Special Education in San Benito County: A Handbook for Parents

San Benito County Special Education Local Plan Area

Community Advisory Committee for Special Education

Revised 2018

Serving students, parents and staff in…

- *Aromas-San Juan Unified*
- *Bitterwater-Tully Union*
- *Cienega Union*
- *Hollister School District*
- *Jefferson*
- *Panoche*
- *Southside*
- *North County Joint Union*
- *San Benito High School*
- *Willow Grove Union*
- *Tres Pinos Union*
- *San Benito County Office of Education*

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INTRODUCTION

Every student with a disability in San Benito County has a right to a Free Appropriate Public Education (FAPE). The Special Education Parent Handbook is a joint effort of the San Benito County Special Education Local Plan Area (SELPA) and San Benito County Community Advisory Committee (CAC) to provide a summary of those rights and educational opportunities. This Parent Handbook on Special Education is designed to help you better understand the special education process and work as a partner with your IEP team to help your child with disabilities reach his or her maximum potential. This guide and the accompanying CAC parent brochure also serve as a reference for additional resources to help you be informed and be actively involved in your child's educational success. The contents of this handbook are based on the most recent federal and state laws. However, laws and regulations change constantly. It will be revised as needed to reflect those changes.

If you have any questions or concerns regarding any of the information covered in this handbook, please feel free to contact the Special Education office at your local school district or County Office of Education (see "Resources" section), or you may call the San Benito County SELPA Office at (831) 637-5393.

San Benito County Special Education Local Plan (SELPA)

San Benito County Community Advisory Committee (CAC)

SPECIAL EDUCATION LAWS

Special education programs in California are governed by a combination of state and federal laws. Under these laws, school districts must provide each student with FAPE. FAPE means special education and related services that are provided at public expense and without charge, meet appropriate standards, include preschool through secondary education, and conform with an IEP.

The Individuals with Disabilities Education Act (IDEA) Public Law 94-142, the Education for Handicapped Children Act of 1975, was the first federal law, which guaranteed every child with a disability the right to FAPE in the least restrictive environment.

This law also provided that each child with disabilities:

- Is guaranteed a culturally unbiased, valid assessment in all areas of the suspected disability;
- Is to have an Individualized Education Program (IEP) designed to meet his/her unique needs;
- Is guaranteed specific procedures to insure his/her rights and those of his/her parents (due process procedures).

Public Law 94-142 states that all children with disabilities need and have the right to an education to become as self-sufficient and productive as possible in adult society, and that children with disabilities should be educated to the maximum extent possible with non-disabled students. This is what's known as the Least Restrictive Environment or LRE.



PARENT'S RIGHTS AND RESPONSIBILITIES

A brief summary of Procedural Safeguards for students with disabilities receiving special education services:

Parents of children with disabilities from ages three through twenty-one have specific educational rights under the Individuals with Disabilities Education Act (IDEA). These rights are called procedural safeguards. Individuals serving as surrogate parents and students aged eighteen receiving special education services, are also entitled to these rights. Districts are required to offer you a copy of your rights once a year and when they intend to assess your student. They will also send you a copy if you have a complaint regarding the provision of services to your child. You may get several copies each year your child receives services. You should be familiar with its contents.

A number of staff in your child's district and SELPA may answer questions about the child's education and the parents' rights and responsibilities. When you have a concern, it is important to contact your child's teachers or administrators to talk about your child and any problems they see. This conversation often solves the problem and helps maintain open communication.

You are given opportunities to participate in any decision-making meeting regarding their child's special education program. You have the right to participate in IEP meetings about the special education eligibility, assessment, educational placement of their child and other matters relating to their child's FAPE. Parents and students over age eighteen have the right:

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

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

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

- **To Refuse to Consent.** Parents may refuse to consent to an assessment or the placement of their child in special education.

- **To Be Given a Nondiscriminatory Assessment.** Children must be assessed for special education through the use of methods that are not culturally biased or discriminatory.

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

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

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

- **To Access Educational Records.** Parents have a right to inspect, review, and obtain copies of their child's educational records.

- **To Stay in the Current Program If There is a Disagreement About Placement.** If parents disagree with the district regarding their child's special education placement or a proposed change in placement, the law requires the student to "stay put" in the current program until the dispute is resolved.

- **To Be Given a Hearing Regarding Disagreements About an IEP.** Parents have the right to present a complaint relating to the provision of a FAPE for their child; to have an attorney, an advocate, and the student, if appropriate, present at the due process hearing; and to make the hearing public. Under certain conditions, the hearing officer may award, reduce, or deny the reimbursement of attorney's' fees and fees paid to non-public institutions by parents in the settlement of a case. To request a due process hearing or to receive a complete notice of procedural safeguards related to a due process hearing, contact the Office of Administrative Hearings (see contact information on page 27).

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

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

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

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

- **To Be Informed of Policies Regarding Children Who Attend Private Schools.** School districts are responsible for identifying, locating and assessing students with disabilities enrolled in private schools by their parents. However, school districts are not required to provide special education or related services to these students. There is no entitlement for services, though some private schools and students attending private schools may receive some services from the school district.

Parent's Responsibilities

Parents as Partners Parents are valued partners, and parent participation is one of the outstanding features of current legislation concerning exceptional children. One example of this participation is this handbook. It was designed and prepared by parents of children with disabilities. As a parent you are entitled to an active role in the special education process. From the referral to services in a special education program, you play an important part. As you play this key role in your child's education, it is important you understand fully all the ways you can participate as a partner.

Be active in all the processes of your child's special education. As a parent you will find yourself as part of the team of people all working together to plan and provide the most appropriate educational program for your child. Be prepared. Ask questions about anything you do not understand. Your participation is needed in a variety of ways. Here are some examples:

- Consent – By law your consent is required before your child can be tested or receive any special education services.
- Information – As part of the assessment process and the IEP planning you will be asked to provide needed information concerning your child. Your cooperation will help in planning the best program for your child.
- Review – Your child's IEP will be reviewed once a year. Be involved in this process every year. Your input is needed. Remember the IEP is the heart of your child's education and your participation in the process is vital.
- Attendance – Attend all IEP meetings and parent conferences concerning your child. Also, you may have the opportunity to attend parent education programs to learn more about special education activities.
- Communication – Good communication between home and school is an important key to the success of a child's program. Once the decisions have been reached and the IEP written, keep in close touch with what is going on at school.

