



**Manhattan Beach
Unified School District**

Parent Guide to Special Education

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**Prepared by the Special Education Task Force
Manhattan Beach Unified School District
Manhattan Beach CA 90266**

Table of Contents

INTRODUCTION	3
WHAT IS SPECIAL EDUCATION?	4
CRITERIA FOR SPECIAL EDUCATION ELIGIBILITY	6
ACRONYM LIST	8
SPECIAL EDUCATION JOB TITLES AND DESCRIPTIONS	9
GLOSSARY	11
GENERAL POINTERS	13
DOES MY CHILD HAVE A DISABILITY?	14
SECTION 504 PLAN	16
SPECIAL EDUCATION ASSESSMENT	18
SPECIAL EDUCATION ASSESSMENT TIMELINE	22
INDIVIDUALIZED EDUCATION PROGRAM	23
IEP MEETING.....	23
IEP TEAM PARTICIPANTS	23
DEVELOPMENT OF THE IEP.....	24
IEP IMPLEMENTATION	31
IEP REVIEWS	31
IEP REVIEW TIMELINE.....	32
TRANSITION PLAN	33
LAWS THAT RELATE TO SPECIAL EDUCATION	34
I. INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT (IDEIA) OR IDEA 2004	34
II. SECTION 504.....	38
III. AMERICANS WITH DISABILITIES ACT (ADA).....	38
IV. NO CHILD LEFT BEHIND (NCLB)	38
V. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)	38
VI. CALIFORNIA EDUCATION CODE.....	39
VII. CALIFORNIA'S LANTERMAN ACT (REGIONAL CENTERS).....	39
GETTING HELP	40
COMMUNITY RESOURCES	41
COMMUNICATIVE DISABILITIES	41
DEVELOPMENTAL DISABILITIES	41
DISABILITY ORGANIZATIONS	42
EMOTIONAL DISABILITIES.....	43
LEGAL RESOURCES.....	43
PHYSICAL DISABILITIES.....	44
RECREATION RESOURCES.....	45
THERAPEUTIC RESOURCES	46
OTHER RESOURCES.....	47
SOURCES FOR DOCUMENTS ABOUT DISABILITIES AND SPECIAL EDUCATION...	48
INTERNET RESOURCES	49
SOURCES	50

Introduction

This guide is a collaborative project developed by a team of individuals including Liz Bell, Barbara Bott, Cindy Ellenberg, Linda Polonsky, Marlene Rich, and Toni Schottenhammer. It is designed to provide useful guidance and information about special education in an easy to read, understandable format. This guide is not intended to modify, in any way, the rights and obligations of the district, special education students and/or the parents or guardians of special education students, as set forth under the applicable federal and state laws and regulations.

Raising children is challenging for any family. For families who have a child with exceptional needs, the additional challenges can be overwhelming. Having knowledge, support, and information are critical to helping you participate confidently and effectively in your child's special education program and other activities of life.

In order to be an effective advocate for your exceptional child, you need information: knowledge of your child's strengths, weaknesses, and learning styles, and appropriate interventions. You need ongoing support to find and manage this information. You need to know about your child's rights – and about your own rights and responsibilities – under special education law. Parents typically know the most about their children and the information you contribute to your child's educational team will help to create an appropriate educational program. If, as a parent, you are also aware of the parameters of special education and the learning opportunities for your child, you can be an informed and effective partner with educators and therapists in the educational process.

Just as in any other relationship, teamwork and communication are essential to successful and meaningful collaboration. When communication is strong between parents, educators, specialists, and others who are involved with a child at home, school, and in the community, each team member can be a valid and constructive member of the team, and your child's challenges are more likely to be addressed.

This guide provides some of the information and resources that you need to take on the role of an active, collaborative partner in this challenging but rewarding opportunity for shaping your child's future. It was compiled by the Manhattan Beach Unified School District's Special Education Task Force, which is comprised of special and general education parents and educators from all the schools within the district. The task force was formed to improve communication among stakeholders and create long-term goals for program development and improvement.

There is at least one Special Education Task Force parent member on each campus in the district. Please share any ideas or suggestions with them or seek them out for additional information. Your principal or the district's special education office (see *Getting Help* section) can make this introduction.

What is Special Education?

Special education is not a place, but rather a process by which appropriate services and specially designed instruction are delivered to a child with a disability or learning challenge to meet his or her unique needs and allow him or her to access and benefit from the general curriculum. Special education is an integral part of the public education system, and pertains to growth and learning in independent living skills as well as academics. It is provided in a way that promotes maximum interaction between students with and without disabilities in a manner appropriate to the needs of both.

In 1975, the United States Congress passed the Education for All Handicapped Children Act (EHA). This law guaranteed that eligible children and youth with disabilities would be provided a free appropriate public education (FAPE) designed to meet their unique needs. The law, which was later renamed the Individuals with Disabilities Education Act (IDEA) is the cornerstone of the provisions for special education. States (and their school districts) need to comply with these rules in order to receive federal funding for education through IDEA provisions. IDEA sets forth the minimum requirements that states must meet, though they may also add their own, more protective, provisions. In 2004 the law was amended and reauthorized as the Individuals with Disabilities Education Improvement Act, commonly referred to as IDEA 2004. Several additional federal and state laws also apply to the provision of services for individuals with exceptional needs. See *Laws Related to Special Education* section.

It is important to note that special education is not supplementary aids or services for students with learning difficulties that are due primarily to cultural or economic differences, lack of familiarity with the English language, limited school experience or temporary physical disabilities. Special education eligibility may not be established based on the lack of appropriate instruction in reading or math or because the student has limited English proficiency.

Under these laws, services are provided at no cost to parents and a full range of program options are available for students from age 3 through 21. A team of representatives from the school district and the parents will work together to determine eligibility and the appropriate interventions in an on-going process of evaluations, interventions, and monitoring.

In Manhattan Beach, most special education is provided by the Manhattan Beach Unified School District (MBUSD). Within California, local school districts are supported by larger entities, called Special Education Local Plan Areas or SELPAs, which offer a more comprehensive range of resources, information and services than the district can provide. MBUSD is one of 12 districts in the

Southwest SELPA. Many of the forms and documents used by our district in the special education process are created under the direction of the SELPA.

In addition, county and state programs, as well as outside agencies, can be contracted to provide services not available through Manhattan Beach. For children under the age of three, and for additional services that support some individuals with exceptional needs, California also has Regional Centers (see *Laws Related to Special Education* Section).

Under IDEA the process of determining and delivering special education generally occurs in the following sequence, which is described in detail later in this document.

1. Child is identified as possibly needing special education and related services
2. Child is evaluated
3. Individualized Education Program (IEP) meeting is scheduled and held
4. Eligibility is decided
5. Child is determined eligible for services
6. IEP is developed
7. IEP program and services are provided
8. Progress is measured and reported to parents
9. IEP is reviewed at least annually
10. Child is reevaluated

Criteria for Special Education Eligibility

A student aged 3 through 21, having one or more of thirteen disabling conditions which adversely affects his or her educational performance, may be eligible to receive special education services. The thirteen disabling conditions are defined under IDEA as follows:

1. Autism ... means a developmental disability significantly affecting verbal and non-verbal communication and social interaction, which adversely affects educational performance.

2. Deaf ... means to hearing loss resulting in auditory, language, and speech delays, adversely affecting educational performance. (Fill in blanks using student's current audiograms, e.g. severe to profound.)

3. Deaf/Blind... means concomitant hearing and visual impairments, the combination of which causes severe communication, developmental, and educational problems.

4. Emotionally disturbed ... means serious emotional disturbance which adversely affects educational performance.

5. Hearing Impaired ... means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but is not included under the definition of deaf.

6. Limited Intellectual Functioning ... means significantly below average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a student's educational performance.

7. Multiple Disabilities...means concomitant] impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in a special education program solely for one of the impairments. The term does not include deaf-blindness.

8. Orthopedically Impaired ... means severe orthopedic impairment that adversely affects educational performance.

9. Other Health Impaired ... means severe health disorder that adversely affects educational performance.

10. Specific Learning Disability ... means a severe discrepancy between ability and achievement in oral expression, listening comprehension, written expression,

basic reading skills, reading comprehension, mathematics calculation and /or mathematics reasoning. The discrepancy is due to a disorder in one or more of the basic psychological processes and is not the result of environmental, cultural, or economic disadvantages. The discrepancy cannot be corrected through other regular or categorical services offered within the regular instructional program.

11. Speech and Language Impaired ... means language disordered in (morphology, syntax, semantics, or pragmatics) on (A) two standardized tests or (B) language sample analysis and one standardized test; OR (articulation) (voice) (fluency) adversely affects communication skills and educational performance.

12. Traumatic Brain Injury ... means injury to the brain caused by an external physical force or by an internal occurrence resulting in total or partial functional disability that adversely affects educational performance.

13. Visually Impaired ... means student has a visual impairment, which, even with correction, adversely affects educational performance.

