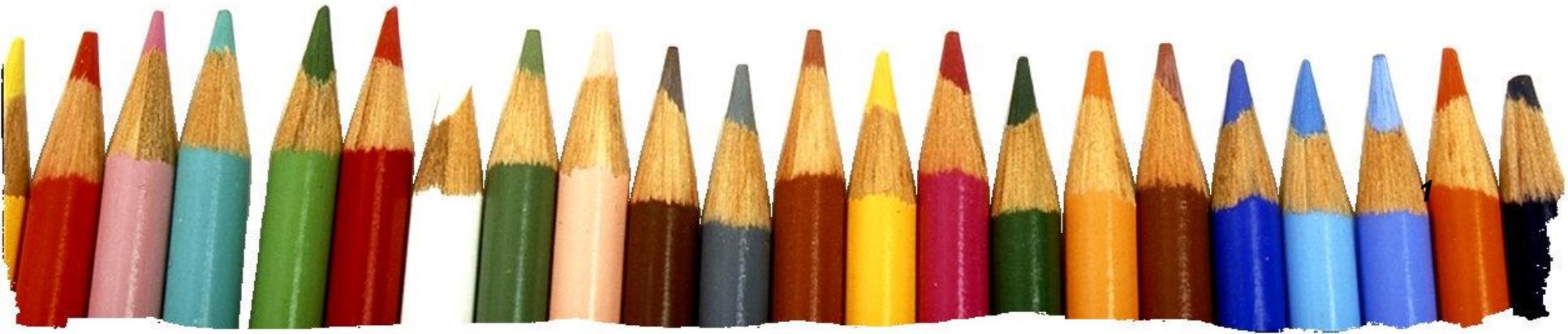


The ABC's of the IEP

Understanding the Process

Presented by: State Council on Developmental Disabilities, San Bernardino Regional Office

Adapted from materials by; SCDD, Disability Rights California, Special Education Rights and Responsibilities Manual, Office of Clients' Rights Advocacy, California Education Code, and Exceptional Parents Unlimited publications



Things You Should Remember:

- **Rights in the IEP Process**
- **Evaluations**
- **Compliance Complaints**
- **Due Process Hearing**
- **Resources**



REFERENCES

Legal Codes:

- California Code of Education (Cal. Ed. Code)
- Federal Code of Regulations (C. F. R.)
- United States Code (U. S. C.)
- California Code of Regulations (C. C. R.)

Eligibility

- (1) Hearing Impaired;
- (2) Both Hearing and visually impaired;
- (3) Speech or language impaired;
- (4) Visually impaired;
- (5) Severely orthopedically impaired;
- (6) Impaired in strength, vitality, or alertness due to chronic or acute health problems (other health impaired);

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Eligibility cont.

- (7) Exhibiting autistic-like behaviors;
- (8) Mentally Retarded;
- (9) Seriously emotionally disturbed;
- (10) Learning disabled;
- (11) Multiple disabilities; and
- (12) Traumatic brain injury.
 - *The Law:* 34 C.F.R. Sec. 300.8; 5 C.C.R. Sec. 3030



The IEP Document

What *MUST* be included in an IEP?

- Eligibility
- Present Level of Performance (PLOP)
- Goals and Objectives
- Related Services
- Accommodation and Modifications
- Behavior Plan
- Individualized Transition Plan (if age appropriate)
- Classroom Placement

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The IEP

Request:

- An IEP meeting **may** be requested anytime
- Request **must** be done in writing
- Meeting should occur within 30 days
 - *The Law:* Cal. Ed. Code § 56343.5
 - **Note:** Vacation days do not count

The IEP

An Interpreter:

- You have the **right** to one if it is necessary for you to participate in the IEP meeting.
- *The Law: 34 C.F.R. § 300.345 (e)*
- You also have the **right** to documents in your native language.



The IEP

The Members:

Who must be present?

- Parents or Guardian
- At minimum the child's teacher:
 - Special Education
 - General Education Teacher (if child participates in general education classes)
- Administrative representative
- Anyone who has done an evaluation on the child

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Members of the IEP Team cont.