Community Advisory Committee (CAC)



An important organization to become aware of and be involved in is the Community Advisory Committee for Special Education (CAC). The law requires that a majority of its members be parents and a majority of those be parents of special education children. Representatives of public and private agencies, community groups, special and regular education teachers, disabled students, school personnel, and other concerned citizens make up the rest of the committee. This organization plays an important role in special education in the San Benito County SELPA.

The CAC's responsibilities and activities include:

- Advising the SELPA administration and Board of Education regarding the development and review of special education programs;
- Making recommendations on priorities to be addressed under the local special education plan;
- Acting in support of children with disabilities;
- Assisting in parent education and the development of public information materials such as this handbook;
- Facilitating Special Needs Resource Fair for Families;
- Promoting and participating in the district's disability awareness efforts.

You are encouraged to attend the monthly CAC meetings. Child Care is provided. Call the San Benito County SELPA (831) 637-5393 ext.112, for more information.

SPECIAL EDUCATION

Child Find

Child Find is an ongoing process used by San Benito County process that is conducted annually at each school site to help identify children with possible special education needs. School personnel and administrators have a major responsibility to actively and systematically seek out all individuals with exceptional needs, from birth through 21, and refer them for assessment. This means that teachers may be asking parents to join them in the identification of children, and parents are encouraged to make referrals to the local school staff for assessment of their child's possible needs.



Child Find Federal Requirements: 20 USC Section 1412(a) (3) (A-B), 34 CFR Sections 300.125.300.4512 California Requirements: EC 56301, 56343.51, 56500.3, 56502

Early Start (Birth to Age 3)

San Benito County Office of Education (SBCOE) in partnership with San Andreas Regional Center (SARC) provides Initial Intake Evaluations to determine eligibility. SBCOE provides developmentally appropriate educational intervention and parent/caregiver training to families & infants and toddlers ages 0–3 who are: blind or visually impaired, deaf, or hard of hearing, orthopedically impaired and/or have global developmental delays. SBCOE interdisciplinary team, in conjunction with the family, completes an appropriate assessment and builds an individual family service plan (IFSP) that best reflects the child's needs. The intent of the program is to support families to acquire developmentally appropriate skills necessary to promote the child's development.



Eligibility for Special Education (Age 3-21)

Referral:

Teachers must document the supports and interventions that have been tried, prior to referring a child for assessment.

Parents who question whether their child is making satisfactory progress in a regular classroom should first request a conference with the child's teacher, principal, and/or counselor. It may be felt that additional assistance for the child is needed. The child can be brought to the attention of the school district for consideration of eligibility and need for special education services through the referral process.

Secondly, parents should investigate whether their child's school has a Student Study Team (SST), composed of teachers and other school personnel, and the child's parent. The SST meets regularly to discuss the needs of individual children and to develop interventions to be implemented prior to referring the child for a special education assessment.

A third approach is a direct, formal referral made by the parent, with assistance, if desired, from the child's teacher or principal, or the school district's/COE's Director of Special Education. A direct referral can also be made by teachers, counselors, principals, school nurses, or other persons who have an interest in the child's welfare. If so, a written "Notice of Referral" will be sent to you.

When a formal referral is initiated, due process rights ensure that procedural timelines must be followed. After the referral is received by the district, an assessment plan must be developed within 15 days.

Assessment:

Before any action is taken with respect to the initial placement of students with special needs in a special education program, an individual assessment of the student's educational needs will be conducted by a multidisciplinary team of educators and professionals, the IEP team. The first step in the assessment process is the development of an assessment plan for your child that states which tests will be given to your child and may address areas such as; cognitive ability, achievement in academics, physical/motor ability, social-emotional, adaptive behavior, medical history, and speech

and language ability. Further information about your child will be obtained through classroom observation, teacher and parent input.

The assessment process assists the IEP team in three major ways:

1. In evaluating the student's needs;
2. In determining whether the student is eligible for special education services;
3. In choosing the most appropriate special education program and related services for the student.

Parent rights regarding assessment include:

1. The proposed assessment plan will be provided in the primary language of the parent, when feasible.
2. No assessment shall be conducted without the written consent of the parent (or the student, if he/she is 18 years of age).
3. The assessment of the student must be based on a multidisciplinary evaluation. No single test can form the basis for identifying him/her as an individual with exceptional needs.
4. School districts and the County Office of Education are not allowed to use intelligence tests in the assessment of African American students who have been referred for a special education assessment. Alternate means of assessment shall be used.
5. A copy of the "Notice of Parent Rights" will be attached to the assessment plan.

Parents are invited to participate in the assessment process by sharing their concerns regarding their child, and by providing information regarding the child's educational performance and progress in school.

The results of the assessment are reviewed at an Individualized Education Program (IEP) Team meeting within 60 days from the date of the receipt of the parent's written consent for assessment (not counting days between school sessions or terms), unless the parent agrees in writing, to an extension of the timeline. However, when a referral has been made 20 days or less prior to the end of the regular school year, an IEP shall be developed within 30 days after the commencement of the subsequent regular school year as determined by each district's school calendar.

You, as the parent, are an integral member of the IEP team. The team reviews the assessment information to determine whether your child meets the State of California eligibility requirements for placement in special education. If your child meets the eligibility requirements, if no other regular education or categorical program can meet his/her needs, and if you consent to your child receiving special education services, an Individualized Education Program (IEP) will be developed to meet your child's unique educational needs

Students not eligible for Special Education:

Not all students experiencing difficulty in school meet the state eligibility requirements for special education. Students may not be eligible if:

1. The student's educational needs are due primarily to maturational, environmental, cultural, or economic factors;
2. Excessive absence from school or limited school experience is the main basis for referral;
3. A temporary physical disability exists, that is, a disability incurred while a pupil was a regular education pupil and which, at the termination of the temporary physical disability, the pupil can, without special intervention, reasonably be expected to return to his or her regular education class;
4. The sole basis for referral and/or assessment is the student's limited or non-English language status;
5. Social maladjustment is the main basis for the referral. California law, in accordance with PL 94-142, specifically excludes for special education services those students who are "socially maladjusted "and who do not qualify under any other disabling condition.