Acronym List

ABA	Applied Behavior Analysis	LEA	Local Education Agency
ADA	Americans with Disabilities/ Act	LH	Learning Handicapped
ADD	Attention Deficit Disorder	LRE	Least Restrictive Environment
ADHD	Attention Deficit Hyperactivity Disorder	MR	Mental Retardation/Mentally Retarded (IQ less than 70)
APD	Auditory Processing Disorder	NPA	Non Public Agency
APE	Adaptive Physical Education	NPS	Non Public School
ASD	Autistic Spectrum Disorder	OH	Orthopedically Handicapped
BD	Behavioral Disorder	OT	Occupational Therapist/Therapy
BD/ED	Behavior Disordered / Emotionally Disturbed	PT	Physical Therapist/Therapy
CP	Cerebral Palsy	RSP	Resource Specialist Program
ED	Emotionally Disturbed	SDC	Special Day Class
DHH	Deaf and Hard of Hearing	SED	Severe Emotional Disorder
DIS	Designated Instruction and Services	SELPA	Special Education Local Plan Area
HH	Hard of Hearing	SI	Sensory Integration
IDEA	Individuals with Disabilities Education Act	SLD	Specific Learning Disability
IEP	Individualized Education Plan/Program	SLP	Speech and Language Pathologist
ISGI	Individual and Small Group Instruction	TBI	Traumatic Brain Injury
ITP	Individualized Transition Plan	TSA	Teacher Support Assistants
LD	Learning Disability	WISC	Wechsler Intelligence Scale for Children (IQ test)

Special Education Job Titles and Descriptions

- 1. Adaptive Physical Education Specialist (APE Specialist)** – physical education teacher who is trained to adapt physical education for disabled students.
- 2. Coordinator** - coordinates non-public agency and non-public school services; assists director of special education.
- 3. Director of Special Education** – under direction of the Superintendent, plans and provides direction for special education programs, psychological services, health services, child welfare and attendance services, pupil records, district special education testing programs and home teaching. Plans and implements appropriate staff development programs for Special Education staff. Acts as liaison agent between the schools and local, county and state agencies. Participates in staff and community activities. Acts as the district representative for the Southwest Special Education Local Plan Area (SELPA), special education consortia, cooperative agencies, and School Attendance Review Board. Plans and implements extended school year for special needs students and minimally proficient students. Consults with other management personnel on programs as required. Reports directly to the Superintendent.
- 4. Inclusion Specialist** – special education teacher who assists in adapting general and supports education curriculum to meet individual needs of special needs children. Supports general education teacher, and supervises aides.
- 5. Intensive Behavioral Interventionist** – provides intensive behavioral instruction to students on autism spectrum.
- 6. Occupational Therapist** – trained, licensed health care professional who evaluates impact of a student's disability on their activities at school. Helps student prevent, lessen or overcome their disability.
- 7. Physical Therapist** – trained, licensed health care professional who addresses children's safety, performance, and accessibility in their school environment; aims to improve gross motor skills including walking and negotiating stairs, and playground safety.
- 8. Program Specialist** – credentialed teacher on special assignment; provides staff development, assists special education staff, and plans programs for students. Programs may be provided by specialists in full-time employ of the district. They may also be provided by individuals, non-public agencies or non-public schools if the district does not provide these programs itself.
- 9. Resource Specialist (RSP)** – special education teacher; teaches special needs students some subjects; his or her students are in general education classes for majority of school day.

10. School Psychologist/DIS Counselor – is trained in both psychology and education. Helps students succeed academically, socially, and emotionally. Works with students, teachers, parents, and other professionals. DIS stands for “designated instruction and services” and refers to instruction and services not normally provided in regular classes, resource specialist programs or special day classes. In this case refers to counseling provided by school psychologist.

11. Special Day Class Teacher – special education teacher; teaches self-contained class of special needs students; his or her students are in special day class for majority of school day.

12. Speech/Language Pathologist – licensed health care professional; diagnoses, evaluates, and treats disorders of speech, language, voice, and/or swallowing.

13. Teacher Support Assistant (TSA) – paraprofessional who assists classroom teacher; provides educational and/or behavioral support for teacher and students when necessary; is not assigned to an individual student.

Glossary

Accommodations – Supports or services provided to help a student access the general curriculum and validly demonstrate learning. Accommodations permit the student to be successful in doing grade level work and do not affect grade or diploma outcomes.

ADD/ADHD – Attention Deficit Disorder (ADD) and Attention Deficit Hyperactivity Disorder (ADHD) are diagnoses applied to children and adults who consistently display certain characteristic behaviors over a period of time. The most common behaviors fall into three categories: inattention, hyperactivity, and impulsivity.

Annual Goal – A statement in a student's Individualized Education Program (IEP) that describes a specific and measurable skill or accomplishment that the disabled child can reasonably be expected to achieve within a 12-month period. There should be a direct relationship between the annual goals and the present levels of educational performance.

Assistive Technology – Equipment that enhances the ability of students to be more efficient and successful.

Collaboration – A program model in which the special education teacher demonstrates for or team-teaches with the general classroom teacher to help a student be successful in a regular classroom.

Designated Instruction and Services (DIS) – Instruction and services not normally provided by regular classes, resource specialist programs, or special day classes. These include such services as speech therapy and adaptive physical education.

Full Inclusion – Full inclusion means that the student, regardless of handicapping condition or severity, is placed in a regular classroom/program full time with the necessary supports and services.

General Curriculum – The standards and benchmarks adopted by a Local Education Agency (LEA) or schools within the LEA that apply to ALL children. It is applicable to children with disabilities as well as non-disabled children. It refers to the content of the curriculum and not to the setting in which it is used. It is the basis of planning instruction for all students.

Highly Qualified Teacher – No Child Left Behind (NCLB) term which describes a teacher with full state certification (no waivers), a license to teach, and fulfillment of the state's requirements.

Learning Center - A place where specific and research-based programs are used with students for remediation of basic skills.

Modifications – Changes made to the content and performance expectations to provide meaningful educational experiences for disabled students. Note that certain modifications may alter or lower course and test standards and may lead to modified test results and non-diploma outcomes.

Related Services – services necessary to assist a child with a disability to benefit from special education (services may include: transition, speech and language, audiology, physical therapy, occupational therapy, recreation therapy, social work, medical investigations for diagnostic purposes, parent counseling and training, orientation or mobility therapy)

Resource Specialist Program (RSP) – A program model in which a student with a disability is in a regular classroom for the majority of the school day, but also receives regularly scheduled services from the resource specialist.

Special Day Class (SDC) – A program model in which a disabled student is in a self-contained special education classroom for the majority of the school day. Students in SDC will participate in academic, non-academic, and extracurricular activities with their non-disabled peers as individually appropriate and as specified by the IEP team.

Student Study Team (SST) – A group consisting of a child's parents, administrators, regular education teachers and other professionals that develops interventions to help a student, who is not an identified special education student but is showing difficulty in learning or behavior.

Supplementary Aids and Services – Services or training provided in order for an eligible individual to be served in the general education classroom. These may include, but are not limited to, such things as staff training or support, curriculum adaptations, specialized material and equipment, or assistive technology.

Transition – Commonly used to refer to the change from secondary school to postsecondary programs, work, and independent living typical of young adults. Transition is also used to describe other periods of major change, such as from early childhood to school or from more specialized to mainstreamed settings.

Vocational Education – Organized educational programs directly related to preparing an individual for paid or unpaid employment, or additional preparation for a career not requiring a baccalaureate or advanced degree.

General Pointers

Once you know that your child will require additional assistance, there are a few important principles to keep in mind. While these may be helpful when interacting with professionals on behalf of any child, they are especially important in working with a child with exceptional needs.

Think of yourself as a valid and essential member of your child's team and an expert with respect to your child. Do not be afraid to speak up with your questions, concerns or ideas.

Ask questions and clarify as much as possible. Professionals will use terms, vocabulary, and procedures that you will need to learn.

Communicate. With a team approach to your child's education, it is easy for information to get lost among the players. It is therefore necessary to establish methods to keep team members apprised of program elements, and the child's needs and progress.

Put requests and concerns in writing to initiate timelines, keep team members on task and on time, and create a paper trail and accountability.

Maintain excellent records. Create a notebook or file that includes developmental history, medical records, prior school reports and assessments, test results, work samples, records of your contacts with schools and agencies, (personal visits, telephone calls, etc.) and whatever else might be relevant to your child

Know your rights under special education laws. Keep reading!

Does My Child Have a Disability?

If you think that your child may have learning differences or a disability that affects his or her ability to learn or function, there are several strategies you can adopt in order to learn more. These will vary based upon the age of your child.

If your child is less than three years old, you should contact your local Regional Center (see *Community Resources* section).

If your child is approaching three years of age or older, but is not in a public school program with MBUSD, you should contact the district's special education office (see *Getting Help* section). The law requires the school district to actively seek out children who would benefit from early intervention and special education services.

If your child is school age and enrolled in a private school, MBUSD may still be responsible for the special needs of your child, and your child may be entitled to services through an individualized services plan (ISP). Discuss your concerns with your school staff and contact MBUSD if you are interested in an ISP or a public school placement. .

If your child is a resident of the MBUSD, you may have a variety of options.

- **Discuss your concerns with your child's teacher(s)**

You may find that the teacher shares your concerns and is trying to address them. You or your child's teacher can request that a Student Study Team (SST) meeting be convened. The SST includes the child's parents, current teacher, school administrator, school psychologist or counselor, and may include a special education teacher or other relevant professional.

The team will gather information from your child's teachers for the meeting, and you should also attend. Be prepared to share information about your child and to discuss his or her school performance and your concerns.

The team may decide that modifications of the general education program are appropriate to address your child's needs. If so, these modifications or interventions will be written into a plan that sets forth a timeline and procedures for monitoring success.

If the modifications or interventions are not successful, the SST will meet again. If there is new information or the child is not showing progress, you can call another SST meeting prior to the originally scheduled timeframe. The SST may decide to revise the interventions, or refer your child for a special education assessment (see *Special Education Assessment* section).

The advantage of the SST is that a school-site team, focused on your child's challenges, may be able to quickly and effectively address your concerns and your child's learning needs.

- **Request a meeting with school psychologist to discuss options**

You will be referred to the school psychologist. The psychologist will discuss your concerns with you and will ensure that you fully understand the special education process, and that you have considered other ways to address your child's needs. The psychologist may suggest beginning the Student Study Team (SST) process described above, or may refer your child for an assessment (see *Special Education Assessment* section).

This discussion may be helpful in outlining the options available without taking the time to convene the entire Student Study Team (SST).

- **Make a written request for special education assessment**

If you request an assessment in writing, the school is required to formulate an assessment plan for your approval within 15 days. If you cannot put the request in writing, the school can assist you with drafting the request. There may also be an SST meeting to review the purpose of special education with you and seek to determine the area(s) of disability you suspect. You will be asked to sign a Referral for Assessment form and the assessment process (see *Special Education Assessment* section) will begin.

This approach resolves a decision about performing a special education assessment sooner. However, it may bypass other collaborative efforts that may be successful in addressing your child's needs or challenges without special education.

Assessment Considerations

Special education law may require consideration of modifying the general education program before referring a child for special education. In cases where the data and other information reviewed by the SST suggest that a child does not have a disability of such severity that the identified needs cannot be met in the general education program, with or without modifications, special education probably is not warranted.

