



# SPECIAL EDUCATION

## How Do I Access Special Education Services for a Child?

- \* If it is believed a child needs special education services any "services provider" may make a referral to the school. This includes the caregiver, social worker, and school staff.
- \* HOWEVER, the Holder of Education Rights must sign authorization for a psycho educational assessment by the school district special education professionals. This will determine if the child meets the eligibility requirements of Individual Disability Education Act (IDEA) to receive special education services.
- \* For children that were receiving special education services at a prior school and have a current Individualized Education Program (IEP) plan, they can continue to receive services at the new school.
- \* You need to share the IEP plan with the new school. Within 30 days, a new assessment will be done to determine if the new school will implement the existing IEP or develop a new IEP with a change in services.
- \* Attend the IEP meeting to share your knowledge about the child and his/her learning style, challenges, and strengths.

### Steps to Resolving Concerns:

As the parent / caregiver you know a lot about the child. You know many of the child's strengths and challenges. It is important for you to share these with the child's teachers.

If you have concerns about the child's skill development and education, contact your child's teacher immediately and share information about what you see. Have informal meetings and phone conferences to build a partnership with the teacher and school.

To prepare for the meeting or phone conference, make a list of your questions, concerns, ideas and information about the child. As the child if there is anything that you should share. During the meeting discuss your list, take notes and ask to see examples

of the child's work, for specific examples of classroom behavior and ways to help the child at home. If you do not understand something, ask for an explanation. Try to arrive a mutually agreed upon solution to any problems or concerns.

After the meeting, talk with the child about the good things that were discussed, the problems that need to be worked on and the steps that will be taken to assist the child.



# SPECIAL EDUCATION: AN OVERVIEW

## TIMELINES:

15 days— Within 15 days of Holder of Education Rights written request for a special education assessment received by the school district, an assessment plan is sent from the school.

60 days—Holder of Education Rights signs authorizing the Assessment Plan, then the IEP meeting must be held within 60 calendar days of receipt of signed consent to consider assessment results.

If it is needed,  
another IEP meeting can be held

30 days—If a child has an IEP and is not making satisfactory progress, another IEP can be requested in writing by the Holder of Education Rights or at the school request. The meeting must be held within 30 days.

30 days—Students new to the school district, who recently received special education services, must have an IEP meeting held within 30 days or implement the existing IEP.

## DEFINITIONS:

### Holder of Education Rights—

The person who is legally responsible to make decision for the child related to the child's school and education. If you do not know who is the Holder of Education Rights, call the child's attorney and/or social worker.

### Individualized Education Program (IEP) -

A written education plan for a school-aged child with disabilities developed by a team of professional and the child's parent(s); it is reviewed and updated yearly and describes how the child is presently doing, what the child's learning needs are, and what services the child will need.

### Special Education -

Defined as 'specially designed instruction' to meet the unique needs of a student with a disability.

### Nonpublic School—

Private special education schools certified and regulated by the State, with oversight by the referring school district for full compliance with education codes.

### Section 504 of Rehabilitation Act (504 Plan) -

Protects persons from discrimination based upon their disability status. The law provides for accommodations to students who meet specific criteria.

## Individualized Education Program (IEP)

### Assessment and IEP Process

STEP 1 -	STEP 2 -	STEP 3 -	STEP 4 -	STEP 5 -
Written Referral for Assessment form Holder of Education Rights	Assessment Plan by Professional Team	Consent and IEP Development Meeting	IEP Implementation School Provides Special Education Services	IEP Review Follow-up IEP Mtgs: Annual, Triennial, and As Needed

### STEP 1 -

#### Referral for Assessment:

- Parent/guardian, foster parent, CSW, teacher, other school personnel, CASA Child Advocate, or any other service provider (such as a therapist, doctor, or attorney) may refer a child for an assessment for special education services.
- The referral needs to identify why the child needs the testing to improve the child's academic skills.
- **Make the request to school principal in writing.**

#### Authorization for Assessment:

**The Holder of Education Rights** (the parent unless otherwise identified by the court) must give **signed consent** to authorize a **psycho educational assessment** to take place.

