance?

All continuance requests are ruled on by a presiding administrative law judge (PALJ) or his or her designee. Until a ruling has been made on the continuance request, the parties should be prepared to proceed on the date and time previously scheduled.

What happens once a ruling is made on a continuance request?

If a continuance request is granted, the hearing will be rescheduled and the 45-day time limit will be extended accordingly. OAH will either provide the parties with a notice of the new hearing date or schedule a telephonic trial setting conference in order to set mutually agreeable dates for the prehearing conference and the hearing.

Are parties permitted to stipulate (agree) to continuances?

While parties may jointly request a continuance, by law, the parties must still establish good cause, which must be decided by PALJ. A stipulation by the parties is not a substitute for the requirement of finding good cause. However, the fact that the parties jointly request a continuance will be considered in the assessment of good cause.

Are parties permitted to stipulate to specific hearing dates as part of a continuance?

The law requires these matters to be heard within a specified time period. The parties are encouraged to cooperatively arrive at agreement hearing dates for the matter. OAH will

consider the parties' preferences in resetting the matter once a finding of good cause for the continuance is determined.

Before the due process hearing begins, what other events will occur?

Before the hearing is held, various prehearing events may occur. Primarily these are motions, trial setting conferences, status conferences, and prehearing conferences.

What is a motion?

A motion is simply a written request that an ALJ rule on a particular issue prior to the due process hearing.

When should I make a prehearing motion?

The following are examples of issues that are appropriate for resolution through the filing of a prehearing motion:

1. Whether good cause exists for a continuance;
2. Determining the student's stay put placement pending resolution of the dispute;
3. Dismissal of a party or parties; and
4. Consolidation of two cases into one for hearing.

How do I make a prehearing motion?

A party may obtain a ruling on a prehearing issue by submitting a written request for a ruling. This is called a motion. While OAH has regional offices, all motions must be filed at the Sacramento location. The written motion should state the specific facts and legal authority supporting the motion, and indicate that a copy of the motion has at the same time been sent to the other party or parties. When facts important to the motion are in dispute, declarations (affidavits) about the facts, made under penalty of perjury, should be included in the motions.

Before OAH rules on a motion, will OAH ensure that all parties get a copy of the motion?

The party making the motion must serve it on the other party at the same time it files the motion with OAH. OAH does not forward a copy of the motion to the other parties.

How and when do I oppose a motion? When will OAH rule on the motion?

The party wishing to file an opposition to a motion has three business days from the mailing of the motion to send a copy of the response to OAH and all other parties. After three business days OAH may rule on the motion, but its timing will depend on the nature of the motion, its urgency, and the nearness of the hearing date.

Are prehearing motions assigned to the ALJ handling the case?

Most motions filed before assignment of an ALJ to a matter will be handled by the Presiding Administrative Law Judge of the Sacramento office (PALJ) or his or her designee. Motions filed after the assignment of an ALJ to the matter will be handled by the ALJ assigned to hear the matter.

What is a trial setting conference?

It is a brief, unrecorded telephonic conference initiated by the ALJ from an OAH office during which the dates and times for further proceedings are set, such as the prehearing conference and the due process hearing. It gives the parties and the ALJ an opportunity to consult their calendars and agree on dates that are acceptable to all.

What happens if I do not participate in a trial setting conference?

The conference will proceed without you, and the other party and the ALJ will set dates for further proceedings that are convenient to them.

What is a prehearing conference?

A prehearing conference is a meeting, usually by telephone, of the ALJ and the parties that is held to organize the upcoming hearing. The parties may discuss with the ALJ almost any issue concerning how the hearing will proceed, such as the need for clarification of issues, the length of the hearing, additional dates for motions and the hearing, and the need for an interpreter or special accommodation at the hearing. The ALJ may cover the disclosure of witnesses, evidence, and exhibits. A prehearing conference may also decide which party will put on its case first and what documentary evidence and witnesses will be presented by the parties. The parties are required to address these issues in written prehearing statements that must be filed three business days before the prehearing conference.

Will the same Administrative Law Judge who conducted the prehearing conference also conduct the hearing?

OAH makes every effort to assign the ALJ who conducted the prehearing conference to the hearing. However, scheduling problems may require that another ALJ be assigned to conduct the hearing.

What if I don't want to use the particular ALJ assigned to hear my case?

A peremptory challenge is the disqualification of the ALJ scheduled to preside over the hearing. A party can challenge an assigned ALJ one time for any reason. The challenge will be reviewed and if this challenge is granted, a different ALJ will be assigned. If a party wants to exercise a peremptory challenge, the challenge should be made as soon as an ALJ is assigned. This can be determined by contacting the Sacramento OAH office or from the calendar located on the OAH web site at www.oah.dgs.ca.gov. In no event can the challenge be made once the prehearing conference or hearing has started.

What should I do to prepare for the hearing?

In preparing for a hearing, a party must not only determine what issues need to be addressed by the ALJ, but must also prepare to present evidence during the hearing to support the party's position on those issues. Additionally, the law requires that, prior to the hearing; each party must make certain disclosures to the other parties, including notice of the following:

- (1) proposed issues;
- (2) proposed resolutions;
- (3) evidence to be presented at the hearing;
- (4) witnesses that may be called to testify; and
- (5) representation by an attorney.

Can I get my child's school records?

Parents have the right to examine all pupil records maintained by the school LEA that are related to their child and to receive copies within five business days after requesting them. Parents should call or write their school LEA to request access to pupil records.

Do I have to give notice of the evidence I plan to present during the hearing?

By law each party must provide to the other parties copies of all documents that the party plans to use during the hearing. Each party must also provide to the other parties a list of all witnesses who will provide testimony, and a brief description of their expected testimony.

When must the evidence be provided to the other party and to OAH?

