

*Contra Costa SELPA*

# Parent Handbook



# and Guide to Special Education

**January 2014**

*Contra Costa*

*Special Education Local Plan Area*

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## **PARENTS & PROFESSIONALS WORKING TOGETHER**

Your child has been referred for special education services. You have started upon a process that is strictly bound by laws and regulations. It can be confusing and frustrating to all involved. We wish we could move the process along more quickly and reduce the paperwork. Keep in mind that all of the steps and all of the requirements are in place to protect your rights as a parent and to assure that your child is given an opportunity to learn.

We have put together this guide to answer some of your questions and to direct you to additional sources of information. There is a great deal of information available today on special education. Local and national organizations, websites by the thousands and shelf after shelf of books in the library will give you information on the special education process and on various disabilities. The best source of information on your child's education will always be your child's teacher. We urge you to work together to plan for your child's future. When parents and staff collaborate to determine needs and plan services, working toward mutual goals, children will benefit. We are partners in your child's education. We hope that the information in this guide will help you to be an informed and supportive participant in the process.

The Parent Handbook Committee and

District Director of Special Education



## STARTING OFF: REFERRAL AND ASSESSMENT

School personnel have a responsibility to identify children who have exceptional needs and to refer them for assessment. You may already have been asked to participate in a Student Study Team (SST) meeting. Each school has a group of professional educators and specialists that meet regularly to plan programs and discuss student needs. When a student who is experiencing difficulties in school is referred to an SST, their parents are invited to participate in a discussion and planning session. At this meeting, the SST plans strategies and organizes the resources of general education for addressing the concerns about the student. The SST may suggest accommodations to the program or curriculum, or they may refer the student for a special education assessment.

A referral to special education may also be made by a parent, physician or any other person involved with a student's education. You will receive written notification that a referral has been made. Teachers and parents are encouraged to use the SST process as a first step when they have a concern because, as we will see later, the resources of the general education program must be utilized fully before a student can be determined to be a child with a disability. A student, who is not in school due to age or severity of disability, may proceed right to a special education referral. A referral to special education includes the suspected area(s) of disability, provides school history, and documents the adaptations and accommodations that have been made in the general education program. Receipt by the school of a written referral to special education officially starts the timeline. An assessment plan will be developed and the family contacted within fifteen (15) days for approval of the assessment plan. The parent/guardian has fifteen (15) days from the date of receiving the Assessment Plan to consent to the plan and return it to the school.

A written assessment plan for your child will be developed by school staff. It will describe the skill areas to be assessed and the types of assessment measures to be used. It will ask you to state your family's primary language and to provide any other information (for example, written reports from other professionals who have assessed your child) that you wish to have considered by the assessment team. You may also be asked to sign a "release of information" form that will enable school staff to communicate with other professionals you designate. The assessment plan will be attached to a copy of your procedural rights in the special education process. You will receive several copies of this document, Special Education Rights of Parents and Children/Notice of Procedural Safeguards, if your child continues through the special education process. The referral for special education services cannot proceed until you have signed the assessment plan and returned it to the school. Once you have returned the assessment plan, the district has sixty (60) days to conduct the assessment and hold an Individualized Educational Plan (IEP) meeting.

The purpose of an assessment is to determine if your child is a child with a disability, as defined by state and federal law, and if he or she requires special education and/or related services. It also gives the IEP team information on which to base goals for the coming year, if the student qualifies for services. The assessment process is not designed to give your child a "diagnosis", or to make a prognosis for future development.

## THE IEP MEETING

The school or district office will contact you to schedule the IEP meeting. The meeting must be held at a mutually convenient time, during staff working hours. The district needs to coordinate the schedules of educators and related personnel, and may only have a few options for dates to hold the meeting. Please make every effort to attend at the time they propose, or the meeting may be delayed beyond the 60 day time limit. You may bring anyone with you whom you feel has a special knowledge of your child or of the disability under consideration.

The purpose of the IEP meeting is to produce a written agreement between the school district and the parent as to the program to be provided to the student. At the end of the meeting, you will be asked to sign the document stating that you understand and agree to the program proposed. You may sign it or take a copy home to think about it for a few days.

