

SPECIAL EDUCATION PARENT HANDBOOK

Frequently Asked Questions



BONITA UNIFIED SCHOOL DISTRICT

Department of Special Education Mission Statement

All special education students and staff will thrive when supported by a culture of teamwork, collaboration, empathy and high expectations.

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INTRODUCTION

The education of a child is a responsibility shared by parents and school staff. When the child has a disability, that partnership is especially strong. A true partnership is based on equal knowledge and respect. Parents are the ultimate experts on their children. School staff contributes knowledge of educational programs, services, and curriculum that are appropriate for the child to meet his/her goals. As we recognize each child's strengths and work together to meet his/her needs, we all invest in the child's success.

This handbook is written to answer many of the questions parents frequently ask about special education. The handbook is designed to be a reference for parents. If you have questions that are not answered here, or you need clarification, feel free to contact Bonita Unified School District's Department of Special Education.

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Special Education

Special education is defined by federal and state law as specially designed instruction, at no cost to the parent, to meet the unique needs of a child with a disability, whose educational needs cannot be met with accommodations and/or modifications in the general education setting. Related services, also called Designated Instruction and Services (DIS), are provided when required for the child to benefit from special education. Children with significant physical, communicative, emotional or learning needs may be eligible for special education and related services.

Is My Child Eligible For Special Education?

Who may receive special education services?

In order to be eligible for special education, students between the ages of 3 and 22 must have one or more of the following state and federally recognized disabilities:

1. Hard of Hearing
2. Deafness
3. Deaf/Blindness
4. Speech/Language Impairment
5. Visual Impairments
6. Severe Orthopedic Impairment
7. Other Health Impairments
8. Autistic-Like Behaviors
9. Intellectual Disability
10. Emotional Disturbance
11. Specific Learning Disability
12. Traumatic Brain Injury
13. Established Medical Disability

Children from birth until their 3rd birthday may be eligible for special education early intervention services if they meet eligibility criteria. These early intervention services are provided through outside agencies.

Do different agencies use different terms and guidelines?

Yes. Since various state and federal agencies operate under different laws and guidelines, the eligibility criteria may differ significantly. The same term may also be used by various agencies with different meanings. This can be very frustrating and confusing to parents seeking assistance for their child. Therefore, parents should ask for clarification of terms from any agency providing services. School districts must adhere to the Individuals with Disabilities Education Improvement Act 2004 (IDEIA) and California Education Code laws and regulations in the determination of eligibility and the provision of special education and related services.

Do all students with an identified disability require special education?

No. Special education is not for all children with disabilities. The educational needs of many students with disabilities can be met with accommodations and/or modifications to the general education program. If after a complete evaluation your child requires special education, an Individualized Education Program (IEP) will be developed to specify appropriate special education and related services.

What is an Individualized Education Program (IEP)?

An IEP is a written document that is developed, reviewed, and revised for a child with a disability at least yearly by a team that includes you as the child's parent. Each required component of the IEP is discussed by the team and recorded on the IEP form. Some of the items included in an IEP are:

1. Eligibility
2. Student strengths
3. Parent concerns relevant to educational progress
4. The present level of academic achievement and functional performance
5. Health
6. Goals and objectives which include criteria for evaluation
7. Specific specialized academic instruction and/or related services offered by the school staff
8. The extent your child will be able to participate in the general education program
9. Projected date for initiation and the anticipated duration and location of offered placement and related services
10. Accommodations and Modifications
11. Special Factors, i.e., behavior, communication, vision, assistive technology, low incidence and English learner

Is the IEP process any different when my child is older?

In addition to all the requirements of the IEP for younger children, beginning not later than the first IEP to be in effect when the child is 16 (or younger if determined appropriate), the IEP will also include an Individual Transition Plan (ITP). Your child will be invited and should attend all transition plan IEP meetings. With your permission, other agencies may also be invited to participate in planning a smooth transition for your child from school to post-school activities. The ITP includes measurable postsecondary goals based upon age-appropriate transition assessments related to education, training and/or employment, and, where appropriate, independent living skills. The ITP also includes transition services (including courses of study) needed to assist the child in reaching those goals.

When and how is the IEP implemented?

You must first give your written permission for evaluation and then again for the initial IEP before any services can be implemented. No services can be provided, however, until your written permission is provided to the district.

What is Section 504?

