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Fontana Unified School District

SELPA/SPECIAL SERVICES

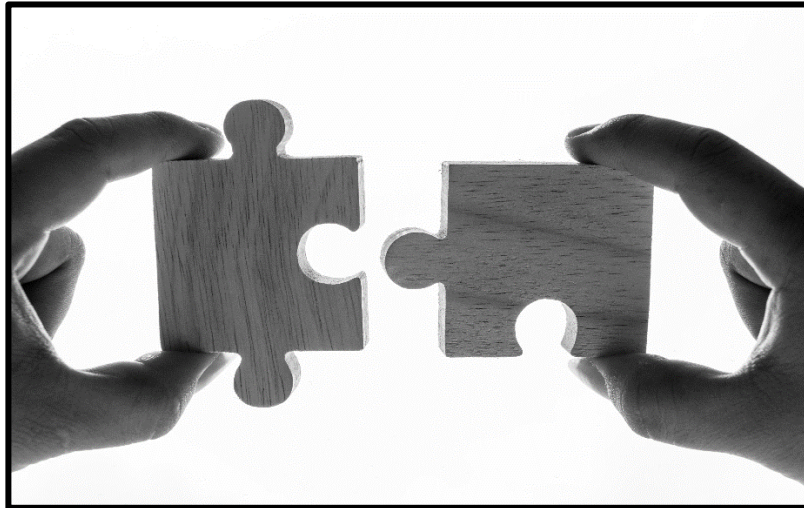
PARENT HANDBOOK



NOVEMBER 2022

Welcome Message

From the Director of Fontana Unified School District SELPA



“Every student can learn, just not on the same day, or in the same way.”

George Evans

Dear FUSD Families,

The Fontana Unified School District SELPA/Special Services department is committed to supporting students to meet or exceed their goals. We are a team of professional educators, whether our role is in general education, special education, or administration, we believe it is our collective responsibility to support students with disabilities and their families.

Families play an essential role in their student's educational progress, we strive to foster positive, compassionate, and collaborative relationships with our families. The SELPA/Special Services department provides families with trainings and Alternative Dispute Resolution (ADR) services to enhance their understanding of the Individual Education Program (IEP) process.

Sincerely,

Dr. Jacqueline Williams

Introduction

The Individuals with Disabilities Education Improvement Act (IDEA) of 2004 provides for a free appropriate public education (FAPE) for all children and youth who need special education services.

The cornerstone of federal special education law is the requirement that parents are invited to be active participants in determining the services that will appropriately address the special education needs of their child. An effective partnership between parents and educators requires that all people involved be fully informed about special education services and understand the steps that are required to identify and educate students with disabilities.

This handbook is intended to help parents, educators, and students with disabilities work together for the common goals of successful learning and outcomes for children.

You are a partner in the education of your child, and everyone involved in the processes of special education wants your child to thrive. We are hopeful this handbook helps parents understand more about the processes of special education and your important role as a partner in education. Together, as a team, we will determine the most appropriate educational program 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.



Table of Contents

Welcome Message	2
From the Director of Fontana Unified School District SELPA.....	2
Introduction	3
Parent Responsibilities and Parent/Child Rights.....	7
Parent Responsibilities	7
Notices in Writing	7
Confidentiality.....	8
Access to Records.....	8
Informed Written Consent.....	8
Surrogate Parents.....	9
Parent/Child Rights Regarding Assessment	9
Eligibility for Special Education Services.....	11
Child Find and Referral.....	14
Child Find	14
Referral.....	14
Assessment	15
Assessment Plans	15
Assessment Flow Chart.....	15
Request for Assessment	16
Development and Implementation of an IEP	17
IEP Team Members.....	17
Development of the IEP.....	18
Transition	19
Least Restrictive Environment (LRE)	19
Education Setting for Special Education Services	20
Related Services	21
Positive Behavior Intervention and Discipline.....	24
Discipline.....	24
Suspension.....	24
Expulsion.....	25
Manifestation Determination	25
Interim Alternative Educational Setting (IAES).....	26

Due Process	27
Alternative Dispute Resolution (ADR)	27
Mediation	27
Complaints	27
Due Process Hearings	28
Compliance and Complaint Procedures.....	29
History of Laws and Regulations	31
Dictionary of Special Education Terms	35
Educational Resources.....	40
FUSD Parental Rights and Procedural Safeguards.....	41

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Parent Responsibilities and Parent/Child Rights

Parent Responsibilities

Educational law recognizes the value of parental input when decisions are made about the educational needs of a child. Decisions are to be made and educational plans developed cooperatively with parents, school personnel and other persons with special knowledge of the child.

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, it is imperative that parents are involved and informed.

Be confident and active in the entire educational planning process, remembering to:

- be aware of your rights;
- be knowledgeable about services and programs for your child;
- be a confident advocate for your child's education; and
- ask questions.

As a parent, you are an "expert." It is important to keep accurate, up-to-date records that include:

- background information;
- developmental history;
- medical history and medical reports;
- family health history;
- educational, psychological and therapy reports;
- copies of IEPs and school progress reports;
- samples of the past and present schoolwork;
- copies of records from outside agencies (such as regional centers)
- copies of letters you have written and received; and
- a record of contacts with school agencies (personal visits and phone calls).

Notices in Writing

Parents should receive notices in writing:

- before proposed assessments are conducted;
- before IEP meetings;
- before any action is taken that may change your child's educational program or IEP;
- in their native language if they are non-English speaking or have limited proficiency with English, unless to do so is clearly not feasible;
- that are easily understood; and
- within a specified, or at least reasonable, number of days before or following the activity involved.

Districts must provide the parents of a child with a disability with notice of the procedural safeguards that the IDEA establishes. (34 CFR 300.504 (a).) A copy of the procedural safeguards must be given to the parent of a student with disability once every year, except that a copy must also be provided:

- upon initial referral or parent request for evaluation;
- upon receipt of the first state (CDE) complaint in the school year;
- upon receipt of the first due process (OAH) complaint in that school year;
- In accordance with disciplinary procedures; and
- upon request by a parent.

Confidentiality

All information regarding school children is considered confidential by law. A child's records can only be made available to a parent, school staff with specific knowledge of a child, persons who have written parental consent, a child at age 16 or after completion of tenth grade, and personnel of agencies specified by law.

Access to Records

Parents have a right to examine all school records of his or her child and to receive copies *within five (5) business days* after the request is made by the parent, either orally or in writing. (Educ. Code § 56504.)

The parent may request:

- a personal inspection and review of a record or accurate copy, or
- receipt of an accurate copy of a record, or
- an oral description or communication of a record or accurate copy, and
- a request to release a copy of any record. (Educ. Code § 49061(e).)

District staff shall reply without unnecessary delay to reasonable parent requests for explanations and interpretations of records. (Educ. Code § 56504.)

Whenever a student reaches the age of 18 years or is attending an institution of post-secondary education, the permission or consent required of, and the rights accorded to, the parents or guardian transfer to the student. (Educ. Code § 49061.)

Informed Written Consent

Parents must provide informed written consent

- before any formal assessment of a child is completed;
- before placement of a child in a special education program;
- before removal of a child from a special education program; and
- before any changes are made in the services received by a child in special education.

Informed consent means that the parent has been fully informed, of all information relevant to the activity for which consent is sought, in the primary language, or other mode of communication of the parent. The parent understands and agrees in writing to the carrying out of the activity for which the consent is sought

and the consent describes that activity including lists of the records (if any) that will be released and to whom.

PARENTS MAY REVOKE THEIR CONSENT AT ANY TIME

Surrogate Parents

Where a student with a disability lacks a parent or guardian under specified circumstances (listed below), the District must take steps to appoint a surrogate parent. The surrogate parent may represent the child in all matters relating to the identification, assessment, instructional planning and development, educational placement, reviewing and revising the IEP and in other matters related to the provision of FAPE to the child. (34 C.F.R. § 300.519(g); Educ. Code § 56050(b); Govt. Code, § 7579.5(c).)

