SELPA

Santa Clara County Office of Education

PARENT HANDBOOK FOR SPECIAL EDUCATION

NORTHWEST SANTA CLARA COUNTY SELPAS
Community Advisory Committee for Special Education

1290 Ridder Park Drive
San Jose, CA 95131
(408) 453-6566
www.selpa.sccoe.org

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Also many thanks to the parents on our handbook committee who have given their time in revising the handbook for Northwest Santa Clara County SELPA I: Agnes Berthillier, Christine Case-Lo, Sarah Gentile, Claire Quesnel-Oueini, Annie Morgan, Karen Mueller, Trudy Palmer and Christina Schmidt.

SCHOOL DISTRICTS WITHIN NORTHWEST SANTA CLARA COUNTY SELPA	
SELPA I School Districts:	**Special Education Phone Number:**
Los Altos School District	(650) 947-1190
Mountain View Whisman School District	(650) 526-3492
Mountain View-Los Altos Union High School District	(650) 940-4657
Palo Alto Unified School District	(650) 833-4262
Santa Clara County Office of Education	(408) 453-6542
SELPA II School Districts:	
Fremont Union High School District	(408) 522-2285
Cupertino Union School District	(408) 252-3000
Sunnyvale School District	(408) 522-8200
Santa Clara County Office of Education	(408) 453-6542
SELPA III School Districts:	
Cambrian School District	(408) 377-2103
Campbell Union School District	(408) 341-7000
Campbell Union High School District	(408) 371-0960
Lakeside Joint School District	(408) 354-2372
Loma Prieta Joint School District	(408) 353-1101
Los Gatos-Saratoga School District	(408) 402-6310
Los Gatos Union School District	(408) 335-2042
Luther Burbank School District	(408) 295-2450
Moreland School District	(408) 874-2952
Saratoga Union School District	(408) 867-3424
Union School District	(408) 377-8010
Santa Clara County Office of Education	(408) 453-6542
SELPA IV School Districts:	
San Jose Unified School District	(408) 535-6030
Santa Clara County Office of Education	(408) 453-6542
SELPA VII School Districts:	
Santa Clara Unified School District	(408) 423-2072
Santa Clara County Office of Education	(408) 453-6542

If you need additional assistance beyond your Local District/County Office or wish general information regarding Special Education programs, services and policies within the Santa Clara County Special Education Local Plan Area (SELPA), you may access the SELPA website at www.selpa.sccoe.org or you may contact the SELPA AU office through:

NORTHWEST SANTA CLARA COUNTY SPECIAL EDUCATION LOCAL PLAN AREA ADMINISTRATIVE UNIT (NW SELPA AU)
Contact: SELPA Director 1290 Ridder Park Drive, San Jose, CA 95131 Phone: 408-453-6566 | Fax: 408-453-4337

INTRODUCTION

Parents and school staff worked together to bring you this handbook. You are a partner in the education of your child, and everyone involved in the processes of special education wants your child to thrive. You won't know everything at the beginning. We are all constantly learning how to help our children. Ask for help when you need it, both from the Districts as well as from parent groups like the PTA at your school or the SELPA CAC. Other parents are a great resource for finding out how to navigate through the system. You are not alone. We hope this handbook helps you to find the right solutions for your child.

The contents of this handbook are based on the most recent federal and state laws. However, laws and regulations change constantly. The content of the handbook will be revised as needed to reflect those changes.

SPECIAL EDUCATION LAWS

The Individuals with Disabilities Education Act (IDEA)

Public Law 94-142, the Education for Handicapped Children Act of 1975, was the first federal law, which guaranteed every child with a disability the right to a free and appropriate public education (FAPE) in the least restrictive environment (LRE).

This law also provided that each child:

- Is guaranteed a culturally unbiased, valid assessment in all areas of the suspected disability;
- Is to have an Individualized Education Program (IEP) designed to meet his/her unique needs;
- Is guaranteed specific procedures to insure his/her rights and those of their parents (due process procedures).

Public Law 94-142 states that all children with disabilities need and have the right to an education to become as self-sufficient and productive as possible in adult society, and that children with disabilities should be educated to the maximum extent possible with non-disabled students. This is what's known as the Least Restrictive Environment or LRE.

In 1990 the law was re-authorized as Public Law 101-476 by President Bush and was re-named the Individuals with Disabilities Education Act (IDEA). In 2004, IDEA was reauthorized and amended into law.

PARENTS' ROLES

Parents as Partners

Parents are valued partners, and parent participation is one of the outstanding features of current legislation concerning exceptional children. One example of this participation is this handbook. It was designed and prepared by parents of children with disabilities.

As a parent you are entitled to an active role in the special education process. From the referral to services in a special education program, you play an important part. As you play this key role in your child's education, it is important you understand fully all the ways you can participate as a partner.

Your rights and responsibilities as a parent in the identification, assessment, educational planning, placement, and appeals processes are specifically outlined in this handbook. Read them carefully and use them.

Participate

Be active in all the processes of your child's special education. As a parent you will find yourself one of a team of people all working together to plan and provide the most appropriate educational program for your child. Be prepared. Ask questions about anything you do not understand. Your participation is needed in a variety of ways. Here are some examples.

- Consent – By law your written consent is required before your child can be tested or receive any special education services.
- Information – As part of the assessment process and the IEP planning you will be asked to provide needed information concerning your child. Your cooperation will help in planning the best program for your child.
- Review – Your child's IEP will be reviewed once a year. Be involved in this process every year. Your input is needed. Remember the IEP is the heart of your child's education and your participation in the process is vital.
- Attendance – Attend all IEP meetings and parent conferences concerning your child. Also, you may have the opportunity to attend parent education programs to learn more about special education activities.
- Communication – Good communication between home and school is an important key to the success of a child's program. Once the decisions have been reached and the IEP written, keep in close touch with what is going on at school.

Community Advisory Committee (CAC)

An important organization to become aware of and be involved in is the Community Advisory Committee for Special Education (CAC). The law requires that a majority of its members be parents and a majority of those be parents of children with disabilities. Representatives of public and private agencies, community groups, special and general education teachers, students with disabilities, school personnel, and other concerned citizens make up the rest of the committee. This organization plays an important role in special education in the SELPAs. The CAC's responsibilities and activities include:

- Advising the SELPA administration and Executive Council regarding the development and review of special education programs.
- Making recommendations on priorities to be addressed under the local special education plan.
- Acting in support of children with disabilities.
- Assisting in the evaluation of how well the Local Plan for Special Education is meeting the needs of our children.
- Assisting in parent education and the development of public information materials such as this handbook.