Each IEP meeting, whether it is an initial or a review, must cover all of the legally required elements. This might seem tedious, especially if you are only interested in a particular issue. It is in everyone's interest; however, to make sure they have a clear understanding of the student's total special education program. In order to accomplish this, the chairperson of the IEP team will keep to a meeting agenda. A typical agenda looks like this:

1. Introductions and purpose of meeting.
2. Description of Procedural Safeguards and parent involvement in the IEP process.
3. Presentation of assessment results.
4. Determination of eligibility.
5. If eligible, documentation of present levels of performance and development of annual goals.
6. Determination of services required to implement goals.
7. Determination of appropriate placement in which to implement goals and required services.
8. Consideration of special factors and other program components.
9. Those attending the meeting document their participation by signing the form.
10. Parent agrees to implementation of the plan by initialing consent option.

Copies of the IEP document and all reports are given to parents at the meeting. At your request, you may receive copies in advance of the meeting if they are available. District copies of IEP documents and reports are maintained in accordance with state and federal confidentiality laws. No copies will be distributed to people or agencies not involved with your student's education without your permission. If you would like additional copies, you can request them from the district office. If you request copies of all your student's records, the district may charge you a small fee for reproduction. It is a good idea to keep your copies together in a binder and review them before the next IEP meeting. If you have questions about your child's special education program, you may need to refer to them.



## **FREE APPROPRIATE PUBLIC EDUCATION**

All school districts are required to provide a free, appropriate, public education (FAPE) for all school-aged children with special needs. Since federal legislation was passed in 1975 requiring districts to provide special services to disabled students, FAPE has come to include many things. You may hear the term used in different contexts. Basically it means that your child is entitled to a program individualized to address his needs, designed to provide educational benefit, in the least restrictive environment, that was developed with your participation. Although parents and schools seek to provide the best possible program for students with exceptional needs, the Congress and the U.S. Supreme Court have held that FAPE does not mean a program that provides maximum benefit for the child.

## **LEAST RESTRICTIVE EDUCATIONAL ENVIRONMENT**

Thirty years ago, children with disabilities were isolated in special schools and centers for the convenience of education. Separated from their peers, they often experienced a completely different curriculum. Today, our goal is to provide services which best meet the student's need within the general education program. The decision to segregate a student from his or her non-disabled peers is taken very seriously and is made only after general education resources have been exhausted or deemed insufficient. Assignment to special education classes or schools occurs only when it is determined that the student cannot benefit from the general education program, even with the use of supplementary aids and services. At each IEP meeting, the team is required to consider a continuum of options for service, beginning with the least restrictive. Their job is to determine which combination of services provides the required benefits with the least restriction in environment. Federal law requires that the placement be as close as possible to the child's home, and that the child is educated in the school he or she would attend if non-disabled, unless the IEP team determines that the child requires some other arrangements.

## **CONTINUUM OF PROGRAM OPTIONS**

When California began implementing federal law for special education in 1975 there were only three options for services: special day class for more than 50% of the school day, resource specialist program for less than 50% of the school day, and designated instruction from specialists. Both California and Federal laws have changed in the past few years to allow greater flexibility in the provision of services to students. Credentialing and funding regulations now reflect a wide range of possibilities for service delivery. Many schools have developed learning centers or instructional support programs where students can receive instruction in core curriculum from special education teachers or specialists for one period, or up to the full day. Others use instructional support services to "push in" services to the student who spends the full day in general education. Special education and general education teachers may "co-teach" core curriculum or elective courses. Each school site may define their service delivery model differently, depending upon the characteristics and needs of their students. But each school district must have available a continuum of program options that will address the full range of student needs. This continuum must

include general education, special education classes and schools, and home/hospital instruction

While districts are required to have available a continuum of program options, they are not required to offer every student their choice of options on the spectrum. Recent court cases have clarified that districts need to make an offer of a free, appropriate public education in the least restrictive environment that is designed to provide benefit to the student. Districts are not required to offer more than one program so that the family can choose their preferred placement. With input from parents and professionals, the district is required to design a program that best addresses the needs of the student. Districts can be more creative in designing programs than they have been in the past. Your IEP team may need to stretch the limits of their imaginations to create a way to deliver the service your child requires. Your child is unique and the IEP will be unique as well.

