

Special Education Committee

Tracy Unified School District
Thursday, January 28, 2021
5:30 - 6:30



Graphics created by the Mary Lyon First Grade, Fall 2001

Welcome and Introductions

□ Committee Members:

Director of Special Education, Sean Brown

Trustee, Lori Souza

Trustee, Nathalia Erskine

Trustee, Zachary Hoffert



Agenda

Purpose of Today

Provide a general overview of Special Education

- 1. History of Special Education
 - 2. Special Education Service Provider
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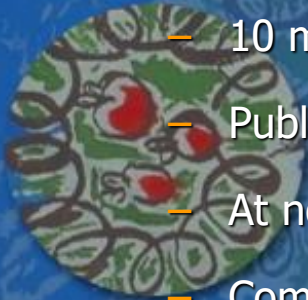


No formal action will be taken by committee. This is discussion only



TUSD Special Education BOARD Committee Guidelines

- ❑ Committee meeting is open to the public.
- ❑ Microphones will be muted at all times.
- ❑ Committee members, please use the hand icon to ask a questions/comments.
- ❑ No action will be taken in our committee meeting.
- ❑ Public Comments:
 - 10 minutes total allotted for public comments at the beginning of meeting
 - Public comments will be submitted using the chat box.
 - At no other time will public comments be heard, read, or addressed.
 - Committee members will not address comments from public.

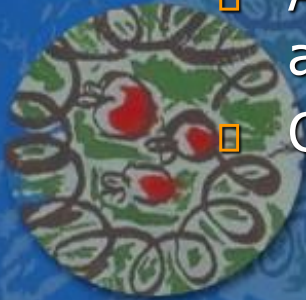




Public Comments

Please be respectful to others 😊

- ❑ Please use chat box
- ❑ 10 minutes total allotted for public comments at the beginning of meeting
- ❑ At no other time will public comments be heard, read, or addressed.
- ❑ Committee members will not respond to public comments



Special Education Committee

Today's Objectives:

- Understand Individuals with Disabilities Educational Act (IDEA)
 - eligibility
 - specialized academic instruction
 - learning disability
 - parent rights

□ Speech Therapist: Lexie Mendez



What is I.D.E.A?

On November 29, 1975, President Gerald Ford signed into law the *Education for All Handicapped Children Act (Public Law 94-142)*, now known as the *Individuals with Disabilities Education Act (IDEA)*. In adopting this landmark civil rights measure, Congress opened public school doors for millions of children with disabilities and laid the foundation of the country's commitment to ensuring that children with disabilities have opportunities to develop their talents, share their gifts, and contribute to their communities.

Congress reauthorized the IDEA in 2004 and most recently amended the IDEA through Public Law 114-95, the Every Student Succeeds Act, in December 2015





What is IDEA?


IDEA is a federal law that requires school districts to provide a “*free appropriate public education*” (**FAPE**) to eligible children with disabilities. A free appropriate public education means that special education and related services are to be provided as described in an individualized education program (**IEP**) and under public supervision to a child at no cost to the parents.





Eligibility

To be eligible for special education and related services under IDEA, a student must have at least one of the specified disabilities. In addition, the student by reason of the disability must be determined to require special education and related service.

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- It is only when the child requires “*specialized academic instruction*” that the law of eligibility is satisfied.
 - If a child’s unique needs can be met adequately through accommodations, interventions, and supports in the general education environment then the child is not eligible.



Specialty Designed Academic Instruction (SAI)?

- IDEA defines specialty designed academic instruction as adapting, as appropriate to the needs of an eligible child, the **content, methodology, or delivery of instruction** to (1) to address the child's unique needs resulting from the disability and (2) to ensure the child's **access to the general education curriculum** so that the child can meet the educational standards that apply to all children within jurisdiction of the public agency.

(34 C.F.R. 300.39 (b)(3))



Disability Categories

- Autism
 - Deaf-Blindness
 - Deafness
 - Emotional Disturbance
 - Hearing Impairment
 - Intellectual Disability
 - Multiple Disabilities
 - Orthopedic Impairment
 - Other Health Impairment
 - Specific Learning Disability
 - Speech or Language Impairment
 - Traumatic Brain Injury
 - Visual Impairment Including Blindness
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Specific Learning Disability (SLD)

A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does 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.

Other Health Impairments

Having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that – (a) 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 (b) adversely affects a child's educational performance.

Intellectual Disability

Significantly sub-average general intellectual functioning, existing concurrently (at the same time) with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.

Emotional Disturbance

A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance: (a) an inability to learn that cannot be explained by intellectual, sensory, or health factors; (b) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; (c) inappropriate types of behavior or feelings under normal circumstances; (d) a general pervasive mood of unhappiness or depression; (e) a tendency to develop physical symptoms or fears associated with personal or school problems.

The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

Autism

A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before the age three, that adversely affects a child's educational performance.