The evidence must be received by the other parties at least five business days before the hearing. Copies of the evidence should not be sent to OAH, but a copy for the ALJ should be brought to the hearing instead. Another copy should be brought to the hearing for use by witnesses.

What happens if I fail to provide the evidence to the other party five business days prior to the hearing?

The ALJ has discretion to exclude the evidence.

How can I make sure witnesses appear at the hearing?

Most witnesses appear voluntarily when asked. Typically the school LEA will be calling many of the same witnesses, who can be questioned when they testify for the LEA. If a witness is unwilling to appear voluntarily, a subpoena (or a subpoena for records) may be obtained from OAH and served by the party wanting to ensure the presence of the witness or the records. The requirements for serving a subpoena must be observed or the subpoena will be ineffective. Those requirements can be found in Government Code sections 11450.05 through 11450.50. The Government Code can be found in a law library or on line at <http://www.leginfo.ca.gov>.

When will the due process hearings be scheduled?

Hearings are scheduled on any regular business day, depending on the availability of an ALJ, usually on mutually convenient dates chosen by the parties. The starting time will depend on the location and the time that will be required for the ALJ to travel to the hearing site. Most hearings begin at 9:30 am and end at 5:00 pm.

Where will the hearing be held?

The law requires that the hearing be held at a place reasonably convenient to the parent and the student. Hearings are usually held in local school facilities. The hearing room, at a minimum, should have one table for Student's representatives, one table for LEA's representatives, one table for the ALJ with a nearby electrical outlet, and one witness table. OAH has hearing rooms available in all its offices (Sacramento, Oakland, Los Angeles, Van Nuys, Laguna Hills, and San Diego).

Will OAH send copies of documents such as the notices of due process hearings to an advocate or a particular law firm upon receipt of written notice to do so?

OAH normally sends documents notice only to the parties to the matter. A written notice of representation must be received for each case before a notice will be sent to an advocate, a lawyer or a law firm.

What happens during the hearing?

The purpose of the hearing is to allow all parties to present evidence supporting their positions and to explain to the ALJ why they believe they should prevail on the issues being heard. The hearing is not governed by formal rules of procedure or evidence. Although the hearing is less formal than a court trial, the hearing will proceed in an orderly fashion that is similar to a trial. At the beginning of the hearing, the ALJ turns on a recorder to make a record of the hearing and, after identifying the case and the parties for the record, briefly explains how the hearing will proceed. The ALJ may only speak with a party about the case in presence of the other parties. It is important to have any substantive discussions about the case on the record. Once preliminary matters are completed, each party is given an opportunity to make an opening statement, which should provide the ALJ with a brief summary of the party's position on the issues being heard. Then evidence is presented. The party who requested the hearing is usually the party who presents evidence first. All witnesses are sworn to tell the truth. After one

party has presented its witnesses and evidence, the other parties will call their witnesses. Each party will be given an opportunity to ask questions of the other parties' witnesses, and the ALJ may also ask questions of the witnesses. The ALJ may ask the parties to be flexible as to when witnesses are called to ensure that all relevant testimony is presented. At the end of the hearing, each party is allowed to make a closing argument. In some cases, the ALJ may ask the parties to make oral closing arguments. In others, closing statements will be submitted in writing after the hearing. After closing statements are received, the hearing record is closed. The ALJ will then prepare a written decision, which will be sent to the parties.

What issues can be considered at the hearing?

State and federal law prohibit the consideration at a due process hearing of any issue that is not raised in the request for due process hearing, unless the other party consents, or unless, not later than five days before the hearing, an ALJ grants permission to a party to add an issue under Education Code section 56502, subdivision (e). A party that wishes to add issues to a case must file a motion for leave to amend the complaint. If a complaint is amended, the timelines for resolution meetings, mediations, and hearing start over again.

What are the rights of the parties during the hearing?

All of the parties have the following rights during the hearing:

- Right to representation. All parties have the right to be accompanied, advised, and assisted by counsel and by persons with special knowledge or training related to the problems of disabled children.
- Right to request the exclusion of witnesses. Any party may ask the ALJ to order prospective witnesses to remain outside the hearing room while other witnesses are testifying. This practice allows the ALJ to compare the testimony of witnesses who have not heard each other testify.
- Right to present evidence and argument. All parties have the right to call witnesses and present evidence that will help them prove their cases. They will also be given the opportunity to argue the merits of their cases.
- Right to confront and cross-examine adverse witnesses. All parties have the right to be present when witnesses testify against their positions and to ask them questions concerning their testimony.
- Right to written findings of fact and decision. The ALJ must prepare a written decision setting forth his or her factual findings, analysis of the applicable law, and final decision.

Do parents have any additional rights during the hearing process?

The law provides the following special rights to parents in addition to the rights set out above:

- Right to an interpreter. If the primary language of a party is other than English, an interpreter will be provided by OAH. It is important that the parties notify OAH well before the hearing that an interpreter will be needed.
- Right to close the hearing to the public. At the parents' request the ALJ will close the hearing to anyone but the participants.
- Right to a public hearing. Parents have the right, if they choose, to allow members of the public to attend the hearing.
- Right to presence of the student. Parents have the right to have their child present during the hearing.

What authority does the Administrative Law Judge have at the hearing?

The ALJ has the authority to take all actions necessary to complete the hearing in an efficient and expeditious manner, and to render the final administrative decision. By law, the hearing officer is given additional specific authority to:

- Question a witness on the record before any of the parties does;
- With the consent of all parties, request that conflicting experts discuss an issue with each other while in the record;
- Visit the proposed placement site when the physical attributes of the site are at issue;
- Call a witness to testify at the hearing if all the parties consent, or if the hearing is continued for at least five days prior to the testimony of the witness;
- Order that an impartial assessment of the pupil be conducted (the cost of which will be paid by OAH);
- Put reasonable time limits on the hearing; and
- Initiate contempt sanctions and/or impose expenses and attorneys' fees against a party, attorney, or other representative for misconduct.