Special Education Eligibility Criteria:

A student qualifies as an individual with exceptional needs if the multidisciplinary assessment demonstrates that the student's disability meets the Special Education Eligibility Criteria.

The Individuals with Disabilities Education Act of 2004, (IDEA-04), identifies 13 types of disability that make children eligible for special education services.

ELIGIBILITY	CRITERIA
Autism	Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, 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. (A) Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in subdivision (b)(4) of this section
Deaf-Blindness	The child has both hearing and visual disabilities that cause severe communication, developmental, educational, and vocational and rehabilitation problems that require accommodation in special education or vocational rehabilitation programs for hearing and visual disability.
Deafness	The child's residual hearing is not good enough to allow him or her to understand the spoken word and to develop language, thus causing serious problems in learning and communication.
Emotional Disturbance	Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance: (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors. (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers. (C) Inappropriate types of behavior or feelings under normal circumstances. (D) A general pervasive mood of unhappiness or depression. (E) A tendency to develop physical symptoms or fears associated with personal or school problems. (F) Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under subdivision (b)(4) of this section.

ELIGIBILITY	CRITERIA
Hearing Impairment	The child exhibits a hearing loss that prevents full awareness of environmental sounds and spoken language, limiting attainment of normal language and learning achievement.
Intellectual Disability	Intellectual disability means significantly sub average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance.
Multiple Disabilities	The child exhibits two or more disabilities, the combination of which causes such severe educational problems the child cannot be accommodated in special education programs solely for one of the impairments.
Orthopedic Impairment	The child displays impairments that are development, hereditary abnormalities or result from disease or other causes, such as cerebral palsy, amputations, fractures, or burns. The IEP team determines whether the disability is severe enough to have an adverse effect on educational performance and make special education and/or related services necessary.
Other Health Impairment	The child exhibits limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and adversely affects a child's educational performance.
Specific Learning Disability	The child exhibits a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may have manifested itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including 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. Specific learning disabilities do not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

ELIGIBILITY	CRITERIA
Speech or Language Impairment	The child exhibits a communication disorder, such as stuttering, impaired articulation, a receptive and/or expressive language disorder, or a voice impairment that adversely affects the child's educational performance.
Traumatic Brain Injury	The child has 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 applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.
Visual Impairment	The child's visual impairment including blindness means impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

Individualized Education Program:



Your child's program will be developed at the Individualized Education Program (IEP) team meeting. Both federal and state laws require that an IEP be written for each student who is eligible for, and placed in, a special education setting. The IEP is a written statement about the special services that will be provided for your child.

The IEP is written by a team including, but not limited to (Education Code 56341):

1. One or both of the student's parents (or guardians), a representative selected by the parent, or both;
2. A General Education Teacher
3. Special Education Teacher
4. A school administrator, designee, or representative LEA who is knowledgeable about program options appropriate for the student.

When appropriate, the team shall also include:

1. The individual with exceptional needs;
2. Other individuals, at the discretion of the parent, district, SELPA, or COE, who possess expertise or knowledge necessary for the development of the IEP;
3. The person(s) involved in assessing the student for the IEP meeting, or person(s) knowledgeable about the procedures used to assess the student and is familiar with the results of the assessment, shall be present;
4. A person (other than the student's present teacher) who has observed the student's educational performance must be present if a learning disability is suspected.

Before the IEP

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.

During the IEP

1. All assessment results and relevant information regarding the student will be reviewed. You may receive a written summary of the assessment results.
2. A decision will be made as to whether your child is eligible for special education and whether special education services are needed. (See "Eligibility for Special Education" section.)
3. If your child is eligible for Special Education the IEP must include:
    - A statement of your child’s strengths in each listed area and results of the most recent assessments.
    - A statement of how your child’s disability affects involvement and progress in the general curriculum; or if your child is a preschooler, how the disability affects participation in appropriate activities.
    - A reason for placement if it is other than the school regularly designated for attendance.
    - A statement indicating the extent to which the child will not participate in a general education classroom and extracurricular activities. There must be

an explanation if the student is not participating in general education activities.

- A statement of your concerns relevant to your child's educational progress.
- A statement of measurable annual goals. These must be related to: (a) meeting your child's disability-related needs; (b) allowing your child to be involved and to progress in the general education curriculum; (c) how each of your child's educational needs are being met.
- A statement of special education and related services and supplementary aids and services to be provided.
- A statement of how you will be regularly informed of your child's progress at least as often as parents of non-disabled general education students, including the extent to which progress is sufficient to enable the child to reach his/her goals by the next annual IEP.
- Program modifications or supports for school personnel that will be provided for your child to: (a) advance toward annual goals; (b) be involved and progress in the general curriculum and participate in extracurricular activities; and (c) be educated and participate with disabled and nondisabled peers.
- A statement of projected date for beginning services and their anticipated frequency, location, and duration.
- A statement regarding your child's participation in district-wide standardized assessments, including accommodations and/or modifications, if any.

At the close of the meeting, you are given the opportunity to agree with the contents of the IEP or parts of the IEP. If you agree with the decisions made at the IEP meeting, you may sign the IEP thereby approving your child's placement in special education. Placement in the appropriate special education program and all related services should occur immediately after the IEP has been signed.

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 SELPA office, or you can request a due process hearing.

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.

The student's program is a cooperative effort among the school, the home, the student, and, at times, other agencies. Communication between home, school and agencies should be continued even after the formal conferences and meetings take place. Requests for informal conferences with the student's teacher, requests to visit the class or service, and notes or phone calls are additional ways of learning about your child's program and performance. Always make an appointment before you visit any classroom, including your child's.

Transition:

Beginning at age 16 and annually thereafter, the individualized education program shall include appropriate measurable postsecondary goals and benchmarks or short-term objectives based upon age appropriate transition assessments related to training, education, and employment that focus on the transition needs of the student in his/her courses of study, such as advanced placement courses or vocational education.

