

Community Advisory Committee (CAC) Parent Meeting



Newport-Mesa
Unified School District

Legal Components of an Individualized
Education Program
November 21, 2024

Special Education Administrator Introductions



Sara Jocham, Ed.D
Assistant Superintendent,
Special Services



Elsie Briseño Simonovski, Ph.D
Administrative Director I,
Special Education



Juliana Sauvao, M.A.
Director, Special Education
Resolution/SELPA



Special Education Administrator Introductions



Elke Day,
Preschool Coordinator,
Special Education



Heather Cash, Ph.D.
Elementary Coordinator,
Special Education



Amy Nagy, Ph.D
Elementary Coordinator,
Special Education



Clara Valdez
Elementary Coordinator,
Special Education



Mike Tincup, Ph.D.
Elementary Coordinator,
Special Education



Kim Doyle,
Secondary Coordinator,
Special Education



Samantha Eggen-Garcia
Secondary Coordinator,
Special Education



Agenda

1. CAC Overview and Business
2. Legal Components of an IEP
3. Questions/Comments



CAC Business

- At the next meeting, the CAC will:
 - Present 2025-26 meeting dates
 - Determine next year's CAC Officers



Legal Components of an IEP

ROADMAP of presentation:

Child Find

Assessment

IEP

Consent

Procedural Safeguards

Annual and Reevaluation



What is Special Education?

- Specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.

**SPECIAL
EDUCATION IS A
SERVICE, NOT A
PLACE.**

Four Rights

In IDEA

1. A FREE AND APPROPRIATE PUBLIC EDUCATION (FAPE)
2. PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT
3. FAIR ASSESSMENT PROCEDURES
4. PARENT INVOLVEMENT IN EDUCATIONAL DECISIONS

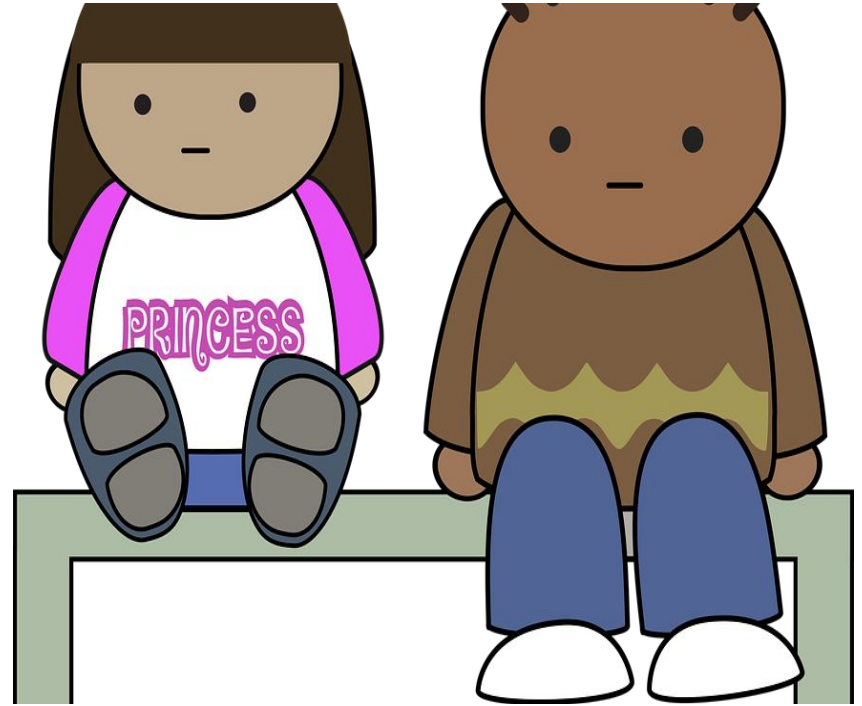
Two Protections

In IDEA

1. THE INDIVIDUAL
EDUCATION PROGRAM
(IEP)
2. DUE PROCESS
PROCEDURES

Child Find

All children with disabilities including homeless or wards of the state, who are enrolled in elementary and secondary schools and private schools, including parochial schools, regardless of the severity of their disabilities, and who are in need of special education and related services shall be identified, located and assessed.



How is a student referred to Special Education?

A pupil shall be referred for special education instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized.



Exhaustion of General Education Services

“...special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.”