You are encouraged to attend the monthly Community Advisory Committee (CAC) meetings. For more information, visit your respective SELPA CAC website through: https://www.sccoe.org/selpa/Pages/ParentsAndCommunity.aspx.

Other active parent organizations exist in the area that can also provide support, information, advocacy, and other assistance. They will welcome your involvement. See Resources section at the end of the handbook for information.

EARLY START (Birth to Age 3)

The Santa Clara County Office of Education offers special programs to families who have infants or toddlers under the age of three years with health, learning, behavioral or developmental concerns. Families may have received a diagnosis for their child, or they may have questions or concerns about their child's development. In these cases, there are professionals and other parents who can help by answering questions and providing the necessary services to assist the child and family.

If you are concerned about your child's development, the first step is to refer the child for evaluation and assessment. You may call the Early Start program directly at (408) 392-3902 and request an assessment. With your permission, the staff will assign a service coordinator to your family and will work with you to plan an assessment, whereby all areas of the child's development will be evaluated.

Within 45 days after you make your referral to Early Start, the assessment process should be completed and, if the child is eligible, an Individual Family Service Plan (IFSP) will be developed. The IFSP is a document that addresses both the unique needs of the child as well as the needs of the family to enhance their child's development. It includes a statement of the infant's current developmental level; the family's concerns, priorities, and resources; the expected outcomes; and specific services including frequency, intensity and duration. A family assessment is voluntary.

The IFSP is reviewed every six months (or more often if requested). Development of the IFSP must be coordinated with all other agencies providing services to the child and family (such as California Children Services, San Andreas Regional Center, etc.).

The IFSP is a joint effort among your family, professionals who will be working with the child, and the community supports needed to meet the special needs of the child. Research has shown that family-centered interventions during the first three years of a child's life can make a profound difference in the child's future. These services can improve the developmental progress of a child, can reduce feelings of isolation, stress, and frustration in families, and help children with disabilities to grow up and be productive and independent.

Services identified in the IFSP can be delivered in the home, at childcare, or at the Early Start Center. It is your service coordinator's job to assist you to access the services you need for your child. Services are designed to meet the developmental needs of the child and are to be provided at no cost to you. They include:

Assistive technology, psychological services, audiology (hearing) services, family training, counseling, home visits, respite, service coordination (case management), some health services, social work services, medical services for diagnostic or evaluative purposes only, nursing, nutrition counseling, occupational therapy, physical therapy, special instruction, speech and language services, transportation services, vision services, and others as needed.

90 days before the child's third birthday, a transition IFSP for your child must be developed which describes the steps to be taken to continue special school services, if needed, and may involve your district of residence. You will begin to think about a special education preschool for your child, and you service coordinator will help you to think about making this change, or "transition". There should be no interruption of services for your child when he/she leaves early intervention services and transitions to a preschool if continued services are required.

For more information, contact the California's Early Start Program for infants and toddlers at (800) 515-2229, or earlystart@dds.ca.gov.

SPECIAL EDUCATION: THE STEPS (ages 3-21)

Child Find is an ongoing process used by Santa Clara County educators and administrators to identify children and youth from birth through age 21 (inclusive) who may be eligible to receive special education and related services because they have developmental delays or disabilities. Each school district and county office of education are responsible for locating, identifying, assessing, and evaluating (with parental consent) students ages 3-21, who may have a disability and determine if they require special education and related services.

Child Find

Under current law, the school district (as well as other public agencies) is responsible for conducting a continuing search in the community to identify infants, preschool, and school-aged children who may require special education services.

Referral

If you notice problems in your child's school performance, you may request a meeting with the teacher to discuss what might be the cause. The teacher should notify the parents if there has been a noticeable gap in academic performance, possible learning difficulties, or problems with attendance or behavior. After interventions by the general education teacher are implemented, and if progress is still a concern, the Student Study Team (SST) may recommend an assessment to determine eligibility for special education and related services.

If you decide there is a need to have your child assessed for special education, at any time you may request an assessment. This request must be made in writing, or have a teacher or administrator assist you in writing a request for assessment (see Resources section at the end of the handbook for more information.)

Assessment

The assessment process has two major purposes:

- To determine if a student is eligible for special education services, and
- To assess the needs or gather all of the information in all suspected areas of disability in order to determine if the student requires special education and/or related services

The parent's written consent is necessary before an initial assessment can be conducted (as well as before any special education services can be delivered to the child). The written assessment plan must be prepared within 15 days after the district receives the referral for a special education assessment.

The proposed assessment plan must meet all of the following requirements:

1. Be in language easily understood by the general public;
2. Be provided in the native language of the parent or guardian or other mode of communication used by the parent or guardian, unless to do so is clearly not feasible;
3. Explain the types of assessments to be conducted;
4. State that no IEP will result from the assessment without the ***written*** consent of the parent;
5. A description of any recent assessments conducted, including any available independent educational evaluations and any assessment information the parent requests be considered; and
6. The student's language proficiency in the primary language and in English.

A developmental and educational history for the child will be obtained by a specialist. Results of the assessment will be given in a written report, and parents must be provided a copy of the findings. The report should describe how the child's disability affects involvement and progress in the general curriculum.

Your child is having difficulties in school?

Talk to your child's teacher

Send a written request to principal

Meet with Student Study Team (teacher, administrator, school psychologist)