## **PARENT AND STUDENT RIGHTS IN SPECIAL EDUCATION**



Parents and students have very specific legal rights in the special education process. The California State Department of Education publishes a list of these rights and it is distributed regularly to the families of students with special needs. Districts are required to offer you a copy of your rights once a year and when they intend to assess your student. They will also send you a copy if you have a complaint regarding the provision of services to your child. You may get several copies each year your child receives services. You should be familiar with its contents. It can answer many of the questions you might have pertaining to

- The right of parents to inspect and review their child's educational records.
- The right of parents to obtain an independent educational evaluation.
- The right of parents to be given written prior notice on matters regarding the identification, evaluation or educational placement of their child, or the provision of FAPE for their child.
- The right of the child to remain in his or her present educational placement, unless the parent and the public agency agree otherwise, while administrative or judicial proceedings are pending.
- The right of parents to give or refuse consent before their child is provided with special education and related services.
- The right of parents to give or refuse consent before their child is evaluated or reevaluated.
- Specific discipline procedures for students with disabilities.
- The rights of parents or public agencies to bring a civil action in an appropriate State or Federal court to appeal a final hearing decision
- The rights of either party to request reasonable attorney's fees from a court for actions or proceedings brought under the IDEA.

This document is available online at:

[www.ccselpa.org/publications/publications](http://www.ccselpa.org/publications/publications)

## **CONTRA COSTA SPECIAL EDUCATION LOCAL PLAN AREA “SELPA”**

Public school special education programs are divided into service regions known as Special Education Local Plan Areas. Each SELPA is charged with the responsibility of assuring that all students with special needs receive required services. There are approximately 122 SELPAs in California, serving approximately 1100 school districts. Our SELPA is made up of 15 separate school districts plus the County Office of Education. Mt. Diablo, San Ramon Valley and West Contra Costa school districts are not included in our SELPA. The SELPA is responsible for the equitable allocation of special education funds, the compliance of districts to education laws, the dissemination of information and the provision of staff development training. The SELPA employs program specialists that are assigned to assist districts in developing Individual Educational Plans. The SELPA also employs a Coordinator of Dispute Resolution to assist districts and parents in coming to agreement about program and service issues that may lead to state level intervention. The Governance Council of the SELPA is comprised of five representative superintendents, the County Superintendent of Schools and a representative from the Community Advisory Committee. The Governance Council approves and directs the efforts of the SELPA for the common good. SELPA develops and implements plans for the provision of special education services in this region. This plan is updated periodically and approved by the State Department of Education.



### **COMMUNITY ADVISORY COMMITTEE**

This committee functions as an advisory body to the Governance Council and the SELPA Director. It is comprised of parents, general and special educators, and representatives of local agencies. The committee brings concerns and ideas to the governing body and relates information from the SELPA back to their constituencies. The CAC gives input into the local plan and participates in the development of other SELPA publications. The CAC is a valuable part of the Special Education Local Plan Area and enhances the potential for effective school/community partnerships. To become involved in the CAC or to get information on meeting times and dates, please call the SELPA office at 925-827-0949 x 10.

## **WHEN THINGS GO WRONG . . .**

Usually the special education process runs smoothly and students make progress. Occasionally, things don't go as planned. Help is always available. Here are some places you can get help, starting with the fastest:

- Schedule a conference with your child's teacher.
- Talk to the school principal.
- Talk to the SELPA program specialist assigned to your area. You can reach the program specialist at the SELPA office (925-827-0949) or through your district special education office.
- Ask your district if they have a parent available who has received training in special education procedures to talk to you about the problem. Your district Special Education department office will make arrangements to put you in contact with this individual.
- They will put you in contact with this Parent from Call the Director of Special Education for your district.
- Call the Alternative Dispute Resolution Coordinator at the SELPA office. This office mediates disputes between parents and districts. The number is 925-827-0949 x 24.
- Call the California State Department of Education's Procedural Safeguards Referral Service office. This office will tell you if your problem has a legal basis and will notify the school district of their responsibility if you request. Their number is 800-926-0648.

## **COMPLAINTS AND DUE PROCESS**

If you feel that the school district has violated your rights or denied your child a free appropriate public education, there are two types of remedies available to you through the State of California. First, there is a complaint process that is administered by the State Department of Education's Compliance Division. If your child has an IEP that you have agreed to but the district is not implementing it as written, you may want to pursue the complaint process. To file a complaint, write a letter describing the problem to the California State Department of Education, Special Education Division, Procedural Safeguards Referral Service, 1430 N Street, Suite 2401, Sacramento, CA 95814. If the complaint is accepted, they will notify your school district that the complaint will be investigated within 60 days.