Section 504 of the Rehabilitation Act of 1973 is a civil rights law which prohibits discrimination on the basis of disability in all programs and activities receiving federal financial assistance. A child who may have difficulties in learning may not be found eligible for special education and related services under IDEIA or the Education Code. Section 504 eligibility is not based on a categorical analysis of disabilities. Rather, Section 504 protections are available to students who have a physical or mental impairment which substantially limits a major life activity (such as learning) and impacts his/her education.

If you have further questions regarding Section 504, you may contact your school's Section 504 Coordinator or the District's Special Education Department.

Child Find and Referral

You may have a child who has already been referred for assessment for possible eligibility for special education or related services or you may be wondering if a referral would help solve your child's problems in school. School personnel and other concerned parties have a responsibility to seek out children whom they suspect may have one of the 13 disabilities listed on page 1 of Section 2 of this handbook and refer them for assessment. This is referred to as "Child Find" and is part of the federal law that governs Special Education Local Plan Agencies (SELPA) policies and procedures for special education.

Who do I contact if I think my infant or preschooler may need special education services?

If your child is three or older, notify Bonita Unified School District's Special Education Department that you want to make a referral for a special education evaluation. If your child is an infant, please contact the San Gabriel/Pomona Regional Center, 761 Corporate Center Drive, Pomona California, 909.620.7722 <http://sgprc.org>.

How do I know if my school age child might need special education services?

If your child is having difficulty functioning effectively in a general education program without special assistance, then your child might need special education services. Public schools also have other services available to assist students who need help. These other services should first be considered, and implemented, if appropriate, before a referral for a special education evaluation is indicated.

Whom do I contact if I have a concern?

First contact your child's teacher. Before school professionals can make a referral for assessment, they must show they have tried to work with the child by making changes and introducing special assistance into the child's general education program. The school must document their efforts by keeping a record of the changes and interventions implemented, the duration of the interventions and outcomes.

If these strategies do not succeed in helping your child progress, the teacher will initiate the Student Study Team (SST) process. If the problems persist over a period of time after interventions have been implemented, the Student Study Team may refer your child for an assessment. This time frame of trying new strategies and interventions is often referred to as Response to Intervention (RtI).

If your child is having a *consistent pattern of serious difficulty in school work* and frequently shows one or more of the problems on the following list, *to a marked degree*, it is possible that he or she may need special education services:

- Seems to learn at a rate significantly slower than classmates
- Has a short attention span or is unable to pay attention
- Has difficulty transferring learned skills and ideas to new situations
- Seems unable to follow directions beyond one step
- Seems very clumsy or has difficulty moving or locating body in space
- Has an inadequate or distorted understanding of time relationships
- Uses immature language or speech patterns
- Seems overly quiet or appears withdrawn
- Has difficulty understanding abstract concepts
- Has poor memory for things seen or heard
- Has difficulty with pencil/paper tasks
- Seems easily frustrated or lacks patience
- Makes little progress in one or more basic skill areas in spite of changes to the general education program, or remedial instruction
- Reverses or confuses similar sounds, words, letters or numbers, beyond the developmental age when this is expected
- Achieving at a rate significantly below the grade level or development level of students who are the same age

If your child's problems continue and you suspect your child has a disability, you may also request a Student Study Team meeting.

What is a referral for special education evaluation?

A formal referral is when a parent requests, in writing, that his/her child be assessed to determine eligibility for special education and related services. If the school staff suspects your child may have one of the 13 disabilities, within 15 days of the referral, the parent shall be given, in writing, a proposed assessment plan. If the school staff does not suspect that your child may have one of the 13 disabilities, you will receive a prior written notice response denying your request. A copy of the parent rights and procedural safeguards shall be included with the assessment plan or the prior written notice response, whichever is sent to you in response to your request for assessment. No evaluation may begin without written parental permission.

What is the process if my student attends private school?

The district of location (where private school is located) is responsible for completing "timely and meaningful consultation" with local private schools. The district of location and the district of residence (where the family lives) have child find responsibilities that include locating, identifying, and assessing all private school children with disabilities, who have disabilities and are in need of special education and related services attending private school in the service area of the local educational agencies where the private school is located in accordance with Section 56301.