Response to Intervention (RtI) Interventions to Help

Can be done at the same time

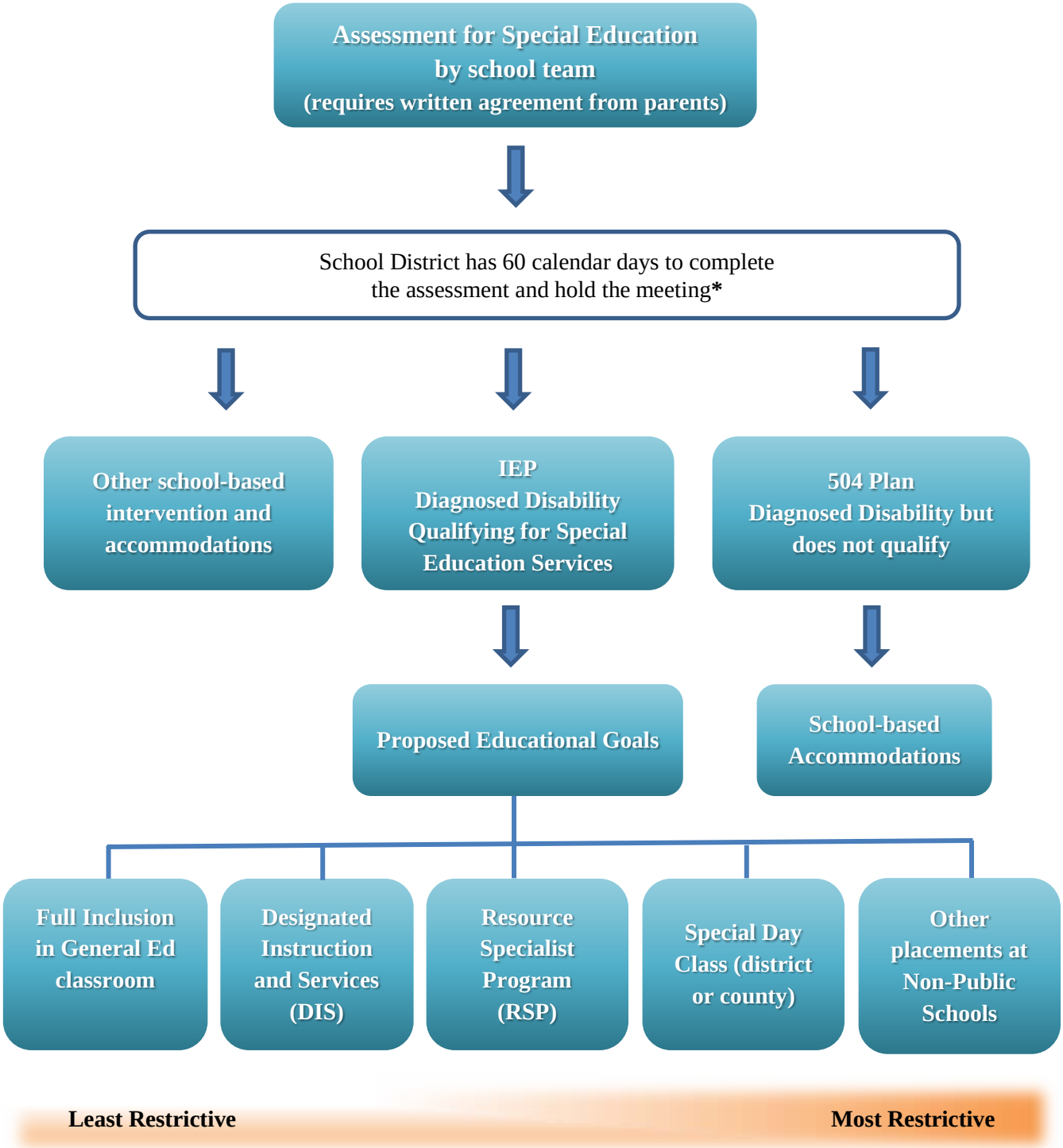
Assessment for Special Education By school team (requires written agreement)

Improvement with no additional intervention

Other school-based intervention & accommodations

504 Plan Diagnosed Disability School Based (Gen Ed)

IEP Diagnosed Disability Qualifying for SpEd



*****_excluding any holiday over 5 days._

Individualized Education Program (IEP)

An IEP meeting must be held within 60 calendar days after the date of the receipt of written consent to an assessment from parent or guardian (timelines are suspended for more than 5 days of vacation). The IEP is developed by a team including the parents, an administrator, an education specialist, the person(s) who conducted the assessment(s), at least one general education teacher if your child is or may be participating in the general education classroom, and other individuals as needed and appropriate. Parents should consider whether to have their child attend the IEP team meeting. Older students are encouraged to attend and to take an active part in the IEP process. Beginning at age 15, students must be invited to the IEP meetings. Younger students can attend when appropriate, perhaps just for a portion of the meeting. Parents may also bring a relative, friend, or neighbor to the meeting as a support. You have the right to have other individuals present who have knowledge or special expertise relating to your child. The parent is always a necessary, welcome and equal member at meetings to plan special education placement and services.

This initial meeting will be to determine eligibility for Special Education under one of the thirteen federally defined disabling conditions:

1. Autism (AUT)
2. Deaf-blindness (DB)
3. Deafness (DEAF)
4. Emotional Disturbance (ED)
5. Hearing Impairment (HI)
6. Intellectual Disability (ID)
7. Multiple Disabilities (MD)
8. Orthopedic Impairment (OI)
9. Other Health Impaired (OHI)
10. Specific Learning Disability (SLD)
11. Speech or Language Impairment (SLI)
12. Traumatic Brain Injury (TBI)
13. Visual Impairment (VI)

The Individuals with Disabilities Education Act of 2004, (IDEA-04), identifies 13 types of disability that make children eligible for special education services.

ELIGIBILITY	CRITERIA
Autism (check if current)	The child exhibits 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. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance.
Deaf-Blindness	The child has both hearing and visual disabilities that cause severe communication, developmental, educational, and vocational and rehabilitation problems that require accommodation in special education or vocational rehabilitation programs for hearing and visual disability.
Deafness	The child's residual hearing is not good enough to allow him or her to understand the spoken word and to develop language, thus causing serious problems in learning and communication.
Emotional Disturbance	The child exhibits one or more of the following conditions over an extended period of time, to a marked degree, and these conditions have an adverse effect

	on educational performance, even after supportive assistance has been provided. An inability to learn that cannot be explained by intellectual, sensory or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general, constant mood of unhappiness or depression; a tendency to develop physical symptoms or fears associated with personal or school problems.
Hearing Impairment	The child exhibits a hearing loss that prevents full awareness of environmental sounds and spoken language, limiting attainment of normal language and learning achievement.
Intellectual Disability	The child learns at such a slow rate that he or she will not be able to keep up with peers in basic skills and abilities, and has significant delays in social adjustment outside the school.
Multiple Disabilities	The child exhibits two or more disabilities, the combination of which causes such severe educational problems the child cannot be accommodated in special education programs solely for one of the impairments.
Orthopedic Impairment	The child displays impairments that are development, hereditary abnormalities or result from disease or other causes, such as cerebral palsy, amputations, fractures, or burns. The IEP team determines whether the disability is severe enough to have an adverse effect on educational performance and make special education and/or related services necessary.
Other Health Impairment	The child exhibits limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that is 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 adversely affects a child's educational performance.
Specific Learning Disability	The child exhibits 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, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, phonological processing, and cognitive abilities including association, conceptualization and expression. Specific learning disabilities do not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.
Speech or Language Impairment	The child exhibits a communication disorder, such as stuttering, impaired articulation, a receptive and/or expressive language disorder, or a voice impairment that adversely affects the child's educational performance.
Traumatic Brain Injury	The child has 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. The term does not apply to brain injuries

	that are congenital or degenerative, or to brain injuries induced by birth trauma.
Visual Impairment	The child's visual impairment including blindness means impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

The parent will be notified of the time and place of the IEP meeting, which should be a mutually agreed upon time. Parents will be asked to consent to the IEP meeting time and date. Parents may choose to audio record the IEP meeting, but must provide written notice to the district at least 24 hours ahead of the scheduled meeting.