May I request that security be present at the hearing?

OAH will arrange for the presence of a security officer on request or when deemed necessary.

What happens if I do not attend the hearing?

If the person who requested the hearing does not appear at the hearing, the request for hearing may be dismissed or the hearing may proceed without that party, and a decision may be rendered based upon the evidence presented during the hearing.

How long will the hearing be?

Before the hearing, the ALJ and the parties will make an estimate of the time the hearing will take, and the ALJ will reserve that number of days on OAH's calendar. If it appears that the hearing will take longer, the ALJ has the discretion to obtain additional hearing days.

Does OAH set time limits for witness testimony?

The ALJ has the power to do so in any particular case.

Is telephonic testimony permitted?

Yes, telephonic testimony is permitted at the discretion of the ALJ. A witness testifying by telephone must have available all of the exhibits of both parties.

Are the technical rules of evidence followed in hearings?

The technical rules of evidence do not apply in a special education due process hearing. The rules for admitting evidence in due process hearings can be found in Title 5 of the California Code of Regulations, section 3082(b).

What legal rules apply to the hearing?

The ALJ is required to decide the hearing according to the legal principles set forth in the federal and state law, and in the decisions of courts interpreting those principles. OAH also relies on prior decisions of its own ALJs and of its predecessor agency, the Special Education Hearing Office, which by law may be used as persuasive, but not binding authority.

Where can I find prior OAH decisions?

OAH posts its decisions on its web site at www.oah.dgs.ca.gov. The OAH website also includes a link to the California Department of Education website which contains all hearing decisions.

How do I file a document with OAH?

OAH accepts documents delivered by mail, personal delivery, or facsimile (fax) between 8:00 a.m. and 5:00 p.m. on regular business days. It is not necessary to file a document by more

than one method. A party may not fax any document exceeding 35 pages in length. Usually, documents will be considered filed on the day received. However, documents not fully received by fax until after 5:00 p.m. will be considered filed on the next business day. A party faxing a document should not wait until just before 5:00 p.m. to fax it. OAH's fax number is 916-376-6319. As previously mentioned, OAH is unable at this time to accept any documents via email; however, OAH is working towards offering this filing option to parents, students, and educational agencies.

Must I send a document to the other party or parties at the same time?

A document is not considered properly filed unless the document itself shows that the party filing it delivered the document to all other parties on the same day it was sent to OAH.

What happens when a filing deadline falls on a weekend or a holiday?

When a filing deadline falls on a weekend or holiday, the deadline is automatically extended to the next business day.

How long does the process take?

Most disputes must, by law, be heard and decided within 45 calendar days of the receipt of a request for a due process hearing. This timeline does not include time used by a continuance (postponement) requested by a party and granted by OAH, or time used by the resolution meeting process. Expedited hearings, which involve student discipline, must be held within 20 school days of the receipt of the complaint, and a written decision must be issued within 10 school days after the hearing.

What if I disagree with the decision?

Any party has the right to appeal the decision to a state or federal court of competent jurisdiction within 90 days of the receipt of the decision, but no later. The hearing is recorded, and parents have the right to a written verbatim transcript of the hearing. If a parent wishes to have such a transcript, the parent should submit a request in writing to OAH.

What can a parent do if a school LEA fails to comply with a mediation agreement or hearing decision?

If a school LEA or other agency does not comply with the provisions of a settlement agreement or hearing decision, a parent may file a complaint with the California Department of Education, Special Education Division, Procedural Safeguards Referral Service, 1430 N Street, Sacramento, CA 95814, Attention: PSRS intake, telephone: 800-926-0648, facsimile: 916-327-3704. A parent may also file a lawsuit in an appropriate court.

How can I get answers to questions that are not answered here?

Anyone may call OAH at 916-263-0880 for further information about the due process hearing and mediation system. OAH staff cannot give legal advice, but will answer any procedural questions a parent or a LEA may have.

A copy of the Office of Administrative Hearings (OAH) list of Attorneys and Advocates can be obtained by contacting the Riverside County SELPA at 951-490-0375.

Educational and Agency Resources

Adult Education

Adult education programs are provided throughout Riverside County for persons 18 years and older. Contact the following LEAs for specific information and programs:

| | |
|---|----------------|
| Alvord USD | (951) 509-5010 |
| Banning USD | (951) 922-2740 |
| Beaumont USD | (951) 845-6012 |
| Coachella Valley USD | (760) 398-6302 |
| Corona/Norco USD | (951) 736-3325 |
| Desert Sands USD | (760) 775-3830 |
| Hemet USD | (951) 765-5190 |
| Jurupa USD | (951) 222-7739 |
| Lake Elsinore USD | (951) 253-7093 |
| Moreno Valley USD | (951) 571-4790 |
| Murrieta Valley USD | (951) 696-3805 |
| Palm Springs USD | (760) 416-8450 |
| Perris Community Adult School | (951) 943-6194 |
| Twin Palms (Palo Verde USD) | (760) 922-4884 |
| Riverside Adult & Continuing Education Services | (951) 788-7185 |

American Diabetes Association

(800) 342-2383
www.diabetes.org

Autism Society Inland Empire

(951) 220-6922
<http://www.ieautism.org/>

Autism Society of America

(301) 657-0881 or (800) 3AUTISM (328-8476)
www.autism-society.org

Coachella Valley Autism Society

(760) 772-1000
www.cvasa.org

Braille Institute

(800) 272-4553
www.brailleinstitute.org

California Children’s Services

(951) 358-5401
www.rivcoocs.org

Our California Colleges Guide

<http://www.affordablecollegesonline.org/online-colleges/california/>

California Department of Education/Special Education Division

(916) 445-4613
www.cde.ca.gov

Department of Public Social Services

24 Hour Toll Free Child Abuse Hotline: (800) 442-4918

www.dpss.co.riverside.ca.us

For further information, please contact the DPSS office near you:

Arlington Area ~ (951) 358-3000

Blythe ~ (760) 921-5700

Corona ~ (951) 272-5564

Indio ~ (760) 863-2700

Norco ~ (951) 272-5400

Banning Children's Services ~ (951) 922-7500

Cathedral City ~ (760) 770-2300

Hemet ~ (951) 791-3000

Lake Elsinore ~ (951) 245-3100

Perris ~ (951) 940-6600

<http://dpss.co.riverside.ca.us/office-locations>

California Department of Rehabilitation

(916) 324-1313 or (800) 952-5544 (VOICE) (916) 558-5807 (TTY)

www.dor.ca.gov

Early Start Family Resource Network

(909) 890-4788 - (800) 974-5553

www.esfrn.org



Easter Seal Society

714-834-1111

<http://www.easterseals.com/southernca/who-we-are/contact-us/>

Employment Development Department

http://www.edd.ca.gov/Office_Locator/

www.edd.ca.gov

Epilepsy Foundation

800-332-1000

<http://www.epilepsy.com/>

EXCEED

(A Division of Valley Resource Center)

<http://www.weexceed.org/>

Inland Regional Center

(909) 890-3000 ~ Branch Office ~ (951) 826-2708

www.inlandrc.org

National Alliance for the Mentally Ill (NAMI)

NAMI – Riverside (951) 369-1913

NAMI – Temecula Valley (951) 676-8365

NAMI – Mt. San Jacinto (951) 765-1850

NAMI – Coachella Valley (760) 342-1898

NAMI – California..... (916) 567-0163

www.namicalifornia.org

Post Secondary

The following campuses provide post secondary education at the community college level:

| | | |
|-----------------------------------|----------------|--|
| Chaffey Community College | (909) 652-6000 | www.chaffey.edu |
| College of the Desert | (760) 346-8041 | www.collegeofthedesert.edu |
| Crafton Hills Community College | (909) 794-2161 | www.craftonhills.edu |
| Mt. San Jacinto Community College | (951) 487-6752 | www.msjc.edu |
| Palo Verde Community College | (760) 921-5500 | www.paloverde.edu |
| Riverside Community College | (951) 222-8000 | www.rcc.edu |
| San Bernardino Valley College | (909) 384-4400 | www.valleycollege.edu |

The following local campuses provide post-secondary education at the university level:

| | | |
|---|----------------|--|
| Loma Linda University | (909) 558-1000 | www.llu.edu |
| University of California, Riverside | (951) 827-1012 | www.ucr.edu |
| California Baptist University | (877) 228-3615 | www.calbaptist.edu |
| California State Univ., San Bernardino | (909) 537-5000 | www.csusb.edu |
| California State University, San Marcos | (760) 750-4000 | www.csusm.edu |

Project Workability

(951) 826-6763 or (760) 863-3285 – Desert

<http://www.rcoe.us/student-program-services/special-education/project-workability/>

Regional Occupational Program

Riverside (951) 826-6450 Indio (760) 863-3300

<http://www.rcoe.us/career-technical-education/cterop/>

Riverside County Department of Mental Health

****In Case of an Emergency dial 911****

(800) 706-7500 or (951) 358-4500

www.rcdmh.org

Social Security

(800) 772-1213 TTY (800) 325-0778

www.ssa.gov

Team of Advocates for Special Kids (TASK)

(866) 828-8275 or (714) 533-TASK (8275)

www.taskca.org

Transition Partnership Program (TPP)

(951) 826-6763 – Desert (760) 863-3000

www.rcoe.k12.ca.us/studentPrograms/transitionPartner.html

United Cerebral Palsy of the Inland Empire

(877) 512-2224 or (760) 321-8184

www.ucpie.org

Support Groups

Children and Adults with Attention-Deficit/Hyperactivity Disorder (CHADD) - www.chadd.org

Community Access Center - <http://www.ilcac.org/>

Disability Rights California - <http://www.disabilityrightsca.org/>

Kinship and Youth WarmLine - (800) 303-0001 <http://dpss.co.riverside.ca.us/files/pdf/csd-kinship-and-youth-warmline.pdf>

Links to National & State Organizations

American Printing House for the Blind www.aph.org

Beyond Affliction: The Disability History Project www.npr.org/programs/disability

California Council of the Blind www.ccbnet.org

California Department of Health Care Services www.dhcs.ca.gov/pages/default.aspx

California Educators of the Deaf and Hard of Hearing www.cal-ed.org

California Employment Development Department www.edd.ca.gov

California Foundation for Independent Living Centers – YO!
www.yodisabledproud.org/organize/disability-history-week.php

Center for Applied Special Technology www.cast.org

Disability <https://www.disability.gov/>

Disability History Association www.dishist.org

Disability History Timeline <http://isc.temple.edu/neighbor/ds/disabilityrightstimeline.htm>

Disability Resources www.disabilityresources.org/HISTORY.html

The Disability Rights Movement www.americanhistory.si.edu/disabilityrights/exhibit.html

IMPACT www.impactfamilies.org

Learning Disabilities Association of California www.ldaca.org

Museum of Disability History www.museumofdisability.org

National Federation of the Blind www.nfb.org

National Organization on Disability www.nod.org

Office of Special Education and Rehabilitative Services

<http://www2.ed.gov/about/offices/list/osers/index.html>

Social Security Administration www.socialsecurity.gov/applyfordisability

U.C. Berkeley Disability Rights and Independent Living Movement
<http://bancroft.berkeley.edu/collections/drilm>

UC Davis MIND Institute www.ucdmc.ucdavis.edu/mindinstitute/education

U.S. Department of Justice www.ada.gov

Special Education Terminology

The following is a list of terms used in specialized areas, such as education, psychology, and medicine. The definitions of these words are helpful to parents when reading reports, attending meetings, conferences, and/or talking with specialists who work with their child.