It may be that your child's needs can be met with general education interventions or a Section 504 Plan (see *Section 504 Plan* and *Laws Related to Special Education* sections). If you agree that your child does not qualify for special education, the SST will document interventions on an action plan form and a monitoring/follow-up plan will be proposed. In this case, the team, including you, agrees that a special education assessment is not appropriate at this time and the district must provide written documentation of the team's decision. Your agreement with the intervention plan means that you withdraw your current request for an assessment. This does not preclude you from seeking a special education assessment at a later date, if new concerns arise or if the action plan is not effective.

If you **disagree** with an SST decision that a special education assessment is not necessary, the district must provide you with written notice of the basis for the refusal. The notice may be completed at the conclusion of the SST meeting and given to you, or completed and mailed to you shortly after the meeting. The notice must include:

- A full explanation of the procedural safeguards available to you under the law, in a document titled *Southwest Special Education Local Plan Area Notice to Parent/Guardian/Surrogate*.
- A description of the action the district is refusing to take, an explanation of why the district refuses to take this action, and a description of any options the district considered and the reasons why those options were rejected;

- A description of each evaluation procedure, test, record, or report the district used as a basis for the refusal; and
- A description of any other factors relevant to the district's refusal.

Section 504 Plan

Section 504 of the Rehabilitation Act of 1973 mandates that necessary accommodations and modifications be provided to assist disabled students, so that they have equal access to educational opportunities. This does not include any specialized instruction or related services and there is no federal funding that accompanies a Section 504 Plan.

Section 504 defines an individual with a disability as anyone who experiences a physical or mental disorder that interferes with one or more of the individual's major life activities. Major life activities include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

When parents or school personnel identify a concern for which a 504 Plan might be appropriate, the principal will convene a meeting of a 504 planning team. The team varies from student to student, and generally consists of the parent, the classroom teacher, and any other school personnel with knowledge of the student who might be helpful (i.e. building nurse, psychologist, social worker, learning or behavior specialist, etc.). The 504 planning team then will determine if the child is disabled within the meaning of Section 504. Information used by the team may come from standardized testing and evaluations, interviews with the child and parents, observational data, adaptive behavior assessments, teacher records, social and cultural background data, medical reports, and/or records reviews. Upon its determination that a child is eligible under Section 504, the 504 planning team must determine what instructional accommodations or modifications are needed to meet the child's needs as they relate to the general educational setting.

A 504 Plan lists the strategies that will be used to support a student's learning in the general education classroom and is an agreement between the student, parent and school. Examples of Section 504 Plan provisions might be more time given on tests, class notes made available to the student, preferential seating, etc.

There are four primary cases when a 504 Plan should be considered.

- i. When an IEP team determines that a child no longer requires an IEP and a section 504 Plan is needed to document the necessary general education accommodations or modifications to help ensure ongoing student success.

- ii. When an IEP team has reviewed relevant data and determined that a student is ineligible for special education under IDEA, but that the student may be eligible for services under 504.
- iii. When there is an identified disability not covered by special education. (See *Criteria for Special Education Eligibility* for a list of the thirteen specific types of disabilities covered under special education laws.)
- iv. When a parent approaches a teacher with concerns that his/her child may have a disability that requires special instructional accommodations or program modifications.

The law states that any child who has an IEP is covered under IDEA, and is automatically protected under the Section 504 laws. The opposite is not true, however. A child who has a Section 504 Plan is **not** covered by the IDEA laws. Therefore, a child with an IEP has more rights and protections under IDEA than does a child under Section 504. Section 504 is also different from IDEA in many ways. For example, section 504:

- Does not require specific progress reports
- Provides more limited discipline protections

Special Education Assessment

After your child has been identified as possibly needing special education services, a series of steps ensures that the child's areas of need are appropriately investigated, and that intervention is necessary and appropriate. These steps are regulated by law and include rules to ensure timely action by all parties involved.

Generally, the parent must give signed consent to an **assessment plan** before the school can begin an initial evaluation of a child or begin a triennial assessment (reassessment every three years). Parents must be informed about the **type** of assessment, its **purpose**, the **methods** or **techniques** which will be used, and the **professionals** (by title) who will be conducting the assessment. This plan must be provided to the parents for approval within 15 days (not counting calendar days between regular school sessions or school vacations in excess of 5 school days) of a referral or request for an assessment.

If a parent refuses to approve an assessment plan when the district believes an assessment is needed, either the district or the parent may request a ruling through the due process procedures. See *Special Education Law* section for details.

It is important to review a proposed assessment plan carefully, as the results of the assessment will be instrumental in determining the needs of your child. The areas typically assessed include intelligence, language, perceptual abilities (auditory, visual, etc.), academic achievement, behavior, and emotional/social development. The questions from the checklist in *Figure 1* will help you review the assessment plan before you sign it. If your answers to the questions in the checklist are generally positive, you are probably ready to sign and return it to the school. If you find the proposed assessment plan lacking in some way, contact the person who sent it to you for additional information and/or clarification. Parents have at least 15 days to review and approve the assessment plan, but it is generally in the child's best interest to move this along as soon as you feel it is appropriate. Once you have approved the plan, the district has 60 days under current California law in which to perform the evaluation and hold a meeting of the team.

Suggested Parent's Review of Assessment Plan
Do you have a thorough understanding of the areas in which your child is being tested?
Do you need additional information about the tests?
Does the assessment plan seem to address all areas of your child's suspected disability?
Does the assessment plan take into account any outside evaluations your child may have had?
Did you cooperate by releasing requested information to the school district, such as medical reports, independent psychological assessments, or other relevant data?
Are the tests given in your child's primary functional language?
Do the tests take into account the nature of your child's disability?

Figure 1. Suggested Parent's Review of Assessment Plan

The assessment is conducted to determine whether or not your child has special needs that qualify him or her for special education services and to assist in instructional planning. Testing should result in identification of your child's present skill levels and areas of strength and need. The assessment also involves collecting important information from several sources. These sources may include those listed in Figure 2 below.

<u>Possible Assessment Team Members and their Contributions</u>
<p>Parents</p> <ul style="list-style-type: none"> • Review and approve the assessment plan • Provide health and developmental history • Describe the child's strengths and needs with respect to tasks and social interactions in non-school settings • Complete parent rating scales • Release any relevant outside assessment reports
<p>General education classroom teachers</p> <ul style="list-style-type: none"> • Provide information concerning the child's academic and functional skills, physical/motor performance, and social behavior in the classroom
<p>Principal</p> <ul style="list-style-type: none"> • Functions as the district administrator •
<p>Nurse</p> <ul style="list-style-type: none"> • Reviews the child's medical background and physical development
<p>Speech/Language Specialist</p> <ul style="list-style-type: none"> • Provides relevant information about speech and language development
<p>School Psychologist</p> <ul style="list-style-type: none"> • Examines the child's social, emotional, academic, and intellectual development
<p>Adaptive Physical Education (APE) Specialist / Occupational Therapist / Physical Therapist</p> <ul style="list-style-type: none"> • Examines the child's physical and sensory-motor development

Figure 2. A variety of professionals and perspectives will help ensure a thorough evaluation, which is critical to an effective and individualized educational planning process. Please see *Special Education Job Titles and Descriptions* section for descriptions of job titles referred to above.

Data gathered during the assessment will be summarized in written assessment reports. The final step in the process is a team meeting where the separate components of the assessment are brought together. The assessment evaluations may include:

- Formal/informal tests administered in a one-on-one setting
- Teacher interview and work samples
- Observation of the student in the classroom and possibly in other settings, such as on the playground

Other information gathered from the family may include:

- Background information
- Developmental history
- Medical history and medical reports
- Family health history
- Educational history
- Psychological and therapy reports
- Copies of your child’s previous IEPs and school progress reports
- Copies of records from outside agencies (such as Regional Center)
- Copies of letters you have written or received regarding your child’s disability/abilities

You should request that the school district provide these reports to you before the team meeting, so that you can review and understand the findings. The district should make every effort to do this.

In addition, the assessment can include reviewing any outside evaluations you have obtained since it is your right to share these with the team, if you so choose. However, by law, the findings of outside assessments do not have to be accepted by the IEP team. It is important for you to choose outside evaluators carefully, checking their credentials and reputation. You should also determine whether the evaluator is willing to participate in the team meeting, to explain his/her results and findings. You may want to consider the following questions as you review the evaluations:

Suggested Review of Assessment Results
Based on what you know about the nature of your child’s challenges, was the assessment thorough?
Did the assessment provide a clear picture of how your child performs in critical skill or developmental areas?
Did the assessment describe your child’s areas of strength as well as weaknesses?
If appropriate, did the assessment include observations of your child in social as well as academic settings?
Did the assessment findings pinpoint specific behaviors needing improvement in such a way that progress can later be measured?

Figure 3. Suggested Review of Assessment Results.

If you disagree with the results of the assessment, you have the right to obtain another opinion from a qualified person. This is called an **independent assessment**. If the school district agrees that additional information is required to fully understand your child's needs, they may fund this independent assessment. If you are able to show that the district's assessment was insufficient or inappropriate, it may later be decided by the team, or determined through due process procedures (see *Laws Related to Special Education* section) that the independent assessment should be at the district's expense. However, the district also has the right to use due process procedures to show that its assessment was appropriate.

If, at the team meeting, your child is determined not to be eligible for special education services, the district has to provide this information to you in writing, including the reasons for their decision. To serve your child's needs, you can work with the SST and your child's teacher to formulate other modifications and strategies that can be used in the general education program to promote success for your child. If your child has a disability that interferes with a major life activity, but does not qualify for special education, a Section 504 Plan might be more appropriate. This is often the appropriate intervention for children with ADHD or physical challenges who require accommodations, but who otherwise can be successful in the general education classroom setting. See *Section 504 Plan* section.

If the assessment is complete and the IEP team has determined that your child is eligible for special education services, the next step is to develop an individualized education program that addresses your child's needs.