The local educational agency is responsible for ensuring that parents/guardians understand their rights and procedural safeguards. Interpreters, for non-English speakers, and for parents/guardians who are deaf may be requested. Please give the district adequate notice if you require an interpreter.

If your child is eligible for Special Education the IEP must include:

1) A list of IEP team members.
2) A statement of your child's strengths in each listed area and results of the most recent assessments.
3) A statement of how your child's disability affects involvement and progress in the general curriculum; or if your child is a preschooler, how the disability affects participation in appropriate activities.
4) A reason for placement if it is other than the school regularly designated for attendance.
5) A statement indicating the extent to which the child will not participate in a general education classroom and extracurricular activities. There must be an explanation if the student is not participating in general education activities.
6) A statement of your concerns relevant to your child's educational progress.
7) A statement of measurable annual goals. These must be related to: (a) meeting your child's disability-related needs; (b) allowing your child to be involved and to progress in the general education curriculum; (c) how each of your child's educational needs are being met.
8) A statement of special education and related services and supplementary aids and services to be provided.
9) A statement of how you will be regularly informed of your child's progress at least as often as parents of non-disabled general education students, including the extent to which progress is sufficient to enable the child to reach his/her goals by the next annual IEP.
10) Program modifications or supports for school personnel that will be provided for your child to: (a) advance toward annual goals; (b) be involved and progress in the general curriculum and participate in extracurricular activities; and (c) be educated and participate with disabled and non-disabled peers.
11) A statement of projected date for beginning services and their anticipated frequency, location, and duration.
12) A statement regarding your child's participation in district-wide standardized assessments, including accommodations and/or modifications, if any.

13) A statement regarding your child's behavior and whether or not it impedes his/her learning or that of others. If so, then behavioral goals and/or a behavior intervention plan must be developed which addresses the identified behavioral concerns.
14) A statement addressing your child's transition service needs starting at age 16, focusing on courses of study, interagency responsibilities and linkages and post-secondary goals.
15) For blind or visually impaired children, a statement regarding instruction in and the use of Braille. If not provided, a statement of rationale is required.
16) A statement that your child's communication needs have been considered. If your child is deaf or hard of hearing, opportunities for communication with peers and professional personnel in your child's communication mode must be included in the IEP.
17) A statement regarding the need for assistive technology devices and/or services for your child.

At the conclusion of the IEP meeting, all participants will be asked to sign the IEP. Never sign a blank form. Don't hesitate to ask the professional present to repeat, or give explanations to you in everyday language. If you are satisfied with the IEP and give your written consent, placement in the appropriate special education program and all related services should occur immediately after the IEP has been signed. There are two places where a parent is asked to sign. One signature indicates presence and participation in the IEP meeting. This signature is required. The second signature indicates consent/disagreement to all or part of the IEP. You may indicate which parts of the IEP may be implemented if you do not agree with the entire IEP. You may also disagree with all of the IEP. In this case, you will check the box that you do not consent to the contents of the IEP.

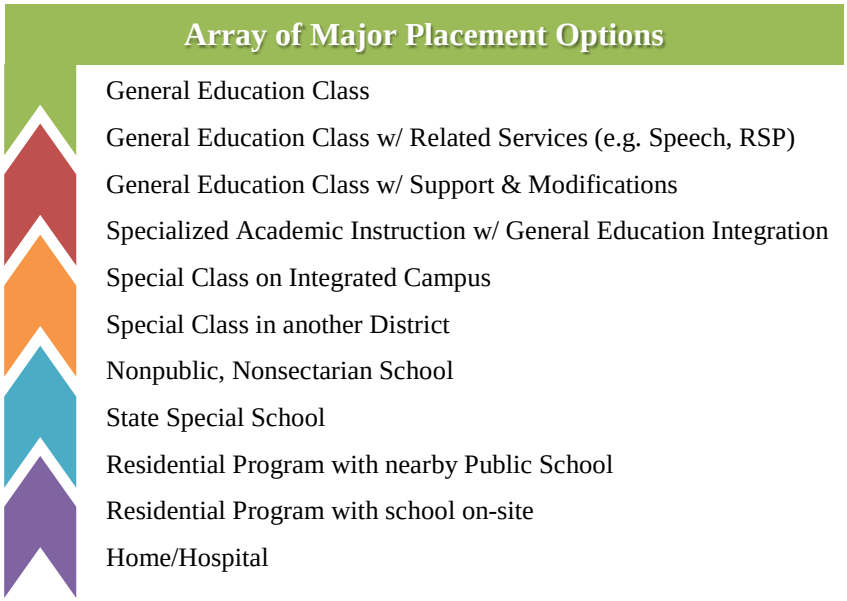
In the event that you choose to refuse to give your consent to all or part of the IEP, there will be no change to the current or existing program for your child. You may request that the portion of the IEP with which you do not agree be reconsidered, and another meeting may be scheduled to discuss and resolve any issues. If necessary, you can use one of the alternative dispute resolution models provided by the SELPA office, or you can request a due process hearing.

The IEP is reviewed on an annual basis or more frequently if either the parent or school personnel request it. **No changes may occur to the IEP without the parent's written consent.** A complete re-evaluation is conducted every three years (triennial assessment) to determine continued eligibility for special education and/or possible program changes and needs. This assessment may be done sooner at the request of the parent/guardian or school district.

Placement

When special education eligibility has been determined, the IEP Team then must determine if the student requires special education and/or related services. If the IEP Team determines that a student's needs would be most appropriately met with special education/and or related services, the least restrictive environment as close to home as possible should be considered. Districts within NW SELPA provide a full continuum of program options for special education and related services for students ages birth through 21 years. Assignments to special day classes, special schools, or any other removal from the general education classroom setting should only occur when the nature and severity of the disability is such that education in general classes with additional, supportive aids and services cannot be satisfactorily achieved. Remember, under the law each child is entitled to placement in the least restrictive environment, which is that placement which gives the student the greatest amount of contact with their non-disabled peers. Moreover, as a student achieves goals and succeeds in the present placement, a less restrictive environment should be considered.

Each school district must provide a continuum of services, including:



Student Records

All student records are confidential. Parents/guardians (or the student if age 18 or older) may examine them. To do so, a written request should be made to the district Special Education Department and a time will be set up to review the records. The parent may also set a time for a conference to have information (test results) regarding the child explained by a qualified representative of the school.

