

QUESTIONS & ANSWERS

Special Education and Related Services



Question: Who participates in developing the IEP?

Answer: The IEP team may be comprised of special and general education teachers, support staff, LEA representative, related services providers, and parents. The team meets to determine the services best suited to the needs of the student. The student will also be invited to attend, if appropriate. In particular, students 16 years of age and older must be invited to participate in their IEP team meetings whenever transition services will be discussed.

Question: What rights do the parents or guardians have in the decisions that are made about the student?

Answer: The parents/guardians have the right to participate in the decisions made by the IEP team and to give informed written consent before the IEP is implemented. Once a student reaches the age of majority (18), the rights accorded to the parents transfer to the student.

Question: Where and how will the educational services be provided?

Answer: It is the policy of the Desert/Mountain SELPA and the Desert/Mountain Charter SELPA that, to the maximum extent possible, students with exceptional needs will be educated with students who do not have exceptional needs. Special schools and classes are available within the Desert/Mountain SELPA and the Desert/Mountain Charter SELPA in the event that it is not possible to provide specialized educational services at the student's school of residence. The location of services is determined at the IEP meeting.

Question: How can parents participate in the review and/or development of special education programs?

Answer: The Desert/Mountain SELPA and the Desert/Mountain Charter SELPA Community Advisory Committee (CAC) is comprised of parents, students, teachers, paraeducators, education specialists, agencies, and individuals with exceptional needs who are working toward the most appropriate education for individuals with special needs. CAC meetings are held four times per school year. For more information on CAC, please visit the Desert/Mountain SELPA website at www.dmselpa.org

Question: What is a SELPA?

Answer: The acronym SELPA refers to the Special Education Local Plan Area. SELPAs are dedicated to the belief that all students can learn and that students with special needs must be guaranteed equal opportunity to become contributing members of society. SELPAs facilitate high quality educational programs and services for students with special needs and training for parents and educators. The SELPAs collaborate with county agencies and LEAs to develop and maintain healthy and enriching environments in which students with special needs and families can live and succeed.

PARENT RIGHTS

As a parent, YOU have the right to:



- A free appropriate public education for an individual with exceptional needs.
- Refer your child (birth through age 21) for an assessment to determine eligibility for special education instruction and services.
- Receive all information in clear, concise language, and when feasible, in the native language or other mode of communication of the home.
- Receive written notice explaining the types of assessments to be conducted, the necessity and objectives for the proposed assessment, and be given 15 days to arrive at a decision to give consent for the assessment. The assessment may begin immediately upon receipt of the consent by the LEA and must be completed and an IEP developed within 60 days of the date the LEA receives your consent. The LEA must also provide reasonable prior written notice that your child will be aging out (reaching age 22) or graduating from high school with a regular high school diploma because graduation from high school and/or reaching age 22 means that your child will no longer be eligible for special education services under IDEA 2004.
- Revoke your consent to initial provision of services. Your revocation must be in writing and cannot be retroactive. Once you revoke consent to the initial provision of services, the LEA will provide written notice before ceasing the services for your child. If in the future you seek re-enrollment in special education services for your child, the assessment will be treated as an initial evaluation.
- Present information, including the results of a private evaluation(s), to the IEP team in person or through a representative.
- Provide prior consent to the implementation of an individualized education program resulting from an assessment, and to have your child's psychological assessment conducted and interpreted by a person trained to evaluate cultural and ethnic factors.
- Obtain, at public expense, one Independent Educational Evaluation (IEE) from a qualified specialist, as defined by SELPA/LEA criteria, if you disagree with an assessment obtained by the LEA within the past two years. You also have the right to have such assessment made part of the record and considered with respect to the provision of a free appropriate public education and as evidence in a due process hearing. However, the LEA may choose to initiate due process to show that its assessment is appropriate. Information about where an IEE may be obtained is available from your LEA or SELPA office.
- Receive prior written notice before a LEA proposes or refuses to initiate or change the identification, assessment, or educational placement of your child, or the provision of a free appropriate public education.

PARENT RIGHTS

As a parent, YOU have the right to:



- Be informed of the purpose of an IEP meeting together with an explanation of the assessment, recommendations, and rationale for the recommendations, and to be informed of all program options, both public and nonpublic.
- Participate in each meeting to develop, review, or revise an IEP, to give consent prior to special education services and placement, and to permit student participation in the IEP meeting, when appropriate, and to electronically record on an audio recorder the proceedings of an IEP meeting upon 24-hour notification to the IEP team.
- Examine all educational records within five days of either a written or oral request and prior to an IEP meeting or administrative hearing, and to obtain copies, including copies of the IEP, the findings of the assessment, recommended educational decisions and the reasons for those decisions.
- Have your child educated in an environment that will permit the interaction appropriate with nondisabled peers.
- An immediate interim placement of your child when transferring from a LEA in which the last enrollment was in a special education program and to receive final recommendation, within 30 days, regarding the continuation of the special education services.
- Request an IEP team meeting to be held within 30 days of the LEA's receipt of a written request to review, or revise the IEP of your child.
- Appeal the decision of a due process hearing by filing a civil action in state or federal court within 90 days of the decision.
- Petition the court for award of reasonable attorney's fees and related costs if you are the prevailing party in a due process hearing or subsequent court action.

The local education agency (LEA) has the primary responsibility for ensuring that a free appropriate public education (FAPE) is available to students in the LEA who are eligible for special education. For a list of participating LEAs in the Desert/Mountain SELPA and the Desert/Mountain Charter SELPA, contact the SELPA office at (760) 552-6700 or visit our website at www.dmselpa.org. A detailed copy of the Notice of Procedural Safeguards/Parent's Rights can also be obtained from our website or by contacting our office.

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Rev. 9/2015

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Special education is specially designed instruction, at no cost to the parent, to meet the unique needs of a student with a disability when those educational needs cannot be met with modification of the general education program. It also includes related services that may be needed to enable a student to benefit from his or her specially designed instruction.

Question: What programs and services are provided through special education?

Answer: Special education support services may be provided in the general education classroom or in a separate class and may include related services. Related services include: speech and language therapy, audiology, adapted physical education, physical and occupational therapy, counseling services, specially designed vocational education, and other services which may be identified by the IEP team as necessary for the student to benefit educationally from his or her instructional program.

Question: How do you get help when an "exceptional need" is suspected?

Answer: Contact your local education agency (LEA) by mail or telephone. A student study team meeting, or LEA meeting will be scheduled to discuss your student's educational needs.

Question: What education must be provided for the individual with exceptional needs?

Answer: Federal and state laws require that all students be provided with an appropriate education in the least restrictive environment.

Question: What is involved in the evaluation/assessment process?

Answer: Assessments are conducted in the areas of suspected disabilities. Qualified professionals observe, interview, and use testing procedures appropriate for each student. Parental approval is required prior to assessment, and parents will be provided a copy of the assessment results.

Question: Is every individual who is evaluated placed in a special education program?

Answer: Individuals identified as having educational needs are provided with special education services only after the IEP team has determined eligibility and parental consent for special education services has been obtained.

Question: What is an IEP?

Answer: An IEP is an "Individualized Education Program." It is a written document which establishes the following for the individual's educational needs: present levels of performance, annual goals, placement, support services needed to implement program goals, individuals responsible for support services, supplementary aids and services needed to complete the prescribed course of study, including physical education as appropriate. For students 16 years of age and older, the IEP also contains transition goals and services.