

Special Education - Frequently Asked Questions

What is Special Education?

Special Education is specialized instruction provided for children from birth to age 22 who qualify according to the laws and regulations outlined by the state (California Education Code) and federal government (Individuals with Disabilities Education Act). A student may qualify for special education services as an individual with special needs in one of fourteen areas identified by the Individuals with Disabilities Education Act (IDEA 2004).

These are:

- Mental Retardation (MR)
- Emotional Disturbance (ED)
- Deafness (DEAF)
- Speech or Language Impairment (SLI)
- Visual Impairment (VI)
- Specific Learning Disability (SLD)
- Hard of Hearing (HH)
- Orthopedic Impairment (OI)
- Autism (AUT)
- Deaf-Blindness (DB)
- Traumatic Brain Injury (TBI)
- Multiple Disability (MD)
- Other Health Impairment (OHI)
- Established Medical Disability (EMD)

How are Students Referred for Special Education?

Referrals for special education can be made by school staff or parents. Prior to referral for special education, the District is legally mandated to document that the student's educational needs cannot be successfully met through the support and adjustment of the general education program.

A school site Student Study Team will be held to preview a referral request and make recommendations regarding the student. The parent may elect to make a direct request for assessment in writing, apart from the Student Study Team process.

An Assessment Plan must be developed within FIFTEEN (15) DAYS of the referral date.

A parent has fifteen (15) days to decide whether or not to sign the assessment plan.

If a child is already enrolled in special education and a written request for a re-evaluation is submitted, the school district has fifteen (15) days from receipt of the request for assessment to develop an assessment plan.

How is eligibility for special education determined?

Students are evaluated to determine if they meet eligibility for any of the 14 categories of eligibility. Eligibility criteria are outlined in the IDEA and California Education Code.

The assessment must be conducted and the IEP meeting scheduled and held within SIXTY (60) DAYS of the district's receipt of the signed assessment plan. Depending on the complexity of the assessment, one or more meetings may be held for a child with a variety of assessment personnel.

The assessment should provide an accurate and thorough understanding of a child's strengths and needs. All assessments, when feasible, should be provided in the primary language in which a child is most proficient and comfortable. The assessor must be knowledgeable of a child's disability and should be fluent in both the oral and written skills of a child's primary language or mode of communication. Translators and interpreters may be utilized as needed unless clearly not feasible.

As part of the IEP team, parents have valuable information to share about their child. Participation of parents is encouraged throughout a child's IEP meeting. Special Education is specialized instruction provided to meet the unique needs of a child who may require some adaptations of the learning environment or adapted instruction in order to learn. It can mean individualized or small group instruction or extra supportive services and is for students from birth to twenty-two with physical, learning, communicative, and/or developmental needs.

To receive special education services, an IEP must be written describing a child's educational needs. Developing the IEP is a step-by-step process consisting of a referral, assessment, IEP meeting and placement. These steps must progress according to federal and state timelines.

What is an IEP?

IEP stands for Individualized Education Program. The IEP is a legally binding contract of services provided by a school district for children classified with a disability. While different school districts vary the IEP in format and structure, there are seven legally mandatory components:

1. A statement of the student's present levels of educational performance.
2. A statement of annual goals.
3. A statement of special education, related services and supplementary aids and services provided for the student.
4. A statement indicating modifications in the administration of state or district-wide assessments of achievement.
5. A statement documenting the projected date for the commencement of services and the frequency, location and duration of those services.
6. A statement explaining the criteria used to assess a student's progress towards his/her annual goals and the means to be used in informing the parent/guardian of this progress.
7. If necessary, a statement explaining the extent to which the student will not participate with non-disabled students in the general education classroom and/or other activities.
8. For each student age 16 or older, a statement of transition needs and/or services.

Essentially, the IEP is a blueprint that outlines a student's progress, strengths and weaknesses. Although a student's IEP must be kept confidential, general education teachers who have contact with a special education student must have access to it.

When a student's IEP reviewed and changed?

The IEP Team reviews each student's performance annually to determine progress and plan for the upcoming year. In addition, a reevaluation of the student's program must be conducted every three years. However, a reevaluation may be conducted sooner if necessary.

What is meant by free appropriate public education (FAPE)?