Records will only be sent to other agencies/persons outside the school district with written request and permission by the parent. Students of legal age may be sent their records upon request.

School district employees who have a legitimate educational interest in the information regarding the student may examine the records if such information helps school staff understand the student better, and will help them plan for his/her needs. A list of persons who have seen the confidential records will be kept. Parents have the right to be informed when confidential information is no longer needed and is to be destroyed.

If parents believe that any information about their child is inaccurate, misleading, or violates the privacy of the child, they have the right to request that the records be corrected. Each district has a policy regarding such a request and how it will be handled.

Keeping Records

Keeping records of your child's medical, developmental, and school histories is a necessity. Parents so often need to give a history of a child's development or information pertaining to his disability. As each year passes, these histories become longer and sometimes more complex. Keeping these records in an organized notebook or file will prove to be a most practical and useful project, and as a parent you will find this notebook/file very helpful in contacts with school, medical and agency persons.

Your notebook/file could be organized in this way:

- **Medical History**
  This section should include developmental history starting with pregnancy and birth information. Include the name and addresses of any doctors or clinics you have consulted. All medical reports (pediatrician, allergist, etc.), therapy reports (speech, physical therapy, etc.) and agency reports (Regional Center, mental health, etc.) should be included.
- **School**
  This section should include copies of IEPs; assessment reports (academic, speech, psychological, physical, vocational); periodic examples of schoolwork (dated); and report cards. Also keep a record of letters and phone calls you have made regarding special education and letters you have received from school staff.
- **Personal/Social History**
  Include a record of the child's interests and activities, organization, camps, awards, social involvement, and some photographs.
- **Current Information**
  Include a copy of your school rules and regulations, the school calendar, a copy of Parents' Rights and Responsibilities in Special Education, and information on community resources.

Parents' Rights and Responsibilities

Individuals with disabilities and their parents have certain protections provided by the IDEA. These protections include rights related to the assessment process and the development of the IEP. In addition, you may appeal a decision if you disagree with the school district, or you may file a complaint if you feel that the proper procedures have not been followed.

"**Due process**" is now a part of our everyday vocabulary. It is a legal way of saying that certain principles and practices exist and must be respected to ensure that each child is treated in a manner that guarantees his right to equal educational opportunities. Due process ensures there are specific procedures and timelines that must be followed when and if significant changes are made (or even proposed) in a child's educational program. Due process is guaranteed to us by the Constitution of the United States. It is there as a safeguard so that every individual has the means of protecting and asserting his own rights.

Parents have the right to be informed of all procedural safeguards and rights of appeal in language easily understood by the general public and in the parent's primary language. Notice should include:

- A description of the action the school proposes to take;
- An explanation of why the school proposes to take the action;
- A description of any options the school considered but did not recommend;
- The reasons why those options were rejected;
- A description of each evaluation procedure, test, record, or report used as a basis for action.

If a problem arises:

1. Try to get it resolved at your local school level. Contact your child's teacher and discuss the problems. Other school staff members who are aware of your child's needs such as the principal, nurse, speech therapist, or psychologist may be able to help.
2. If necessary you may contact your district's Special Education Director for further assistance.
3. If the situation is not solved satisfactorily and the problem has to do with your child's program placement, special education or related services, then request an IEP review meeting.
4. Contact the SELPA at (408) 453-6566 to request further assistance.
5. Arrange for an advocate to assist in the IEP.

6. If you cannot reach an agreement or you have a dispute with the school district that cannot be resolved, you may request a due process hearing.

   You have the right to request an impartial due process hearing regarding the identification, assessment, and educational placement of your child or the provision of FAPE. The request for a due process hearing must be filed within two years from the date you knew or should have known about the alleged action that forms the basis of the due process complaint. If you file for a due process hearing, the last signed IEP is still in effect. You will have the option to go mediation. To file you must write to:

   Office of Administrative Hearings
   Attn: Special Education Division
   2349 Gateway Oaks Dr., Suite 200
   Sacramento, CA 95833-4231
   Phone: (916) 263-0880
   Fax: (916) 263-0890

7. You may file a state compliance complaint when you believe that a school district has violated federal or state special education laws or regulations. Your written complaint must specify at least one alleged violation of federal and state special education laws. The violation must have occurred not more than one year prior to the date the complaint is received by the California Department of Education (CDE). When filing a complaint, you must forward a copy of the complaint to the school district at the same time you file a state compliance complaint with the CDE. You may file a complaint by writing the following address:

   California Department of Education
   Special Education Division
   Procedural Safeguards Referral Service
   1430 N Street, Suite 2401
   Sacramento, CA 95814
   Phone: (800) 926-0648
   Fax: (916) 327-3704

Other help available for resolving problems:

Parents Helping Parents..... (408) 727-5775

Office for Civil Rights, US Department of Education, San Francisco, California ..... (800) 368-1019

Procedural Safeguards and Quality Assurance..... (800) 926-0648

Protection and Advocacy, Inc. (Serves individuals with developmental and mental disabilities) ..... (800) 776-5746

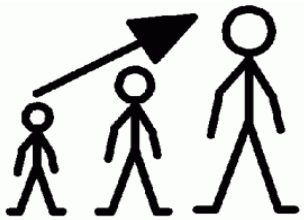
Area Developmental Disabilities Board VII (Advocacy for children and adults with developmental disabilities)..... (408) 246-4355

TRANSITION

Students with disabilities should have the continuity of age appropriate and developmentally appropriate peers that are equivalent to those of non-disabled peers to the extent possible.

Children with exceptional needs are entitled to a plan that facilitates the smooth transition from special education programs in five levels: infant to preschool, preschool to elementary school, elementary/middle school to high school, and high school to the world of work or post-secondary education.

Individual Transition Plan (ITP)



Transition refers to the movement from school to the adult world of work and community life. It is defined as an outcome-oriented process that involves a coordinated set of activities that promote this movement. The purpose is to prepare students with disabilities for employment and independent living. Ideally, transition should represent a balance of teaching everyday living skills, personal and social skills, and vocational skills. Thoughtful planning is known to improve the employment rates of students with disabilities.

Under the IDEA, each eligible student is required to have an Individual Transition Plan (ITP) in place beginning at age 16. The ITP focuses on improving academic and functional achievement to facilitate movement from school to post-school activities (post-secondary education, vocational education, integrated employment, continuing and adult education, adult services, independent living or community participation.) The ITP is based on the student's strengths, preferences and interests and includes one goal in the following areas: education/training; employment; and if appropriate, independent living.