Special Education Assessment Timeline

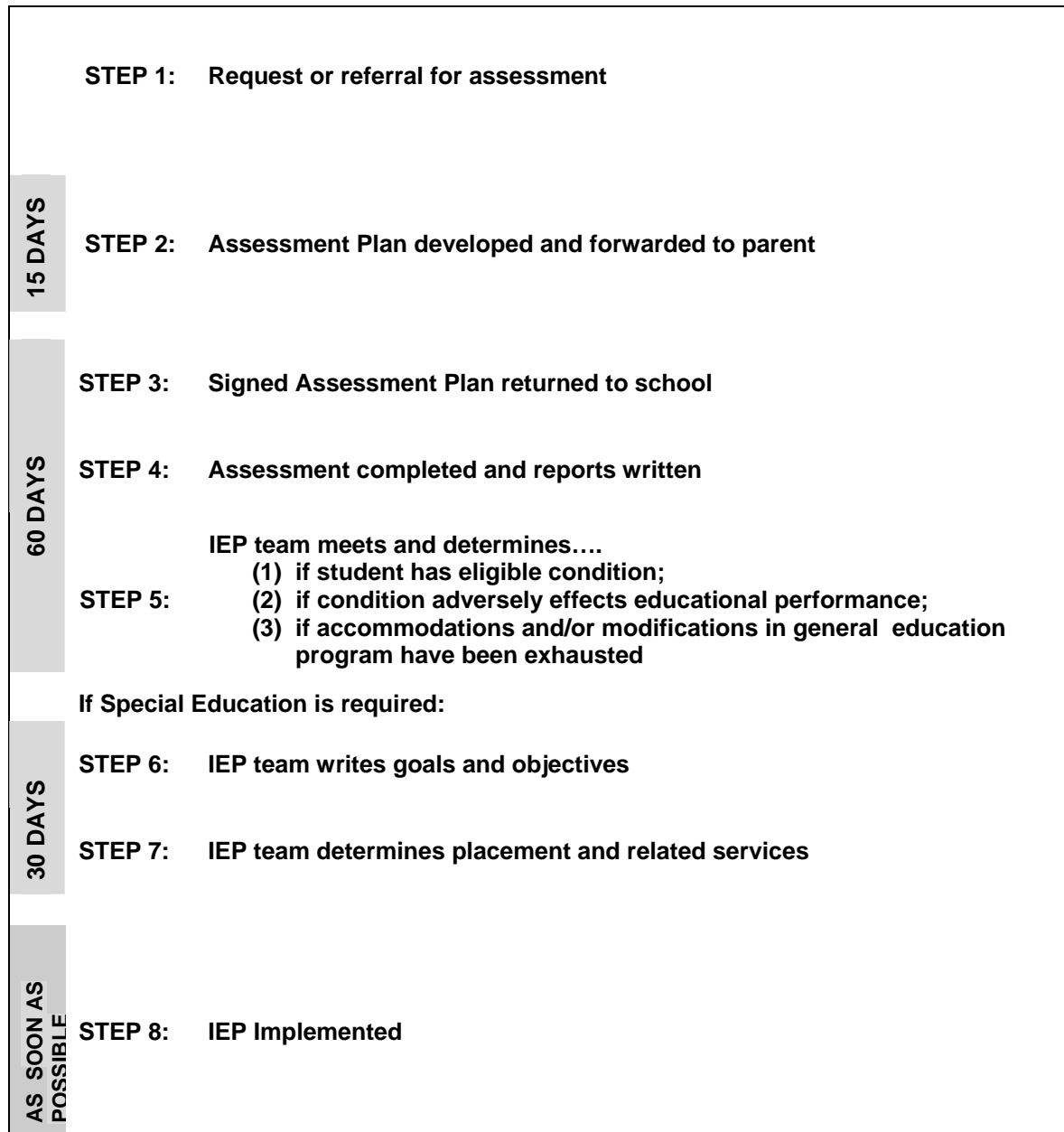


Figure 4. Special Education Assessment Timeline

Individualized Education Program

The **Individualized Education Program (IEP)** is a legal document that must be written for each child who receives special education services. The parents and professionals involved in the process are considered the IEP team, and the process of gathering to create an IEP is termed an IEP meeting.

Your child's IEP describes him or her as an individual learner and helps ensure that special education services support his or her identified functional, developmental, and academic learning needs. The IEP sets forth your child's strengths and needs, outlines measurable and achievable annual goals for your child, specifies the supports and services to be provided by the school district, and specifies when, where and how often these services will occur. It also sets forth the methods and timing of evaluation of the program's appropriateness and effectiveness. It is an essential guide for the staff who will work with your child. The IEP serves as a "blueprint" for instruction in the school environment, although it is not a daily lesson plan.

The IEP must be reviewed and updated at least once a year (annual review). You or your child's teacher(s) can request a review at any time that there are concerns about the appropriateness of the intervention or placement, or the child's progress.

IEP Meeting

This meeting must be held **within 60 days** of the written approval for assessment to determine if a child is eligible for special education services, or **within 30 days** of a parent's written request for a meeting of the IEP team for a child with an existing IEP. This meeting is usually organized by the program specialist. You should contact your principal or the district special education office if you have not been contacted to schedule this meeting within the appropriate time period and the deadline for this meeting is approaching. The meeting must be scheduled at a time that is mutually convenient for the school personnel and the parents.

IEP Team Participants

The following individuals may attend an IEP team meeting (those in bold type are required for an IEP meeting to be valid, subject to the notes below):

- The **parent(s) or guardian(s)** must be invited to the meeting, and it must be scheduled at a time that is convenient for them to attend
- At least one **general education teacher**, knowledgeable about the child and/or the general education curriculum if the child is or may be participating in the general education environment

- At least one **special education teacher**, or where appropriate, a special education provider of the child, knowledgeable about the instructional methods that the child might need
- If the child was recently assessed, an **individual who can interpret the instructional implications of evaluations and assessments**
- An administrator, or **representative with** knowledge of the general education curriculum and **the authority to commit resources on behalf of the school district**
- If appropriate, an individual with specific knowledge or expertise (e.g. medical professional, specialist, private provider who knows the child, related services provider, advocate, etc.)
- When appropriate, the student (if the child is of transition age, i.e.16 or older, he/she must be invited to the meeting but is not required to attend)
- If the child is of transition age, a representative of the transition services agency or agencies
- Any additional professionals with assessment or other important information to contribute
- If the family requires it, a translator can be supplied by the district
- Other possible attendees are representatives or advocates from other organizations or agencies, such as a Regional Center counselor or case manager, non-school therapists or specialists who work with the child, and/or a friend or relative who will provide moral support and take notes.

Note that in some instances, a single individual may satisfy more than one role as a participant. For example, the teacher knowledgeable about your child may be a current general education teacher. Parents may invite participants whom they feel will be helpful to the IEP process if they notify the meeting coordinator in advance. Parents are also entitled to tape record an IEP meeting provided they give the district at least 24 hours notice.

Federal law now allows for some flexibility in the attendance requirement. If both the parents and the school agree in advance and in writing, an IEP member can be absent under the following conditions:

- a) if his/her area of concern or expertise is not to be discussed at the meeting, or
- b) if written contribution about his/her area of expertise is provided in advance of the meeting.

Development of the IEP

How does a “team approach” to an IEP team meeting work?

The team approach to developing an IEP involves communication and cooperation among you (the parents), your child’s teacher(s), and other specialists with different kinds of skills who may work for the school district or outside agencies.

Together, you will prepare an IEP that meets your child’s present educational needs. Think of the IEP team as a circle of participants with your child at the center.

How do I prepare for the IEP Meeting?

Create a list of your child's strengths and weaknesses, including social and behavioral issues as well as academics. Be prepared with examples and work samples that help illustrate your ideas and concerns. Develop a list of specific concerns and help to keep the team centered on addressing these.

It is helpful if you formulate a written summary of your own goals and objectives for your child. You know your child best, and have expectations about your child's future which are based on your own values, background, and experiences. Be prepared to voice your expectations at the IEP team meeting so that the team can discuss those expectations and, if appropriate, develop related goals and objectives to address those expectations.

Samples of expectations you might have as a parent, and possible activities that may lead to achieving these expectations, are found in *Figure 5*.

You will note that the examples show possible solutions listed in a step-wise fashion: breaking larger goals into this type of scaffolded progression is helpful in defining the small steps and accomplishments that can build to achieve the team's broader goals. Thinking about these goals in advance will ensure that your expectations and knowledge of your child are taken into account.

Sample Parent Goals and Short Term Objectives
<p>Sample Goal</p> <p>I want my child to be able to get around school campus independently.</p> <p>Sample Short Term Objectives</p> <ol style="list-style-type: none">1. Walk with aide to classroom.2. Walk with friend to classroom.3. Walk alone to classroom.
<p>Sample Goal</p> <p>I want my child to read a 3rd grade book.</p> <p>Sample Short Term Objectives</p> <ol style="list-style-type: none">1. Recognize upper case and lower case letters.2. Sound out three-letter words correctly.3. Memorize first 100 high frequency words.4. Read aloud short sentences fluently.5. Read silently short paragraphs with comprehension.

Figure 5. Sample Parent Goals and Short Term Objectives.

It is often helpful, prior to the IEP team meeting, to talk informally with the school personnel who assessed your child as well as his or her teachers, to learn more about their findings and the possible range of recommendations that might result from their assessment results.

It is important that you tell the IEP team your own expectations for your child.

Expressing your expectations will help you and other team members work together to achieve the same goals. Communication and teamwork are essential to effective programming for children with special needs.

IEP Plan Contents

In MBUSD, the IEP document is written on the *Southwest Special Education Local Plan Area (SELPA) Individualized Education Plan* form, which outlines all the necessary elements of an IEP. You may find it helpful to request a blank copy of this form before the IEP meeting in order to better understand the IEP process and its components. You can also find a comprehensive IEP checklist at Protection and Advocacy Inc. (www.pai-ca.org/Pubs/501201.htm).

In addition to **eligibility** information, the IEP document always includes the following:

- Child's **present levels of educational performance** (including academic achievement and functional performance).
- Statements of the child's **strengths and needs**, based on information gathered during the assessment and your input. These may include information about academic, social, language, motor, self-help, and pre-vocational skills.
- Descriptions of the way your child performs and how the disability affects your child's participation and progress in the general curriculum, in addition to test scores.

Goals and Objectives

Based on your child's identified learning needs, the IEP specifies measurable and achievable goals for your child. The IEP must specify **annual goals**, i.e. what your child can reasonably be expected to accomplish within one year. These goals must be sufficiently detailed to provide measurability, and must reflect expectations of adequate progress.