Student Study Team (SST)

- Team consists of parents, teachers and various professionals working together to review student's progress and strengths and weaknesses.
- Team makes recommendations for in school interventions (or discuss/report on Rtl progress) with support from the parent in the home environment.
- If appropriate, referral to special education after general education interventions along with accommodations or Rtl model have not met the needs of the child.



Special Education Referral and Next Steps...



Who is eligible?

- Students between the ages of 0 – 22
- meets the definition of an individual with a disability
- disability must: adversely affect educational performance
require special education



Educational Continuum

IDEA Section 300.114(a)(2)(i) and Section 300-115(a) tell us: To the maximum extent appropriate, children with disabilities are educated with children who are not disabled. Each public agency shall ensure that a continuum of alternative services placement is available.



Special Education Eligibilities

- Autism
- Deaf / Hard of Hearing
- Deaf Blind
- Emotional Disability
- Hard of Hearing
- Intellectual Disability
- Multi-handicapped
- Visually Handicapped
- Orthopedically Handicapped
- Other Health Impaired
- Specific Learning Disability
- Speech Impaired
- Traumatic Brain Injury

[illegible]

I

Individual



E

Educational

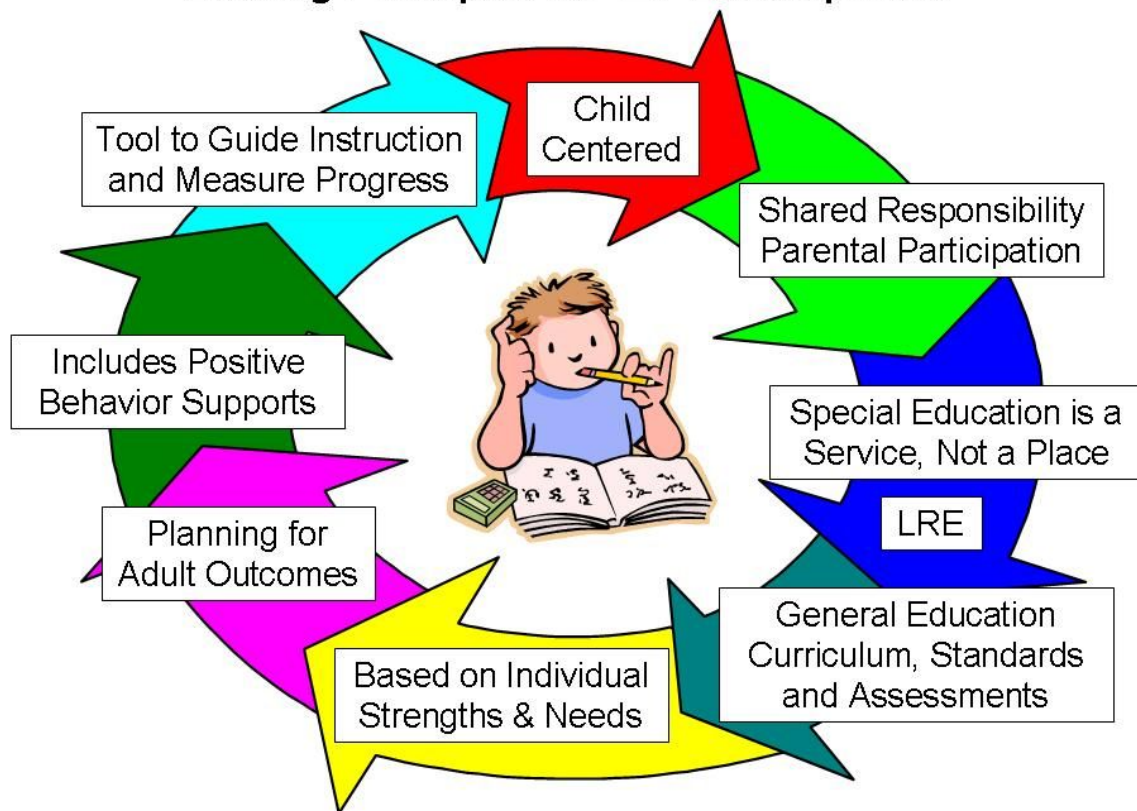


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Program



Guiding Principles for IEP Development



The IEP

- A Individualized Educational Program written at least YEARLY
 - IEP created with input from a team
 - Addresses areas of student need
 - Offer of a Free and Appropriate Public Education (FAPE)
 - Ensuring student is in the Least Restrictive Environment (LRE)
-
- The IEP is not: A binding contract that guarantees that the goals will be accomplished