Evaluation

An evaluation is a comprehensive assessment by a team of specialists to determine how a child is functioning in all areas of his/her suspected disability. Evaluation may include intellectual, adaptive behavior, academic, physical, motor, health, speech/language, behavior, assistive technology, and/or social/emotional development. The evaluation team may include the school psychologist; speech and language pathologist; education specialist; school nurse; general education teacher; and others depending on the student's suspected area(s) of disability. The areas to be evaluated will be specified on the assessment plan.

Whom should I contact if I have questions about the evaluation?

The name and telephone number of a contact person shall be listed on the assessment plan.

How will the evaluation be conducted?

Evaluation information may be gathered in different ways: tests; observations; discussions with the student, classroom teachers, and/or parent(s); review of previous records; and educational or medical records from other agencies (with parental permission), etc. A child must be assessed in all areas of suspected disability. No single test may be used to determine special education eligibility.

How long does the evaluation take?

Within 15 days after the district receives a written referral, not counting days between the pupil's regular school sessions or terms or days of school vacation in excess of five school days, an assessment plan will be developed and submitted to you for your signature. Assessments that are not assessments for the initial determination of special education eligibility are completed within 60 days, not counting days between the pupil's regular school sessions or terms or days of school vacation in excess of five school days, after written parental consent to the Assessment Plan is received by the district. Assessments that are for the initial determination of special education eligibility are completed with 60 days after written consent to the Assessment Plan is received by the district. When the evaluation is completed, a written report will be developed and discussed with you at the IEP meeting. You will be provided a copy of the evaluation report. You are encouraged to ask for clarification or ask questions about any area of the evaluation. Not all children who are referred and evaluated are found eligible for special education.

What will the report(s) include?

The evaluation report(s) shall include, but not be limited to, all of the following: whether the pupil may need special education and related services; the basis for making the determination; the relevant behavior noted during the observation of the pupil in an appropriate setting; the relationship of that behavior to the pupil's academic and social functioning; the educationally relevant health and development, and medical findings, if any; for pupils with learning

disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services; a determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate; and the need for specialized services, materials, and equipment for pupils with low incidence disabilities.

The evaluation materials will be selected and administered so as not to be culturally or racially discriminatory and must be valid for determining your child's educational needs. The decision regarding whether or not your child is eligible for special education is made by the Individualized Education Program (IEP) team, based on the evaluation results.

How often will these evaluations be conducted?

An evaluation must be conducted prior to a student's receipt of initial special education services. At least once every three years thereafter, the IEP team shall determine what (if any) additional information is needed to determine whether your child continues to be a child with a disability and/or to determine what the appropriate services are to meet his/her educational needs. A parent or other professional may request a reevaluation at any time.

What happens after the evaluation is completed?

An IEP meeting will be held when the evaluation is completed within the applicable 60 day timeline. You are a member of this team and must be invited, in writing, to attend the meeting. Attempts will be made to schedule the meeting on a date and time convenient to both you and school personnel.

Individualized Education Program Meeting

The IEP meeting is designed to give parents, general education teacher(s), special education staff, and the school administrator the opportunity to come together to discuss your child. If assessments were administered, they will be reviewed and interpreted. IEP meetings are held at least annually but may be held more frequently at the request of the parent or school personnel.

How will I be notified about the IEP meeting?

You will receive a written notice of the IEP meeting. You should receive the meeting notice within a reasonable amount of time so that you can arrange to attend. It will tell you the purpose of the meeting, date, time, place, and who will be in attendance. If you cannot attend the meeting at the time scheduled, contact the person listed on the meeting notice as soon as possible to reschedule.

What is the purpose of this IEP meeting?

The purpose of the initial IEP meeting is to review the evaluation findings, determine if your child is eligible for special education and related services, and, if eligible, develop the IEP. At each subsequent IEP meeting, your child's individual needs will be addressed and any necessary changes made to the IEP. Changes to the IEP must be made through the IEP process.

Who will be at the IEP meeting?

You, as your child's parent, are an important member of the IEP team. Other team members may include a school administrator or designee; a general education teacher if your child is, or may be, participating in general education; your child's special education teacher or service provider; your child, if appropriate; with your permission a transition agency representative, if appropriate; and any other individuals who have knowledge or special expertise regarding your child invited by you or school staff. If this is an IEP meeting to review the results of an evaluation, a member of the evaluation team or someone who is knowledgeable about the evaluation procedures will also participate.

May I bring someone with me to the meeting?