For students who take alternate assessments, (see *Participation in State or District-wide Assessments* later in this section), the IEP must also detail **short-term objectives or benchmarks**. These are measurable, intermediate steps between where your child is now (i.e. his or her present levels of performance) and the annual goals (where he or she is expected to perform in a year's time). The objectives are developed based on a logical breakdown of the skills necessary to achieve the goal. They serve as guides for planning and implementing instructional activities in the classroom and metrics for measuring progress. **Benchmarks help teachers program for the child and assist in monitoring progress, so their inclusion can be helpful for the team.**

The goals and objectives must relate to meeting your child's educational needs that result from the identified disability. They must also enable your child to participate in, and progress in, the general curriculum. The teacher(s) and other specialists who work with your child in school are responsible for designing learning tasks and activities that correspond to the goals and objectives written in the IEP. The IEP also sets forth the **criteria for evaluation** of the child's success at reaching the established goals, as well as the **timing and methods of progress reporting**. (Progress reports must be issued at least as regularly as report cards are issued in the general education environment).

For children who are limited English proficient (LEP), the goals and objectives must be linguistically appropriate.

Special Education and Related Services/Designated Instruction and Services

The IEP also sets forth the **supplementary aids and services, accommodations and modifications** necessary for the child to learn. These may include strategies to support the child's access to the core curriculum, organizational and behavioral supports, accommodations and modifications necessary to adapt materials, strategies related to instruction, and strategies related to testing.

It is important to note the differences between accommodations and modifications, especially in the upper grades. **Accommodations** are changes that are made to the way a student receives instruction or demonstrates knowledge or skills. They do not fundamentally change what is being taught or assessed. Accommodations still result in expectations of content knowledge and grading similar to those in the general education curriculum. **Modifications** are changes that allow a student to have meaningful learning experiences, but they fundamentally alter what is being taught or assessed. Starting in ninth grade, students whose work is adapted with accommodations can graduate with a diploma. Students who have a modified curriculum in required courses and/or modified exams may not meet graduation requirements, but may receive a certificate of completion.

The IEP must also specify any **related services** (also called Designated Instruction and Services or DIS) required for the child to benefit from his or her special education program (e.g., mobility training, speech and language therapy, counseling, adaptive physical education). The IEP must indicate when such services will begin; how long they will last; and how frequently they will be provided, based on the individual needs of your child. In addition, the IEP sets forth any necessary **supports for school personnel**, such as training in specific strategies or approaches.

Additional supports that may be available to the child include assistive technology, and modifications or supports to address limited English proficiency, communication needs, or specialized needs for those who are blind, visually impaired or deaf.

Behavior Support Plan

If the student's behavior impedes learning, the IEP team will consider the use of positive behavioral interventions and supports, and other strategies, to address behavior. Depending on the severity of the student's behavior, a functional behavioral assessment and/or a functional analysis assessment and/or a behavior support plan or behavior intervention plan may be required.

Medical/Health

Basic information will typically include vision and hearing screening results, height, and weight. If your child has important medical or health considerations, such as seizures or prescription medication, this information will be recorded on the IEP.

Transportation

The IEP team is responsible for determining the need for and appropriate level of transportation services for each student. To make this determination, the IEP team should consider the nature and severity of your child's disability. Transportation is documented on the IEP if the team determines that a student requires door-to-door transportation, pick-up station transportation, or bus tickets. If your child is eligible for transportation, but you choose to transport your child, this will also be documented in the IEP.

Participation in State or District-wide Assessments

The IEP must identify the individual accommodations or modifications your child requires in the administration of state or district wide achievement assessments. If the IEP team determines that your child will not participate in particular assessments, the IEP must state why that assessment is not appropriate and how your child will be assessed using alternate methods. Information on the matrix of accommodations possible and the alternate assessment (California Alternate Performance Assessment or CAPA) can be found on the California Department of Education Web site www.cde.ca.gov/sp/se/sr/.

Dates and Placement

Placement refers to the setting(s) in which your child's IEP will be implemented. The discussion of a child's placement should occur after the formulation of goals and objectives, and an initial discussion of the services and supports necessary to meet these objectives.

Consideration of placement must always start with the least restrictive environment (LRE) and the most appropriate way to meet your child's needs. The least restrictive environment is placement in a setting with maximum inclusion with general education peers without disabilities. However, the interpretation of LRE may vary from child to child, or across the child's educational career, based upon each unique set of needs and priorities for individual growth.

The team should work to determine a placement that satisfies overall learning objectives for the child, including those of behavior and socialization as well as academics. A variety of placement options may be appropriate. It is important that you, as a parent or guardian, explore options recommended through the IEP process and state clearly your own goals and preferences for your child. For example, you may want your child to attend your neighborhood school because you value the advantages of a local community education (e.g. no long bus rides, friends who live nearby). You may feel that the appropriate program for your child is an adaptation of the general education program at the local school to fit your child's needs (i.e. inclusion) or that your child would be most appropriately served in a classroom or school that is specialized to his or her learning needs.

The evaluation of LRE roughly follows the following hierarchy, with the general education class in the child's neighborhood school representing the least restrictive possible environment:

General education class
General education class with supports and modifications
General education class with related services (e.g. speech)
Resource Specialist Program/Learning Center
Special day class with mainstreaming in the general education environment (home school)
Special day class on integrated campus (home school)
Special day class in another school or district
Non-public, non-sectarian school (NPS)
Residential program
Home or hospital

Eligible students must receive necessary and sufficient supplementary aids and/or services to meet their specific education needs, wherever the placement. Placement decisions may dictate re-visitation of the supports and services discussion, as different supports may be necessary in different settings. Once placement is determined, the IEP must state the extent to which a child will not participate with non-disabled peers and state the reasons for this decision.

The IEP must also indicate the dates when the placement and associated services will begin and end, as well as how often (frequency) and for how long (duration) they will be provided.

Extended School Year (ESY)

Some students may require services beyond the regular 180 day school year. These services are known as extended school year (or ESY) services. In MBUSD these services are usually provided over the summer break.

The need for ESY services is decided by the IEP team at an annual IEP meeting, using several criteria. One important consideration is the student's risk or past evidence of skill and behavioral regression during a break in services and the time required for recoupment, i.e. regaining these skills and behaviors. Students do not have to be failing in order to be eligible for ESY services.

ESY services do not have to encompass all the services that the student receives during the regular school year, and are not necessarily provided in a classroom or in a school setting. Instead they may be provided at the child's home or at a community site, such as the local library. In MBUSD, remedial programs in areas such as reading or math are often provided during the ESY period.

Annual and Triennial Reevaluation Dates

A child's IEP must be reviewed each year on or before its anniversary date. This is considered an annual IEP. Every third year a child should be reassessed with more formalized measures (the triennial reevaluation) unless the parents and the school district agree that the assessment is not necessary. The IEP team may decide that the IEP needs to be reviewed sooner than one year. Parents who are concerned about their child's progress or services can, therefore, call an earlier meeting of the IEP team.

Transition Plan

The Transition Plan prepares for a child's entry into the adult world. Transition planning begins at the first IEP in effect when the child is 16 or earlier if necessary. This document addresses several planning areas that will help the child live and work as independently as possible in the community after completion of high school. It may incorporate the support of other agencies. Once begun, transition planning takes place annually, as part of the IEP team process, until the student leaves school. See *Transition Plan* section.

Signature & Parent / Guardian Approval

Participants in an IEP team meeting are asked to sign the IEP to indicate participation. This is usually done at the beginning of the IEP meeting. This signature merely records each individual's attendance at the IEP meeting.

After the IEP has been completed, **only the parent/guardian is asked to approve the IEP.** This is because an initial IEP or changes to an IEP cannot be implemented without parent/guardian approval. Without this consent, the school district will not begin to provide services to a child new to special education or will not implement changes to an existing IEP. If you, as a parent or guardian, are well prepared and have communicated with key personnel in advance of the IEP team meeting, you may be ready to approve the IEP at the meeting.

If there was too much new information or if you do not feel you understand the IEP and want to review it more thoroughly, you may request to take the document home and ask follow-up questions of the IEP team members. After you have reviewed the IEP, you should sign it, indicating whether you agree or disagree with it. You may note in writing the part/parts of the IEP with which you agree. You may also note in writing the part/parts with which you do not agree, including the reasons for your disagreement. You should then return the IEP.

The parts of the IEP with which you agree will be implemented according to the dates specified within the IEP. It may be that you require follow-up information or clarification in one area, but it is not necessary to hold up an entire program while this portion is researched and addressed; this portion of the IEP can then be addressed as an IEP Addendum.

If you disagree with the IEP or its primary stipulations of needs, goals, services or placement, you should attempt to reach resolution with the IEP team. If you are unsuccessful, you may challenge the IEP through the mediation and/or due process procedures. This will require a written request for a conflict resolution panel, mediation, or a

hearing to resolve any areas of disagreement that could not be resolved during the IEP team meeting process. See *Special Education Rights* section.

If minor changes need to be made to an existing IEP, and all team members are in agreement, the IEP can be amended in writing without an IEP meeting.

IEP Implementation

The IEP team meeting is only a beginning. The IEP is implemented once you approve it. Services should begin as soon as possible, unless the team has specified a particular start date.

It is then important to monitor your child's educational progress. To do this, it is helpful to maintain regular contact with your child's teacher(s) and other professionals involved in his or her program. In addition, you may find there are things you can do at home which reinforce the work that is being done at school. Your involvement in monitoring and implementation will have a direct impact on your child's success.

If it is determined that services specified in an IEP have not been provided to a child, that child may be entitled to **compensatory education**, or services to make up for those that were missed. A student may be entitled to compensatory education or makeup services under a number of different circumstances. Examples of such circumstances are if the IEP was not fully implemented by the school district or if there was a delay in evaluating the student's need for special education and thus a delay in the student receiving required services. Compensatory education is intended to help the student make the progress he or she could have made if appropriate services had been provided.

Compensatory education can take many forms, such as extra classes, therapy provided during the school year or over the summer, or the provision of special materials. If you think your child did not receive an appropriate program, you can ask your district to provide compensatory education. You may request compensatory education at an IEP team meeting. You may want your child to be evaluated in order to determine the type and frequency of compensatory education. You can ask the district to perform the evaluation or you can get an independent evaluation. If the district does not agree that your child is entitled to compensatory education, you can follow due process procedures outlined in the *Laws Related to Special Education* section.

IEP Reviews

The IEP is reviewed at least once a year, or more frequently if necessary (*see Figure 6*). You or your child's teacher(s) may request reviews of the IEP at any time, especially if the child is at risk of not making the anticipated progress or if there need to be changes in placement or services.