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graph LR; A[1. Assess in all areas of suspected disability] --> B[2. Determine Unique Needs]; B --> C[3. Draft measureable goals to address unique needs]; C --> D[4. Propose services or supports in IEP to support progress on goals];
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1. Assess in all areas
of suspected
disability

2. Determine
Unique Needs

3. Draft
measureable goals
to address unique
needs

4. Propose services
or supports in IEP
to support progress
on goals

The IEP Team

- One or both parents or a legal guardian
- Administrator or designee
- General Education Representative/teacher
- Special Education teacher/service provider
- Service Providers that provide services to the student
- Beginning at age 16, student must be invited to his/her IEP meetings and is encouraged to participate in the process.



Parts of an IEP

PRESENT LEVELS

GOALS

SERVICES

**BEHAVIOR NEEDS/
SUPPORTS**

TESTING

TRANSITION SERVICES

Present Levels

Where is the student?

ACADEMICS?

SOCIAL?

EMOTIONAL?

COMMUNICATION?

MOTOR SKILLS?

SELF- HELP?

HEALTH?

Goals

Where is the student going?

ACADEMICS?

SOCIAL?

EMOTIONAL?

COMMUNICATION?

MOTOR SKILLS?

SELF- HELP?

HEALTH?

Goals

***WHAT IS THE STUDENT EXPECTED TO LEARN?**

***WHEN?**

***HOW WILL WE KNOW WHEN THE STUDENT HAS MASTERED THE GOAL?**

***WHO IS RESPONSIBLE FOR TEACHING IT?**



Services

Supporting students in meeting
their goals

ACADEMICS? (ACCOMMODATIONS/
MODIFICATIONS)

SOCIAL?

EMOTIONAL?

COMMUNICATION?

MOTOR SKILLS?

SELF- HELP?

HEALTH?

FAPE

Free and Appropriate Public
Education

1. AREA OF SUSPECTED
DISABILITY
2. STRENGTH AND NEEDS
3. GOAL AND OBJECTIVES
4. PLACEMENT AND
SERVICES

What is FAPE?

- Free Appropriate Public Education
- The entitlement of every child with a disability under IDEA.
- Every IEP must include an offer of FAPE.



Transition

Adult Transition Program,
College, Career

*WHAT THE STUDENT'S GOAL
AFTER HIGH SCHOOL?*

Final Thoughts...

abilities
OUTWEIGH
disabilities

A decorative flourish consisting of symmetrical, swirling lines and small leaf-like shapes, positioned below the word "disabilities".

So what can I do, as a Parent, to prepare for the IEP?

BEFORE the IEP:

- Let IEP team know about your concerns before meeting
- Request copy of any assessment or progress reports prior to IEP
- Request copy of drafted goals prior to IEP meeting
- Return meeting notice and let team know if you are bringing anyone to the meeting with you or if you would like to audio record.
- If your student is transitioning levels, request to view the program transitioning to and request a representative from the next school attend the IEP.



During the IEP Meeting

- Attendance Signature. This signature just says that you attended the IEP meeting. It doesn't provide any consent.
- If you don't have copies of documents being discussed, ask for document copy to be provided so you can more easily follow along.
- Actively participate, listen, ask questions, and provide feedback.
- Don't be afraid to ask the presenter to slow down, repeat information, or explain jargon/acronyms.
- Don't feel pressured to sign in agreement. You probably want to take home all of the paperwork to review, ensure that you fully understand, and ensure you don't have any further questions.



After the Meeting

- Review all the paperwork. Follow-up on any unresolved items. Ask questions about anything you don't understand.
- If you have feedback you would like included, provide written feedback and request be added to IEP. For example, you may feel something was left out of the notes. Or you may notice that there are errors on documents.
- Determine if you agree with the IEP/Consent (see next slide)
- Keep a copy of all paperwork



IEP Consent Options

IEP Consent Options	Explanation
I CONSENT to this Individualized Education Program.	If you agree with everything (goals, accommodations, services, etc.) check this box.
I CONSENT to this Individualized Education Program EXCEPT for the following:	If you are in disagreement with a few items, you can consent to the plan with the exception of specific elements. For example, you may agree with all goals, accommodations, and most services. You would check I agree with the exception of ... and list what you aren't consenting to.
I CONSENT to this Individualized Education Program AND I am choosing to Parentally Place in a Private School/Setting.	
I DO NOT CONSENT to this Individualized Education Program .	Use this if this during an initial evaluation for your student who qualifies for special education, but you decide you don't want them to receive any special education services.