State and Federal special education laws emphasize that attempts should be made to resolve disputes at the local level before proceeding to the state level. The California Department of Education (CDE) will notify the Contra Costa SELPA office as soon as they receive a request from a parent. The SELPA office may call the parent to offer local alternative dispute resolution services. Accepting alternative dispute resolution services does not in any way limit the parent's right to state level resolution or affect the timelines.

If the dispute is not resolved locally, the CDE will investigate and will rule on whether or not the district is out of compliance. If the district is found out of compliance, they will order corrective action, such as requiring the district to make up missed services, hold a



new IEP, or conduct an assessment within a time limit, usually 30 to 60 days. If the district fails to make the corrections, there are sanctions that the state can impose on the district.

Second, there is the Due Process Hearing Request. A due process hearing addresses issues of identification, assessment, provision of services and placement. A hearing is scheduled approximately 55 days after the hearing request is received. The state hearing office provides for a 30-day period for the parents and districts to resolve the issues in a meeting or mediation. If the dispute is not resolved within 30 days after the district has received the due process hearing request then the hearing proceeds as scheduled. To request a due process hearing, write your request, briefly stating the facts of the case and a suggested resolution to the Office of Administrative Hearing Special Education Division, 2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833-4231. If you are not sure what to write, call their office and they will send you a form to fill out. The number is 916-263-0880.

## **ALTERNATIVE DISPUTE RESOLUTION**



Contra Costa SELPA offers a variety of alternative dispute resolution services to parents and school districts. Upon request, the SELPA staff can conduct an expert file review and case analysis, and report their findings to both parties. Trained SELPA staff can conduct a mediation session using interest-based bargaining strategies. They can arrange for trained facilitators to conduct an IEP in an impartial manner. The services are free to parents and districts, and can usually be arranged in a matter of days instead of months. To arrange for alternative dispute resolution or to get more information, call the SELPA Coordinator of Alternative Dispute Resolution at 925-827-0949 x 24.

## **PARENTS' RECORDS**

As a parent of a child with special needs, you will gather a tremendous amount of information about your child from various professionals and service agencies. Each time you seek services for your child, you may be asked to supply information. Record keeping is not mandatory for parents, but it is definitely to your benefit to keep complete and up-to-date records. You should receive copies of any information generated by the school, but you may have to ask for records generated by other agencies or professionals. Always be prepared for meetings with the school, health or other agency personnel by reviewing your most recent records. A good way to keep your records organized is in a binder that includes the following sections:

### **Family History:**

Include the name, birth date, and place of birth of family members; parent/guardian name, address, phone number, place of employment, etc.; brief health history of parents, grandparents and close relatives.

**Developmental History of Child:**

Include the mother's health during pregnancy and any unusual circumstances at birth or during the infant/toddler stages. Also note the child's behavior patterns and other significant growth and development information.

**Medical History and Reports:**

Include the names and addresses of doctors, dates and nature of serious illnesses and operations, records of the child's immunizations, medications taken, and a copy of the child's birth certificate.

**Educational History:**

Include the names and dates of schools attended; names of teachers and principals and other staff who provided services for your child; copies of IEPs, test results, therapy reports, or progress reports and examples of schoolwork.

**Personal/Social History:**

List the child's interests, clubs and organizations, camps, special awards, and pictures.

**Written Correspondence:**

Include copies of records from any other agencies with which you have had contact. Also, include letters you have written or received.

**Telephone Log:**

Log all phone calls or visits from agencies or professionals. Include dates, names, phone numbers, and the purpose and outcome of such contacts.

## HELPFUL HINTS FOR PARENTS

- Support and maintain close contact with your child's teacher to encourage student success.
- Make an appointment to observe your child in class or to have a conference with your child's teacher.
- Discuss your role in homework completion with your child's teacher.
- Read and play games with your child.
- Reward positive behavior.
- Provide opportunities for your child to experience new learning situations and then discuss them.
- Attend IEP meetings and bring a list of possible questions, suggestions, and concerns. Bring and discuss written records of pertinent developmental, medical and educational information kept in your notebook.
- Participate in parent groups and learn about special education.