The surrogate parent's role on the IEP team is to represent the rights of a student with special needs in all educational matters related to the provision of FAPE. It is the responsibility of the District to ensure that the rights of a child are protected in determining the need for, and assigning, a surrogate parent whenever the child is referred or eligible for special education under one or more of the following circumstances:

1. No parent for the student can be identified.
2. The District, after reasonable efforts, cannot locate a parent.
3. The student is adjudicated a ward or dependent of the court pursuant to Welfare and Institutions Code sections 300, 601, or 602, upon referral of the child for special education and related services, or if the student already has an IEP;
4. The court specifically has limited the right of the parent or guardian to make educational decisions for the student; and
5. The student has no responsible adult to represent him or her pursuant to sections 361 or 726 of the Welfare and Institutions Code or section 56055 of the Education Code.
6. The student is an unaccompanied homeless youth, as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11434(a). (34 C.F.R. § 300.519(a); Gov. Code, § 7579.5(a).)

Parent/Child Rights Regarding Assessment

A parent has the right to:

- initiate a request for educational assessment (referral) and give or withhold written consent for any proposed assessment activities (unless the district is successful in a due process hearing);
- receive an assessment plan explaining the types of assessments to be conducted in language easily understood by the general public and have fifteen (15) calendar days in which to give or withhold consent for assessment;
- an assessment plan in the primary language of the parent or other mode of communication unless clearly not feasible;
- obtain information regarding availability of independent assessments;

- obtain an independent outside assessment at public expense under certain conditions. Procedures for obtaining such assessments are outlined in Independent Education Assessment (Evaluation) sections;
- present information including the results of independent assessment for consideration by the district;
- an assessment that is designed to be free of racial, cultural, or sexual discrimination and in the child's primary language;
- tests and other assessment material that have been validated for the specific purpose for which they are used, are administered by trained personnel, and are tailored to assess specific areas of educational need;
- have a description of the procedure and assessments to be used and to be fully informed of the assessment results. Parents will be provided with a copy of assessment results. No placement or services will commence without the parent's consent;
- give written consent for the release of any confidential information; and
- receive a plan that covers all areas related to a child's disability.

No single procedure will be used as the sole criterion for determining an appropriate educational program.

Eligibility for Special Education Services

Special Education is defined by federal (Individuals with Disabilities Education Act, I.D.E.A.) and state law (Education Code) as specially designed instruction, at no cost to the parents to meet the unique needs of the individual with exceptional needs. Everyone has relative learning strengths and weaknesses. When a child's identified disability is so impactful that it affects his/her educational performance, the student may be found eligible for special education services.

In general, to qualify for special education in California, (i) the child must have one or more eligible disabilities; (ii) the disability must negatively affect her/his educational performance; and (iii) the disability must require special education and related services. California law also requires that the child meets certain disability criteria and age requirements. A child is not eligible for special education if the determining factor in the child's exceptional needs is a lack of appropriate instruction in reading or math, or limited English proficiency. A child may not be eligible for special education if his or her educational needs are primarily due to limited English proficiency, a lack of instruction in reading or math, temporary physical disabilities, social maladjustment, or environmental, cultural, or economic factors.

Eligibility areas for Special Education

20 USC 1401 (3) & 34 CFR 300.8

Autism (AUT) Autism is a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three (although it can be diagnosed at a later age as long as all criteria are met) and adversely affecting a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

Deaf* (DEAF) Deafness is a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.

Deaf/Blindness* (DB) Deaf-blindness is related hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

Emotional Disturbance (ED) Emotional disturbance is 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:

- 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 behaviors or feelings under normal circumstances.
- A general pervasive mood of unhappiness or depression.
- A tendency to develop physical symptoms or fears associated with personal or school problems.

Established Medical Disability (Preschool Only) (EMD) For purposes of this section, “established medical disability” means a disabling medical condition or congenital syndrome that the individualized education program team determines has a high predictability of requiring special education and services

Hard of Hearing* (HH) Hearing impairment is an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

Speech/Language Impaired (SLI) A language or speech disorder is defined by one or more the following:

- Articulation disorder - reduced intelligibility or an inability to use the speech mechanism which significantly interferes with communication and attracts adverse attention.
- Abnormal Voice - characterized by persistent, defective voice quality, pitch, or loudness.
- Fluency Disorders - the flow of verbal expression including rate and rhythm adversely affects communication between the pupil and listener.
- Language Disorder - when there are difficulties with expressive or receptive language that falls below the 7th percentile on two or more standardized assessments in one or more of the following areas:
 - Morphology
 - Syntax
 - Semantics
 - Pragmatics

Intellectual Disability (ID) Intellectual disability is significantly lower than average general intellectual functioning, existing at the same time with deficits in practical life skill behaviors and appears during the developmental period that adversely affects a child's educational performance.

Multiple Disabilities (MD) Multiple disabilities is simultaneous impairments the combination of which, causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf blindness.

- Example: Intellectual disability and blindness or intellectual disability and orthopedic impairment

Other Health Impairment (OHI) Other health impairment is having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli that result in limited alertness with respect to the educational environment and adversely affects a child's educational performance. This 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.

Orthopedic Impairment* (OI) Orthopedic impairment is a severe inability to move using muscular and skeletal systems that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

Specific Learning Disability (SLD) Specific learning disability is a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, that may affect the ability to listen, think, speak, read, write, spell, or do mathematical calculations. It may also include 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.

- Education code allows for eligibility to be determined through any of the following processes:
 - Discrepancy Model
 - Response to Intervention (RtI)
 - Pattern of Strengths and Weaknesses (PSW)

Traumatic Brain Injury (TBI) Traumatic brain injury is 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 results in impairments in one or more areas such as:

- cognition
- problem-solving
- language
- sensory, perceptual, and motor abilities
- memory
- psychosocial behavior
- attention
- physical functions
- reasoning
- information processing
- abstract thinking
- speech
- judgment

Visually Impaired* (VI) Visual impairment is an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

* Denotes a Low Incidence Disability meaning a severe disabling condition with an expected incidence rate of less than one percent of the total statewide enrollment in kindergarten through grade 12.

This information was derived using 5 CCR § 3030 Eligibility Criteria.

Child Find and Referral

Child Find is an ongoing process used by Fontana Unified School District educators and administrators to identify children birth through 21 years who may be eligible to receive special education and related services. 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.

Federal law, including both Every Student Succeeds Act (ESSA) and IDEA 2004, supports the use of early intervening services to help at-risk students before they are referred for special education services.

Child Find

School personnel and other concerned parties are responsible for identifying children who are having difficulty in school and may need intervention. Teachers usually contact a parent and talk over these concerns. Others who are in contact with children including parents, doctors, childcare workers, etc., may also recognize that a child is having difficulties with some aspect of development.

Referral

If you have questions or concerns regarding your child's school performance, you may request a meeting with the teacher to discuss your concerns. The teacher should communicate with the parents if there has been a noticeable gap in academic performance, possible learning difficulties, or problems with attendance and/or behavior. If the problems are unable to be resolved within the classroom, then speaking to the site administrator may bring forward additional resources, programs, or accommodations.

Fontana Unified School District strongly supports the process of intervening and identifying children through pre-referral intervention and support services.

Response to Intervention is the practice of providing high-quality instruction and intervention matched to student's need, monitoring progress frequently to make important decisions about change in instruction or goals and applying child response data to important educational decisions in the general education environment. The process of intervention for your student may include a Student Success Team (SST).

The Student Success Team (SST) is a team of teachers, intervention specialists, school administrators, counselors, school psychologists, and other specialists. Organizing as a team to determine if the resources of the regular education program can meet the child's needs. The purpose of the SST is to report and clarify concerns for the student and develop appropriate interventions within general education resources. This may include classroom accommodations, behavior contracts, as well as providing intensive interventions.