The **annual review** team reviews the child's current educational levels, progress according to the previous IEP objectives, information from new evaluations, parent and teacher information and concerns, and the appropriateness of the program services and placement. All teachers and professionals working with your child should provide a written report to the IEP team. Updates to the child's goals and objectives and resulting changes in services

and program details are made, as appropriate, and a new IEP is developed for the following year.

In addition to the annual review, every three years special education students should be re-evaluated in a **triennial assessment** to determine their continued need for special education. (The parents and school district may agree, in writing, however, that an assessment is not necessary.) An IEP team meeting will be held following the assessment to review results and recommendations in a format similar to that of the initial IEP. When the assessment results are incorporated, parents should be prepared to present relevant information, concerns, and their desires for the child's future. As with all review IEPs, the team will consider whether continued services are necessary and what those services will be.

If the IEP team determines that the child no longer needs special education services, a plan may be designed to assist the child in successfully returning to the general education program full time.

IEP Review Timeline

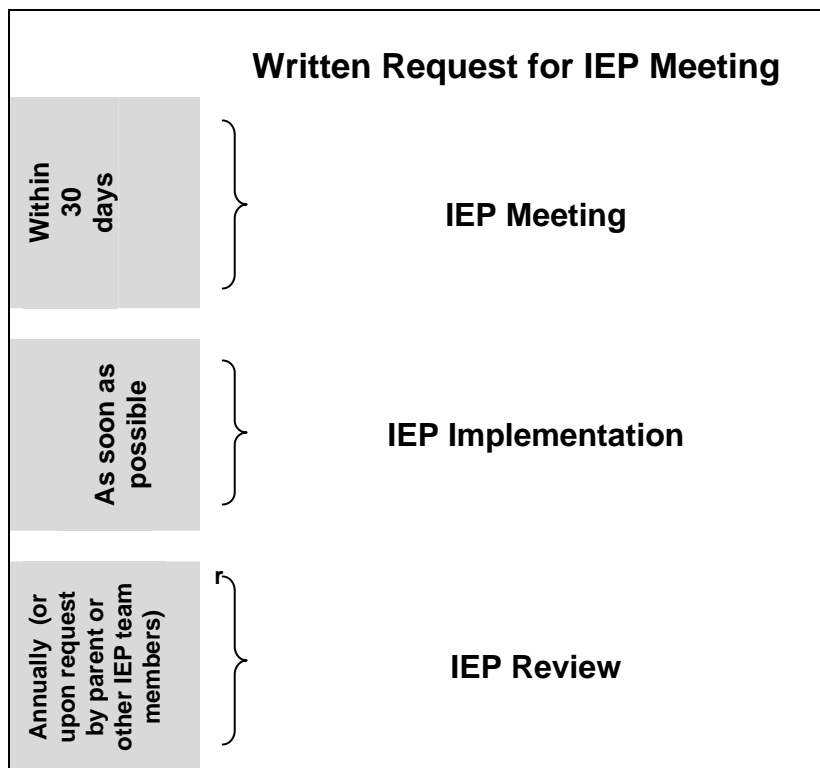


Figure 6. – IEP Review Timeline.

Transition Plan

The purpose of transition planning is to assist students with disabilities to achieve a smooth transition from school to adult life. It is a partnership involving students with disabilities, their families, school personnel, and community/adult agencies. Individual Transition Plans (ITPs), which are part of the IEP process, assist students in developing long-range goals which they will work towards after completing high school.

By the time a student is 16 years old the IEP must include a statement of transition needs. At first, transition goals focus on classes, activities, and resources within the school system that will assist the student in working towards his/her long-range plans. Later transition planning includes other community agencies and services the student will need after high school. The transition plan requires the following elements:

- Appropriate, measurable post secondary goals based on age-appropriate transition assessments, including training, education, employment, and, when appropriate, independent living skills
- Transition services needed to assist the student in reaching these goals

Personnel who assist the student and his/her family in the transition planning process may include, but are not limited to, special education teachers, general education teachers, Regional Center representatives, Department of Rehabilitation representatives, employers, and postsecondary or career counselors.

Because young people with disabilities have different strengths and abilities, transition planning needs to be flexible to meet a variety of needs. Such planning begins early, with the expectation that students will have opportunities and experiences during their school years to prepare them for post-school environments, as well as time to redesign strategies along the way. The transition curriculum can be delivered in a variety of environments including the home, work places, and community sites such as grocery stores, offices, and restaurants. Learning activities should provide a curriculum that prepares students for the changes and demands of life after high school.

The years of transition from school to adulthood are difficult for everyone, but especially for young people with disabilities. They leave the structured environment of school and go out into the community to face its maze of public and private agencies, which often have variable eligibility criteria for services, and long waiting lists. The most effective transition planning involves teaching students the self-advocacy skills they will need to help them reach their life goals.

Laws that Relate to Special Education

i. Individuals with Disabilities Education Improvement Act (IDEIA) or IDEA 2004

IDEA was reauthorized in December 2004 as the Individuals with Disabilities Education Improvement Act. IDEIA, usually called IDEA 2004 or simply IDEA, guarantees four basic rights to all children with disabilities. In order to guarantee these rights, it also includes two protections.

Rights:

Free and Appropriate Public Education (FAPE)

This is the most fundamental and important right your disabled child has. FAPE means that your child, if eligible, must receive an education program specially designed to meet his or her unique learning needs. It must also prepare your child for further education, employment, and independent living. This program must be provided at no cost to you. If the district does not have an appropriate public school program, then it may be required to provide a placement in a state-certified private school program, at public expense.

To assure your child receives an appropriate education, state and federal laws require the school district to provide instructional services necessary to allow your disabled child to benefit from special education. These services include, but are not limited to: adaptive physical education, physical therapy, occupational therapy, speech/language services, transportation, and adaptive equipment. Some of these services may be provided by other community agencies and non-public agencies, thus creating a need for close communication and coordination among the school, agencies, and parents. The school district has primary responsibility for coordination of these services.

Federal law also outlines the requirement for schools to use best practices in delivering special education, meaning the use of research-based instruction and interventions.

Placement in the Least Restrictive Environment (LRE)

The LRE requirement mandates that, to the maximum extent appropriate, students with disabilities are educated with nondisabled students. The school district can remove the child from the general educational environment only when the nature or severity of the child's disability is such that education in general education classes, with the use of supplementary aids and services, or modifications, cannot be achieved satisfactorily.

However, the appropriate setting for a disabled student may or may not be in a general education classroom. For children with highly specialized needs, the most appropriate program may be in a private or residential school, where the ability of the program to meet the child's needs represents the least restrictive environment.

In addition, the district must ensure that each child with a disability participates with non-disabled children in non-academic and extracurricular services and activities to the maximum extent appropriate.

Assessment Procedures

Educational assessment or evaluation is conducted to identify your child's learning needs, to determine whether your child requires special education services and, if so, to identify the services needed. Assessments must be conducted before your child receives services, and at least every three years following your child's initial assessment.

However, you or your child's teacher(s) may request assessment sooner if you believe it is needed. If you disagree with the assessment results, the school district must inform you of your right to obtain an independent educational evaluation from a qualified person of your choosing.

School districts may not use tests that discriminate by race, culture, or disability. For example, using purely auditory methods to test a deaf child who signs would be discriminatory. Assessments must be conducted by appropriately trained and/or credentialed personnel.

Educational placement decisions cannot be based on the results of a single test, but must be comprehensive and take into account your child's developmental and performance levels in several areas (e.g. social, intellectual, language).

Informed Consent

You must be notified in writing whenever the school district plans:

- to conduct a formal assessment of your child.
- to change your child's eligibility and/or educational placement, including the designated instruction and services.

You must also be notified in writing whenever the school district refuses your request:

- to initiate or change the eligibility, services and/or educational placement for your child.

You must be informed by the district of your right to examine school records. You must be notified in writing by the school district about procedural safeguards provided by law at least once a year, at initial referral for evaluation, and at the first filing of a complaint. The district provides this information in a document entitled *Southwest Special Education Local Plan Area; Notice to Parent/Guardian/Surrogate*.

Protections:

Individualized Education Program (IEP)

When your child receives special education services, a written IEP must be developed and reviewed at least once each year at a meeting in which you have the right to participate. The IEP consists of your child's present levels of education performance (including academic achievement and functional performance); eligibility; annual long-term goals, and possibly, short-term objectives; designated instruction and service needs (related services); placement information; date(s) when services begin and end; and annual and three-year review dates.

Due Process

Due Process is a legal term that refers to an orderly series of timely steps that protect the rights of each person – your child, you, and the school staff. It ensures that each child is treated fairly.

IDEA sets forth provisions protecting children with disabilities with respect to disciplinary issues and the maintenance of FAPE. In particular, in deciding on significant disciplinary actions school districts must consider whether the child's misbehavior was a 'manifestation of the child's disability' or a failure to implement the IEP.

There are due process procedures for resolving differences. If you disagree with the district's decision(s) concerning some aspect of the referral, assessment or placement procedures, you should first try to reach agreement. If this is not successful, you may pursue due process. The statute of limitations for filing due process claims or complaints is two years from the date that the parents knew or should have known about an alleged violation.

Due process provides you with the right to an advocate or an attorney. It includes the following procedures:

1. Conflict Resolution Panel

If you choose to utilize this step, you will meet with a panel of special education administrators to fully review the issues and to work together to resolve the disagreement. You may initiate this process by noting your disagreement in the IEP. If this step is unsuccessful in resolving the dispute, or if you choose to skip this step, you may pursue state-level mediation.

Under new 2004 regulations, a resolution session with the relevant members of the IEP team is now mandatory prior to proceeding to a due process hearing. A school district attorney may only be present if the parents are also represented by a lawyer and that lawyer attends the resolution session.

2. Mediation.

a. Prehearing Request Mediation.

This step allows you and the district to meet with a state-level mediator without involving attorneys. The mediator attempts to assist the parties to reach a mutually acceptable agreement and resolve the problems at hand while protecting the parent-school relationship. All requests for mediation should be filed with the Office of Administrative Hearings or OAH. You should address all correspondence to:

Office of Administrative Hearings
Special Education Division
2349 Gateway Oaks Drive
Suite 200
Sacramento CA 95833-4231

Tel: (916) 263-0880
Fax: (916) 263-0890

b. Mediation Following a Request for Hearing

If you request a hearing, your case will be assigned to a mediator unless you indicate that you wish to waive mediation. The mediation process is the same as described above, except both you and the district may utilize attorneys in the mediation conference.