**If the parent's educational rights are limited, the court can name a person to be the "responsible adult" to perform the function.**

## SPECIAL EDUCATION PROCESS STEPS continued:

### STEP 2 -

#### Assessment Plan by a Professional Team:

Involves the school gathering information about the child's:

- ✓ test scores
- ✓ observations
- ✓ interviews
- ✓ work samples
- ✓ school records

The assessment may include testing in:

- ✓ Academic
- ✓ Social Emotional Development
- ✓ Fine and Gross Motor Ability
- ✓ Speech and Language
- ✓ General Ability
- ✓ Hearing Assessment

### STEP 3 -

#### Consent and IEP Meeting

##### Purpose of the Meeting:

- ✓ Determines if the child qualifies for special education services
- ✓ Determines present levels of performance
- ✓ Strengths and weaknesses
- ✓ Establishes goals for the child's progress
- ✓ Develops a written document describing the child's educational needs and services to be provided

##### Meeting Attendees:

###### Core participants -

- ✓ Holder of Education Rights
- ✓ Administrator
- ✓ School Psychologist
- ✓ Special Education Teacher
- ✓ General Education Teacher
- ✓ Group Home Provider (if child resides in a group home)

###### And if appropriate -

- ✓ Child
- ✓ CSW
- ✓ Child's Attorney
- ✓ Other District Staff
- ✓ Any other person with useful information regarding the child's need

##### Sample of Meeting Agenda:

- ✓ Summary of Parent/Student Rights
- ✓ History of Case
- ✓ Parent/Student Share Concerns
- ✓ Reports of Individual Assessments by Examiners or Designees
- ✓ Eligibility for Special Education
  - Not Applicable for Regular Annual Reviews
  - Written Statement if Student Does Not Qualify
- ✓ Determine the appropriate classroom environment and services needed to meet the child's special needs

- ✓ Meeting Summary
  - Summarize IEP
  - Address Questions
  - Acquaint Parents with Future Procedures, i.e. annual reviews, transition IEPs, triennial review dates
  - Explain Due Process
- ✓ Sign Appropriate Forms\*
- ✓ Parents are provided with legible copy of the IEP document
- ✓ Adjourn

##### Information Contained in an IEP:

- ✓ Present level of performance
- ✓ Statement about child's disability
- ✓ Annual goals and objectives, including measurement standards
- ✓ Statements defining services to be provided
- ✓ How often, when and in what setting services will take place
- ✓ How child will participate in general education activities with non-disabled peers
- ✓ Plan to address any behavioral issues

### STEP 4 -

#### IEP Implementation School Provides Special Education Services

##### Possible Other Services that can be included in the IEP:

- ✓ Language and speech
- ✓ Audiological services
- ✓ Psychological Counseling
- ✓ Adapted physical education
- ✓ Physical and Occupational therapy
- ✓ Transportation
- ✓ Rehabilitation Counseling
- ✓ Positive Behavior Support (based on need identified in a functional analysis assessment)

##### Educational Placement Options -In order of least to most restrictive:

- ✓ General education class
- ✓ General education class with consultation
- ✓ General education class with DIS (designated instruction and service)
- ✓ General education class and RSP (resource specialist program)
- ✓ General education class and SDC (special day class)
- ✓ Special day class
- ✓ Special school
- ✓ Extended School Year
- ✓ Public/Non-public school dual enrollment
- ✓ Non-public school
- ✓ Home or Hospital



## SPECIAL EDUCATION PROCESS STEPS continued:

### STEP 5 -

**IEP Review Follow-up IEP Meetings: Annual, Triennial, and As Needed**

#### Frequency of Meetings:

- √ Once the IEP meeting is held, follow up meetings occur on the following schedule:
  - √ Annual review
  - √ Every third year comprehensive testing and evaluation
  - √ As needed, at the request of the holder of education rights or school
- If needed, when a child moves to a new school

#### Federal Law for the Provision of Special Education Services: IDEA

- √ Educational services provided in public school based on law—Individuals with Disabilities Education Act (IDEA) renamed in 1991.
- √ IDEA addresses children with educational disabilities from ages 3 to 21 years of age.
- √ An educational disability is a condition that prevents a child from benefiting from his / her education, not necessarily based on a child's intelligence.
- √ Each child has an IEP designed to the child's unique needs.

#### The Six Principles of IDEA:

- √ Free Appropriate Public Education (FAPE)
- √ Appropriate Evaluation
- √ Individualized Education Program (IEP)
- √ Least Restrictive Environment (LRE)
- √ Parent and Student participation in decision making
- √ Procedural safeguards

#### Special Education Student Rights:

- √ Every child has the right to a public school education in the least restrict environment (LRE), which provides for interactions with nondisabled peers as appropriate. This includes: attendance in partial day in general education classes and participating in extracurricular activities.