Academic - Refers to subjects such as reading, writing, math, social studies, and science.

Access - The right to enter, get near, or make use of something or to have contact with someone. For example, a child with a disability may need transportation to access his special education program.

Accommodations – Changes in format, response, setting, timing or scheduling that do not alter in any significant way what a test measures or the comparability of scores.

Adapted Physical Education (APE) - A related service for students with disabilities require developmental or corrective instruction in the area of physical education.

Adaptive Behavior - The ability of an individual to meet the standards of personal independence as well as social responsibility appropriate for his or her chronological age and cultural group.

Advocate - A person who represents and provides support to children with disabilities and/or their parents.

Age of Majority - Age 18, the age at which special education parental rights and procedural safeguards transfer from the parent to their child with a disability unless conservership is made. This must be addressed by the IEP team prior to age 18.

Alternate Assessment - A test designed for the small number of students with severe disabilities who cannot participate in the regular state standardized testing system.

Alternative Dispute Resolution (ADR) - An informal method of settling concerns or disagreements. It is a process that encourages all parties to problem solve and reach a mutually beneficial agreement.

Annual Review - A scheduled meeting of the IEP team on at least an annual basis to review, revise, and update the IEP.

Appeal - An integral part of the due process and complaint procedures. If the party filing a complaint disagrees with the findings, the party may give input at the local board presentation of findings or request review of the findings by the State Superintendent of Instruction. A parent or LEA that disagrees with a due process decision may appeal that decision through the court of appropriate jurisdiction.

Applied Behavior Analysis (ABA) - Application of learning principles derived from operant conditioning used to increase or decrease specific behaviors.

Aptitude Test - A test which measures someone's capacity, capability, or talent for learning something.

Assessment/Evaluation - Assessment encompasses all those functions in the testing and diagnostic process. It may include observation, interviews and testing methods to identify if a child has a disability, the severity of that condition, and the child's educational needs based on his or her learning profile.

Assistive Technology - The term "assistive technology device" means any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability. The term "assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device.

Attention Span - The extent to which a person can concentrate on a single task (sometimes measured in length of time).

Auditory Perception - How a person perceives or hears specific sounds.

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

Behavior Intervention Services - A systematic implementation of procedures designed to promote lasting, positive changes in the student's behavior in the least restrictive environment.

Blind - When a child relies basically on senses other than vision as a major channel for learning.

Cognitive Operations (Skills) - Processes involved in thinking, knowing; analytical or logical:

1. Cognition – comprehension
2. Memory – retention and recall of information
3. Convergent thinking – bringing together of known facts
4. Divergent thinking – use of knowledge in new ways (creative thinking)
5. Evaluation – critical thinking

Community Advisory Committee (CAC) - A committee of parents and guardians, including parents or guardians of individuals with exceptional needs, and representatives from schools and community agencies, which has been established to advise the SELPA regarding the development and review of programs under the comprehensive Local Plan.

Complaint - An alleged violation by a public agency of any federal or state law or regulation.

Confidentiality - Assurance that no information contained in school records be released without parental permission, except as provided by law.

Consent - Permission from the parent/student or a student eighteen years or older as required by law for assessment, release of records, and implementation of a special education program developed by an IEP team.

Core Curriculum - The LEA-defined curriculum. The core curriculum is the range of knowledge and skills which are included in the LEA-adopted course of study and which must be learned for successful grade promotion and graduation. IEP goals and objectives should reflect knowledge and implementation of the LEA's core curriculum as adapted for the student with disabilities.

Counseling and Guidance - Counseling in a group setting, provided by a qualified individual pursuant to an IEP.

Criterion-Referenced Testing (or measurements) - Measures individual performance compared to an acceptable standard (criterion) – such as “can correctly name letters of the alphabet” – not to the performance of others as in norm-referenced testing.

Day Treatment - Day Treatment and Day Rehabilitation may be provided by a school-based program or by a non-public school program. Services include assessment, plan development, therapy, rehabilitation, and educationally-related services.

Deaf - When a student has a hearing loss so severe that it inhibits language processing and affects educational performance.

Deaf Blind - When a student has a hearing loss and visual impairment which causes severe communication, developmental, and educational problems.

Disproportionality - Refers to being out of proportion. Disproportionate representation is the determination that students in special education are over - or under-represented based on race/ethnicity overall or by disability.

Due Process - Procedural safeguards to ensure the protection of the rights of the parent / guardian and the student with a disability under IDEA and related state and federal laws and regulations.

English Language Development (ELD) - A separate core content instructional area for English Learners (EL) to accelerate their English proficiency by promoting the effective and efficient acquisition of listening, speaking, reading, and writing skills of the EL student. ELD instruction is the direct, systematic, explicit development of vocabulary, grammar, comprehension and expression in both oral and written domains of English using curricula and instructional methods appropriate for second language learners. It is provided during the regular day, based on the ELD state adopted standards, and differentiated for the English proficiency level of each EL until the student is reclassified. All ELs, including those receiving special education services, must receive ELD instruction appropriate to their proficiency level, consistent with the LEA's instructional plan for teaching ELD, and from a teacher authorized to provide such instruction.

Emotional Disturbance - Because of serious emotional disturbance a student exhibits one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational placement:

1. An inability to learn which cannot be explained by intellectual, sensory, or health factors
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers
3. Inappropriate types of behavior or feelings under normal circumstances exhibits in several situations
4. A general pervasive mood of unhappiness or depression
5. A tendency to develop physical symptoms or fears associated with personal or school problems

Expressive Language Skills - Skills required to produce language for communicating with other people. Speaking and writing are expressive language skills.