Individual Transition Plan (ITP)



Transition refers to the movement from school to the adult world of work and community life. It is defined as an outcome-oriented process that involves a coordinated set of activities that promote this movement. The purpose is to prepare students with disabilities for employment and independent living. Ideally, transition should represent a balance of teaching everyday living skills, personal and social skills, and vocational skills. Thoughtful planning is known to improve the employment rates of students with disabilities. Under the IDEA, each eligible student is required to have an Individual Transition Plan (ITP) in place beginning at age 16. The ITP focuses on improving academic and functional achievement to facilitate movement from school to post-school activities (post-secondary education, vocational education, integrated employment, continuing and adult education, adult services, independent living or community participation.) The ITP is based on the student’s strengths, preferences and interests and includes one goal in the following areas: education/training; employment; and if appropriate, independent living. This plan is developed by a team which includes the student, parents, school staff, (if appropriate and if parent requests their presence, schools may invite with

parent permission) Regional Center case manager, Department of Rehabilitation, vocational specialist, and anyone else who can contribute to the process. This planning process must begin by identifying the student's post-school goals. Students and families should be supported in thinking about their long-range goals. The ITP team then moves on to develop a statement of needed transition services in the areas of instruction, vocational training, integrated employment, independent living, and community participation. A functional vocational evaluation should be completed as needed.

More information about transition planning can be obtained by contacting:

- Special Education Department at San Benito High School (831) 637-5831 x131
- San Andreas Regional Center (408) 374-9960
- Department of Rehabilitation (800) 952-5544
- Transition Partnership Program and Workability for San Benito High School (831)-637-5831 ext. 501

SPECIAL EDUCATION PROGRAMS

All school districts in the San Benito County SELPA are required to provide FAPE for all individuals with disabilities, ages 3-21. In addition, the Early Intervention Program offers services to infants and toddlers who require intensive special education services. Many of these children need special education service in addition to, or different from, those provided in their regular school program. Through special education, instructional techniques, materials, and equipment are adapted to meet the individual educational needs of students with disabilities.

Students receiving special education and related services are educated with non-disabled peers to the maximum extent appropriate. They are integrated, as much as possible, in school activities and regular classroom activities as determined by the IEP team. If separate facilities and services for students with disabilities are necessary, they are comparable to those provided for regular education students.

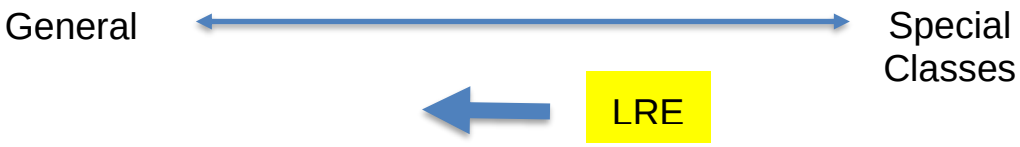
Special education programs and related services are provided to students with disabilities at no cost, except for those fees that are charged to regular education students. Services are provided in an appropriate setting as close to the student's home as possible. When the IEP team agrees that transportation to a more distant school, class or center is necessary, such transportation is provided without cost.

Least Restrictive Environment (LRE)

Each student is assured of his/her right to be educated in the least restrictive environment which promotes maximum interaction with the general school population in a manner which is appropriate to the needs of both. Assignment to special classes, special schools, or other removal of the-student from the general education environment shall occur only when the nature and severity of the student's disability is such that education in general classes, with the use of supplementary aids and/or services, cannot be achieved satisfactorily, and such information is documented in the child's IEP.

Continuum of Services

The continuum of services available to special education students includes the following:



Basic Description	**Regular education classes** Academic and social support services available to all students	**Regular education classes** Additional services provided to students as required by their IEPs	**Special classes serving students with disabilities** Additional services provided to students as required by their IEPs	**Out-of-District Special classes serving students with disabilities** Specialized school or program outside local school district
Service Provided	Academic instruction based on state standards for the appropriate grade level and/or subject area Academic and Social Counseling School-wide Behavior Interventions Additional Supports and Services for the general student population	Academic instruction based on state standards for the appropriate grade level and/or subject area Accommodation/Modification Behavior intervention supports, behavior plans Supplementary Supports and Related Services individualized for students based on IEP goals and services	Instruction based on students' IEP goals Supplementary Supports and Related Services individualized for students based on IEP goals and services Behavior intervention supports, behavior plans	Intensive Specialized Academic Intensive Behavior intervention supports Intensive therapeutic services
Delivery Environment	Neighborhood schools Regular education classrooms Academic intervention classrooms	Regular education classrooms with support from SPED teacher Combination of regular and special day class Resource Specialist pull-out or in-class support	Special day classrooms on regular school (district, county or regional program) i.e. Mild/Moderate. Moderate/Severe, Specialized Therapeutic Educational Programs and Support (STEPS) Home and Hospital Instruction	Nonpublic Schools State Special Schools Residential Treatment Placement

Educationally Related Mental Health Services (ERMHS)