Yes. You may bring anyone you wish with you to the meeting, such as your child's regional center worker or social services worker. Be sure to notify him/her of the date, time, and location of the meeting. If you cannot attend the meeting, you may designate in writing someone to represent you. However, you must ultimately give your written permission for your child's placement in special education and implementation of the IEP developed for your child. Every attempt will be made to arrange the meeting at a time when you can attend.

You should notify the school of whether or not you will attend or if someone will be attending for you. You are encouraged to bring your child to the meeting if you feel he/she will benefit from the discussion. You may also request an interpreter to be present at the meeting.

It is also an option to request that you participate in the meeting via telephone conference call. The school must agree to have a telephone conference call IEP if one is requested.

May I excuse someone from attending the IEP meeting?

A member of the IEP team may be excused by you in writing from attending an IEP meeting, in whole or in part, with your written consent if the excused party submits, to you and the IEP team, written input into the development of the IEP.

What is my role at the IEP meeting?

Everyone at the meeting wants what is appropriate for your child's education, but each one looks at your child from a slightly different perspective. You are your child's best advocate. Your role is to bring your unique knowledge and understanding about your child as no one knows your child better than you. Your full participation is critical to the process of developing a plan for your child's education.

What happens at the IEP meeting?

After you and the other team members introduce yourselves, the reasons for referring your child are reviewed and the assessment results are summarized and considered. With this information before you, you then move to the two main tasks of an IEP team:

- To determine if your child is eligible for special education and related services; and
- If eligible, to develop an IEP that meets your child's unique needs related to the identified disability.

Am I allowed to audio record the IEP meeting?

The parent shall have a right to audio record an IEP meeting if the parent notifies the members of the district of his/her intent to audio record a meeting at least 24 hours prior to the start of the IEP meeting.

THE ELIGIBILITY DETERMINATION

After considering all the assessment results and information provided by you and the other IEP team members during the meeting, the IEP team must reach agreement on the following questions:

- Does your child have an identified disabling condition specified by law? (Education Code law specifies eligibility criteria for each disability.)
- Is this disabling condition severe enough to require special and related services beyond modification of the general education program?
- Are your child's needs due primarily to the disability and NOT to: unfamiliarity with the English language, temporary physical disability, social maladjustment, limited school experience, excessive absence from school, or environmental, cultural or economic factors? (These are some of the reasons children may NOT qualify).

If your child is determined at the IEP meeting to be eligible for special education and related services, the IEP team will work together to write an IEP for your child. If your child is determined not to be eligible for special education and related services, the school may still need to discuss what educational services are appropriate for your child. All children determined eligible for special education and related services are entitled to a free and appropriate public education (FAPE) in the least restrictive environment (LRE).

What is a “Free and Appropriate Public Education” (FAPE)?

FAPE means that each child in the public school system who is found eligible for special education and related services is entitled to an education that is appropriate for him/her as an individual. Thus, his/her education must be personalized. Just as we have a right to expect equal opportunity in the workplace, our children have the right to expect equal opportunity in the classroom. No child may be discriminated against on the basis of race, gender, nationality, language, handicap, learning style or any other characteristic. The district cannot guarantee equal success, but must guarantee equal opportunity FOR success.

As defined by state special education law, FAPE means that all students with IEPs must be provided with the opportunity to:

- Benefit from their education and meet standards established by state and federal law
- Make progress on their IEP goals
- Be educated with non-disabled peers to the maximum extent appropriate
- Receive their education under public supervision at no cost to the parents
- Receive an education that conforms to the student's IEP

WRITING THE IEP

The second major responsibility of the team is to write an IEP for your child.

What is an IEP?

An IEP is a written statement about the special education and related services that will be provided for your child. Full parent participation in developing the IEP is required under IDEA. You must participate in the development of and approve the IEP before your child receives the

special education and related services offered in the IEP. Once you have given written consent for the implementation of the special education and related services offered in your child's IEP, your child's IEP program may begin. The district is not allowed to implement your child's IEP without your consent.

The following is a list of what the IEP should contain and some questions to ask yourself about it.