Free, appropriate, public education or FAPE is the standard outlined in the Individuals with Disabilities Education Act. By law, FAPE refers to special education and related services that:

- Have been provided at public expense, under public supervision and direction, and without charge.

- Meet the standards of the California Department of Education.
- Include an appropriate preschool, elementary, or secondary school education.
- Are provided in conformity with the student's IEP.

What Types of Programs are Available through Special Education / What is Least Restrictive Environment (LRE)?

Special education programs must address eligible students' educational needs in the least restrictive environment. The term "least restrictive environment" refers to the placement of special education students in an educational placement suitable for their needs. This standard is mandated by IDEA. The continuum of educational placements ranges from the least to the most restrictive.

General Education Classroom Placement. This is the least restrictive placement for all students. It is rare that students with special needs will be placed in this environment without some type of special education support.

General Education Classroom Placement with Special Education Consultation. In this placement, the student remains in the general education setting. A consultant teacher provides support on an as-needed basis.

General Education Classroom Placement with Resource Room Replacement/Support. In this placement, the student spends the majority of the day in the general education setting. They are pulled out of the classroom at scheduled times for remediation and/or support in specific subjects.

Special Day with Mainstreaming. In this placement, the student spends the majority of the day in a special class that is typically grouped by age-level and exceptionality. However, the student is mainstreamed into a general education classroom for part of the school day. This mainstreaming typically occurs in special subjects, including: art, music, physical education, etc.

Special Day Class. In this placement, the student remains with a special class for the entire day. These classes provide a highly structured and closely monitored setting. These programs can be located within the District, Special Education Local Plan Area (neighboring school districts) or in certified Non Public Schools.

When a student's IEP reviewed and changed?

The IEP Team reviews each student's performance annually to determine progress and plan for the upcoming year. In addition, a reevaluation of the student's program must be conducted every three years. However, a reevaluation may be conducted sooner if necessary.

What are related Services?

Designated Instruction and Services (DIS), also known as Related Services, are supportive services provided to help a student benefit from a special education program and are based on assessed need.

The educational need is determined through an assessment during the IEP process.

Students may be in general education classes and receive a DIS service (i.e., speech therapy only.)

Designated Instruction and Services (DIS) and Related Services may be provided by the general education classroom teacher, the special education teacher, a resource specialist or other specialist credentialed to provide the service. The Local Education Agency (LEA) must provide related services as deemed appropriate by the IEP team. Related services may be provided by LEA personnel or through contracted services.

Federal law is broader than the state law in some instances; therefore, a child's entitlement to special education and related services is a right established under federal law. Students who are found eligible by the IEP team may receive other services based on need.

Designated Instruction and Services may include:

- Speech and language development and remediation
- Audiological services
- Orientation and mobility instruction
- Instruction in home or hospital
- Adapted physical education
- Physical therapy
- Occupational therapy
- Counseling & guidance
- Vocational education
- Parent training and counseling
- Transportation services
- Specialized services for low-incidence disabilities
- Extended school year
- Health & nursing services
- Mental health service

What Role do Parents play in the IEP Process?

Educational law recognizes the value of parental input when decisions are made about the educational needs of a child. Decisions are to be made cooperatively with parents, school personnel and other persons with special knowledge of a child with the development of an educational plan appropriate to a child's unique needs. Educational law grants specific legal rights and responsibilities to parents to ensure their participation in the process. To ensure that a child receives the education to which he or she is entitled, being involved and informed are imperative.

Parents, educators and administrators are equal members of the IEP Team. Parents have the right to participate in meetings concerning their child's:

- Identification (the decision to evaluate the student)
- Evaluation (the nature and scope of assessment procedures)
- Classification (the determination of whether the child is eligible for special education and/or related services)
- Development and review of the IEP
- Educational placement
- Reevaluation

It is important for parents to maintain regular contact with the educational professionals that work with their child. Also, in preparation for an annual review or reevaluation, parents should prepare by reviewing past IEPs and student records. As the parent is typically the only team member that sees the child at home, their input is most important in assessing student progress and achievement.

Where Can I Get More Information?

Please visit the Tri Valley SELPA for additional information. <http://trivalleyselpa.org>