Interventions support many students, resulting in no need for Special Education assessment. However, when a student does not respond to the interventions the SST may recommend an initial assessment to determine if a student meets eligibility for Special Education supports and services

Assessment

Assessment Plans

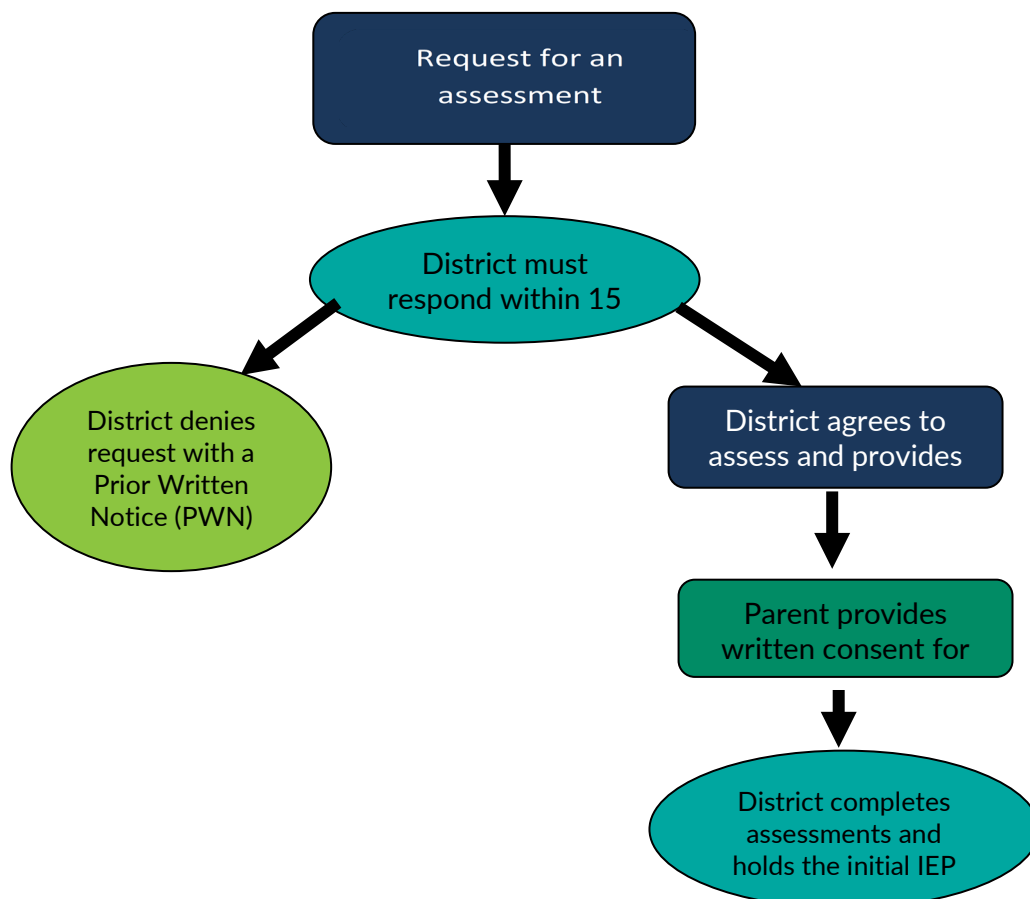
An Assessment Plan (AP) is a document that outlines the assessment tools and methods used to determine eligibility for special education services as well as present levels of performance, the types of measurements used to collect this information, and the individual(s) responsible for the collection/review of data. Assessments will be composed of data from multiple sources and will require a multidisciplinary team of specialists to gather and interpret the data.

An assessment plan can be initiated for several reasons. Some examples may include:

- Upon parent request
- To initiate an assessment for an initial evaluation
- To initiate an assessment for a triennial evaluation
- If a student is identified as having a new possible area of need, such as behavior or speech and language

Once it has been determined that an assessment is warranted and the child's parent provides written consent, the following is the timeline to complete the assessment:

Assessment Flow Chart



Request for Assessment

- District must respond within 15 days of receipt of written request
 - District may deny the request using a Prior Written Notice (PWN) if the district feels the student is receiving a Free Appropriate Public Education (FAPE) in the general education program, which is considered the Least Restrictive Environment (LRE).
 - District agrees to assess a student and provides an Assessment Plan (AP) for the parent to consider and review within 15 calendar days of the receipt of the referral. Breaks in excess of 5 days may extend the timelines.
 - Parent will be provided a copy of Procedural Safeguards
- Parent provides written consent to the proposed Assessment Plan. If the parent has questions or concerns regarding the plan, the district and the parent shall work together to address concerns.
- The school has 60 calendar days (excluding days during school breaks of more than 5 school days) from the time of the school receives the signed parent assessment plan to complete all assessments, prepare assessment results, schedule, and hold the initial IEP team meeting.
 - In order to gather as much pertinent information about the student as possible, the school may ask the parent to sign an Exchange of Information form. This form would allow the appropriate school personnel to contact outside service providers working with the student.
- IEP meeting to be held within the 60-day timeline, to review the results and determine special education eligibility.

Development and Implementation of an 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 or special education teacher, 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 supports and services.

This initial meeting will be to determine if the child is eligible for Special Education services 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 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.

IEP Team Members

Legally required members are:

- a school administrator or designee, who is a person with knowledge of program options appropriate for the student and who is qualified to provide, or supervise the special education program implementation;
- the student's present teacher; if the child does not have a teacher, this representative will be a teacher with the most recent and complete knowledge of the child who has also observed the child's educational performance in an appropriate setting.
- one or both of the student's parents, a representative selected by the parent, or both;
- the student at age 18 who may sign the IEP; and
- general education teacher.

When appropriate, the IEP team shall include:

- the student;
- other individuals, at the discretion of the parent or, district, who possess expertise or knowledge necessary for the development of the individual education program;
- evaluation personnel who performed the evaluation(s) or representative(s) knowledgeable about the evaluation(s); and
- when the child is suspected to have a disability, a team member will observe the child in an environment appropriate for a child that age;
- Under certain circumstances an IEP team member may be excused from attending with written mutual agreement and input provided.

Development of the IEP

The IEP meeting should begin with introductions and include discussion of:

- the purpose of meeting;
- parent rights;
- educational history;
- present levels of performance (strengths and areas of needs);
- evaluation procedures;
- assessment results
- consideration of eligibility;
- annual goals and short-term instructional objectives;
- recommended placement within the concept of the Least Restrictive Environment;
- recommended related services (i.e., speech therapy);
- other placement and program options;
- dates for services to begin and end and how often they are provided;
- transportation, if required based on student need;
- whether or not the student requires extended school year (ESY) and
- signatures of team members.

When appropriate, the IEP may also include, but not be limited to, all the following:

- for children in grades 7 to 12, any alternative means and modes necessary for the child to complete the district's prescribed course of study and to meet or exceed proficiency standards for graduation;
- for children whose primary language is other than English, linguistically appropriate goals, objectives, programs and services;
- provision for the transition into the regular class program if the child is to be transferred from a special class, or nonpublic school into a regular class in a public school for any part of the schooldays; and
- appropriate specialized services, materials, and equipment for students with low incidence disabilities.

Transition

Parents play an important role in their student's transition from the school setting to the world of adult living, working and in the community. Although the formal process of transition planning is not required of a school until after the student turns 15, prior to the student's 16th birthday, it is helpful for parents to begin exploring the topic much sooner. Transition, in reference to individuals receiving special education services, is defined as a coordinated set of activities for a student with a disability that:

- Is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the student to facilitate the student's movement from school to post-school activities. These would include postsecondary education, vocational education, integrated employment (including supported employment); continuing and adult education, adult services, independent living, or community participation;
- Is based on the individual student's needs, taking into account the student's strengths, preferences, and interests; and
- Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

As a student with disabilities moves into the teen years, the Individualized Education Program (IEP) focuses more on the interests of the student and what he or she hopes for the future. According to the Individuals with Disabilities Education Act (IDEA), it is the responsibility of the IEP team, including the parent, to create a Transition Individualized Education Program (Transition IEP) to support those interests. IDEA requires that parents and students be involved in all aspects of transition planning and decision-making.

Least Restrictive Environment (LRE)

When eligibility has been established by the IEP team, it must determine how to meet the student's individual needs in the least restrictive environment as close to home as possible. "Least Restrictive Environment (LRE)" is the placement or program, which can best meet an individual student's needs and does so with a minimum loss of contact with general education curriculum, programs and typically developing peers. 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.