This plan is developed by a team which includes the student, parents, school staff, (if appropriate and if parent requests their presence, schools may invite with parent permission) Regional Center case manager, Department of Rehabilitation, vocational specialist, and anyone else who can contribute to the process. This planning process must begin by identifying the student's post-school goals. Students and families should be supported in thinking about their long-range goals. The ITP team then moves on to develop a statement of needed transition services in the areas of instruction, vocational training, integrated employment, independent living, and community participation. A functional vocational evaluation should be completed as needed.

The California Department of Education has identified five Core Messages for Transition. These are:

- Student focused planning based on the student's interests and preferences;
- Student development activities which develop the student's academic, social, and employability competencies;
- Interagency collaboration which involves all stakeholders;
- Family involvement which recognizes parents as equal partners on the IEP team; and
- Program structures that include a range of options that support meaningful connections to the workplace and community.

Remember, transition is a plan, not a program! Your child's transition plan should demonstrate that it is outcome-oriented; focused on meeting the student's needs, interests, and preferences; identify the instruction and services needed to achieve the student's goals' and should clearly state the linkages after exit from the school system to ensure that post-school supports are in place.

When students with disabilities reach the age of 18, also known as age of majority, the legal rights regarding special education services move from the parents to the student. Parents and students are notified one year before the student's 18th birthday that transfer of educational rights will occur. If parents/guardians believe their son or daughter is unable or incapable of making sound educational and/or independent living decisions, some options include: conservatorship, limited conservatorship, and estate planning and trust funds.

In SELPA, often students with moderate/severe disabilities attend the Post-Secondary Program administered by the Santa Clara County Office of Education or the Post-Secondary Programs offered by some districts after high school, and may remain in that program until age 22. At that time, they are awarded a Certificate of Completion.

More information about transition planning can be obtained by contacting:

- Special Education Department at your local district office.
- Your San Andreas Regional Center Case Manager (408) 374-9960
- Department of Rehabilitation (800) 952-5544
- Parents Helping Parents (408) 727-5775

Other resources include:

- Transition to Adult Living: An Information and Resource Guide
  http://www.sacramentoasis.com/docs/3-01-09/transition-final-08.pdf
- Transition Coalition
  http://transitioncoalition.org/

POSITIVE BEHAVIOR INTERVENTION

The vast majority of behavioral difficulties can be prevented with implementation of appropriate classroom management techniques. For individual students who develop mild to moderate behavioral patterns that do not respond to typical classroom management strategies, behavioral goals and/or informal behavior plans are indicated. Students who exhibit serious behavioral concerns may require more formal intervention. Both informal and formal behavior intervention must be included in the IEP for students whose behavior impedes their learning or that of others.

In the case of a student whose behavior impedes his/her learning or that of others, appropriate positive behavior interventions, strategies, and supports will be developed to address the behavior, including, when appropriate, the development of a **Behavior Intervention Plan (BIP)**. A behavior intervention plan shall be part of the student's individualized education program and shall specify environmental and instructional changes and other techniques and strategies including positive behavioral interventions, strategies and supports. If a BIP is not effective, it can be reviewed and modified until success is attained.

A Functional Behavior Assessment (FBA) is generally understood to be a systematic observation of a student to determine antecedents and consequences of a behavior. An FBA is not required prior to the development and implementation of an informal behavior plan.

An FBA must be conducted when school authorities seek to change the placement of a student with a disability because of a violation of a code of student conduct, **and** the IEP Team determines that the conduct was a manifestation of the student's disability, **and** the LEA has not conducted an FBA prior to such determination before the behavior that resulted in the change of placement (i.e., possible expulsion or suspensions beyond 10 days in a school year).

An FBA must be conducted, as appropriate, in cases of disciplinary removals involving a change in placement in which the IEP Team determines that the conduct **was** not a manifestation of the student's disability.

An FBA should be considered and/or conducted if additional data is needed to develop a BIP or the IEP Team determines it would be appropriate for the student. Parental consent is required before an FBA may be conducted.

Restrictive procedures are to be used only in the case of a behavioral emergency; to control unpredictable, spontaneous behaviors which pose a clear and present danger of serious physical harm to the individual, others, or property, and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique to contain the behavior.

No emergency intervention shall be employed for longer than is necessary to contain the behavior, or an amount of force that exceeds that which is reasonable and necessary under the circumstances.

FREQUENTLY ASKED QUESTIONS (FAQs)

What is SELPA?

In 1977, all school districts and county school offices in California were required to form geographical regions of sufficient size and scope to provide for all special education service needs of children residing within the region's boundaries. Each region became known as a **Special Education Local Plan Area (SELPA)**.

SELPAs 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.

Northwest Santa Clara County SELPA office contact information:
1290 Ridder Park Dr., San Jose, CA 95131
Phone: (408) 453-6566
Fax: (408) 453-4337
Web: www.selpa.sccoe.org

What is a SELPA CAC?

CAC stands for **Community Advisory Committee**. It is made up of parents of children with disabilities, as well as other members of the community. The CAC advises SELPA districts, from a parent and community perspective, on education programs and priorities that need to be addressed. The CAC also helps provide parent education opportunities and public informational materials.

If I think my child has a problem that impacts their learning experience, what should I do?

First discuss your concerns with your child's classroom teacher. If your child has a problem that prevents him or her from functioning in a general school program without special help, your child's teacher makes a referral to the Student Success/Study Team (SST). You may also send a written request for an assessment to your local school or district's Special Education Department (please see page 5 for more details).

What is a Student Success/Study Team (SST)?

The SST is intervention to help your child succeed in school. The SST is made up of the parent(s), teachers and other school personnel based at your local school. This team reviews a student's learning strengths and needs. The SST then plans steps to take to assist the student in succeeding in the general education program. Some children will never go beyond this step.

Will having a "label" harm my child?

It is a difficult decision to pursue an eligibility category for your child when they are having difficulties in school that impact their learning. It is a decision unique for every family. But for many students, early identification of learning challenges can allow for early treatment and long-term educational success rather than stigma. An eligibility category may allow your child to get the help they need to succeed. All student records are confidential.

May I observe special education programs that are available in the district?

Observations may be arranged based on the policies of your local school district. Contact the special education director of your local school district to inquire about scheduling an escorted observation.

May I see my child's school records?

Yes, you are entitled to see all of your child's school records. Make your request in writing to the Special Education Department of your district.

What is an assessment?

An assessment in special education is the process used to determine a child's specific learning strengths and needs in all areas of suspected disabilities. It may be used to determine whether or not a child is eligible for special education services. This involves the collection of records, observation by staff, parent reports and teacher reports. In this context, reports are forms that describe the student and what their behavior, strengths and weaknesses may be. Specific standardized educational tests may be used to decide if a student meets a threshold for special education.

May I obtain an independent assessment of my child, and must that assessment be considered by the school district in educational planning?