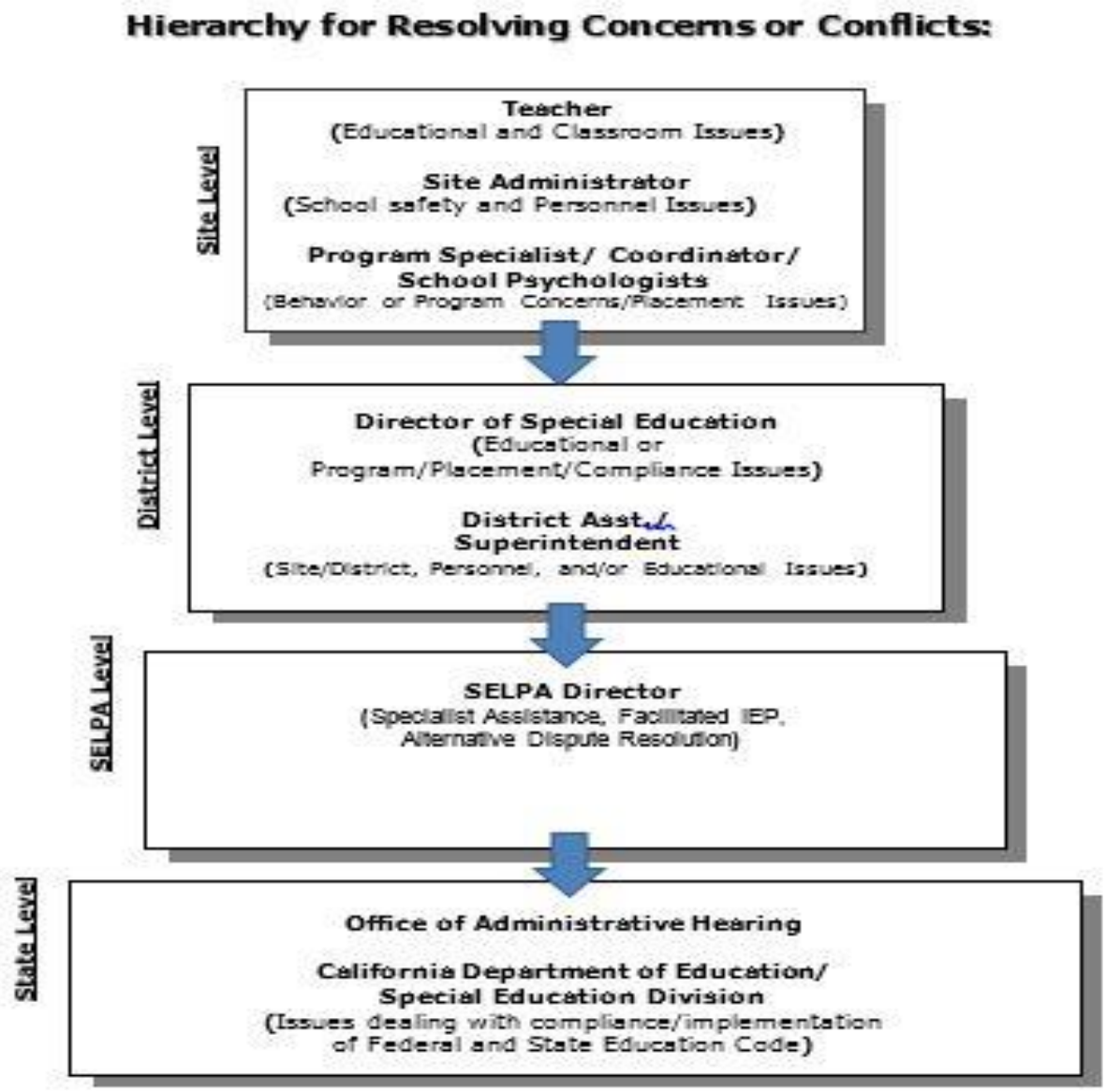
ERMHS are mental health services that are provided to students receiving special education services. These services are provided when students have significant socio-emotional or socio-behavioral needs that impede their ability to make substantial academic progress. An interactive assessment process involving a Mental Health Provider, parent, student, and school staff. The purpose is to determine the types of services offered and the amount of service provided for your student. This can include personal counseling in a one-to-one and/or group setting. Therapeutic interventions will be provided to promote academic progress. Group therapy and parent support provided as needed. Parents/guardians who provide authorization for their student are encouraged to be involved in their treatment. Collaboration will take place between your child's provider and their IEP team to verify transparency.



Specialized Therapeutic Educational Program and Supports (STEPS)

The students served by the STEPS classes, generally fall within the low average to above average range. Therefore, the majority of students served who have had poor academic successes are generally intellectually capable of learning and completing assignments but are not “emotionally” available to the task. The program focuses a significant amount of time and attention initially to activities which encourage positive skills and personal management skills. Academic instruction continues to be a part of each student’s daily program but may be modified to accommodate each student’s current emotional/behavioral status.

CONFLICT RESOLUTION



The Individuals with Disabilities Education Act (IDEA) entitles children with disabilities to FAPE in the LRE. Parents and school sometimes disagree on what special education services and placement a child should receive under this right. Recognizing the potential for disputes, the ***Hierarchy of Resolving Conflicts and Concerns*** provides dispute resolution process to help parents and school resolve differences of opinion.

Process for resolving disagreements locally:



Under most circumstances, disagreements may be resolved at the local level by contacting your child's teacher, principal, or special education administrator. If both parties are not able to come to a resolution of the disagreement, an impartial local mediator may become involved through an Alternative Dispute Resolution (ADR) process at the district level before an official filing of a complaint or request for due process. ***Please refer to the Hierarchy of Resolving Conflicts and Concerns for guidance in dispute resolution process.***

Alternative Dispute Resolution - DISTRICT LEVEL (Informal)

Alternative Dispute Resolution (ADR) is a process for resolving conflicts, one that respects the dignity of individuals while creating mutually satisfying solutions. ADR uses communication, collaboration, negotiation, and mediation strategies to bring both parties to an agreement that meets the interests of both parties involved. To ensure the effectiveness of the ADR process, it is necessary to limit the participants to parents or guardians and a district representative, except under unusual circumstances. However, even when participating in the Alternative Dispute Resolution process, parents and districts still maintain the right to seek state-level due process. It is, however, hoped that the issue or issues can be resolved at this informal ADR level.

Alternative Dispute Resolution - SELPA LEVEL

When the parent expresses dissatisfaction with what the district proposes or is providing, the district provides an Alternative Dispute Resolution (ADR) Mediator who has been trained by the SELPA. Once contacted, the ADR Mediator calls both parties to determine what the issues are. Both the district and the parents will have the chance to describe the situation from their point of view, and then the ADR Mediator may suggest that one of the options listed below be tried:

- Phone Mediation - Phone mediation is the first level of response that ADR can employ. Following the identification of the parties' issues and interests, the ADR Mediator will coordinate communication between the parties and facilitate resolution over the telephone.

- Facilitated IEP/IFSP - The ADR Mediator works with disputing parties to structure the IEP/IFSP and facilitates the meeting. Parents or school staff may request that an ADR

Mediator facilitate an IEP/IFSP meeting if a meeting is expected to be difficult. The ADR Mediator uses specific techniques designed to assist the parties in completing the IEP/IFSP while maintaining good relationships.

- Conference-style Mediation - The ADR Mediator organizes, facilitates, and conducts a meeting to resolve the differences between the parent(s) and the school district. During this process, each party has a chance to state his/her position, share concerns, and listen to the other party's position. The ADR Mediator assist the parties in reaching a mutually agreed upon resolution.