1. **Parent Input:** At the IEP meeting, you will be asked to give a summary of your child's strengths/interests/learning preferences as well as a summary of your concerns relevant to your child's educational progress.
2. **Eligibility Statement:** This section must specify the primary disability area in special education law under which your child qualifies for special education services. The eligibility statement reflects your child's primary disability. Some children may also have a secondary disability. The eligibility should be outlined in your child's assessment report provided to you by the district and determined by the IEP team based on the discussion at the meeting.
3. **Present Levels of Educational Performance:** These sections should contain statements of what your child can and cannot do, based on assessment information and input from you and other IEP team members. The statements should describe the way your child performs. (Example: *Mary can match basic colors.*) The IEP will address all areas of need related to your child's disability.
4. **Annual Goals:** This section identifies skills and behaviors the teacher and your child will be working toward over the next year based on his or her needs. Typical skill areas may include (as needed): academic skills, school behaviors, social and emotional development, language or speech development and motor skills. Annual goals are based on an assessment of your child's present performance (including the discussion at the IEP meeting) and reflect the team's best determination as to where your child will be performing in a year's time.
5. **Short-Term Instructional Objectives:** Short-term objectives may be written for each long-term goal. Short-term instructional objectives describe the steps that must be accomplished to reach your child's annual goals. Objectives should be written in understandable language and for a given time period. The objective should be written in such a way that your child's progress can be measured.
6. **Evaluation Procedures and Review Date:** Your child's progress will be measured to determine whether the goals are met. The IEP will document how progress will be reported to you and when the team will meet again to revise and review the goals (it must be at least annually). For all students, if your child will be changing programs or placement, the IEP will include provisions that will help your child make a successful transition. The IEP may include extended school year services if your child will lose skills so significantly they will be unable to relearn them in a reasonable amount of time. Most children do not require extended school year.
7. **Placement Recommendations:** This section indicates the type of services your child will receive [e.g., Specialized Academic Instruction or Related Services]. A statement will also be made about the extent to which your child will not participate in the general

education program. Once an eligibility and placement decision has been made at the IEP meeting, the parent may request a review of the specific placement alternatives available and make arrangements through the program facilitator for a classroom visitation.

8. **Designated Instructional Services (DIS)/Related Services:** This section identifies related services that may be required to meet the child's needs (e.g., speech therapy, adapted physical education, occupational therapy, etc.). This section contains the services to be provided, their frequency and duration, location, and their initiation date. A statement of the program modifications or supports provided for the student will also be included.
 - What services does your child need?
 - Who will provide them?
 - When will the services begin and end?
9. **Transition:** All students age 16-21 must have necessary transition services identified in the IEP. The Individual Transition Plan (ITP) includes a statement on the course of study needed (for example, a functional skills curriculum or course work leading to a high school diploma). The ITP also includes specific activities in the areas of instruction, the community, and postsecondary goals. Your child's preferences will be considered when the team determines these activities. Other agencies, such as the Regional Center or the Department of Rehabilitation may also be included in the meeting.
10. **State and District Wide Assessments:** How will your child participate in state and district wide assessments? Will individual accommodations or modifications in administration of these assessments be needed for your child?
11. **Transportation:** Depending on your child's disability, a continuum of transportation services may be offered, including: regular school bus transportation from a neighborhood pick-up station and door-to-door services. The IEP team is responsible for determining whether a child requires specialized transportation services as a related service. In making this determination, the IEP team considers the nature and severity of the disability and the concept of least restrictive environment (LRE).
12. **Signature Lines:** Signatures from all present at the IEP meeting are required to confirm their attendance. Any parental disagreement with the contents of the IEP developed for their child is noted in the "I agree/consent to all parts of the IEP except ..." or the "I do not agree/consent" section. If you do not agree/consent to all or part of the IEP developed for your child, you have the option to meet with the district special education director, pursue an alternative dispute resolution, or exercise your due process procedural rights.

DECIDING ON PLACEMENT

Before your child is placed in special education, the IEP team identifies the options that will be appropriate to meet his or her needs in the least restrictive environment. Then the team decides how, or in what combination, these options will be offered to provide the LRE for your child.

What Does “LRE” Mean?

LRE stands for Least Restrictive Environment and is a basic principle of special education. The LRE is the school environment that is the appropriate age-appropriate and normalized setting that can meet a student’s unique needs.

LRE is both a guiding principle and a goal. It is an ongoing decision-making process based on a collaborative determination and examination of the individual’s needs. The process allows the educational placement of the individual to be designed specifically for that individual, considering and using the full array of program options, in a setting where services can be provided effectively and equitably, and where maximum integration with non-disabled peers is provided.