#### Special Education Services Provided are Based on:

- √ Assessments
- √ Multidisciplinary team meeting
- √ Outcomes of the IEP meeting
- √ Individual needs of the child
- √ Ongoing status review of prescribed IEP meetings

#### Disabilities Eligible for Special Education Services:

- √ Autism spectrum
- √ Blind / visual impairment
- √ Communication impairment / speech impairment
- √ Deaf / hearing impairment
- √ Learning impairment / intellectual disability / specific learning disability
- √ Orthopedic impairment
- √ Other health impairment
- √ Traumatic Brain injury



**TRANSPORTATION CAN BE INCLUDED  
IN THE IEP, IF NEEDED.**

### ADDITIONAL INFORMATION REGARDING SPECIAL EDUCATION:

#### SUMMARY OF RESPONSIBILITIES:

##### Holder of Education Rights -

- √ Has the responsibility to authorize the request for the psycho educational assessment.
- √ Must attend the IEP meeting.
- √ Be prepared to discuss the child's strengths and needs about the child's education progress.
- √ Participate in the decisions impacting the child's education and services needed.
- √ Sign the IEP document.

##### Children's Social Worker:

- √ Collaborate with holder of education rights and school
- √ Share in the assessment, including strengths and needs
- √ Advocate for the child
- √ Provide the caregiver a copy of the IEP
- √ The CSW is not permitted to sign the IEP document.
- √ Discuss with the caregiver how the child is progressing in school and if special education services are being provided.

##### School:

- √ Has the responsibility to provide the child educational services
- √ Provide assessment services
- √ Organize the IEP meeting
- √ Provide special education services individualized to the child's IEP

##### Disagreements:

If parent (or Holder of Education Rights) disagrees with any portion of the IEP, parents should indicate portions agreed upon so they may be implemented immediately, and a plan should be developed for resolving areas of disagreement.

## Individuals with Disabilities Education Act (IDEA)

### Federal Law for the Provision of Special Education Services to Children:

- √ Educational services provided in public schools are based on the Individuals with Disabilities Education Act (IDEA) law, renamed in 1991 and reauthorized in 2004 as the Individuals with Disabilities Education Improvement Act.
- √ IDEA address child with educational disabilities from birth to 21 years of age. In California, infants and toddlers birth to three years who are eligible under IDEA, Part C are served through Regional Centers.
- √ An educational disability is a condition that prevents a child from benefiting from his/her education not necessarily based on the child's intelligence.
- √ Each child's IEP must be designed to meet the child's unique needs. It will describe the accommodations and/or assistance the child needs to enhance his/her learning.
- √ If the Holder of Education Rights disagrees with the IEP assessment, it is important to address all disagreements within the timelines established under IDEA. It is recommended the Holder of Education Rights discuss with the child's attorney, caregiver, and social worker what are the areas of disagreement to work with the school to reach an agreement to benefit the child.

## NONPUBLIC SCHOOLS (NPS)

- √ As part of the IEP meeting, it may be determined the student's needs are best served in a Nonpublic School (NPS).
  - √ For a student under the supervision of DCFS to attend a NPS, the Holder of Education Rights must sign authorization on the IEP document for the student to attend a NPS.
  - √ The local school district facilitates the psycho educational assessments and IEP meetings, not the NPS.
  - √ NPS are often affiliated with a group home. They are designed to meet the needs of a very small population of students when no appropriate public school is available.
  - √ Per federal education law, a group home affiliated with NPS, cannot require the youth to attend the NPS as part of the placement decision.
  - √ If an IEP does not exist, the local school district must provide educational services for the youth.
  - √ The decision to place a child in a NPS is a collaboration of the Holder of Education Rights and local school district, not the group home or CSW.
- Children's Social Worker's Role for youth in NPS:
- √ Attend the IEP meeting whenever possible
  - √ Attach the youth's grades, attendance record, and IEP to the court report.
  - √ Participate in developing a plan to transition the youth back to public school.
  - √ Advocate for dual enrollment. Students can be enrolled in a combination of public and nonpublic school classes.

## Special Education Services for Young Children—Birth to 36 months:

- √ Children qualify under IDEA Part C for Early Start special education services.
- √ In California, the services are processed through the Regional Centers.
- √ The Regional Centers receive a referral for service from the CSW, PHN, medical provider, or the caregiver can call the Regional Center directly to request a developmental assessment.
- √ The assessment process may include:
  - Gathering information from the caregiver, medical provider, and Children's Social Worker
  - Observing the child and asking the child to perform some developmental activities
  - Review of several specialists
- √ The Regional Center will schedule a Individualized Family Service Plan (IFSP) meeting
- √ The child will receive special education services if through the assessment process it is determined the child has met one of the following criteria:
  - Have a developmental delay in either :
    - Cognitive
    - Communication
    - Social or emotional
    - Adaptive
    - Physical or motor developmental functioning including hearing or vision
  - OR
  - Have an established risk condition of known etiology, with high probability of developmental delay,
  - OR
  - Are at high risk of having a substantial developmental disability due to a combination of "risk factors", including:
    - Prematurely or low birth weight
    - Prenatal or other exposure to drugs
    - Poor nutrition or difficulties eating
    - Exposure to lead based paint
    - Environmental factors, such as abuse or neglect
    - Vision or hearing difficulties

If the child is determined to qualify for special education services, All services are free and offered in the home whenever possible.