You may choose to skip the steps of conflict resolution panel and mediation; however, these processes are typically very successful in resolving disputes. At these conferences, you retain a greater degree of control in designing a resolution to your disagreement than you have when you submit the matter to a hearing officer for a decision.

c. Due Process Hearing

A hearing is a formal procedure before a hearing officer which includes documentary evidence and witnesses, and can be time consuming and expensive. The hearing officer makes a final decision on the issues submitted to him or her for resolution. You may request a hearing by writing to the Office of Administrative Hearings at the address above. The school district also has the right to request a hearing. During the hearing procedures you and the district have the following rights:

- to obtain a due process hearing date within a specific time after a written request is received.
- to be represented by an advocate or an attorney
- to present evidence, question, cross-examine, and require the attendance of witnesses.
- to obtain a word-for-word record of the proceedings at the hearing.
- to obtain a written report of the findings of the hearing and the decision reached.
- to appeal the final administrative decision by the hearing officer in court.

d. Complaints

If you believe the district has violated a state or federal law or regulation, you may file a complaint. Complaints are resolved through the district's Uniform Complaint Procedures, available from your school offices or the district's Legal Adviser. Complaints will be investigated either by the district or by the California Department of Education. Complaints are filed by writing to the district's Legal Adviser or to the director, Special Education, at the district's administration building or to the Special Education Division at the California Department of Education. The state agency is required to resolve the complaint within 60 days.

ii. Section 504

See page 16.

iii. Americans with Disabilities Act (ADA)

The American with Disabilities Act (ADA) of 1990 guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, state and local government services, and telecommunications. Under the ADA, disabled students must be provided with reasonable accommodations in educational activities and educational settings. For example, a service may need to be provided in an accessible location. In addition, if the special education program of a disabled student is community-based and involves job-training or job placement, that student is entitled to reasonable accommodations to perform essential functions of his or her job.

iv. No Child Left Behind (NCLB)

The federal No Child Left Behind Act or NCLB of 2001 was designed to provide all children an equal opportunity to obtain a high quality education and reach state academic achievement standards. It plans to meet the educational needs of low-achieving students (including children with disabilities) by providing access to effective, scientifically based strategies, challenging academics and highly qualified teachers.

NCLB provides funding for states to design and implement annual, standardized, state-wide tests for all children, with an expectation of adequate yearly progress. The law prohibits schools from excluding students with disabilities from these tests. The test results are a valuable way for teachers and parents to determine whether students are learning or whether they need more help.

Most disabled students are expected to take the same tests as their non-disabled peers, but, in certain circumstances, they can take them with either accommodations or modifications. Accommodations enable the student with a disability to access the test but do not alter what is being tested, (e.g. giving a blind student a test in Braille). Modifications also enable the student with a disability to access the test, but they fundamentally alter what is tested (e.g. allowing the student to use a dictionary). Students with the most significant cognitive disabilities can take alternate assessments.

In an effort to hold states and schools more accountable for student progress, states must issue annual report cards that show student achievements on these tests. Scores of various subgroups must also be reported, including those of disabled students. Individual districts are also required to publish similar report cards for all their schools.

v. Family Educational Rights and Privacy Act (FERPA)

FERPA is a federal law that protects the privacy of student education records. It allows parents the right to inspect educational records, prohibits disclosure of confidential records in many circumstances, and gives parents the right to challenge inaccurate contents of these records.

vi. California Education Code

Each state that receives federal funding must adhere to these federal guidelines, but states may also add their own provisions. Historically, California has had standards and guidelines that were occasionally more protective of students than the federal standards. In October 2005, however, the state legislature voted to adopt complete conformity with the terms and provisions of IDEA 2004.

Corresponding state laws regarding special education can be found in the California Education Code.

www.leginfo.ca.gov/cgi-bin/calawquery?codesection=edc&codebody=&hits=20

In California, Special Education Local Plan Areas or SELPAs are also involved in service delivery. A SELPA is a single district or consortium of districts that is large enough to be able to provide a comprehensive range of special education programs and services for students with disabilities. Member districts may not have enough students to provide these specialized services on their own. For example, SELPAs are particularly helpful in serving students with low incidence disabilities, such as those who are orthopedically impaired, blind or deaf. Besides sharing resources, SELPAs also provide staff development and parent training. Each SELPA is headed by a director, whose role can range from consultant to ombudsperson to problem solver for parents of special education students. MBUSD is part of the 12-district Southwest SELPA, which is one of 116 in the state.

vii. California's Lanterman Act (Regional Centers)

In 1969 and 1973 Assemblyman Frank D. Lanterman introduced landmark legislation to create the regional center network of services through the State of California to serve individuals with developmental disabilities, including mental retardation, cerebral palsy, epilepsy, autism, and other conditions. In highlighting the significant impact of these individuals on their families and communities, the legislation cites the state's responsibility for care and support through private, non-profit community agencies, termed regional centers. The Lanterman Developmental Disabilities Services Act solidifies the rights of persons with developmental disabilities and charges the regional center with advocacy for, and protection of, these rights. These rights include:

- the right to treatment and habilitation services that meet individual developmental needs, such services to be provided in the least restrictive setting;
- the right to live as normal, productive, and independent a life as possible;
- the right to be provided a full measure of dignity, privacy, and humane care; and
- the right to participate in an appropriate, publicly-supported educational program.

Regional Centers provide information, programming, advocacy and support for the developmentally disabled throughout their lives. For school age children they may provide services and supports not available through the school district. See *Community Resources* section.

Getting Help

If you have concerns about your child's education, you should first speak with your child's teacher(s). Other personnel at the school site may also be helpful, such as the school counselor and the principal or assistant principal. In addition, staff members in the district office are available to assist you.

PERSON	ADDRESS	TELEPHONE	EMAIL ADDRESS
Director, Special Education: directs special education programs and special education testing programs; plans staff development for special education staff; acts as MBUSD representative for Southwest Special Education Local Plan Area (SELPA); directs extended school year for special needs students.			
Ellyn Schneider	Manhattan Beach Unified School District 325 S. Peck Avenue Manhattan Beach, CA 90266	(310) 318-7345 Ext. 5913	eschneider@manhattan.k12.ca.us
Coordinator: coordinates non-public agency and non-public school services; assists director of Special Education			
Linda Watts, Elementary, Middle and High School	Manhattan Beach Unified School District 325 S. Peck Avenue Manhattan Beach, CA 90266	(310) 318-7345 Ext. 5958	lwatts@manhattan.k12.ca.us
Preschool Director: supervises all pre-school classrooms and programs; consults with and assists special education staff.			
Kim Johnson, Preschool	Manhattan Beach Unified School District 325 S. Peck Avenue Manhattan Beach, CA 90266	(310) 318-7345	kjohnson@manhattan.k12.ca.us
Program Specialist: credentialed teacher on special assignment; consults with and assists special education staff; plans programs.			
Kim Johnson, Elementary Donna Gallagher, High School	Manhattan Beach Unified School District 325 S. Peck Avenue Manhattan Beach, CA 90266	(310) 318-7345	kjohnson@manhattan.k12.ca.us dgallagher@manhattan.k12.ca.us
Psychologists/DIS counselors/Student Study Team:			
Contact your school directly			

Community Resources

It is important to remember that as a parent, you are not alone. Our community offers a wide variety of public and private agencies and organizations ready to assist children with disabilities and their families. The following is a list of some of them. Services include diagnosis, testing, counseling, therapy, and support. Services from some of these agencies and organizations are free, while others may have a sliding fee scale. Some have websites or brochures that describe their services.

Communicative Disabilities

California State University at Long Beach Speech, Language & Hearing Clinic 1250 Bellflower Blvd. Long Beach CA 90804 (562) 985-4594 www.csulb.edu/web/colleges/chhs/ada/cd/clinic.htm	Orange County Deaf Equal Access Foundation 6022 Cerritos Avenue Cypress CA 90630 (714) 826-9793 (voice and TTY) www.ocdeaf.org
Greater L.A. Council on Deafness (GLAD) 933 S. Glendora West Covina CA 91790 (323) 478-8000 (voice and TTY)	Scottish Rite Clinic for Childhood Language Disorders 855 Elm Avenue Long Beach CA 90813 (562) 436-7787
John Tracy Clinic 740 E. Wardlow Road Long Beach CA 90807 (562) 426-2257 www.jtc.org/longbeach	

Developmental Disabilities

Association for Retarded Citizens - South Bay 710 Pier Avenue Hermosa Beach CA 90254 (310) 318-9343	Hillside Enterprises 4519 E. Steams Street Long Beach CA 90815 (562) 597-4396
Harbor Regional Center (HRC) 21231 Hawthorne Blvd. Torrance CA 90503 (310) 540-1711 www.harborrc.org	Westside Regional Center 5901 Green Valley Circle, Suite 320 Culver City CA 90230 (310) 258-4000 www.westsiderc.org

Disability Organizations

<p>Autism Society of America California Chapter P.O. Box 8600 Long Beach CA 90808 (562) 804-5556 www.asalosangeles.org</p>	<p>International Dyslexia Association – L.A. Branch P.O. Box 1808 Studio City CA 91614 (818) 506-8866 www.interdys.org</p>
<p>California Chapter of TASH – The Association for Persons with Severe Handicaps (CalTASH) c/o Barbara Marbach Westside Regional Center 5901 Green Valley Circle Culver City CA 90230 (310) 258-4024 www.tash.org/chapters/caltash</p>	<p>Learning Disabilities Association of California (LDA-CA- Orange County Chapter P.O. Box 25772 Santa Ana CA 92799 (714) 547-4206 (714) 646-0133 www.oclda.org</p>
<p>Children / Adults with Attention Deficit Disorders (CHADD) and South Bay/Southern California Chapter (310) 326-2322 www.chaddonline.org/chapters/chadd10G.html</p>	<p>National Down Syndrome Congress 1370 Center Drive, Suite 102 Atlanta GA 30338 (800) 232-NDSC www.ndscenter.org</p>
<p>Cure Autism Now Foundation 5455 Wilshire Blvd, Suite 2250 Los Angeles CA 90036 323-549-0500 www.cureautismnow.org</p>	<p>The Association for Persons with Severe Handicaps (TASH) 29 W Susquehanna Ave. Suite 210 Baltimore MD 21204 (410) 828-8274 www.tash.org</p>