Education Setting for Special Education Services

Fontana Unified School District offers a range of special education services to students. Each student may receive specially designed instruction and support services in areas of specific need as indicated on his or her Individualized Education Program (IEP). This means that services can be a unique combination of facilities, personnel, location, or equipment necessary to provide instructional services to an individual with exceptional needs, as specified in the IEP, in any one or a combination of public, private, home and hospital, or residential settings. (5 Cal. Code Regs. § 3042.) The educational placement decision for a student with a disability is made by an IEP team including the parents, and other persons knowledgeable about the student. (Educ. Code § 56342.5.)

General Education Classroom (Inclusion/Mainstreaming)

Special Education is a service, not a place. General education is the assumed setting when considering educational programming for all students, including students with disabilities. Students may participate in all or some of the general education classroom instruction with accommodation or modifications as determined by the IEP. Full inclusion is the total integration of a student with special needs into the general education classroom with supports as needed. The in most cases the student's case-manager is a special education teacher.

Specialized Academic Instruction (SAI)

In California, Specialized Academic Instruction (SAI) is defined as "adapting, as appropriate to the needs of the child with a disability, the content, methodology, or delivery of instruction to ensure access of the student to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children." (California Department of Education, 2011.) The term is interchangeable with the term "specially designed instruction" used in the IDEA. (34 CFR § 300.39(b)(3).)

SAI may be delivered one-to-one, in a group setting, or via consultation or collaboration, as specified in an IEP, in order to enable the student(s) to participate effectively in his or her school program. It can be provided in a general education classroom or in a specialized setting, like a specialist's classroom or office or in a Special Day Classroom.

SAI is an instructional delivery method, not a program. Instructional delivery methods may include

- **Resource Specialist:** pull-out and/or push-in services where a resource specialists or specialists provide instruction and services for those students who have been identified in an IEP developed by the IEP Team, and who are assigned to general education classroom teachers for a majority of a school day.
- **Special Day Classes:** SAI may be provided in a special day class (or "SDC") for students with disabilities who have similar and more intensive educational needs, which can only be met in a separate special education classroom environment. The IEP team shall only recommend SAI be provided in the SDC when the nature or severity of the student's disability is such that education in general education classes with the use of supplementary aids and services, including curriculum modification and behavioral support, cannot be achieved satisfactorily.

Preschool Services

The school district is responsible for the full implementation of specially designed services to meet the unique needs of preschool eligible children with exceptional needs ages 3 to 5. The IEP team will determine the necessary services for those students who qualify for services.

Fontana USD will interact and consult with our students' families, regular preschool teachers, and other services providers, as needed, to demonstrate developmentally appropriate activities necessary to implement the child's individualized education program in the appropriate setting pursuant to Section 56441.4 and necessary to reinforce the expansion of his or her skills in order to promote the child's educational development.

Adult Transition Program (ATP)

Adult Transition Program is designed for students between the ages of eighteen (18) and twenty-two (22) who have developmental disabilities and have completed 4 years of high school. Students typically begin the ATP program in the summer following their final year of high school, if their IEP indicates the student requires ESY services.

The ATP is a special day class designed to provide Specialized Academic Instruction (SAI) in the following areas:

- community training
- independent living
- vocational skills
- functional academics

Non-Public Schools (NPS)

Non-public schools provide special education services for students who require more intensive services than can be offered in a public school setting.

Residential Treatment Centers (RTC)

Residential Treatment Centers are residential non-public schools for students whose needs cannot be met in a public school setting or in a non-public school and who require residential treatment services.

Home or Hospital Instruction

Home or hospital instruction is provided for students with verified medical or emotional conditions that prevent them from attending school. Services are usually provided on a temporary basis.

Extended School Year (ESY)

Students who could experience regression in skills or who require summer instruction to limit the time recoupment of skills takes, must be offered special education and related services on an extended school year during summer school.

Related Services

Related Services are supportive services provided to help a student benefit from a special education program and are based on assessed need. A related service supports the student in accessing their primary educational program.

The educational need is determined through an assessment during the IEP process. Students may be in general education classes and receive a related service (i.e., speech therapy only).

The district must provide related services as deemed appropriate by the IEP team. Related services may be provided by district personnel or through contracted agencies.

<ul style="list-style-type: none"> ● Speech and Language Services 	<ul style="list-style-type: none"> ● Audiological Services 	<ul style="list-style-type: none"> ● Orientation and Mobility Services
<ul style="list-style-type: none"> ● Home/Hospital Instruction 	<ul style="list-style-type: none"> ● Occupational Therapy 	<ul style="list-style-type: none"> ● Adapted Physical Education
<ul style="list-style-type: none"> ● Health and Nurse Services 	<ul style="list-style-type: none"> ● Physical Therapy 	<ul style="list-style-type: none"> ● Counseling and Guidance
<ul style="list-style-type: none"> ● Parent Counseling and Training 	<ul style="list-style-type: none"> ● Transportation 	<ul style="list-style-type: none"> ● Social Worker Services
<ul style="list-style-type: none"> ● Deaf and Hard of Hearing Services 		
<ul style="list-style-type: none"> ● Psychological Services other than Assessment and Development of the IEP 		
<ul style="list-style-type: none"> ● Specially Designed Vocational Education and Career Development 		
<ul style="list-style-type: none"> ● Special Services for Low-Incidence Disabilities 		
<ul style="list-style-type: none"> ● Interpreting Services (Generally for Low Incidence disabilities, such as deafness) 		

Your child's IEP may specify any related services required in order to benefit from his or her educational program. The IEP will indicate the frequency, location and duration of the services to be provided. These services will be provided until there is no longer a demonstrated need and an assessment in the area of service supports a change and there is a new and signed IEP.

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 IEP Team members 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 as soon as feasible 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 District office, or you can request a due process hearing.

No new Special Education services, goals or other IEP components will be initiated without your signature for consent.

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.

Positive Behavior Intervention and Discipline

Students with disabilities are expected to follow the codes of conduct specified in the District's Parent Student Handbook. You should review the codes of conduct with your child so that he/she is aware of what behavior is expected at school. The behavior of every student, whether they have a disability or not, must be addressed at minimum by appropriate schoolwide and classroom management plans. When a student with a disability's behavior is found to be significantly impacting progress, the student's behavior must be addressed by the IEP team. Using information available to the IEP team through teacher reports and observation, the IEP team may develop behavior goals to address behaviors that are impeding the student's progress.

If your child is having challenging behaviors at school, either you or school personnel may request an IEP team meeting to discuss appropriate instruction, behavioral support techniques, and/or behavioral supports that may assist in improving your child's behavior.

The District might propose a Functional Behavioral Assessment (FBA) to inform the IEP team's identification of the student's areas of need related to behavior, and to address the behavior through the IEP in the following situations:

- In the event that the behavior presents itself as "serious,"
- When previous attempts to remedy the behavior have not been proved successful
- When the IEP team requires additional information in order to develop a behavior teaching/intervention plan with behavior goals

If an FBA is warranted, it can support the development of a Behavior Intervention Plan (BIP) (if behaviors are in the early stage, interventions provided by the teacher could be sufficient in reducing the frequency and intensity of the challenging behavior). An FBA is an assessment based on observations, review of records, interviews, and data analysis to determine the function the challenging behavior serves for the child, how that function can be met more appropriately and how the environment can be altered to better support general positive behaviors. The BIP is a part of the IEP, which should include a description of the challenging behavior(s), the potential positive replacement behaviors, behavioral interventions to be used, specific reinforcement strategies, and how information pertaining to the behavior will be communicated between home and school.

Discipline

Parents have the right to be notified on the day that the decision to take disciplinary action is made if it involves a change of placement for more than ten (10) days. The school district ensures that special education and disciplinary records of the child are transmitted to the person(s) making the final decision about the disciplinary action. The school district will report any crime committed by a child with a disability to the appropriate authorities and transmit copies of special education and disciplinary records to such authorities. 34 CFR § 300.536

Suspension

A child with a disability can be suspended for not more than ten consecutive days for violation of school conduct codes using the same procedures as a child without a disability. For a suspension of ten days or under, educational services do not need to be provided.