If you wish to file a request for an Alternative Dispute Resolution meeting, complete the Request for ADR form and mail, fax or email to the Special Education Director of your district and the San Benito County SELPA. Below is a list of contact names and addresses. ADR Forms can be downloaded from SELPA website http://www.sbcoe.org. Hard copies are available at the SELPA Office, 191 Alvarado St. Hollister, CA and San Benito County Office of Education, 460 Fifth St. Hollister, CA.

Chris Lompa SELPA Director San Benito County Office of Education 460 Fifth Street Hollister, CA 95023 Email: clompa@sbcoe.org	Dr. Paulette Cobb Special Education Director San Benito High School District 1220 Monterey Street Hollister, CA 95023 Email: pcobb@sbhsd.k12.ca.us
Rick Lust Director of Student Support Services Hollister Elementary School District 2690 Cienega Road Hollister, CA 95023 Email: rlust@hesd.org	Bill Sachau Director of Special Services San Benito County Office of Education *(Rural Schools, Alternative Education Programs, Infant and Preschool, SPED Programs and Low Incidence)* 1011 Line Street, Suite 12 Hollister, CA 95023 Email: bsachau@sbcoe.org
Kristi Vieyra Coordinator of Special Education & Administrative District Psychologist North County Joint Union School District 500 Spring Grove Road Hollister, CA 95023 Email: kvieyra@ncjusd.k12.ca.us	Anthony Miranda Director of Special Education Aromas-San Juan Unified School District 2300 San Juan Highway San Juan Bautista, CA 95045 Email: amiranda@asjusd.k12.ca.us

If you need additional assistance beyond your Local District/County Office or wish general information regarding Special Education programs, services and policies within the San Benito County Special Education Local Plan Area (SELPA), you may access the SELPA website at http://www.sbcoe.org or you may contact the SELPA office at (831) 637-5393 ext. 112, Fax: (831) 637-0140.

Due Process Hearing

If you cannot reach an agreement or you have a dispute with the school district that cannot be resolved within the district and SELPA level, you may request a due process hearing. You have the right to request an impartial due process hearing regarding the identification, assessment, and educational placement of your child or the provision of FAPE. The request for a due process hearing must be filed within two years from the date you knew or should have known about the alleged action that forms the basis of the due process complaint. If you file for a due process hearing, the last signed IEP is still in effect. You will have the option to go mediation.

To file you must write to:

Office of Administrative Hearings
Attn: Special Education Division
2349 Gateway Oaks Dr., Suite 200
Sacramento, CA 95833-4231
Phone: (916) 263-0880 Fax: (916) 263-0890

Compliance Complaint

You may file a state compliance complaint when you believe that a school district has violated federal or state special education laws or regulations. Your written complaint must specify at least one alleged violation of federal and state special education laws. The violation must have occurred not more than one year prior to the date the complaint is received by the California Department of Education (CDE). When filing a complaint, you must forward a copy of the complaint to the school district at the same time you file a state compliance complaint with the CDE.

You may file a complaint by writing the following address:

California Department of Education
Special Education Division Procedural Safeguards Referral Service
1430 N Street, Suite 2401 Sacramento, CA 95814
Phone: (800) 926-0648 Fax: (916) 327-3704

Other help available for resolving problems:

Disability Rights, CA Protection and Advocacy System …….…. (800) 776-5746
Parents Helping Parents..... (408) 727-5775
Office for Civil Rights, US Department of Education, San Francisco, California.. (800) 368-1019
Procedural Safeguards and Quality Assurance..... (800) 926-0648

TIMELINE

Service/ Obligation	Timeline	Exceptions / Notes/ Considerations	Authority
Initial Assessment and IEP Development			
Propose an assessment plan for initial assessment.	15 calendar days from date of referral.	• Tolled for school breaks in excess of 5 school days. • If referral received 10 days or fewer before end of school year, then due within first 10 days of next school year. • Note: Attach procedural safeguards notice to proposed assessment plan.	EC 56043(a) EC 56321(a)
IEP team meeting to review initial assessments.	60 calendar days to determine the student's eligibility and areas of need after receipt of parent consent to assessment plan.	• Student enrolls in another LEA. • Student not made available. • Note: CDE currently interprets the law to toll the timeline for school breaks in excess of 5 school days.	EC 56043(c) EC 56302.1
	30 days to develop the IEP after determination that student needs special education.	None.	EC 56043(f)(2) EC 56344(a)
	Recommended: Complete the student's initial IEP in its entirety within 60 days unless one of the exceptions above applies.		
Applicable to All IEPs			
Notify parents of the IEP team meeting (send IEP meeting notice).	"Early enough to ensure an opportunity to attend" the IEP meeting.	None.	EC 56043(e) EC 56341.5(b)

Applicable to All IEPs			
Notice of procedural safeguards.	• Inform parents of procedural safeguards "at each" IEP meeting. • Give a copy of the notice to parent(s) at least once each school year.	None	EC 56500.1 34 CFR 300.504
Implement the IEP.	"As soon as possible" after receipt of parent consent to the IEP.	None	EC 56043(i) EC 56344(b)
Progress reports on IEP goals provided to parent(s).	Per the IEP.	None	EC 56345(a)(3)
Reassessments			
Triennial eligibility review.	Every 3 years based on the date of the last triennial review.	• May occur more frequently if necessary, but no more than once per year unless the parties agree. • Parent and LEA may agree in writing that triennial assessments are not necessary. They may also agree to limit the scope of the review. • Recommended: Begin triennial assessment process at least 60 days prior to the triennial review.	EC 56043(k) EC 56381
Propose assessment plan for re-assessment.	15 calendar days from the date of referral.	• Tolled for school breaks in excess of 5 schooldays. • If referral received 10 days or fewer before end of school year, then due within first 10 days of next school year. • Note: Attach procedural safeguards notice to assessment plan.	EC 56043(a) EC 56321(a)
Parent consent to proposed assessment plan.	At least 15 calendar days after receipt of the proposed assessment plan.	None	EC 56043(b) EC 56321(c)(4)

ACRONYMS

Like all professionals, education and special education have their own “language”. Sometimes, in the interest of efficiency, abbreviations or acronyms are used, which can be confusing. To help you, below is the partial list of frequently used acronyms.

