

County of Mendocino
Grand Jury



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Appendix 2

Special Education Information



Special Education Information

The Early Start Infant Program is a federally funded program that provides assessment and intervention services to children from birth through two years of age. The philosophy of the Early Start program is to provide quality, comprehensive, family-centered services that address the unique circumstances of each baby's special needs. Assessment and intake are provided by an inter-agency, multi-disciplinary team to determine eligibility for services. Parents are a critical part of the Individual Family Service Plan team that helps determine eligibility and recommends services. Services provided to the infant and the family may include: vision services, audiological services, assistive technology, occupational therapy, physical therapy, service coordination, special instruction, home visits, developmental programs, transportation, speech therapy, and respite.

All parties (the Local School Board, students, parents, teachers and administrators), in the educational process have specific rights spelled out in Individuals with Disabilities Education Act, (IDEA) law, which was enacted by federal legislation in 1975, and amended in 1997, and applies to children ages three to twenty-two. It provides that a child with a disability is to have a "free appropriate public education", (FAPE). IDEA expanded the definition of disabilities. Children with disabilities or special needs are now not only defined as the blind, the deaf, the crippled and the mentally deficient; they are also children with reading, math, listening and speech disorders amongst other conditions -- thirteen categories in all. IDEA requires the delivery of special education services to an identified student through the use of an Individualized Education Plan, (IEP) that is tailored to his or her needs. IDEA requires that all children with disabilities in the state of California must be identified, located and evaluated by trained and knowledgeable personnel.

Once a child has been assessed as one with special needs, a team is assembled and an IEP is created. The IEP team participants may vary, but a parent must always be a member of the IEP team, unless the parent chooses not to attend. The student may be an active participant in the IEP. Parent participation in eligibility and placement decisions is encouraged by IDEA regulations. Parents may choose to have an advocate present at the IEP meetings. An IEP meeting must be scheduled at a mutually agreed upon time and place. The Parent/legal guardian or surrogate parent must receive prior notification of each IEP meeting at least 10 days in advance. An IEP must be in place for the student, within 30 days of student identification.

The educational team must consider specific factors when developing the student's IEP. These factors include behavioral issues and the student's specific communication needs. For example, does the student have a communication impairment? Is the student blind or visually impaired? Is the student deaf or hearing-impaired? In addition, the IEP should specify the special education and appropriate behavior interventions and



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strategies for the student. It should also determine which supplementary aids and services might be needed for the student. It is not enough that a student has one of these disabilities. There must also be evidence that the student's disability adversely affects his educational performance.

The plan covers more than academics. If other services are necessary for the child to benefit from Special Education, the school district must provide them as part of the plan, to provide the "least restrictive environment" to the student. Some examples of individualized and adapted services the district may provide are transportation, counseling, physical therapy and school health services. The practice known as mainstreaming or providing a fully inclusive environment, allows the student to participate in the everyday life of the school, as a member of the general student population. IDEA encourages mainstreaming. The IEP could also mean sending the student to a special school in another city at the school district's expense, if that is what an appropriate education calls for. All this is incorporated into the formal IEP document, which must have the parent's approval and is the essence of Special Education service(s) delivered by the public school for a specific student.

A copy of the IEP must be given to the parent. Parents have a right to inspect, review, and obtain copies of their children's educational records. Student records are held to be strictly confidential.

Once an IEP has been agreed to and signed off it may not be changed by any individual without the entire IEP team meeting and agreeing to a change. Any member of the team, including the parent, has a right to request such a meeting if one feels it is necessary. Individual IEPs should include specific measurable annual goals, including benchmarks or short-term objectives. The IEP requires that the student must be tested on an annual basis to determine if goals are being met, not reached, being exceeded, or need to be adjusted in specific areas.

Special Education Local Plan Areas or SELPAs, were created by the State of California to monitor the development of instructional programs that meet the individual handicapped student's learning needs and enables the student to be educated in the least restrictive environment. SELPAs are each tailored to the community they serve, and are charged with the oversight of special education services in the local area. Mendocino County SELPA provides special education and related services within the county geographic area. SELPA is a consortium made up of the 12 school districts in Mendocino County plus the County Office of Education, and employs the director of the Mendocino County SELPA. The Superintendents of each school district plus the Mendocino County Superintendent make up the governing board of the Mendocino County SELPA. Mendocino County SELPA allocates State and Federal funds to augment the costs of special education programs to local districts based on the Local Plan for special education and allocation agreements as determined by the SELPA Policy Council. The SELPA Director facilitates the meetings, monitors and advises all members of the SELPA, including the Mendocino County office of education (a de facto additional school district), in his role as keeper of Special Education. When disputes



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arise between the parent and school district, the SELPA should be viewed as a neutral third party, representing both evenhandedly.

If a parent disagrees with the IEP or district actions regarding the special education student, IDEA requires the State of California to provide and pay for a voluntary mediation system for parents and schools. This mediation system includes a qualified and impartial mediator. This measure is directed at reducing litigation costs and the adversarial posturing that sometimes occurs between schools and parents of students with disabilities. In addition, the parent can request a due process hearing and a review from the State educational agency, if applicable, who must issue a written report of findings within 60 days of receipt of the complaint. A decision of the State educational agency can be appealed in either State or Federal court.

There are specific rules regarding the suspension and expulsion of students with IEPs. Generally, a student with a disability may be suspended or placed in an alternative educational setting to the same extent that these options apply to students without disabilities. If a special education student is in such a placement for more than ten days, an IEP meeting must be held to consider the appropriateness of the student's current placement and the extent to which the disability is the cause of the misconduct.

Public domain references:

http://www.mcoe.k12.ca.us/cgi-bin/Internal/Webedit/page_display.mp?dept=selpa&page=gen_info
<http://www.calstat.org/learningCenter/index.html>
<http://www.capta.org/>
<http://www.csba.org/GR/IDEA.pdf>
<http://www.nolo.com/>
<http://www.nsba.org/site/index.asp>