Established Medical Disability - For a preschool student, between the age of three and five years, who is identified as having a disabling medical condition or congenital syndrome that the IEP team determines has a high predictability of requiring special education services.

Extended School Year (ESY) - The term means the period of time between the close of one academic year and the beginning of the succeeding academic year. An extended year program shall be provided for a minimum of 20 instructional days, including holidays. Schools must provide extended year services to individuals with disabilities based on regression and recoupment data. Whether or not an individual is entitled to extended school year services is determined by the IEP team.

Fine-Motor Coordination - Pertains to usage of small muscle groups (writing, cutting).

Formal Assessment - Using published, standardized tests usually for measuring characteristics, such as "intelligence" or "achievement;" tests which have a standard set of directions for their use and interpretation.

Foster Family - Education Code 56155 (b): A family residence that is licensed by the state or other public agency having delegated authority by contract with the state to license, to provide

24-hour non-medical care, and supervision for not more than six foster children, including, but not limited to, individuals with exceptional needs.

Free Appropriate Public Education (FAPE) – A special education program and/or related service(s) as determined on an individual basis which meets the unique needs of each child with a disability at no charge to the parent. Such an educational program and related service(s) are based on goals and objectives as specified in an IEP and determined through the process of assessment and IEP planning in compliance with state and federal laws and regulations.

Grade Equivalent - The score a student obtains on an achievement test, translated into a standard score which allows the individual student's score to be compared to the typical score for students in his or her grade level. A "grade equivalent" score of 6.0 means the score that the average beginning sixth grader makes; a "grade equivalent" score of 6.3 means the score that the average student who has been in sixth grade for three months makes.

Gross-Motor Coordination - Pertains to usage of large muscle groups (jumping, running).

1. Bilateral – Ability to move both sides of the body at the same time (jumping).
2. Unilateral – Ability to move one side of the body without moving the other (hopping).
3. Cross lateral (cross pattern) – Ability to move different parts of the opposite sides of the body together or in different sequences (e.g., skipping, which is a highly integrated movement).

Hard of Hearing - When a student has a hearing impairment, whether permanent or fluctuating, which impairs processing speech and language reception and discrimination through hearing, even with amplification, and which adversely affects educational performance.

Individual Counseling - One-to-one counseling, provided by a qualified individual pursuant to an IEP.

Individuals with Disabilities Education Improvement Act (IDEIA) - The Federal legislation that created amendments to PL 94-42, including the title of the act.

Individuals with Exceptional Needs (IWEN) - A student with a disability whose educational needs cannot be met by modifications of the regular school program and who requires special instruction and/or related services. Excluded are children whose needs are solely or primarily due to the unfamiliarity with the English language or to cultural differences.

Individualized Education Program (IEP) - The IEP is a written educational plan for each special education student that includes instructional goals and objectives based upon the educational needs specified and developed by the IEP team.

Individualized Education Program Team (IEPT) - Comprised of multidisciplinary staff which includes the surrogate parent and open to any other persons charged with care and education of wards of the court and dependents in each local educational agency. The team is responsible for determining special education eligibility for individuals referred to special education services and appropriate educational program goals.

Individualized Family Service Plan (IFSP) - A written plan for providing early intervention services to an eligible child from birth to three years of age. The plan must be developed jointly by the family and appropriately qualified personnel involved in the early intervention. The plan must be based on the multidisciplinary evaluation and assessment of the child and include the services necessary to enhance the development of the child and family's capacity to meet the child's special needs.

Informal Assessment - Using procedures such as classroom observations, interviewing, or teacher-made tests which have not usually been tried out with large groups of people, and which do not necessarily have a standard set of instructions for their use and interpretation.

Intellectual Disability - A student who has significantly below average general intellectual functioning and deficits in adaptive behavior, which manifested during the developmental period, and adversely affects the student's educational performance.

Intelligence Test - A standardized series of questions and/or tasks designed to measure mental abilities – how a person thinks, reasons, solves problems, remembers, and learns new information. Many intelligence tests rely heavily on the understanding of spoken language. Intelligence tests are given under controlled conditions involving standard instructions and time limits.

Intelligence Quotient (IQ) - The score obtained on a test of mental ability; it is usually found by relating a person's test score to his or her age.

Least Restrictive Environment (LRE) - The concept that each child with a disability is to be provided opportunities to be educated with nondisabled peers and in a setting which promotes interaction with the general school population and classmates who are typically developing to the maximum extent appropriate to the needs of both. LRE is determined by the IEP team on an individual student basis.

Licensed Children's Institute (LCI) aka Group Home - A facility of any capacity which provides 24-hour non-medical care and supervision to children in a structured environment, with such services provided at least in part by staff employed by the licensed agency.

Local Educational Agency (LEA) - A school district, SELPA approved LEA charter school, or county office of education that provides education services.

Local Plan - The state required plan (EC 56170) that designates how the local educational agencies of the special education local plan area will meet both state and federal requirements for educating individuals with exceptional needs who reside in the geographical area served by the plan. The Local Plan must include the governance structure, administrative support, and agency responsibilities.

Long-Range Goals - Global and general "aims statements" which describe what needs to be learned by the student.

Low Incidence Disability - A severe disability with an expected incidence rate of less than 1 percent of the total K-12 statewide enrollment; includes hearing impairments, visual impairments, and severe orthopedic impairments (EC 56026.5).

Mediation - A conflict resolution process that can be used to resolve special education issues. Mediation is entered into prior to holding a due process hearing as an intervening, informal process conducted in a non-adversarial atmosphere that allows the parties to create their own solutions rather than having one imposed upon them through the judicial process.

Modality - A way of acquiring sensation; visual, auditory, tactile, kinesthetic, olfactory, and gustatory are the common sense modalities.

Multi-Handicapped - Students with a combination of disabilities (such as intellectual disability and deafness) which causes severe educational problems. Deaf-blind is not included in this category.