If the student is suspended for more than ten days in a school year, certain procedural safeguards must be followed. They include a meeting of the IEP team not later than ten days after deciding to take disciplinary action to review if the behavior was a manifestation of the student's disability. The team may develop an assessment plan to assess behavior(s) and develop a behavior intervention plan, to determine if the misconduct is a manifestation of the disability, and determine appropriate action based on the outcome of the manifestation determination.

Expulsion

A child with a disability can be expelled for violation of school conduct codes only when certain procedural safeguards are followed. Within ten days of the school's decision to propose a specific disciplinary action that includes a change in placement of more than ten days, the IEP team must:

- meet to review the behavior intervention plan, if there is one;
- determine if the misconduct is a manifestation of the disability;
- determine an appropriate interim alternative setting for the child's educational placement;
- develop a behavior intervention plan if none exists;
- consider a need for change, by the end of the planned placement in an interim alternative educational setting, from the placement the child was in at the time of the misconduct.

If the parents disagree with the IEP team's findings that the expulsion process can proceed because the behavior subject to the disciplinary action was not a manifestation of the child's disability, they can file for a due process hearing. Even if the district can and does expel the child, they must provide a free, appropriate public education during the time of expulsion. 34 CFR § 300.532

Additionally, the student is entitled to a hearing by the school board. If the school board agrees with the recommendation to expel the student, the student or parent or guardian may file an appeal with the county board of education.

Manifestation Determination

When a student is subject to discipline that results in suspensions of 10 days in a school year or a recommendation for expulsion, the district must hold a manifestation determination IEP meeting. The purpose of this meeting is to determine if there is a relationship between the student's disability and the act of misconduct that resulted in the disciplinary action. The IEP team may determine that the misconduct was not a manifestation of the disability only if they first consider all relevant information relating to the behavior subject to disciplinary action. This includes the current assessment information, information provided by the parent, observation of the child, and the child's IEP. Then they must determine whether

1. the conduct in question was caused by, or had a direct and substantial relationship to the child's disability; or
2. the conduct in question was the direct result of the LEA's failure to implement the IEP.

If the IEP team determines the misconduct was not a manifestation of the disability, the school may proceed with the proposed disciplinary actions. If the parents disagree with the outcomes of the manifestation determination meeting, they may file a due process hearing.

If the IEP team determines that the student's misconduct was a manifestation of the student's disability, disciplinary proceedings will stop. The team will consider:

- If a functional behavior assessment (FBA) should be conducted and behavior plan to be implemented, or
- If a behavioral intervention plan has been developed, plan will be reviewed and modified as necessary
- Other changes to the current IEP, as appropriate

Interim Alternative Educational Setting (IAES)

A child can be placed in an interim appropriate alternative educational setting as a disciplinary action and without parental consent in specific circumstances. If a child carries or possesses a weapon at school or at a school function or if the child possesses or uses illegal drugs or sells or solicits the sale of controlled substances at school or at a school function or if a child inflicts serious bodily injury upon another person while at school or at a school function, school personnel may place a child in an IAES for not more than forty-five days without the need for manifestation determination.

The IEP team will determine the appropriate alternative education setting and services for this placement. (34C.F.R. §300.531) Parents can appeal the Alternative Education Setting or Manifestation Determination decision by requesting a hearing through the complaint process. (34C.F.R. §300.532) The District may appeal the decision if they believe maintaining the current placement of the child is substantially likely to result in injury to the child or others by requesting a hearing through the complaint process. (34C.F.R. §300.532)

Due Process

If there is a disagreement about your child's assessment or IEP, you have the right to voice your concerns. We value partnership and collaboration with our families. We encourage you to share concerns with your student's school team. If you consent in writing to your child receiving special education and related services, yet do not consent to all of the components of the IEP, those components of the program to which you consent shall be implemented so as not to delay providing instruction and services to your child. You are not required to initiate any form of dispute resolution as to components of the IEP to which you do not consent. If you wish to initiate a dispute resolution process, you may choose from any of the following as listed below.

Alternative Dispute Resolution (ADR)

Alternative Dispute Resolution or "ADR" is an optional dispute resolution process available to parents. ADR is a District process that is designed to be faster, less formal, and less adversarial than mediation and due process proceedings. The ADR process allows parents an opportunity to identify their issues and concerns and work with District administrator(s) in an effort to quickly resolve the identified issues. If you disagree with components of your child's proposed IEP and want to use the ADR process to resolve the disagreement, please notify the IEP administrator/designee. To assist with addressing your concerns, please discuss your issues and concerns with the IEP administrator/designee as soon as possible after the IEP team meeting. If an agreement is reached during the ADR process, the terms of the agreement may be put in writing and signed by both parties and/or an IEP team meeting may be held to incorporate the terms of the agreement. Requesting ADR does not preclude you from requesting another dispute resolution option. A meeting may be held between the SELPA, and parent to informally discuss and resolve the disputed issue.

There are times when parents may not be able to come to an agreement about what is needed for their child's IEP with the school district. Because of this, the Individuals with Disabilities Education Act (IDEA) provides the following options for special education conflict resolution:

- Mediation;
- Due Process; and
- Compliance Complaints

Mediation

The mediation process is voluntary and may not be used to delay a parent's right to a hearing or other due process. It will be conducted by a qualified, impartial, and trained mediator. The mediation is scheduled in a timely manner and held in a location convenient to the parties. Any agreement reached in mediation must be in a written mediation agreement. The district has established procedures which may require parents who refuse mediation to meet with a neutral party who will explain the benefits of mediation. Mediation discussions are confidential and cannot be used in a subsequent hearing or civil proceeding when confidentiality requirements are stipulated. 34 CFR § 300.506 Mediation

Complaints

- Any individual, district, or organization may file a written complaint with the superintendent of a local educational agency or with the State Superintendent of Public Instruction alleging a violation

of federal or state law or regulation governing special education or related services for an individual student.

- To file a state complaint, contact the California Department of Education, Special Education Division, Procedural Safeguards Referral Service (PSRS), 1430 N Street, Suite 2401, Sacramento, CA 95814-5901, Fax: 916-327-3704

Due Process Hearings

Due process hearing procedure rights extend to the student, parent, and public education agency. Any of these may initiate a due process hearing whenever there is a proposal to initiate or change, or a refusal to initiate or change, the identification, assessment, or educational placement of the pupil or the provision of a free, appropriate public education, or when the parent refuses to consent to an assessment.

Prior to a due process hearing, the district must convene a meeting of parents and relevant member(s) of the IEP team for a Resolution Session within 15 days of reviewing notice of the parents' due process hearing request. Attendees shall include a district representative who has decision-making authority on behalf of the agency. District legal counsel shall not attend the Resolution Session unless parent is accompanied by an attorney. At the meeting, parents may discuss their concern/issue and district shall be provided an opportunity to resolve the matter. Resolution sessions may be waived if both parents & district agree or agree to mediation instead. If issue is resolved through resolution session, a legally binding agreement is developed and signed by parents & district. If issue is not resolved to parents' satisfaction within 30 days of district receipt of the due process hearing request notice, the due processing hearing may occur. Discussions and decisions made in Resolution Sessions are not confidential.

The due process hearing rights under State law include but are not limited to the right to: mediation conference; examination of pupil records; and a fair and impartial administrative hearing at the state level, before a person knowledgeable in the laws regarding special education and administrative hearings. The hearings will be completed within forty-five (45) calendar days following receipt of written requests.