Once a student is eligible for special education, a **continuum of program options** is available but not limited to:

- 1. General Education:** Placement in the general education program shall occur when the student’s educational needs can be addressed through accommodations and modifications of the general education program.
- 2. Related Services, formerly Designated Instruction and Services (DIS):** Related Services shall be available when the instruction and services are necessary for the student to benefit educationally from his or her instructional program.
- 3. Specialized Academic Instruction on a Public School Campus:** Students have special learning needs that may require specialized academic instruction and services. The IEP has identified these needs. The students receiving instruction in these categories are **assigned to general classroom teachers for the majority of a school day**. The educational specialist plans and directs the student’s instruction and assists the general education teacher.
- 4. Specialized Academic Instruction in a Self-contained Class:** Students may need specialized academic instruction for a **majority of the school day in a self-contained class** on an **integrated** or **isolated** site to accommodate their special needs. Specially trained personnel staff these classes. Placement in a self-contained SAI class shall only occur when the student’s goals and objectives cannot be met in a less restrictive environment.
- 5. Nonpublic, Nonsectarian School Services:** Students may need educational services and programs that are not offered by the public schools. These students may attend state certified non-public and non-sectarian schools on a full or part-time basis. This placement recommendation is based on the IEP Team decision that an appropriate public program is not available.
- 6. Home and Hospital Instruction:** Students may need such instruction due to illness or judicial placement (for example) in juvenile halls or youth authority settings.

THE ANNUAL REVIEW

Why is the IEP reviewed?

The IEP is reviewed each year to see what progress your child has made toward the goals established in his or her original IEP. A new IEP is written at this meeting to modify the existing goals, establish new ones, and consider any appropriate changes in placement and services. The review meeting follows much the same pattern as the initial IEP meeting. You will be asked to help decide if the plan is working or needs to be revised based on what you have learned from classroom observations, school conferences, and assessment information.

When is the IEP reviewed?

Once a child is receiving special education services, the IEP is reviewed at least once a year. At this time, program placement, related services, and your child's goals and progress are examined and evaluated. Changes are made as appropriate and a new IEP is developed for the following year. If it is determined that your child is no longer eligible for, or in need of, special education services or instruction based on a reassessment and the review and consideration of the reassessment by the IEP team, a transition program may be designed to assist with a program change (depending on the student's needs). In addition to the annual review, you may request a review at any time to consider changes in the IEP.

Triennial Review

When will a reevaluation of my child take place?

A full reevaluation of the student shall be conducted at least once every three years, or more frequently if conditions warrant a reevaluation, or if the student's parent or teacher requests a reevaluation. At the completion of the reevaluation, a new individualized education program shall be developed.

As part of any reevaluation, the individualized education program team and other qualified professionals, as appropriate, shall do the following:

1. Review existing assessment data on the student, including assessments and information provided by the parents of the student, current classroom-based assessments and observations, and teacher and related services providers' observations.
2. On the basis of this review and input from the student's parents, identify what additional data, if any, is needed to determine:
 - Whether the student continues to have a disability.
 - The present levels of performance and educational needs of the student.
 - Whether the student continues to need special education and related services.

- Whether any additions or modifications to the special education, related services and supplemental aids and services are needed to enable the student to meet the measurable annual goals set out in the individualized education program of the student and to participate, as appropriate, in the general curriculum.

No reevaluation shall be conducted unless the written consent of the parent is obtained prior to reevaluation.

Children Attending Private School

May students who are parentally placed in private schools participate in publicly funded special education programs?

Parents who choose to decline a District of residence's offer of placement and services (on an IEP and offered in the public school setting), give up their individual student entitlement to special education services.

Parents seeking private school placement will be involved with both the District of Location (where the private school is located) and the District of Residence (where the student resides). The parentally placed private school student may be able to receive limited public school special education service through an "Individual Service Plan." These services (provided by a proportionate share of federal funding) are decided upon and provided by the school district where the private school is located. When that funding is exhausted for the year, the service may also end. The District of Location consults with the private school administration, staff and parents within their boundaries and through that collaboration determines what service(s) private schools are most desirous of receiving based on student needs. The District of Location, based on this consultation, decides which services to provide to students on service plans i.e. Language and Speech. The District of Location's board of education annually approves the services to be provided.

Both the District of Residence and the District of Service (location) have child find responsibilities for parentally placed private school students that include assessment of such students whom they suspect may satisfy one or more of the 13 eligibility criteria. In addition, the District of Residence is responsible for the offer of placement and services (IEP), and the District of Service is responsible for services on the service plan (ISP).