**Children under three-years-of-age can also receive special education services.**

### Section 504 of the Rehabilitation Act (504 Plan):

- √ This is a Civil Rights law that protects individuals who have a physical or mental impairment, which substantially limits one or more life activities.
- √ Section 504 of the Rehabilitation Act does not provide funding to make accommodations, which may related to building and program accessibility.
- √ Unlike special education, 504 Plans do not require the school to provide an IEP designed to meet the child's unique needs. The school is required to provide for the child's educational benefit, as for other students.
- √ The law requires the Holder of Education Rights to give the school notice in respect to identification, evaluation and/or placement of the student to address the student's needs.
- √ The following conditions qualify to meet the 504 Plan criteria for Services:
  - Asthma
  - Behavior problems
  - Tourette's syndrome
  - Emotional problems
  - Obesity
  - Drug and Alcohol addiction

*The Children's Social Worker has a support role in the process and reports the education plan for the child, decisions, services, and results related to education to the court.*

## HELPS ABOUT HOW TO PREPARE BEFORE THE IEP\* MEETING

### **1. Request Needed Assessments in Writing or Get Independent Assessments**

Your child can be assessed in any area of suspected disability and for any services needed for him to benefit from school. For example: assessments may be done of reading or math levels; on the modifications needed to fully include your child; for therapy services (OT, PT, speech, mental health) and to identify assistive technology like a communication device. Any "service provider", which would include the social worker, therapist, child's attorney, and others can submit a referral for assessment, however only the Holder of Education Rights sign the authorization for the assessment to be performed. The school must provide an assessment plan within 15 days. Once the plan is signed, the assessment must be completed and the IEP held in 60 days (with some exceptions).

### **2. Ask to Obtain Assessment Reports One Week before IEP Meeting**

Request from the school copies of the assessments. Ask the school to provide you with copies of the written assessment reports a week before the IEP meeting. This is very important so that you can read the reports, discuss them and plan for the meeting.

### **3. Plan for the Meeting with a Friend or Advocate**

Your child's attorney, social worker, or resource family groups are interested in the child receiving the services he/she needs and can, as needed, assist you to plan for the IEP meeting. Or buddy up with another family and assist each other to plan for IEPs.

Review any assessment reports with this person, identify your aims for the meeting, think about what your child accomplished last year and what you hope they will learn next year. Identify the special difficulties or strengths of your child that you want to bring to the school's attention. If you are seeking full inclusion or increased integration, identify how your child interacts with non-disabled children outside of school and what makes it successful.

### **4. Consider Full Inclusion or Increased Integration**

The law says that to the maximum extent appropriate, as decided by the IEP team, children with disabilities shall be educated in their neighborhood schools and attend regular classes (with supplemental aids and services). These placements are called "full inclusion." Today many researchers and parents believe all children with disabilities can and should be fully included. You should definitely consider before the IEP meeting whether you want your child fully included or simply want to increase her integration opportunities in classroom and/or extracurricular activities (clubs, field trips, etc.) at her school.

## **5. Make a List of the Points You Want to Raise at the IEP Meeting**

However well you plan you may get nervous or distracted at a meeting with several professionals. Thus it is good to make a list of points and questions in advance so you won't forget. You can check off points as they are discussed and jot down the answers to your questions.

### At the IEP Meeting:

#### **1. Bring a Friend, Advocate and/or a Person Who Knows Your Child**

You can invite anyone you want to your child's IEP. It is always a good idea to have someone with you. Regional Center Service Coordinators should be available to attend but you need to schedule the date with them in advance. If there is a day-care operator, grandparent, tutor, behavior specialist or other person who knows your child and her learning style, it can be helpful to bring them to the meeting.

#### **2. Don't Be Afraid to Ask Questions, Make Sure You Understand Any "Jargon"**

Schools are required to explain all findings and recommendations in easily understandable language. District staff uses the same terms every day, and may forget that the world doesn't know what they mean. Some parents don't ask questions because they feel it makes them appear unintelligent or unsophisticated. The fact is that the most intelligent and sophisticated parents often ask the most questions.