Parents have the right to:

- open the state hearing to the public;
- be informed of all rights and procedures related to the due process hearing;
- receive notice immediately of mediations and hearing dates; the notice to include date, time, and place of both mediation and hearing;
- information regarding available free or low cost legal or appropriate other services upon the district's receipt of written notification of a request for a due process hearing;
- if the parent does not have an attorney, the district upon request by the parent will provide a mediator to assist the parent in identifying issues and proposed resolution of issues;
- present evidence, written arguments, and oral arguments;
- be accompanied and advised by counsel and individuals with special knowledge or training relating to the problems of children and youth with disabilities; • confront, cross-examine, and compel the attendance of witnesses and present evidence;
- receive a written or electronic verbatim record of the hearing;
- receive a written finding of the facts and the decision within forty-five (45) calendar days from the receipt by the State Superintendent of the request for hearing; and

- have the child who is the subject of the hearing present at the hearing

Any party to a hearing has the right to:

- be accompanied and advised by counsel (not necessarily at public expense) and by individuals with special knowledge or training with respect to problems of children with disabilities;
- be informed by the other parties of the issues and their proposed resolution of the issues at least ten (10) calendar days prior to the hearing;
- exclude witnesses from the hearing;
- at least five (5) business days before the hearing, each party shall disclose to all other parties all evaluations completed to that date, and recommendations based on the evaluations that the offering party intends to use at the hearing;
- prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five (5) business days before the hearing;
- obtain written or electronic verbatim record of the hearing;
- obtain written or electronic findings of fact and decisions;
- have an interpreter that is paid for by the State education agency;
- have an attorney present as an observer (information regarding the use of attorney services are covered in a section entitled "Award of Attorney's Fees");
- have an extension of hearing time line upon good cause; and
- have a mediation conference at any point during the hearing process;

Each hearing must be conducted at a time and place, which is reasonably convenient to the parents and child involved. 34 CFR § 300.507-515

Compliance and Complaint Procedures

Consistent with federal and state law, California Department of Education (CDE) is responsible for establishing and maintaining a system for receiving and assisting in the resolution of disputes involving special education. Complaints alleging violations of state law are handled by CDE's Complaint Management and Mediation Unit (CMM), while due process hearings and/or mediations are handled by the Office of Administrative Hearings.

Procedural Safeguards Referral Service:

The Procedural Safeguards Referral Service (PSRS) will provide technical assistance for parents and others, informing them about options for dispute resolution including, but not limited to, the compliance complaint process and fair hearing. The California Department of Education Special Education Division will encourage the amicable resolution of disputes by promptly informing SELPAs and district of contacts made to PSRS.

You may contact the Procedural Safeguards Referral Service at the address and phone numbers listed below:

California Department of Education
Special Education Division
Procedural Safeguards Referral Service
1430 N. Street, Suite 2401

Sacramento, CA 95814 Ph. (800) 926-0648
Attention: PSRS Intake

Or you may file a complaint with the superintendent of the local agency and within five days, the State Department of Education must review the complaint to decide if it is a matter for State or local investigation. If the State investigates the complaint, a determination must be made within thirty (30) days.

Due Process

A mediation conference and/or hearing may be requested in writing when there is a dispute between a parent and a public agency providing special education services regarding a child's eligibility for special education, need for assessment, and/or the child's program and services

Office of Administrative Hearings
Attention: Special Education Division
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833-4231
(916) 263-0880
FAX (916) 263-0890

Additional information for requesting a mediation and due process hearing can be found at [Request for Mediation and Due Process Hearing \(ca.gov\)](#)

Civil Rights Issues

It is the responsibility of the Office for Civil Rights in the Department of Education and the Office for Civil Rights in the Department of Health and Human Services to enforce federal laws prohibiting discrimination against persons on the basis of race, color, national origin, sex, age or mental and physical handicaps and to investigate discrimination complaints brought by individuals.

U.S. Department of Education
Office for Civil Rights, Region IX Office
Old Federal Building
50 United Nations Plaza, Room 239
San Francisco, CA 94102
Telephone: (800) 872-5327

History of Laws and Regulations

Public Law 94-142, The Education for all Handicapped Children Act, 1975

This law guarantees:

- a free and appropriate public education (FAPE) for all children with disabilities;
- education to occur in the least restrictive environment;
- an individualized education program (IEP) prepared by a team which includes the parents;
- necessary related services to be provided from special education;
- fair assessment procedures will be used to determine a student's abilities and educational requirements; and
- due process and complaint procedures to ensure that the student's rights are met.

IDEA Reauthorization 1997

IDEA's purpose is to ensure that students with disabilities receive special education and related services tailored to their unique needs and prepare them "for employment and independent living." The IDEA Reauthorization included revisions or changes to: discipline; inmate services; funding; early childhood programs for disabled children; the IEP; mediation; transition (see IDEA); attorney's fees; parental rights and requirements; and private schools and charter schools. For more information on IDEA Reauthorization please contact your school district's special education office.

IDEA Reauthorization 2004 and AB 1662 2005 (California's Conformity Legislation)

The major amendments are as follows:

Parental Consent

Required before conducting an individual evaluation or before providing special education and related service. Not required for "screening" (example: vision, hearing screening conducted with all children) or curriculum-based assessments.

Evaluation Timelines

Sixty (60) day timeline for completion of assessments from receipt of signed assessment plan to IEP meeting to discuss results.

Eligibility

In determining whether a child has a Specific Learning Disability, a district MAY use a response to scientific, research-based intervention as part of the evaluation process. Additionally, a child may not be determined to be a child with a disability if the determinant factor is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in No Child Left Behind (federal).

Summary of Performance

Summary of Performance is provided to the student by the District upon graduation with a diploma or before aging out of special education. This is a summary of the student's academic and functional performance, including recommendations on how to assist the student to meet postsecondary goals.

IEP-related changes

Benchmarks or Short-Term Objectives are only required for students who take alternate assessments aligned to alternate achievement standards (California Alternate Performance Assessment/ CAPA & English Language Learners/ELL). They continue to be permissive for all.

Transition: Statement of transition services must be in place beginning now at age 16 or earlier as appropriate.

IEP team attendance: Team member excusal is permissible under certain conditions and must be agreed to by parent. Parents and District may agree to alternative means of meeting participation, such as video conferences and conference calls.

IEP Amendments: IEP amendments without convening an IEP team is permissible under certain circumstances.

Children in Private Schools

Children unilaterally enrolled by their parents in a private school have no individual entitlement to a FAPE. Districts have search and serve and evaluation requirements as well as the responsibility to offer FAPE in the public schools if parent has any intention of enrolling in public school. Some special education services are available to private schools from the district utilizing the required "proportional share of federal funds." Consultation with private school helps determine special education service available/needed in the private school. Student's special education services are identified through an ISP "Individualized Service Plan" which is reviewed annually.

Miscellaneous

Definition of parent expanded to now include relatives or anyone providing care in the home.

Prohibition on Mandatory Medication: A student may not be required to obtain a prescription for medication as a condition of attending school, receiving an evaluation or receiving services under IDEA.

Procedural Safeguards Notice: Copy to be given to parents only one time a year except must be given upon initial referral or parental request for evaluation, upon the first filing of a due process complaint or upon parent request for a copy of procedural safeguards notice.

Due Process Complaints: two-year statute of limitations for due process hearing request or filing of complaint. Prior to a due process hearing filed by parent, the District must convene a meeting of parents and relevant member(s) of the IEP team for a Resolution Session.

Public Law 99-457 (An Amendment to P.L. 94-142)

The major amendments are as follows. All rights and protection of P.L. 94-142 are extended to disabled children ages three through five years in school year 1990-91. To support the achievement of this objective, the prior Preschool Incentive Grant Program (P.L. 94-42, Section 619) is revised to reflect authorization of a dramatic increase in the federal fiscal contribution for this age group.

Ed Code Section 56425.5 - Early Interventions (Part H)

The Legislature hereby finds and declares that early education programs for infants identified as individuals with exceptional needs, which provide educational services with active parent involvement,

can significantly reduce the potential impact of many disabling conditions and positively influence later development when the child reaches school age.

Early education programs funded pursuant to Sections 56427, 56428, and 56728.8 shall provide a continuum of program options provided by a transdisciplinary team to meet the multiple and varied needs of infants and their families. Recognizing the parent as the infant's primary teacher, it is the legislature's intent that early education programs shall include opportunities for the family to receive home visits and to participate in family involvement activities pursuant to sections 56426.1 and 56426.4. It is the intent of the legislature that, as an infant grows older, program emphasis would shift from home-based services to a combination of home-based and group services.

It is further the intent of the legislature that services rendered by state and local agencies serving infants with exceptional needs and their families be coordinated and maximized.

Americans with Disabilities Act of 1990

The purpose of the Americans with Disabilities Act is to establish a clear and comprehensive mandate to end discrimination against people with disabilities.