## UNDERSTANDING ACRONYMS

Educators often speak in an alphabetic code that can confuse the uninitiated parent. Here is a reference guide to breaking the code of commonly used acronyms.

ADD: Attention Deficit Disorder  
ADHD: Attention Deficit Hyperactivity Disorder  
APE: Adapted Physical Education  
CAC: Community Advisory Committee  
CAPA: California Alternate Performance Assessment  
CCR: California Code of Regulations  
CCS: California Children's Services  
CPS: Child Protective Services  
COL: Composite of Laws, California Education Code  
CBI: Community Based Instruction  
CEP: Counseling and Education Program  
CEC: Counseling Enhanced Classes  
DHH: Deaf/Hard of Hearing  
DIS: Designated Instruction and Services (same as Related Service)  
ED: Emotionally Disturbed  
ELL: English Language Learner  
FAPE: Free Appropriate Public Education  
GATE: Gifted and Talented Education (not under Special Education)  
IDEA'04: Individuals with Disabilities Education Act  
IEP: Individualized Education Program  
ISP: Instructional Support Program  
ISP: Individual Service Plan  
ITP: Individualized Transition Program  
LCP: Learning Center Program  
LRE: Least Restrictive Environment  
MH: Multi-handicapped  
OI: Orthopedically Impaired  
OHI: Other Health Impaired  
OT: Occupational Therapy  
PT: Physical Therapy  
RCEB: Regional Center of the East Bay  
ROP: Regional Occupational Program  
RSP: Resource Specialist Program  
SARB: School Attendance Review Board  
SDC: Special Day Class  
SSC: Service Specific Class  
SSSP: Service Specific Separate Class  
Section 504: Civil rights law pertaining to the rights of individuals with disabilities  
SELPA: Special Education Local Plan Area  
SLD: Specific Learning Disability  
SLP: Speech/Language Pathologist  
SST: Student Study Team  
STAR: Statewide Testing and Reporting  
TBI: Traumatic Brain Injury  
VI: Visually Impaired

## INFORMATION ON THE WEB

The Internet can be a wonderful tool in your search for information about your child's unique needs. You can access the latest research on treatments and instructional technology. There is information from special interest groups and advocates for various methodologies. The information available can range from wonderfully informative to blatantly misleading. In using the Internet, we recommend you search the websites of nationally recognized organizations with established credibility. Here are a few you might want to check.

American Foundation for the Blind (Consulting services, recordings, talking books, etc.)

[www.afb.org/](http://www.afb.org/)

Council for Exceptional Children: Division for Learning Disabilities

[www.dldcec.org/](http://www.dldcec.org/)

Schwab Foundation (Help for parents, information, activities)

[www.schwablearning.org](http://www.schwablearning.org)

Children & Adults with Attention Deficit/Hyperactivity Disorder (CHADD)

[www.CHADD.org/](http://www.CHADD.org/)

Autism Society of America (Research, Newsletter, Information, Trainings)

[www.autism-society.org/](http://www.autism-society.org/)

Simplified Technology for Children with Communication Disorders (Resource Directory)

[www.lburkhart.com/main.htm](http://www.lburkhart.com/main.htm)

Educational Resources Press (Publications & videos. Many are free.)

[www.cde.ca.gov/re/pn](http://www.cde.ca.gov/re/pn)



## Community Resource Guides

Here are some excellent sources of information on services that are available in the Contra Costa and Bay Areas. Each maintains a current list of organizations and agencies that can provide services to families with special needs children.

- ❑ State Council on Developmental Disabilities: <http://www.scdd.ca.gov/>
- ❑ Contra Costa Crisis Center: Maintains a database of 24,000 sources for help or information on a variety of human services. Call them at 800 833-2900.
- ❑ HELPLINK provides regional, comprehensive information and referral services. Referrals are available in English, Spanish, Cantonese and Mandarin. Contact them on line at: [www.helpink-sf.org](http://www.helpink-sf.org).
- ❑ Center for Access to Resources in Education (CARE) maintains a list of community resources for families with young children with developmental disabilities. Their staff is very helpful in arranging referrals to appropriate resources. They can be reached at 925-313-0999.