Parents may have an independent assessment done, at their own expense, at any time, and the results may be considered by the school to support the need for appropriate educational services. Under certain conditions the school district may pay for an independent assessment. Please see your Parent Rights and Procedural Safeguards for a full explanation.

A diagnosis by a medical professional may not mean that an IEP is required. Even with a medical diagnosis the student must meet the requirements under the law (IDEA). This is determined by the school district, but can be appealed.

Special Education, IEPs and 504s

If my child is eligible for special education, who decides what services my child will receive and what program he/she will be in?

The appropriate services and programs will be based upon your child's needs. These needs are determined by District staff using tests and observations of all areas of suspected disability. The planning of your child's program and services is done by the Individualized Education Program (IEP) team. The parent is an important member of this team.

What is an Individualized Education Program (IEP)?

The IEP is a written document developed for each student eligible for special education. Eligible students who fit into one of thirteen categories specified by law (see page 7).

An IEP is based on the educational needs of the student as specified by the IEP team (professionals and parents).

The IEP is designed for the student to make progress with their education in a way that best fits their needs.

An IEP can be fairly simple or very long and in depth, depending on the needs of the student. It includes a list of what services the student will receive and where and how often he/she will receive them. They also include a list of measurable educational goals for the student to achieve in the coming year.

IEPs are required by law due to the IDEA act (more information on IDEA is available on page 1).

If my child is NOT eligible for special education services and an IEP, are there still ways that the school can help my child?

If you child does not qualify for an IEP in one of the categories listed on page 7, there are other ways in which your child may receive help. Accommodations, or changes to the regular education environment, can be made for students at the school site level. In some cases a student may qualify for a 504 accommodation plan which is developed by parents and school staff.

Accommodations are changes in teaching strategies, expectations, test preparation, student responses, and the environment, which provide access for a student with a disability to participate in class, which DO NOT fundamentally alter or lower the standard.

Modifications are changes in teaching strategies, expectations, test preparation, student responses, and the environment, which provide access for a student with a disability to participate in class, which DO fundamentally alter or lower the standard.

An intervention is a specific program or set of steps to help a child improve in an area of need. An intervention lasts a certain number of weeks or months and is reviewed at set intervals to determine effectiveness. Interventions can be for academic, behavioral, or social needs.

What is a 504 Plan?

A 504 plan allows students with disabilities to access general education classwork. This is for students who have a disability that significantly impacts a major life activity. This can cover a wide range of issues, from a food allergy to a physical injury to ADHD. Examples include allowing additional time for testing or homework, specifying the location a child needs to sit in a classroom, or changes to a classroom to allow easier physical access for that student.

504 plans exists because of federal civil rights law. Section 504 comes out the 1973 Federal Rehabilitation Act and prohibits discrimination against anyone with a disability. This is a part of civil rights. Section 504 accommodation plans are not considered special education. Additional information on 504 can be found at www2.ed.gov/about/offices/list/ocr/504faq.html or www.wrightslaw.com/info/sec504.index.htm.

What is the difference between an IEP and a 504 Plan?

An IEP is governed by special education law, and involves related services/modifications and/or accommodations. It must be a written document, signed by all involved on the IEP team. The special education department of the School District will be involved with creating and implementing an IEP.

A 504 plan involves disability law, and involves accommodations. A 504 is created and administered by staff at the student's school.

What are related services?

Related services are provided as part of an IEP plan. They may include, but are not limited to: speech therapy, occupational therapy, counseling, family counseling and training, vision, hearing and audiological services, assistive technology and transportation.

What should I do if I don't agree with everything in the IEP?

You may choose to agree with all or part of an IEP. If you choose to agree with part of the IEP, you must clearly indicate the sections that you want to have implemented. This usually consists of signing partial agreement to the IEP along with notes that show what services are agreed upon. You may also choose to not sign the IEP. However, in that case, no services will be provided to your child. Any services provided by a previously agreed upon IEP will continue. You should write down your concerns. You may request, in writing, to have another IEP meeting to further consider your concerns. The district may also request another IEP meeting. Concerns that cannot be resolved may become the basis for an alternative dispute resolution, mediation or due process.

If I have a problem with my child's IEP or services, what should I do?

First, discuss the problem with your child's teacher and any other school personnel who is familiar with your child's special needs and who may be able to help resolve the problem for you. You may request that the IEP team meet to review and/or develop a new IEP.

If you cannot come to an agreement, you may request alternative dispute resolution or mediation (www.wrightslaw.com/advoc/articles/mediation_faq.html), or due process hearings (www.wrightslaw.com/info/dp.index.htm).

Early Intervention, Transportation and Additional Concerns

Are special education infant and preschool programs available?

Yes. Infants and toddlers aged birth through 36 months with diagnosed disabilities, or at risk for disability, are served by the Santa Clara County Office of Education, Special Education Department. These children are covered by an Individual Family Service Plan (IFSP). Preschool children ages 3-5 are also eligible for services. You can obtain further information about infant and preschool programs by calling (408) 453-6877.

Another resource for some infants and preschool age children is the San Andreas Regional Center (SARC) www.sanandreasregional.org. The Regional Center serves people with developmental disabilities. Their Early Start program for 0-3 and the Family Resource Center may be able to help if your child needs assistive technology, hearing services, family training, occupational or physical therapy, behavioral therapy, speech and language services, vision services or transportation.

When are transportation services provided?

Transportation is a "related service" (see above). Whether it is necessary is an IEP team decision. Each student is considered on a case-by-case basis. The IEP team will consider factors including the student's needs, age, the nature of the student's disability, the condition of the route to be traveled to the bus stop, the availability of public assistance when the student walks that route, and the student's ability to safely access transportation to and from school in the way other students in a district access transportation.

Will my child be able to participate in an extended school year (ESY) program?

ESY is an extension of the previous school year and occurs during/part of the summer months. An IEP team considers the need for ESY services also on a case-by-case basis. It needs to be determined if ESY is required for FAPE standards (Free and Appropriate Public Education). ESY services are provided to students who have a handicapping condition which is likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause significant problems with their ongoing education. Generally extended year is available to those students with intensive needs who require a continuation of services to prevent a regression of skills.

For how long will my child receive special education services?

Services are provided for eligible students ages 0 - 22, as long as the IEP team, including the parents, agrees that special education services are needed, or until the student receives a regular high school diploma. This will be based on on-going evaluation of your child's eligibility needs.

How will my child's IEP be affected if we move out of this school district?

Your child's IEP will still be valid and he/she will be placed in a comparable program for a period of 30 days if you should move. During that time an IEP review should take place in your new school district.