Organizing Paperwork

- Make sure you have an organization system to keep copies of materials. (Notebook/Electronic Folders, etc.)
 - STUDENT NAME FOLDER
 - IEP Related
 - Current IEP
 - Past IEPs
 - Progress Reports
 - Written communication
 - Grade 8
 - Work Samples Grade 8
 - Logistics (Log-in's, websites, passwords, rubrics, etc)
 - Misc Paperwork (Awards, Registration Materials, Etc)



General Tips

- If developmentally appropriate, start having your student attend their IEP or parts of their IEP meetings each year. Even at young ages, many students can share what they like about school and what is difficult. As your child hits upper elementary grades and intermediate school, they really need to understand their unique needs, programming, and accommodations. It's important that they learn self-advocacy, and typical IEP meetings can be a great place to practice this skill.
- Build positive relationships with team members.



Procedural Safeguards



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Unified School District

CAC Parent Meeting
11/21/2024

What are procedural safeguards?

Under IDEA, annual notification of procedural safeguards to parents is required. Procedural safeguards are provided to all parents of potentially eligible and eligible students with disabilities under IDEA to explain explain parent/student rights under Federal and State Law.

- Frequency of Provision
- Definitions
- Records and Confidentiality
- Prior Written Notice
- Informed Consent
- Independent Education Evaluations
- IEP Meetings
- Stay-Put
- Discipline
- Parentally Placed Private School Students
- Types of Complaints/Filings/Actions
- Attorney Fees
- State Special Schools



When are Procedural Safeguards Offered

- At least one time per year
- Initial referral/evaluation
- Disciplinary Change of Placement (manifest)
- State complaint/Due Process
- Upon Request



Records and Confidentiality

- FERPA and CA Law allow you to inspect your student's educational records and receive copies of records. (Transfer of rights at 18).
- Requesting records (Timelines/copies/fees/etc.)
- Correcting record (request to amend/attach corrective written statement)
- Protecting Confidentiality and Disclosure of Information
- Destruction of non-permanent Records with personally identifiable information



Prior Written Notice

- Provided when Districts initiate, change, identify, evaluate, or refuse actions.
- Most often done in an IEP meeting.
- Assessment Plan is structured to cover all the components
- If a request is made; often a formal letter prior written notice letter will be sent from District.

7 components:

- Description of the proposed/refused action
- Explanation of reason
- Description of information used as a basis for proposed or refused action
- Other options considered
- Other factors relevant to proposal or refusal
- Statement of procedural safeguards
- Sources for parent to get assistance



Informed Consent

- You must be provided an opportunity for informed consent prior to:
 - Initial evaluation for special education (District may pursue Due Process to evaluate)
 - Consent for initial provision of special education (District may not pursue Due Process)
 - You can withdraw consent at any time, but revocation is not retroactive. District does not have to amend record.
 - If you withdraw consent, your student will be considered a general education student (including discipline)
 - Consent to changes in IEP once initiated. If you sign in partial consent, and District feels that the elements not consented to are required to provide your student with a FAPE, the District must file for Due Process.
 - Consent for re-evaluation is not required if the District has documented reasonable measures to obtain your consent
 - Surrogate parents can be assigned when no parent/guardian can be found.



Independent Educational Evaluation (IEE)

If you disagree with the District's Evaluation (within a 2-year period), you may request an IEE. The District may respond in one of two ways:

- Fund IEE In accordance with policy. (Limited to only 1 IEE per assessment)
 - Please note that the District has to consider the IEE but not adopt recommendations
- File for Due Process to defend evaluation. If District prevails, District doesn't have to fund IEE.
- You may always get an IEE for the District to consider at your own expense.

Equivalent observation time for IEE assessors.