504 - Section 504 of the Rehabilitation Act of 1973
AAC - Alternative Augmentative Communication
ABA - Applied Behavior Analysis
ADA - Americans with Disabilities Act
ADA - Average Daily Attendance
ADHD - Attention Deficit Hyperactivity Disorder
ADR - Alternative Dispute Resolution
ALJ - Administrative Law Judge
APE - Adapted Physical Education
ASD - Autism Spectrum Disorder
ASL - American Sign Language
AT - Assistive Technology
BCBA - Board Certified Behavior Analyst
BIP - Behavior Intervention Plan
CAASPP - California Assessment of Student Performance & Progress
CAC - Community Advisory Committee
CAHSEE - California High School Exit Examination
CCR - California Code of Regulations
CCS - California Children’s Services
CCSS - Common Core State Standards
CDE - California Department of Education
CDS - Community Day School’
CFR - Code of Federal Regulations
CMH - County Mental Health
DHH - Deaf and Hard of Hearing
DIS - Designated Instruction and Services (now Related Services)
DSM-5 - Diagnostic and Statistical Manual of Mental Disorders (5th Edition)
ED - Emotional Disturbance
EHA - Education for All Handicapped Children Act (predecessor to IDEA)
EL - English Learner
ESL - English as a Second Language
ESY - Extended School Year
FAPE - Free and Appropriate Public Education
FBA - Functional Behavioral Assessment
FERPA - Family Educational Rights and Privacy Act
HHI - Home/Hospital Instruction
HI - Health Impairment
IA - Instructional Aide
ID - Intellectual Disability
IDEA - Individuals with Disabilities Education Act
IEE - Independent Educational Evaluation
IEP - Individualized Education Program
IFSP - Individualized Family Service Plan
IS - Independent Study

ACRONYMS

ISA - Individual Services Agreement
ISP - Individualized Service Plan
ITP - Individualized Transition Plan
LCI - Licensed Children's Institution
LEA - Local Education Agency
LEP - Limited English Proficient
LRE - Least Restrictive Environment
MD - Manifestation Determination
NCLB - No Child Left Behind (Act)
NPA - Nonpublic Agency
NPS - Nonpublic School
O & M - Orientation and Mobility
OAH - Office of Administrative Hearing
OCD - Obsessive Compulsive Disorder
OCR - Office of Civil Rights

ODD - Oppositional Defiant Disorder
OHI - Other Health Impairment
OI - Orthopedic Impairment
OSEP - Office of Special Education Programs
OSERS - Office of Special Education and Rehabilitative Services
OT - Occupational Therapy
PDD - Pervasive Developmental Disorder
PBIS - Positive Behavioral Intervention and Supports
PWN - Prior Written Notice
RSP - Resource Specialist Program
RTI - Response to Intervention
SAI - Specialized Academic Instruction
SBAC - Smarter Balanced Assessment Consortium
SELPA - Special Education Local Plan Area
SLD - Specific Learning Disability
SLI - Speech or Language Impairment
SST - Student Study Team
STAR - Standardized Testing and Reporting
SWD - Student with Disability
TBI - Traumatic Brain Injury
USDOE - United States Department of Education
VI - Visual Impairment

PARENT RESOURCES

SAN BENITO SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)

The San Benito County Special Education Local Plan Area (SELPA) is composed of the 11 school districts and the County Office of Education (COE). The function of the SELPA and participating educational agencies is to provide a quality educational program appropriate to the needs of each eligible individual with exceptional needs between the ages of birth and 22 years who resides within the plan area. These programs and services include a full continuum of alternatives for special education students either in your local district, or through services provided by the COE, or in cooperation with adjacent districts or SELPAs

COMMUNITY ADVISORY COMMITTEE (CAC)

The CAC mission is to encourage parents to actively participate and become knowledgeable, empowered and effective partners in the development and implementation of learning experiences for student with special needs. This committee functions as an advisory body to the Governance Council and the SELPA Director. It is comprised of parents, general and special educators, and representatives of local agencies. The committee brings concerns and ideas to the governing body and related information from the SELPA Director. It also provides parent education seminars to increase parent and community awareness on special needs.

All CAC meetings and Parent Education Seminars are open to the public and are held at this location:

CAC Business Meetings: San Benito County Office of Education
Board room, 460 Fifth Street, Hollister, CA 95023
6:00-7:00 pm

Parent Workshops: Hollister School District
2690 Cienega Road, Hollister, CA 95023
6:00-7:30 pm

Please contact SELPA Office for CAC Schedule at 831-637-5393 ext. 112.

School District Contact Information:

Aromas-San Juan Unified School District	831-623-4500
Hollister School District	831-630-6350
North County Joint Union School District	831-637-5574
San Benito High School District	831-637-5831
San Benito County Office of Education	831-637-5393
San Benito County of Education Early Childhood Special Education	831-630-2525
Bitterwater-Tully Union School District	831-385-5339
Cienega Union School District	831-637-3821
Jefferson School District	831-389-4593
Panoche School District	831-628-3438
Southside School District	831-637-4439
Tres Pinos Union School District	831-637-0503
Willow Grove Union School District	831-628-3256

Local Resources:

CALIFORNIA CHILDREN SERVICES (CCS)

Santa Cruz County
1430 Freedom Blvd., Suite 100
Watsonville, CA 95076
(831) 763-8000

San Benito County
439 Fourth Street
Hollister, CA 95023
(831) 637-5367

California Children Services is a program which provides specialized medical care, free occupational and physical therapy, as well as case management for physically disabled children under the age of 21 who are California residents. In general, treatment is provided for severely disabling conditions in children whose disabilities may be arrested, improved or corrected. Some of the eligible conditions included are: (1) problems orthopedic in nature; (2) conditions requiring plastic surgery; (3) central nervous system conditions; (4) eye conditions leading to loss of vision; (5) ear conditions leading to hearing loss; (6) rheumatic or congenital heart disease and other circulatory system diseases; (7) endocrine and metabolic diseases.

The IEP team may refer your child to CCS for an assessment through the A.B. 3632 Interagency Agreement (see "A.B. 3632" in the 11 Laws Affecting Special Education" section). You may also directly refer your child to CCS at the address/phone number listed above.