Multi-Tiered Systems of Support - MTSS is defined as a coherent continuum of evidence based, system-wide practices to support a rapid response to academic and behavioral needs,

with frequent data-based monitoring for instructional decision-making to empower each student to achieve high standards.

Non-Discriminatory Assessment - Assessment tools and methods which are “fair” to the student in the sense that they are given in the child’s native language; given and interpreted with reference to the child’s age and socioeconomic and cultural background; given by trained persons; appropriate even if the child has a physical, mental, speech, or sensory disability. Because some tests used in schools often do discriminate against certain students (e.g., by asking questions that relate to the experiences of white, middle-class, English-speaking persons), the term culturally appropriate assessment has come into use to emphasize that assessment must be fair to students of other language and cultural backgrounds.

Norms - Information, provided by the test-maker, about “normal” or typical performance on the test. Individual test scores can be compared to the typical score made by other persons in the same age group or grade level.

Occupational Therapist - Trained in helping pupils develop daily living skills (e.g., self-care, prevocational skills, etc.)

Occupational Therapy (OT) - Treatment provided by a therapist trained in helping a student develop daily living skills (e.g., handwriting, self-care, prevocational skills, etc.)

Orthopedically Impaired - A severe orthopedic impairment that adversely affects a child’s educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

Other Health Impaired - A pupil has limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and which adversely affects a child’s educational performance.

Parent - Means a biological or adoptive parent unless the biological or adoptive parent does not have legal authority to make educational decisions for the child, a guardian generally authorized to act as the child’s parent or authorized to make educational decisions for the child, an individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative with whom the child lives, or an individual who is legally responsible for the child’s welfare, a surrogate parent, a foster parent if the authority of the biological or adoptive parent to make educational decisions on the child’s behalf has been specifically limited by court order.

Parent Counseling - Individual or group counseling provided by a qualified individual pursuant to an IEP to assist the parents of special education students in better understanding and meeting their child’s needs.

Proficiency Level Descriptors (PLDs) - The stages of English language development that English learners are expected to progress through as they gain increasing proficiency in English as a new language. The PLDs describe student knowledge, skills, and abilities across a continuum, identifying what ELs know and can do at early stages and at exit from each of three proficiency levels: Emerging, Expanding and Bridging.

Psychological Services - Services provided by a credentialed or licensed psychologist pursuant to an IEP. Services include obtaining and interpreting information about child behaviors and conditions related to learning, planning programs of individual and group counseling and guidance services for children and parents.

Reading Comprehension - The ability to understand what one has read.

Receptive Language - Receiving and understanding spoken or written communication. The receptive language skills are listening and reading.

Referral - The process of requesting an evaluation for a student who is suspected of having a disability. A referral is official and must be in written form. Once it is made, time lines and procedural safeguards ensue.

Related Services - Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education; can include speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

Reliability - The extent to which a test provides precise or accurate measures.

Residential Treatment Services - A 24-hour out-of-home placement that provides intensive therapeutic services to support the educational program.

Resolution Meeting - A structured meeting lead by the facilitator with the primary goal of clarifying issues, determining if solutions can be achieved, and designate the issues for hearing or complaint if no agreement to solutions can be achieved.

Response to Instruction (RTI) - Interventions that include screening, observing, intervening, and tracking progress over time (progress monitoring).

Response to Instruction and Intervention (RtI²) - Is defined as a general education approach of high quality instruction, early intervention and prevention, incorporating academic and behavioral strategies.

Scaled Scores - The translation of "raw scores" (total points earned on a test) into a score which has similar meaning across age levels.

School Psychologist - A person trained to give psychological tests, interpret results, and suggest appropriate educational approaches to learning or behavioral problems.

Self-concept - A person's idea of himself or herself.

Self-help - Refers to feeding, dressing, and other activities necessary for functioning as independently as possible in a family, in school, and in the community.

Service Provider - Refers to any person or agency providing some type of service to children and/or their families.

Severely Handicapped (SH) - Students who require intensive instruction and training (e.g., multi-handicapped, intellectually disabled, autistic, or emotionally disturbed).

Significant Disproportionality - Is the determination that a LEA has significant over-representation based on race and ethnicity overall, by disability, by placement in particular educational settings, or by disciplinary actions.

Social Work Services - Provided pursuant to an IEP by a qualified individual and include such services as preparing a social or developmental history of a child with a disability; group and individual counseling with the child and family; working with those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school; mobilizing school and community resources to enable the child to learn as effectively as possible in his or

her educational program; and assisting parents in developing positive behavioral intervention strategies.

Specialized Academic Instruction - Specially designed instruction to meet the unique need of the individual to allow them to access the core curriculum.

Specific Learning Disability - Means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may have manifested itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, cognitive abilities including association, conceptualization and expression.

Speech Language Impairment - When a student has a language or speech disorder that meets one or more of the following: articulation disorder, abnormal voice, fluency disorder, language disorder (receptive or expressive).

Student Study Team (SST) - A team of educational personnel including classroom teachers who are responsible for developing modifications to the regular program and providing appropriate learning environments for students who may be exhibiting school related problems. Through combining knowledge and brain storming efforts, the SST may generate solutions that enable a student to remain in general education rather than be referred for special education.

Surrogate Parent - A person appointed by the SELPA who acts as a child's parent for the purpose of the IEP process to ensure the rights of an individual with exceptional needs when no parent can be identified or located, or the child is a ward of the state and the parents do not retain educational rights for the child.

Traumatic Brain Injury (TBI) - An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

Transition - Transition services are a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities. The coordinated set of activities is based upon the individual student's needs, preference and interests. The process begins at 16 years or younger and includes the student, family, education personnel, and vocational and adult service providers.

Triennial Assessment - Every student with a disability eligible for special education services shall have a complete reassessment at least every three years.