IEP Meetings

Discusses Parent as part of the special education team:

- Participation in meetings
- Right to bring individuals knowledgeable or have expertise to IEP meeting
- IEP in Primary Language if requested

Discusses IEP components:

- Present levels
- Parent concerns
- Individual Transition Plans at 16 years
- By 17, notification of transfer of rights
- Positive behavior strategies

IEP timelines

- At least annually
- Discuss evaluations
- Lack of progress
- Parent request

Misc.

- IEP Excusals
- Right to Record
- Addendums without meetings



Stay- Put

“Stay-Put” refers to your child’s current educational placement. When there is a disagreement, the last consented to and implemented placement is the “stay put” until mutually resolved or a hearing officer issues an order.



Discipline

Discipline Removals based on Student Code of Conduct Violations:

- Other settings (Example: ATS or In-house)
- Suspension for not more than 10 days
- 10+ days = Manifest Determination

Manifest Determination:

- Is the conduct caused by or have a direct and substantial relationship to student's disability?
- Was the student receiving IEP services?
 - Not a manifest: Proceed with Discipline
 - Is a manifest: Do not proceed with Discipline (Unless meets IAES). If hasn't had an FBA/BIP for behavior develop or revise as appropriate if direct/substantial.

45-Day Removals: (District IEP team may remove regardless of manifest outcome or parent consent)

- Carries/Possesses a weapon at school/premises/school function/school activity
- Possession/usage/sales/solicitation of illegal drugs at school/premises/school function/school activity
- Student inflicts serious bodily injury upon another person while at school/premises/school function/school activity

Discusses of process and parent may request an expedited hearing (20 days and decision at day 45)



Parentally Placed Private School Students (PPSS)

Private School Students: *“No parentally placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school”*

- Child Find Obligations
- District of Location (District of Residence)
- “Service Plan”

Unilateral Placements: If you decide to unilaterally enroll your child in a private school after District has made a FAPE available to your student, the school district is not required to pay for the cost of your child’s education. You can seek reimbursement, first directly through the District, and if not agreed through via Due Process (Later Slide).

If you decide to pull your student out of a District Program because you do not agree with the placement and unilaterally place privately:

- At the IEP meeting let the District know you are rejecting the placement, feel the District has denied a FAPE, and express your concerns.
- Provide written notice at least 10-days before removing your student from program and let the District know your concerns regarding placement and your intent to enroll in private school at public expense.
- The District has the right to view the placement and your student in the placement.



Types of Complaints/Filings/Actions

- State Complaint: Filed with CDE within 1 year of complaint regarding identification, evaluation, educational placement, or FAPE. File written complaint with CDE and copy to District. [Contact CDE- Website has forms]
- Mediation and Due Process: Through Office of Administrative Hearings. Mediation process is voluntary. Parties may request mediation only or a due process hearing. The safeguards go through process and timelines. [Contact Office of Administrative Hearings- Website has filing forms]
- Civil Action: After Due Process and decision, either party can request an appeal within 90 days through US District Court or Orange County Superior Court.
- Alternative Dispute Resolution: (ADR) Voluntary process done without any attorney involvement where District and Parent will try to work to mutually resolve any disputes. [Contact District special education office to schedule]



01

Preparing for the IEP



Preparing for the IEP

- Receive an assessments and proposed IEP present levels of performance, progress on goals and proposed new goals prior to the IEP meeting.
- Review the documents and call teacher or service provider with any questions or to provide input.
- Come to the IEP meeting with any further questions and input.



All About Me
resource



02

Participating for the IEP



Newport-Mesa
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Participating in the IEP

- Who attends the IEP?
 - Parent(s)
 - Administrator
 - Special Education Teacher
 - Other Assessors/ Service Providers
 - Other participants invited by Parent
- IEP Outcomes, Agenda and Norms



Participating in the IEP

- Present levels of performance
 - Strengths and areas of need
- Proposed goals
 - Goals will be proposed in the areas of need.
- Services and Placement
 - What services will your child need to meet their goals?
 - Where can those services best be provided?
 - What accommodations/modifications does your child need to access the environment.



Linda's suggestions

I didn't want to change your slides, so I made a copy of it. If you like it then we can add it to this.

The link is below:

https://docs.google.com/presentation/d/1QMFn7Mqjuwex_HvKbihxJC9X02dmcOgXIQH0ILCIPyQ/edit#slide=id.g30f788a3918_0_537