#### **3. Discuss Present Level of Your Child's Performance**

Discuss reports, assessments, yours and the teacher's observations of your child's performance and record his abilities and issues.

#### **4. Develop Annual Goals and either Short-term Objectives or a Schedule of Progress Reports to Monitor Your Child's Progress.**

Review progress on prior annual goals, then formulate new annual goals. If your child will be assessed using alternate achievement standards (such as the CAPA [California Alternate Performance Assessment]), rather than the school district's general education standards (such as the STAR program), the IEP must break the annual goal down into short-term objectives which are reviewed at designated point during the year to make sure the child is progressing toward the annual goal. If your child will be assessed using standard achievement testing program, his IEP will not include short-term objectives. Rather his IEP must include a schedule for your receipt of periodic progress reports on your child's progress toward achieving the annual IEP goals. Make sure the short-term objectives are clear and have dates assigned to them for review of progress. Make sure the schedule for your receipt of the periodic progress reports is clear in the IEP and then make sure you receive and review those reports and ask for another IEP to discuss any progress

or discrepancies. If you are interested in your child having greater integration with non-disabled peers, you should request goals that involve interaction with non-disabled students, such as: "Molly will initiate a conversation or positive interaction with a non-disabled student at least \_\_\_ times each school day."

### **5. Identify Full Inclusion or Integration Opportunities and the Supports Needed for Success**

The district must provide supplementary aids and services to accommodate the special education needs of students with disabilities in integrated settings including; for example, a trained aid, use of a tape recorder, an inclusion specialist to help the regular education teacher modify curriculum or a behavioral plan to address disruptive behaviors.

### **6. Describe the Placement for Your Child and Identify Specifically the Supports and Related Services Needed**

All related services, such as speech therapy, should be identified including frequency and duration, for example: twice a week for one hour. The parameters of the placement should be stated clearly; for example, Karen will be fully included in second grade with a full time aid and five hours a week of a full inclusion specialist or John will attend a special day class for communicatively handicapped students with mainstreaming for science, chorus and all regular school activities. You do not have the right to require the district to provide its services from a particular person in a particular classroom. Specific placement options should be, however, discussed at the IEP.

### **7. Sign the IEP Only If You Are Satisfied**

You do not need to sign the IEP at the meeting -- you can take it home to discuss with others and think about it. You can consent to only part of the IEP so those services you agree with can begin. If you sign the IEP and later change your mind, you may withdraw your consent by writing to the special education administrator. If you and the district disagree on services, the last agreed upon IEP remains in effect while a due process hearing is held. This is called "stay-put."

#### After the IEP Meeting:

### **1. Meet Your Child's Teacher(s) at the Beginning of the Year -- Be a Classroom Volunteer if Possible and/or Participate in School Activities**

Parents have different amounts of time and money, analyze your situation and then contact the teacher or school to determine how you could be of assistance. If you work during the day you may be able to help prepare materials in the evening in your home. Not only will you become more familiar with the school and its staff, but also your child will feel special.

## **2. Support Your Child in Developing Friendships with Her Classmates**

Assist your child to call friends outside of school and to make play-dates. Having friendships with non-disabled and disabled children will help your child be part of their community.

## **3. Monitor Your Child's Progress**

You may want to arrange for a regular communication system with your child's teacher such as a notebook that goes back and forth to school. Note projected target dates for your child to master particular skills, such as the dates assigned to the short-term objectives or the schedule for the periodic progress reports which you are entitled to receive for students whose IEPs do not include short-term objectives. A notebook that goes back and forth to school will help you to determine whether supplementary aids and services and related services are actually being provided.

### **If Things Don't Work Out:**

#### **1. You Can File a Compliance Complaint If the School District Does Not Follow the Rules or Fails to Provide Services Required in a Signed IEP**

A compliance complaint is filed when you believe the district has violated a part of special education law or procedure. The complaint is investigated by the district or the state Department of Education and a written determination of whether the district was/is "out-of-compliance" is made. See Special Education Rights and Responsibilities, Chapter 6 for details.

#### **2. You Can File for a Due Process Hearing If You and the School District Cannot Agree on the Special Education Services Appropriate for Your Child**

When you and the district disagree about your child's eligibility, placement, program needs, integration or related services either of you may request a due process hearing. At the hearing both parties present evidence to an independent hearing officer (hired by the state). The hearing officer will decide on the facts and the law and issue a written decision. See Special Education Rights and Responsibilities, Chapter 6 for details.

\*Individualized Education Program. Developed at a meeting with at least the parent(s), the child's teacher and a school district administrator.

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