Emotional Disabilities

<p>Family Service of Long Beach 5500 Atherton, Suite 416 Long Beach CA 90815 (562) 493-1496 www.fslb.org</p>	<p>The Guidance Center - Miller Children's Hospital 3711 Long Beach Blvd., Suite 600 Long Beach CA 90807 (562) 595-1159 www.memorialcare.org/miller/services/guidanceCenter.cfm</p>
<p>South Bay Child Guidance Clinic 1617 Cravens Ave Torrance CA 90501 (310) 328-0855</p>	

Legal Resources

<p>California Department of Education Special Education Family Involvement & Partnerships (800) 926-0648 www.cde.ca.gov/sp/se/fp/</p>	<p>Team of Advocates for Special Kids (TASK) 100 W Cerritos Ave. Anaheim CA 92805 (714) 533-8275 www.taskca.org</p>
<p>Mental Health Advocacy Services 3255 Wilshire Blvd., Suite 902 Los Angeles CA 90010 (213) 484-1628</p>	<p>Western Law Center for Disability Rights 919 S. Albany Street Los Angeles CA 90015 (213) 736-1031 www.wlcdr.everybody.org/whatwedo.htm</p>
<p>Protection and Advocacy Inc. (PAI) 3580 Wilshire Blvd., Suite 902 Los Angeles CA 90010 (213) 427-8747 www.pai-ca.org</p>	

Physical Disabilities

<p>Ability First - Long Beach Center 3770 E. Willow Street Long Beach CA 90815 (562) 426-6161 www.abilityfirst.org</p>	<p>Junior Blind of America 5300 Angeles Vista Blvd. Los Angeles CA 90043 (323) 295-4555 www.fjb.org</p>
<p>Blind Children's Center 4120 Marathon Street Los Angeles CA 90029 (323) 664-2153 www.blindcntr.org</p>	<p>Tichenor Lowman Center for Orthopedics Miller Children's Hospital 2801 Atlantic Avenue Long Beach CA 90806 (562) 933-0249 www.memorialcare.org/miller/services/lowman.cfm</p>
<p>Braille Institute / Los Angeles Sight Center 741 N. Vermont Avenue Los Angeles CA 90029 (323) 663-1111 www.brailleinstitute.org</p>	<p>Tichenor Orthopedic Clinic for Children 1660 Termino Avenue Long Beach CA 90804 (562) 597-3696 home.earthlink.net/~tichenorclinic</p>
<p>California Children's Services 9320 Telstar Avenue, Suite 226 El Monte CA 91731 (800) 288-4584 www.dhs.ca.gov/pcfh/cms/ccs/</p>	<p>United Cerebral Palsy 6460 Independence Avenue Woodland Hills CA 91367 (818) 782-2211 www.ucpla.org</p>

Recreation Resources

<p>American Youth Soccer Organization (AYSO) www.ayso18.org (Manhattan Beach – inclusive program) www.ayso34.org (Redondo Beach – VIP program for special needs children)</p>	<p>Manhattan Beach Little League (inclusive baseball) www.mbl.org</p>
<p>Big Fun (swimming and gymnastics program directed by occupational therapists) 3710 S. Robertson Blvd., Suite 225 Culver City CA 90232 (310) 837-7849 www.bigfungymnastics.com</p>	<p>Online Toy Guide for Differently-Abled Kids www.kidsource.com (800) 732-3298</p>
<p>Discovery Toys (personal shopping appointment in child's home at no extra charge) (800) 341-8697 www.discoverytoysinc.com</p>	<p>South Bay Gym for Children (private lessons for special needs children) 4172 Pacific Coast Highway Torrance CA 90505 (310) 378-1988</p>
<p>Inclusive Education and Community Partnership (IECP) 117 Fillmore Ave Oxnard, CA 93035 (805) 985-4808 www.inclusionisbelonging.com</p>	<p>Special Olympics – South Bay Area 3031 Torrance Blvd. Torrance CA 90503 (310) 618-2934 www.sosc-southbay.org</p>
<p>Little League Baseball Challenger Division - Long Beach (division for special needs children) (562) 420-1060</p>	

Therapeutic Resources

<p>AMUSE, The Palos Verdes Music Center (music therapy) 43C Peninsula Center Palos Verdes CA 90274 (310) 377-7838</p>	<p>Pediatric Therapy Network (PTN) 1815 W. 213th Street, Suite 100 Torrance CA 90501 (310) 328-0278 www.pediatrictherapy.com</p>
<p>Banning Pool (adaptive swim lessons) Banning High School 1450 N Avalon Blvd. Wilmington CA 90744 (310) 548-7421</p>	<p>Rancho Rio Verde Riding Club 1000 W Carson St. Long Beach CA 90810 (562) 830-2060 www.ranchoverderidingclub.websiteonline.com</p>
<p>Bee Well Kidz, Inc. 11320 W. Olympic Blvd, Suite 301 Los Angeles CA 90064 (310) 914-5439 www.BeeWellKidz.com</p>	<p>Ride to Fly (therapeutic horseback riding) PO Box 4991 Palos Verdes CA 90274 (310) 541-4201 www.ridetofly.com</p>
<p>California Pools of Hope (water rehabilitation) 6801 Long Beach Blvd. Long Beach CA 90805 (310) 537-2224</p>	<p>U.S. Adaptive Recreation Center P. O. Box 2897 43101 Goldmine Drive Big Bear Lake CA 92315 (909) 584-0269 www.usarc.org</p>
<p>CSULB Perceptual Motor Development Clinic 1250 Bellflower Blvd. Long Beach CA 90804 (562) 985-7969</p>	

Other Resources

<p>Disabled Resources Center 2750 E. Spring Street, Suite 100 Long Beach 90806 (562) 427-1000</p>	<p>Southern California Regional Occupation Center (SCROC) (Career preparation facility providing job training and employment assistance) 2300 Crenshaw Boulevard Torrance CA 90501 (310) 224-4230</p>
<p>Exceptional Children's Foundation 8740 W Washington Blvd. Culver City CA 90232 (310) 204-3300</p>	<p>Southwest Special Education Local Plan Area (SELPA) Family Resource Center 1401 Inglewood Ave Redondo Beach CA 90278 (310) 798-2965</p>
<p>National Parent Network on Disabilities 1727 King Street, Ste. 305 Alexandria VA 22314 (703) 684-6763</p>	

Sources for Documents about Disabilities and Special Education

<p>Clearinghouse on Disability Information Office of Special Education & Rehabilitative Services U.S. Department of Education 400 Maryland Ave, SW Washington D.C. 20202 (202) 245-7468</p> <p>www.ed.gov/parents/needs/speced/list.jhtml</p>	<p>National Rehabilitation Information Center (NARIC) 4200 Forbes Blvd., Suite 202 Lanham MD 20706 (800) 346-2742 www.naric.com</p>
<p>ERIC Clearinghouse on Disabilities and Gifted Education Council for Exceptional Children (CEC) 1110 N. Glebe Rd, Suite 300 Arlington VA 22201 (703) 264-9494</p> <p>www.ericcec.org</p>	<p>Protection & Advocacy, Inc. (PAI) 100 Howe Avenue Suite 185-N Sacramento, CA 95825 916-488-9955 800-776-5746 800-719-5798 TTY www.pai-ca.org/</p>
<p>National Center for Learning Disabilities www.nclld.org (Includes "Parent Guide to the Individuals with Disabilities Education Act")</p>	<p>The George Washington University HEATH Resource Center (national clearinghouse on post-secondary education for individuals with disabilities) 2121 K Street NW, Suite 220 Washington D.C. 20037 (800) 544-3284 www.heath.gwu.edu</p>
<p>National Dissemination Center for Children with Disabilities P.O. Box 1492 Washington D.C. 20013 (800) 695-0285 (voice and TTY) www.nichcy.org</p>	

Internet Resources

www.advocatesforspecialkids.org - advocates for special needs children with special education focus, based in Manhattan Beach, CA

www.aetonline.org – Association of Educational Therapists

www.agsnet.com - publisher of text books with low reading level but high interest level, for e.g. middle school texts written at 3rd - 4th grade reading level

www.autism-society.org - Autism Society of America

www.bookrags.com – publisher of literature study guides, book notes and essays

www.cde.ca.gov – California Department of Education

www.disabilityaccessinfo.ca.gov – California Disability Access Information

www.ed.gov - U.S. Department of Education

www.ed.gov/about/offices/list/osers – U.S. Department of Education, Office of Special Education and Rehabilitative Services

www.fape.org – The Families and Advocacy Partnership for Education, funded by U.S. Department of Education, aims to inform parents, administrators, and service providers about Individuals with Disabilities Education Act (IDEA)

www.ldonline.org – Learning Disabilities online

www.mbusd.org - Manhattan Beach Unified School District

www.pai-ca.org – Protection and Advocacy Inc. – organization that aims to advance human and legal rights of people with disabilities.

www.rehab.cahwnet.gov - California Department of Rehabilitation

www.wrightsllaw.org - website with information about special education law and advocacy for children with disabilities

Sources

1. <http://www.bcoe.org/selpa/SELPA%20>
2. <http://www.nichcy.org/pubs/genresc/gr3.thtm#categories>
3. "A Parent/Guardian Reference Guide." Community Advisory Committee, Riverside County Special Education Local Plan Area. Riverside, CA, 2003.
4. "A Parent's Guide to Special Education Services." (Including Procedural Rights and Safeguards.) Los Angeles Unified School District. Los Angeles, CA, 1997.
5. "Serving Students with Disabilities. A Handbook for Parents." San Diego City Schools Special Education Programs Division. San Diego, CA, 1997.
6. "Special Education Parent Handbook: A Guide for Parents of Students Ages 5 through 21." Office of Special Education, Long Beach Unified School District, Long Beach, CA, 1997.
7. "Special Education Parent Handbook." Community Advisory Committee, South Orange County Special Education Local Plan Area. Orange County, CA, 2001.