An annual review of the service plan is completed by the District of Location. A letter is also sent to the parent reminding them of their right to return to their District of Residence to seek full entitlement of service should their child continue to remain eligible for special education services. It is critical that the District of Location and District of Residence have in place an exchange of information signed by the parents so that the two Districts can communicate. Should parent decline offer to return to District of Residence for service, District of Location shall send a letter to District of Residence conveying such preference to continue placement in their District of Location.

School Discipline and Placement Procedures for Students with Disabilities

School Discipline and Alternative Interim Educational Settings

May my child be suspended or expelled?

Students with disabilities who violate a code of student conduct may be removed from their current educational placement to another setting or suspension for not more than 10 school days, so long as the same change in placement would be made in the case of a nondisabled student. In other words, generally special education students may be disciplined in the same manner as general education students for up to 10 school days.

What occurs after a removal of more than ten (10) days?

Special education student discipline protections and procedures must be followed for removals immediately starting on the 11th school day of removal. A **manifestation determination** must be held to evaluate the relationship between a student's disability and the behavior subject to the disciplinary action. The manifestation determination shall be made immediately if possible, but in no case later than 10 school days after the decision to make a disciplinary change in educational placement actions such as suspension for more than 10 school days or expulsion.

The manifestation determination review is conducted by the District, the parents, and relevant members of the IEP team.

What is the purpose of a manifestation determination review?

The individuals involved in making the manifestation determination are charged with reviewing all relevant information in the student's file, including the student's health records, disciplinary records, IEP, any teacher observations and any relevant information provided by the parent. The purpose of this review is to determine the following:

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

Note: The suspension/expulsion shall not go forward if the answer to #1 or #2 is affirmative.

What happens if the IEP team determines that the misconduct is not caused by the disability?

Only if the school manifestation determination IEP team members conclude, after performing a manifestation determination review, that the misconduct was not related to the student's disability, can it impose the proposed disciplinary sanction (except for removals due to special circumstances, i.e., weapons, drugs or infliction of serious bodily injury which can be made without regard to whether the behavior is a manifestation of the disability). If the District seeks to change a student's educational placement after the manifestation determination meeting is held, the District must convene an IEP to determine appropriate placement.

Informal Dispute Resolution

What is the District's Informal Dispute Resolution?

The District's Informal Dispute Resolution (IDR) is an informal, voluntary, and optional process where the District works with Parents to: (1) identify the special education issue(s) in dispute and (2) quickly and informally resolve the identified issues. In the event that parties do not reach an agreement through the IDR process, Parents have the option to proceed by filing with the California Office of Administrative Hearings ("OAH") a request for Mediation Only or a request for a Due Process hearing and mediation. While IDR is an informal process between the District and Parents where attorneys and advocates are generally not involved, Parents have the right to have an attorney or advocate present during the IDR negotiation process and/or to review any settlement agreement reached between the parties.

How is the IDR process initiated?

If a Parent disagrees with all or any portion of a child's IEP, at the end of the IEP meeting the Administrative Designee of the student's IEP team will endeavor to identify:

- The disputed issues;
- Which parts of the IEP are agreed upon;
- Any other disputes from the past two years that Parent has with the District regarding the Student's educational programming that have not been resolved; and
- Which process the Parents would like to use to resolve the dispute.

The Administrative Designee will inform the Parent of their due process rights and of the various dispute resolution options (i.e., IDR, OAH Mediation Only, and OAH Due Process Hearing and Mediation). The Administrative Designee will refer the Parent to the District's Notice of Procedural Safeguards and Parent Rights which describes the various dispute resolution processes. The Procedural Safeguards are available on the District website: <http://do.bonita.k12.ca.us/District/Educational-Services/Special-Education/Parent-Rights/index.html>.

If the Parent selects the IDR process, the Administrative Designee will direct the parent to the IDR process and to contact the Special Education Department. The Special Education Department will:

- Provide the Parent with the District's Notice of Procedural Safeguards and Parents' Rights;
- Provide the Parent with a list of advocates and attorneys from the Office of Administrative Hearings, in the event the Parent desires assistance in the IDR process;

- Provide the Parent with the District's Parent Options for IEP Dispute Resolution;
- Provide the Parent with a copy of their child's last IEP; and
- Assist the Parent in completing IDR Form A, (Amendment A) which outlines the issues in dispute and confirms the Parent's election to pursue IDR.