Universal Design for Learning (UDL) – UDL focuses on *planning instruction* in such a way to meet the varied needs of students at the point of first best instruction, thereby reducing the amount of follow-up and alternative instruction necessary.

Validity - The extent to which a test really measures what it is intended to measure.

Visual Discrimination - Using the eyes to discriminate letters and words.

Visually Impaired (VI) - Students who are blind or who have partial sight and who, as a result, experience lowered educational performance.

Visual-Motor - The ability to relate vision with movements of the body or parts of the body.

Visual Perception - The identification, organization, and interpretation of data received through the eye.

Special Education Acronyms

| | | |
|---|--|--|
| 504 Section 504 of the Rehabilitation Act | CALPADS California Longitudinal Pupil Achievement Data System | DHH Deaf and Hard of Hearing |
| AAC Augmentative & Alternative Communication | CAPA California Alternate Performance Assessment | DMH Department of Mental Health |
| AB Assembly Bill (State Legislation); Adaptive Behavior | CASEMIS California Special Education Management Information System | DO District Office |
| ABA Applied Behavior Analysis | CASPP California Assessment of Student Performance and Progress | DOF Department of Finance |
| ADA American Disability Act; Average Daily Attendance | CBI Community-Based Instruction | DSS Department of Social Services |
| ADD Attention Deficit Disorder | CBM Curriculum-Based Measurement | EC Education Code |
| ADHD Attention Deficit Hyperactivity Disorder | CBS Community-Based Services | ECE Early Childhood Education |
| ADR Alternative Dispute Resolution | CCR California Code of Regulations | ED Emotional Disturbance |
| AMAOs Annual Measurable Achievement Objectives | CCS California Children's Service | EL English Learner |
| AP Assessment Plan | CCSS Common Core State Standards | ELA English-Language Arts |
| APE Adapted Physical Education | CCTC California Commission in Teacher Credentialing | ELD English-Language Development |
| API Academic Performance Index | CDE California Department of Education | ELM English-Language Mainstream (classroom) |
| APR Annual Performance Report | CELDT California English Language Development Test | EMT Educational Monitoring Team |
| ASD Autism Spectrum Disorder | CFR Code of Federal Regulations | ESY Extended School Year |
| AT Assistive Technology | CMA California Modified Assessment | FAPE Free Appropriate Public Education |
| AU Administrative Unit | COE County Office of Education | FBA Functional Behavior Analysis |
| AYP Adequate Yearly Progress | CPS Child Protective Services | FEP Fluent English Proficient |
| BCBA Board Certified Behavior Analyst | CST California Standards Test | FERPA Family Educational Rights and Privacy Act |
| CA Chronological Age | CTE Career Technical Education | FES Fluent English Speaker |
| CAC Community Advisory Committee; California | CWA Child Welfare and Attendance | FFH Foster Family Home |
| CAHSEE California High School Exit Exam | DB Deaf/Blind | FMTA Focused Monitoring Technical Assistance (CDE-SED) |
| | DDS Department of Developmental Services | FTE Full-Time Equivalent |
| | | IA Instructional Aide |
| | | IAES Interim Alternate Education Setting |

ID
Intellectual Disability
IDEIA
Individuals with Disabilities
Education Improvement Act
IEE
Independent Education Evaluation
IEP
Individualized Education Program
IFSP
Individualized Family Service Plan
IRC
Inland Regional Center
ISP
Individualized Service Plan
ITP
Individualized Transition Plan
LAGOS
Linguistically Appropriate Goals and
Objectives
LAO
Legislative Analyst Office
LCI
Licensed Children's Institute
LEA
Local Education Agency
LEP
Limited English Proficient
LRE
Least Restrictive Environment
MH
Multihandicapped; Mental Health
MOU
Memorandum of Understanding
MTSS
Multiered System of Support
MTU
Medical Therapy Unit
NCLB
No Child Left Behind
NPS/A
Nonpublic School/Agency
OAH
Office of Administrative Hearings
OCR
Office of Civil Rights
OHI
Other Health Impaired
OI
Orthopedically Impaired
OSEP
Office of Special Education
Programs (U.S.D.E.)
OT
Occupational Therapy

PBIP
Positive Behavior Intervention Plan
PBIS
Positive Behavior Intervention and
Supports
PE
Physical Education
PL
Public Law
PLD
Proficiency Level Descriptors
(English Learners)
PLOP
Present Levels of Performance
PSRS
Procedural Safeguards and Referral
Service
PT
Physical Therapy
PTA
Parent Teacher Association
PWN
Prior Written Notice
QAP
Quarterly Assurance Process
RCEO
Riverside County Office of Education
RFEP
Reclassified Fluent English Proficient
RS
Related Services
RSP
Resource Specialist Program
RTC
Residential Treatment Center
RTI
Response to Intervention
SARB
School Attendance Review Board
SB
Senate Bill (State Legislation)
SBAC
Smarter Balance Assessment
Consortium
SD
Standard Deviation; School District
SDAIE
Specially Designed Academic
Instruction in English
SDC
Special Day Class
SDE
State Department of Education
SEACO
Special Education Administrators of
County Offices

SED
Special Education Division (at CDE)
SEI
Structured English Immersion
SELPA
Special Education Local Plan Area
SEPAC
Special Education Parent Advisory
Committee
SH
Severely Handicapped
SLD
Specific Learning Disability
SLI
Speech Language Impaired
SLP
Speech Language Pathologist
SOP
State Operated Program; Summary
of Performance
SSID
Statewide Student Identifier
SSIP
State Systemic Improvement Plan
SSPI
State Superintendent Public
Instruction
SST
Student Study Team
SWD
Student with Disability
TBI
Traumatic Brain Injury
TIDE
Test Information Distribution Engine
UDL
Universal Design for Learning
USD
Unified School District
USDE
United States Department of
Education
VI
Visually Impaired
§
Section