May I volunteer at my child's school?

Parent involvement is strongly encouraged. There are many ways in which you can become involved. Speak to your child's teacher or administrator about volunteering opportunities at school.

Why is this so complicated?

Finding out your child is in need of accommodations or special education services can be overwhelming. In addition, getting the right help for your child can sometimes be a stressful process. The process involves a lot of complex and constantly changing federal and state laws. It also involves a change in how you interact with the education of your child.

Ask for help from your school, district, and parent groups like the SELPA CAC, of Parents Helping Parents (www.php.com). Join a support group, or talk with a counselor if you are feeling overwhelmed. We are all working to get students with learning difficulties – physical, cognitive or behavioral – a good education and a plan for success.

RESOURCES

Listed below are resources that provide services, support, or cash benefits to families with a child with a disability. They are divided into sections for ease of reference.

LOCAL GOVERNMENT RESOURCES:

California Children Services (CCS).....(408) 793-6200
Provides specialized medical care, therapy and treatment, and equipment for families eligible through residency, medical condition, and financial situation.
www.dhcs.ca.gov/services/ccs

California State Department of Education, Procedural Safeguards .....(800) 926-0648
Answers questions concerning Special Education laws and regulations.
www.cde.ca.gov/sp/se/qa/pseng.asp

San Andreas Regional Center .....(408) 374-9960
Evaluation, case management, and purchase of services for clients with developmental disabilities.
www.sarc.org

Santa Clara County Child Health & Disability Prevention Program (CHDP) .....(800) 689-6669
Provides preventive health care for children of low-income families or in foster care.
www.sccgov.org/sites/sccphd/en-us/Residents/ChildrensHealth/Pages/Child-Health-and-Disability-Prevention.aspx

Santa Clara County Medi-Cal Program .....(877) 962-3633
Provides health care coverage for children of low-income families and those with moderate to severe disabilities.
www.sccgov.org/sites/ssa/debs/hc/Pages/medical.aspx

Social Security Administration .....(800) 772-1213
Cash benefits (through Supplemental Security Income [SSI] program) for children with diagnosed disabilities.
www.ssa.gov

HOTLINES:

Inclusion Support Warm Line .....(408) 453-6651
Provides free support, information, and referral service regarding the inclusion of children with special needs and disabilities in our community.
www.inclusioncollaborative.org

Lucile Packard Children's Hospital at Stanford Hotline .....(800) 690-2282
Parent medical information and referral hotline.

SUPPORT GROUPS:

Adolescent Counseling Services ..... (650) 424-0852
Offers on-campus counseling, substance abuse treatment, community counseling, & LGBTQQ support.
www.acs-teens.org/

Parents Helping Parents ..... (408) 727-5775
Offers support, information and classes to families of people with special needs.
www.php.com

Stanford Autism Parent Support Group
Provides parents of children with autism an opportunity to connect with other families with similar experiences.
http://med.stanford.edu/childpsychiatry/community/asdparentsupport.html

RESOURCES AND SERVICES:

After-School Program Interventions and Resiliency Education (ASPIRE)..... (877) 412-7474
Designed to help youth and adolescents with anxiety, depression, or other symptoms related to a mental health condition.
https://www.elcaminohospital.org/services/mental-health/specialty-programs/aspire

Asian Americans for Community Involvement (AACI) ..... (408) 975-2730
Offers an array of services and programs in health, recovery, advocacy, shelter and community through a team of multicultural and multilingual professionals.
http://aaci.org/

Children's Health Council..... (650) 688-3625
Provides evaluation and therapy for autism spectrum, ADHD, learning differences and anxiety and depression.
www.chconline.org

Community Alliance for Special Education..... (408) 283-1535
Provides legal support, representation, technical consultation and training to parents concerning special education services.
www.caseadvocacy.org

Community Health Awareness Council (CHAC)..... (650) 965-2020
Provides counseling and prevention services.
www.chacmv.org

EMQ – Families First Hotline ..... (877) 412-7474
Statewide mental health treatment programs for children and teens.
http://emqff.org/

Family and Children's Services of Silicon Valley..... (650) 326-6576
Family, child and youth counseling, foster youth services, LGBTQ wellness, school-based services and more.
www.fcservices.org

"From Emotions to Advocacy" Book
Recommended by many parents, this book provides a clear roadmap on how to help your child through the special education system.
www.wrightslaw.com/bks/feta2/feta2.htm

HEARD Alliance .....(855) 278-4204
Healthcare Alliance for Response to Adolescent Depression.
www.heardalliance.org

National Alliance on Mental Illness (NAMI) .....(877) 412-7474
Offers practical experience, support, education, comfort and understanding to anyone concerned about mental illnesses and their treatment in Santa Clara County.
www.namisantaclara.org

Special Education Rights and Responsibilities Manual
A detailed guide to Special Education in California (from Disability Rights California; also available in other languages).
www.disabilityrightsca.org/pubs/PublicationsSERREnglish.htm

Wrights Law
In-depth website for special education law and advocacy for children with disabilities.
www.wrightslaw.com

ACRONYMS

504 ..... Shorthand for the section of the 1973 Federal Rehabilitation Act
ABA ..... Applied Behavior Analysis
ADR ..... Alternative Dispute Resolution
APE ..... Adapted Physical Education
AUT ..... Autism
BIP ..... Behavior Intervention Plan
CAC ..... Community Advisory Committee
CFR ..... Code of Federal Regulations
EC ..... Education Code
ED ..... Emotional Disturbance
FAPE ..... Free Appropriate Public Education
FBA ..... Functional Behavior Analysis
HI ..... Hearing Impairment
ID ..... Intellectual Disability
IDEA ..... Individuals with Disabilities Education Act
IEP ..... Individualized Education Program
IFSP ..... Individual Family Service Plan
ITP ..... Individualized Transition Plan
LEA ..... Local Education Agency
LRE ..... Least Restrictive Environment
MD ..... Multiple Disabilities
MTSS ..... Multi-Tiered Systems of Support
OAH ..... Office of Administrative Hearings
OI ..... Orthopedic Impairment
OHI ..... Other Health Impairment
OT ..... Occupational Therapy
PBIS ..... Positive Behavior Intervention Support
PT ..... Physical Therapy
RSP ..... Resource Specialist Program
RtI ..... Response to Intervention
SAI ..... Specialized Academic Instruction
SELPA ..... Special Education Local Plan Area (6 in Santa Clara County)
SLD ..... Specific Learning Disability
SLI ..... Speech and Language Impairment
SLP ..... Speech Language Pathologist
SST ..... Student Success/Study Team
TBI ..... Traumatic Brain Injury
VI ..... Visually impaired