Public Law 99-372, Handicapped Children's Protection Act

This law provides that in any action or proceeding brought under the Education Handicapped Act (EHA), a court may award reasonable attorney's fees to the parents or guardian of a disabled child or youth who is the prevailing party. Fees are based on the rates prevailing in the party's community for the kind and quality of services performed.

Public Law 98-524, Carl D. Perkins Vocational Education Act

Public Law 98-524 has two broad themes. First, the Act is intended to make vocational programs accessible to all persons including disabled and disadvantaged persons, single parents and homemakers, adults in need of training and retraining, persons participating in programs designed to eliminate sex bias and stereotyping in vocational education, and incarcerated persons. Second, the Act is intended to improve the quality of vocational education programs in order to give the nation's workforce the marketable skills needed to improve productivity and promote economic growth.

Public Law 93-112, the Vocational Rehabilitation Act Section 504

Section 504 guarantees that people with disabilities may not be discriminated against because of their disability.

While P.L. 94-142 protects children in the area of education, Section 504 protects for life those with disabilities and encompasses the right to vote, to an education, accessibility, employment, etc., and is accessed through general education.

The Rehabilitation Act of 1973 is known as the first federal Civil Rights Law protecting the rights of the disabled. It states that "No...qualified disabled individual...shall, solely by reason of the handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

The Lanterman Act

The Lanterman Developmental Disabilities Services Act established the Regional Center system which purchases services for persons who are developmentally disabled. The legislation lists specific rights:

- to treatment and rehabilitation;
- to live a normal, productive and independent life;
- to be provided a full measure of dignity, privacy and human care; and
- to participate in an appropriate, free educational program.

Public Law 93-380, The Family Educational Rights and Privacy Act (FERPA)

FERPA helps protect the privacy of students' education records. The Act provides students the right to inspect and review their education records, the right to seek to amend those records, and the right to limit disclosure of information from those records.

Dictionary of Special Education Terms

Accommodations: Techniques and materials that do not change the basic curriculum but do aid in learning and/or communication skills.

Advocacy: Recognition and communication of needs, rights, and interests on behalf of a child; making informed choices.

Age of Majority: When a child turns eighteen, he/she is legally considered an adult and is afforded all rights of being so.

Assessment: A collecting and bringing together of information about a child's needs, which may include social, psychological, and educational evaluations used to determine services; a process using observation, testing, and test analysis to determine an individual's strengths and weaknesses in order to plan his or her educational services.

Assistive Technology: Any item, piece of equipment, or system that supports students with disabilities bypasses, work around, or compensates for specific learning deficits.

Attention-Deficit/Hyperactivity Disorder (AD/HD): A neurobehavioral disorder that causes an individual to be inattentive or hyperactive/impulsive, or to display a combination of those symptoms.

Auditory Processing: The ability to understand and use information that is heard, both words as well as nonverbal sounds.

Behavioral Intervention: The systematic implementation of procedures that result in lasting positive changes in the individual's behavior.

Behavior Intervention Plan: A written document which is developed when an individual exhibits a serious behavior problem that significantly interferes with the implementation of the goals and objectives of the individual's IEP. The behavioral intervention plan shall become part of the IEP, and requires a functional analysis assessment.

Behavior Support Plan: Developed by IEP team as needed to address a student's behavior needs of which interferes with his/her learning or the learning of others.

Certificate of Achievement: Awarded to students per FUSD determination.

Certificate of Completion: Awarded to students per FUSD determination.

Chronologically Age-Appropriate: Making the activities, behaviors, or settings of a disabled child as similar as possible to those of a non-disabled child of the same age.

Cognitive Abilities: The mental process of knowing, including aspects such as awareness, perception, reasoning and judgment.

Collaboration: Working in partnership on behalf of a child (e.g., parent and teacher, or special education teacher and general education teacher.)

Community Advisory Committee (CAC): A legally mandated group formed to advise local governing bodies about issues which affect our children in special education. The members of CAC are primarily

composed of parents of special needs children. In addition, our membership includes representatives from public and private agencies concerned with individuals with exceptional needs.

Community Based Instruction (CBI): A model for delivery of instruction in which the IEP goals are met in a “natural” age-appropriate setting. For example, math, sequencing, travel, and social skills may all be developed in the setting of a trip to the grocery store.

Consent: Parent(s) have been fully informed of all information relevant to the activity for which consent is sought, in the primary language, or other mode of communication of the parent. The parent understands and agrees in writing to the carrying out of the activity for which the consent is sought and the consent describes that activity including lists of the records (if any) that will be Page 35 of 61 released and to whom. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

Developmentally Delayed (DD): A term used to describe the development of children who are not able to perform the skills other children of the same age are usually able to perform.

Diploma: Issued upon completion of all district requirements.

Disability Code: Areas of student eligibility for special education (mental retardation, hard of hearing, deafness, speech or language impairment, visual impairment, emotional disturbance, orthopedic impairment, other health impairment, specific learning disability, deaf-blindness, multiple disability, autism, traumatic brain injury).

Discrepancy: A difference between two tests, such as intellectual ability and achievement.

Due Process: Procedural safeguard to protect the rights of the parent/guardian and the child under federal and state laws and regulations for special education; includes voluntary mediation or a due process hearing to resolve differences with the school.

Program Specialist: Department staff who work in a supporting role to district personnel, parents, and others in the community providing consultation and curriculum assistance.

Emergency Interventions: May be used by school personnel to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the individual or others or serious property damage.

Emotional Disturbance (E.D.): a particular category of exceptionality as defined by Federal and State laws oriented towards students considered emotionally or behaviorally exceptional. After formal assessment, services may be provided through the IEP process.

English Language Learner (ELL): Students for whom parents indicate a language other than English as primary for student on home language survey.

Epilepsy: A chronic disorder of the central nervous system which causes seizures characterized by sudden, brief attacks of altered consciousness and motor activity (movement).

Evaluation: Procedures used to determine whether a child has disabilities and the nature and extent of the special education and related services that the child needs. The term means procedures used selectively with an individual child and does not include basic tests administered or procedures used with all children in a school, grade or class. This can be used interchangeably with assessment, such as with an assessment plan.

Extended School Year (ESY): Additional instruction beyond the normal school year, normally conducted during the summer months. IEP team determines need related to regression, recoupment patterns and need to ensure FAPE.

Free Appropriate Public Education (FAPE): Entitles a public school child with a disability to an educational program and related services to meet her unique educational needs at no cost to the parents; based on IEP; under public supervision and meets State standards.

Gifted and Talented Education (GATE): A program designed to meet the educational needs of students with above average intelligence in specific learning areas. A student may be eligible for both special education and GATE.

Hearing Disabled/Hearing Impaired (DHOH): A disability—a hearing loss that interferes with the ability to understand or use language and that affects learning in school.

Inclusion: Bringing the services to the child rather than bringing the child to the services. Involvement in mainstream activities comparable to those provided for general education students is the focus.

Independent Educational Evaluation (IEE): evaluation (assessment) conducted by a qualified examiner who is not employed by the local educational agency (LEA) responsible for the education of the child in question.

Individual Transition Plan (ITP): An educational plan designed to facilitate a student's move from one setting to another (e.g., from one classroom or school to another or from school to work.)

Individuals with Disabilities Education Act (IDEIA 2004): Federal law that provides for special education and related services to eligible children with disabilities.

Individualized Education Program (IEP): A written document, mandated by law, that defines a child's disability, states current levels of educational performance, describes educational needs, and specifies annual goals and short-term objectives.

Individual Transition Plan (ITP) Life/Career Planning: A written plan of life and career goals to help the student plan his/her future through school and into adult life. Under IDEA Reauthorization, this plan is required to begin no later than the student's 16th birthday.

Individual with Exceptional Needs (IWEN): Legislative term for students with special needs.

Intellectual Disability (ID): Until Rosa's Law was signed into law by President Obama in October 2010, IDEA used the term "mental retardation" instead of "intellectual disability." Rosa's Law changed the term to be used in future to "intellectual disability." The definition itself, however, did not change. Accordingly, "intellectual disability" is defined as...

Significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance." [34 CFR §300.8(c)(6)]

Local Educational Agency (LEA): A school district, a county office of education, or a charter school participating as a member of a special education local plan area, or a special education local plan area.

Least Restrictive Environment (LRE): A term referring to a Federal mandate that students with special education needs are offered programs to promote maximum interaction with general education students as close to home as possible.

Low Incidence: Students with more involved disabilities in the areas of hearing, vision, and orthopedic disabilities.

Mainstreaming: A term which refers to the time a special education student participates in chronologically age-appropriate general education activities, either academic or nonacademic (e.g., math and reading or lunch, recess, and art).

Modification: Changes in the delivery, content, or instructional level of a subject or test. They result in altered expectations and create a different standard for children with disabilities than for those without disabilities.

Multidisciplinary Team: Professionals with different training and expertise; may include, but not limited to, any combination of the following public-school personnel – general education teacher, special education teacher, administrator, school psychologist, speech and language therapist, counselor – and the parent.

Non-Public Agency: A private establishment or individual that provides related services necessary for an individual with exceptional needs to benefit educationally from the pupils' educational program pursuant to an individualized education program and that is certified by the department. The nonpublic agency shall also meet standards as prescribed by the superintendent and board.

Non-Public School (NPS): Nonpublic nonsectarian schools (NPS) are specialized private schools that provide services to public school students with disabilities. Educational Code defines an NPS as a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program. The tuition of a student in an NPS is paid by the public LEA that places the student in the NPS based on the student's individual needs.

Other Health Impaired (OHI): A disability—having a chronic health problem which affects learning in school.

Orientation and Mobility (O & M): A related service—a child with visual impairments is trained to know where his or her body is in space and to move through space.

Orthopedically Handicap (OH): A disability involving the neuromuscular skeletal system that affects the ability to move, as in paralysis or cerebral palsy.

Perceptual Motor Skills: The ability to perceive a situation, evaluate it and make a judgment on what action to take (e.g., copying shapes or crossing a street).

Primary Language: Language other than English, or other mode of communication such as sign language, that the child first learned, or the language that is spoken in the home that parent indicates on form.

Psychoeducational Assessment: Information gathered through formal assessment/ observation/ interviews obtained by a certified school psychologist presented to the IEP team for review and consideration. Information is used to determine eligibility for special education services oriented toward instructional placement.

Related Services: Those services as defined by Federal and State laws which may be needed by students to make adequate progress per IEP expectations.

Referral: A written request for assessment to see if the child is a “child with disability” who needs special review by legal guardians and others directly involved in his/her education.

Resource Specialist Program (RSP): Oriented towards student eligibility through IEP procedures for remedial services based on needs within the general education program.

Response to Intervention (RTI): IDEA 2004. Districts may use RTI as part of eligibility determination process for special education.

Special Day Class (SDC): For identified special education students who need services over half of the instructional day as defined within the IEP process.

Special Education Local Plan Area (SELPA): A In 1977, all school districts and county school offices were mandated to form consortiums in geographical regions of sufficient size and scope to provide for all special education service needs of children residing within the region boundaries. Each region, Special Education Local Plan Area (SELPA), developed a local plan describing how it would provide special education services. FUSD is a single district SELPA.

Short Term Objectives/Benchmarks: Specific, measurable goals listed on the Individualized Education Program (IEP).

Specific Learning Disabled (SLD): A disability - a child’s general education classroom performance is significantly below expected levels; also a disability category containing the often used labels of severely learning disabled, mentally disabled, and mildly mentally disabled.

Student Success Team - SST: Students often need a variety of services. SST’s are in place at each school site to consider students who may need support or services prior to formal referral to special education.

Triennial: Federal and State laws mandate special education students be assessed no later than every 3 years to determine current needs and continued eligibility. This information is provided by a multidisciplinary team and is presented to the IEP team including parents and student for consideration.

Visually Impaired: An individual with diminished eyesight capabilities.

Visual Processing: The ability to interpret and understand and use information that is seen.

Educational Resources

American Diabetes Association

- 800.342.2383
- <https://www.diabetes.org>

Autism Society Inland Empire

- 951.220.6922
- <http://www.ieautism.org/>

Autism Society of America

- 301.657.0881 or 800.3AUTISM (328.8476)
- <http://www.autism-society.org/>

Braille Institute

- 800.272.4553
- <http://www.brailleinstitute.org/>

California Children's Services

- 909.458.1637
- <https://wp.sbcounty.gov/dph/programs/ccs/>

California Department of Education/Special Education Division

- 916.445.4613
- <http://www.cde.ca.gov/>

Department of Public Social Services

- 24 Hour Toll Free Child Abuse Hotline: 800.827.8724

California Department of Rehabilitation

- 909.948.6050
- <https://www.dor.ca.gov>

Early Start Family Resource Network

- 909.840.4788
- <http://www.esfrn.org/>

Easter Seal Society

- 714.834.111
- <http://www.easterseals.com/southernca/who-we-are/contact-us/>

Employment Development Department

- 800.480.3284
- https://edd.ca.gov/en/About_EDD/Contact_EDD

Inland Regional Center

- 909.890.3000
- <http://inlandrc.org>

National Alliance on Mental Illness, California

- NAMI Inland Valley 760.217.4109 www.namiinlandvalley.org
- NAMI San Bernardino Area 909.654.4134 www.namisb.org

San Bernardino County Department of Mental Health

- Mental Health 24-hour Helpline 888.743.1478
- Substance Use Disorder 24-hour Helpline 800.968.2636
- 888.743.1478
- <https://wp.sbcounty.gov/dbh/>

Social Security

- 800.772.1213
- <http://www.ssa.gov/>

Social Security Administration

- <http://www.socialsecurity.gov/disabilityssi/apply.html>

Office of Special Education and Rehabilitative Services

- <http://www2.ed.gov/about/offices/list/osers/index.html>

FUSD Parental Rights and Procedural Safeguards

Notice to Parent/Guardian/Surrogate of Procedural Safeguards can be obtained from the SELPA/Special Services Department, your student's school site and is also located on FUSD.net.

The Fontana Unified School District prohibits discrimination, intimidation, harassment (including sexual harassment), or bullying based on a person's actual or perceived ancestry, color, disability, race, ethnicity, religion, gender, gender expression, gender identity, immigration status, national origin, sex, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. For questions or complaints, contact Equity Compliance Officer: Craig Baker, Senior Executive Director, Student Services at 9680 Citrus Avenue, Fontana CA 92335 (909) 357-5000 extension 29194 TitleIX@fUSD.net; Title IX Coordinator: Caroline Labonte, Director, Certificated Human Resources, at 9680 Citrus Avenue, Fontana CA 92335 (909) 357-5000 extension 29045 TitleIX@fUSD.net; and 504 Coordinator: Alternative Education, at 9680 Citrus Avenue, Fontana, CA 92335 (909) 357-5000, extension 29077 504Coordinator@fUSD.net.

El Distrito Escolar Unificado de Fontana prohíbe la discriminación, la intimidación, el acoso (incluyendo el acoso sexual) o acoso escolar basado en lo actual o percibido de una persona como; la ascendencia, el color, la discapacidad, la raza, la etnia, la religión, el género, la expresión de género, la identidad de género, el estado migratorio, el origen nacional, el sexo, la orientación sexual o la asociación con una persona o grupo con una o más de estas características reales o percibidas. Para preguntas o quejas, comuníquese con el Oficial de Cumplimiento de Equidad: Craig Baker, Director Ejecutivo Senior de Servicios Estudiantiles en 9680 Citrus Avenue, Fontana CA 92335, (909) 357-5000, EXT 29194, TitleIX@fUSD.net y la Coordinadora del Título IX: Caroline Labonté, Directora de Recursos Humanos Certificados, en 9680 Citrus Avenue, Fontana CA 92335, (909) 357-5000, EXT 29045, TitleIX@fUSD.net; y Coordinador de la Sección 504: de Educación Alternativa, en 9680 Citrus Avenue, Fontana, CA 92335 (909) 357-5000, extensión 504Coordinator@fUSD.net.