Other characteristics often associated with autism are engaging in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term autism does not apply if the child's educational performance is adversely affected primarily because the child has an emotional disturbance. A child who shows the characteristics of autism after age 3 could be diagnosed as having autism if the criteria above are satisfied.

Speech or Language Impairments

A communication disorder such as stuttering, impaired articulation, a language impairment, or a voice impairment that adversely affects a child's educational performance.





Guest Speaker

Lexie Mendez

- Speech and Language Pathologist (SLP)
 - Assessment and eligibility
 - Services and supports



Parent Rights

- Parents of children with disabilities from ages three through twenty-one have specific educational rights under the Individuals with Disabilities Education Act (IDEA). These rights are called procedural safeguards. Individuals serving as surrogate parents and students aged eighteen receiving special education services, are also entitled to these rights.



Parent Rights

☐ **To Participate**

Parents have the right to refer their child for special education services, to participate in the development of the IEP and to be informed of all program options and alternatives, both public and nonpublic.

☐ **To Receive Prior Written Notice (PWN)**

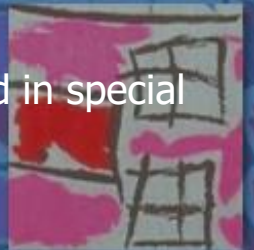
Parents have a right to receive prior written notice, in their native language, when the school district initiates or refuses their request to initiate a change in their child's identification, assessment, or educational placement in special education.

☐ **To Consent**

Parents must provide informed, written consent before their child is assessed or provided with any special education services. Parental consent must also be provided before any change in special education services may occur. The district must ensure that parents understand proceedings of the IEP team meeting including arranging for an interpreter for parents with deafness or those whose native language is other than English.

☐ **To Refuse to Consent**

Parents may refuse to consent to an assessment or the placement of their child in special education.





Parent Rights

☐ **To Be Given a Nondiscriminatory Assessment**

Children must be assessed for special education through the use of methods that are not culturally biased or discriminatory.

☐ **To Receive Independent Educational Assessments (IEE)**

If parents disagree with the results of the assessment conducted by the school district, they have the right to ask for and obtain an independent educational evaluation (IEE) at public expense.

The parent is entitled to only one IEE at public expense each time the public agency conducts an evaluation with which the parent disagrees.

When a parent requests an IEE at public expense, the school district must, without unnecessary delay, either ensure that an IEE is provided at public expense, or request a due process hearing if the district believes their assessment was appropriate and disagrees that an IEE is necessary. The school district also has the right to establish the standards or criteria (including cost and location) for IEEs at public expense.

☐ **To Access Educational Records**

Parents have a right to inspect, review, and obtain copies of their child's educational records.

California Department of Education, 2021



Parent Rights

☐ **To Stay in the Current Program If There is a Disagreement About Placement (Stay Put)**

If parents disagree with the district regarding their child's special education placement or a proposed change in placement, the law requires the student to "stay put" in the current program until the dispute is resolved.

☐ **To Be Given a Hearing Regarding Disagreements About an IEP**

Parents have the right to present a complaint relating to the provision of a FAPE for their child; to have an attorney, an advocate, and the student, if appropriate, present at the due process hearing; and to make the hearing public. Under certain conditions, the hearing officer may award, reduce, or deny the reimbursement of attorneys' fees and fees paid to nonpublic institutions by parents in the settlement of a case. To request a due process hearing or to receive a complete notice of procedural safeguards related to a due process hearing, contact the Office of Administrative Hearings.

☐ **To Receive Mediation**

Parents are encouraged to consider settling disagreements regarding their child's special education program through voluntary mediation, a process through which parties seek mutually agreeable solutions to disputes with the help of an impartial mediator. Parents may seek mediation alone or separate from due process, or they may participate in mediation pending a due process hearing. Mediation cannot be used to delay parents right to a due process hearing.

California Department of Education, 2021

Parent Rights

□ **To File a Complaint Against Your School District**

If parents believe their child's school district has violated the law, they may file a complaint with the California Department of Education. The Department must investigate complaints alleging violations of noncompliance with IDEA, state special education laws, or regulations, and issue a written report of findings within 60 days of receiving the complaint.

□ **To Be Informed of School Discipline and Alternative Placement**

There are specific rules regarding the suspension and expulsion of students with IEPs. Generally, a student with a disability may be suspended or placed in an alternative educational setting to the same extent that these options apply to students without disabilities.

If the student with a disability is in such a placement for more than ten days, an IEP meeting must be held to consider the appropriateness of the child's current placement and the extent to which the disability is the cause of the misconduct. Regardless of the child's placement, the district must provide FAPE

□ **To Be Informed of Policies Regarding Children Who Attend Private Schools**

School districts are responsible for identifying, locating and assessing students with disabilities enrolled in private schools by their parents. However, school districts are not required to provide special education or related services to these students. There is no entitlement for services, though some private schools and students attending private schools may receive some services from the school district.



Thank you!

Questions or Comments

Sean Brown

sebrown@tUSD.net

Next meeting

April 29th at 5:30pm

Topic: IEP Process