After the IDR Form is submitted to the Special Education Department, a member of the special education department will work with the Parent to try and resolve the disagreement(s) identified on the IDR Form. The Special Education Department will contact the Parent to schedule a time to meet to try to resolve the dispute. The Parent may bring an attorney or advocate to this meeting.



BONITA UNIFIED SCHOOL DISTRICT
IDR FORM – REQUEST FOR INFORMAL DISPUTE
RESOLUTION (IDR)

Student: _____ DOB: _____ Gender: M F

School of Attendance: _____ School of Residence: _____

Eligibility: _____ IEP Date: _____

Date IEP Signed: _____ Placement: _____

Parent(s)/Guardian Name(s): _____

Home Address: _____

Phone: Home: (____) _____ Work: (____) _____ Fax: (____) _____ Cell: (____) _____

List the issues that are in dispute from the IEP, and any other Disputes that Parent would like to resolve with regard to Student’s special education programming. These issues should be jointly developed by a member of the special education department and the Parent. Attach a copy of the IEP in which the dispute arises and pertinent assessment reports. Parents may list additional issues and attach them to the IDR Form.

1. _____

2. _____

3. _____

4. _____

I request to proceed through Informal Dispute Resolution and I have been provided a copy of the District's Procedural Safeguards and a copy of my child's most recent IEP as of the date signed below.

Parent/Guardian Signature _____ Date _____

Received on: _____
District Representative

IDR Meeting Date: _____ IDR Meeting Location: _____

Education/Special Education Acronym Tip Sheet

Like all professions, education and special education have their own “language.” Sometimes, in the interest of efficiency, we use abbreviations or acronyms, which we realize can be confusing. Here is a partial list of frequently used acronyms.

AAC	Augmentative and Alternative Communication
ABA	Applied Behavior Analysis
ADA	Americans with Disabilities Act
ADD	Attention Deficit Disorder
ADHD	Attention Deficit Hyperactivity Disorder
ADR	Alternative Dispute Resolution
APE	Adapted Physical Education
AT	Assistive Technology
BER	Behavior Emergency Report
BICM	Behavior Intervention Case Manager
BTP	Behavior Teaching Plan
CAC	Community Advisory Committee
CAHSEE	California High School Exit Exam
CAPA	California Alternate Performance Assessment
CELDT	California English Language Development Test
CMA	California Modified Assessment
CDE	California Department of Education
CP	Cerebral Palsy
DIS	Designated Instruction Services
DHH	Deaf and Hard of Hearing
DSM-IV	Diagnostic and Statistical Manual of Mental Disorders
DTT	Discrete Trial Training
DNR	Do Not Report
ED	Emotionally Disturbed
ELL	English Language Learner
ES	Educational Specialist
ESY	Extended School Year
FAA	Functional Analysis Assessment
FAPE	Free Appropriate Public Education
FBA	Functional Behavioral Assessment
IDEA	Individuals with Disabilities Education Act
IEE	Independent Educational Evaluation
IEP	Individual Education Program
IFSP	Individual Family Service Plan
ISP	Individual Service Plan
ITP	Individual Transition Plan
LEA	Local educational agency (district)

LRE	Least Restrictive Environment
MPSG	Measurable Postsecondary Goals
NCLB	No Child Left Behind Act of 2001
NPA	Non-Public Agency
NPS	Non-Public School
OAH	Office of Administrative Hearings
OCD	Obsessive Compulsive Disorder
OCR	Office of Civil Rights
ODD	Oppositional Defiant Disorder
OHI	Other Health Impairment
OI	Orthopedically Impaired
OT	Occupational Therapy
PT	Physical Therapy
PBIP	Positive Behavior Intervention Plan
PLOP	Present Levels of Performance
PWN	Prior Written Notice
RTI	Response to Intervention
SAI	Specialized Academic Instruction
SELPA	Special Education Local Plan Area
SLD	Specific Learning Disability
SLI	Speech and Language Impairment
SOP	Summary of Performance
SST	Student Study Team
STAR	Standardized Testing & Reporting
TBI	Traumatic Brain Injury
TEACCH	Treatment & Education of Autistic and Related Communication Handicapped Children
VI	Visually Impaired