PARENTS HELPING PARENTS

1400 Parkmoor Ave. #100 San Jose, CA 95126
(408) 727-5775

Parents Helping Parents (PHP) provides a number of services for parents of children with disabilities including: parent education, information and referrals, social gatherings, peer counseling and training, IEP training, Family Friends Respite Program, behavior management training, sibling programs and support/ direction for parents and families.

SAN ANDREAS REGIONAL CENTER

The Pinnacle Building
Address: 591 McCray Street,
Suite #112.
Days: Most Mondays Only
Office Hours: 8am -5pm
Phone Number: 408-713-8931

6203 San Ignacio Avenue, Suite 200
San Jose, CA 95119
Tel: (408) 374-9960
Fax: (408) 281-6960

San Andreas Regional Center (SARC) is a community based, California state funded program designed to serve persons with developmental disabilities as required by the Lanterman Developmental Disabilities Act. The Regional Center is a private, non-profit corporation under contract for provision of services through the State Department of Developmental Services. San Andreas Regional Center serves the four-county area of Monterey, San Benito, Santa Clara and Santa Cruz. Services are free, and you may apply for services by calling, writing or visiting the SARC office in your area.

Special Parents Information Network (SPIN)

320 Hillcrest Road #105
Hollister, CA 95023
Mailing Address:
PO Box 2367
Santa Cruz, CA 95063
Phone: (831) 722-2800

Local agencies providing free or low-cost advocacy and legal services:

CALIFORNIA RURAL LEGAL ASSISTANCE

310 4th Street
Hollister, CA 95023
(831) 724-2253

The California Rural Legal Assistance office provides qualified clients with assistance in the areas of civil cases (e.g., landlord tenant issues), labor issues, education matters, wage claims and AFDC issues.
FEE: Free to those who meet the Legal Services Corporation Guidelines (very low income individuals and families). .

COMMUNITY ALLIANCE FOR SPECIAL EDUCATION (CASE)

1550 Bryant St. #738
San Francisco, CA 94109
(415) 431-2285

CASE is a non-profit organization composed of parents, teachers, psychologists, social workers, attorneys, human service professionals and concerned citizens. The common aims of CASE are to protect the lawful education rights of disabled children and their parents, to foster the fair and just implementation of Public Law 91-142 and the California Master Plan for Special Education, and to promote better understanding and cooperation among parents of disabled children, the special education community and the public school system. CASE primarily serves the San Francisco area; however, it will provide individual consultations to parents in San Benito and Santa Cruz Counties through a network of educational and legal specialists.

DISABILITY RIGHTS EDUCATION AND DEFENSE FUND, INC. (DREDF)
3075 Adeline St #210
Berkeley, CA 94703
1-800-776-5746
Provides legal support and advocacy; monitors compliance with P.L. 94-142 and Section 504 of the Rehabilitation Act of 1973; provides education and training in disability rights and awareness; distributes publications; promotes networking; and conducts research and policy analysis on critical disability issues.

FIESTA EDUCATIVA
2310 Pasadena Ave. #213
Los Angeles, CA 90031
info@fiestaeducativa.org
The mission of Fiesta Educativa Inc. is to provide information and training to Latino families on how to obtain services for all persons with disabilities. It has been helping families since 1978, even though we began providing assistance from our Headquarters in Los Angeles, CA. We have had the opportunity to continue helping parents from our offices in San Jose to the Santa Clara, San Benito, Santa Cruz and Monterey Counties areas.

LAWYERS REFERRAL SERVICE
P.O. Box 1311
Santa Cruz, CA 95061 (831) 425-4755
The Lawyers Referral Service is a public service provided by the Santa Cruz County Bar Association to provide legal advice.
FEE: The cost of the initial one-half hour consultation with an attorney is $20.00. Future fees, if any, are arranged with the attorney.

PROTECTION AND ADVOCACY, INC.
1330 Broadway Street, Suite 500
Oakland, CA 94612
(510) 267-1200
Protection and Advocacy provides services to developmentally disabled persons whose disability appeared before age 22 and is of a severe, chronic nature. The agency works to ensure the rights of persons with developmental disabilities by dealing with issues related to due process and protection, abuse and neglect in residential facilities, special education, habilitation and rehabilitation, government financial assistance and entitlements, and non-discrimination regarding state and federal laws.
FEE: Free.

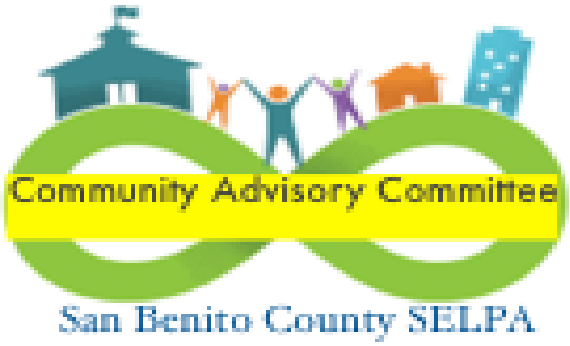
CALIFORNIA STATE RESOURCES:
TOM TORLAKSON, SUPERINTENDENT OF PUBLIC INSTRUCTION
California State Department of Education
1430 N Street
Sacramento, CA 95814-5901
(916) 319-0800

SPECIAL EDUCATION DIVISION
California Department of Education
1430 N Street
Sacramento, CA 95814-5901
(916) 319-0800
SPED Parent Helpline
And Procedural Safeguards 1-800-926-0648

National Resources and Information/Referral Sources:

BEACH CENTER ON FAMILIES AND DISABILITY
3134 Haworth Hall
The University of Kansas
Lawrence, KS 66045
(785) 864-7600
The Beach Center is a research and training center based on six fundamental beliefs about families: positive contributions, great expectations, full citizenship, choices, strengths and relationships. These beliefs translate into a wide range of research and dissemination and training projects that address family well-being across the lifespan. Newsletters and a publication catalog are available upon request. The Beach Center does not provide case-management or direct services.

NATIONAL INFORMATION CENTER FOR CHILDREN AND YOUTH WITH DISABILITIES (NICHCY)
1825 Connecticut Ave NW, Ste 700
Washington, D.C. 20009
(202) 884-8200
NICHCY offers referrals, state resource sheets, newsletters and fact sheets about various disabilities at no cost.



"Linking Together the Special Education Community"