- Other individuals from the District – whom have information re: child, if appropriate.
 - *The Law:* 20 U.S.C. § 1414 (d) (1) (B); 34 C.F.R. § 300.344; Cal. Ed. Code § 56341

NOTE- IEP Team members may be excused from the meeting if the meeting will not discuss the specialization of the member or if the member provides written information. It is necessary for agreement for the members excusal.

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The IEP

Audio Recording:

- **Right** to audio record an IEP meeting.
 - *The Law*: Cal. Ed. Code § 56343.5
 - **NOTE**: Written notification **must** be provided to the school 24 hours before IEP meeting.

Signature/Consent:

- Parent Does Not need to sign IEP at end of meeting.
 - **NOTE**: Consent can be provided for only part of IEP or for certain services can begin.

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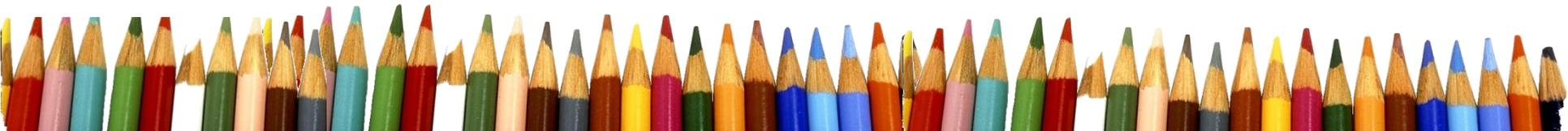
Evaluations

- You should request an IEP meeting.
- If the IEP Team is in agreement, consent page/form **MUST** be signed.
- From date of signed consent form, District has 60 days to do evaluation and schedule an IEP meeting to review the evaluation results.



Evaluations

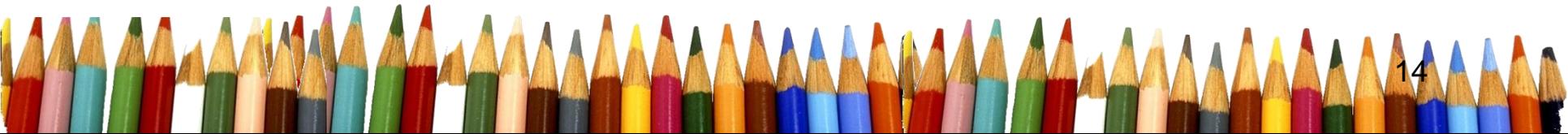
- **Right** – evaluation must be in parents native language.
 - *The Law:* 20 USC § 1414 (b) (4); 34 CFR § 300.562
- If parent is **not** in agreement with results, have the **right** to request an Independent Evaluation.
 - *The Law:* 34 CFR § 300.502; Cal. Ed. Code § 56329(b)



Compliance Complaints

- If the child's IEP is not being implemented, compliance complaint should be submitted

**Complaint Management & Mediation Unit
Special Education Division/CDE
1430 N Street, Suite 2401
Sacramento, CA 95814**



Compliance Complaints

- Must be written and accompanied by a copy of the child's IEP.
- Filed within 1 year of violation
 - *The Law: 34 CFR Sec. 300.153(c); Cal. Ed. Code Sections 56043(x) & 56500.2(b).*
- *CDE has 60 calendar days from date of complaint to investigate and resolve case.*
 - *The Law: 34 CFR § 300.661; 5 CCR § 4631(a)*



Due Process Hearing

If parents and District do not agree regarding eligibility, appropriateness of program or necessary services for the child, either parties can request a due process hearing.



Due Process Hearing

- Parent may indicate at IEP they are going to request a due process hearing.
- Must send request to:

Office of Administrative Hearings/Special Education Unit

2349 Gateway Oaks Drive, Suite 200

Sacramento, CA 95833-4231

(916) 263-0880 *tel* (916) 376-6319 *fax*

- Must send copy of hearing request to District

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Legal Assistance

- Office of Clients' Rights Advocacy:
(909) 383-1133
- Disability Rights California:
(800) 776-5746



Other Resources

- SCDD, San Bernardino Regional Office
685 East Carnegie Drive, Suite 125
San Bernardino, CA 92408
(909) 890-1259
- Team of Advocates For Special Kids (TASK)
(951) 328-1200 (Riverside Co.)
 - Exceptional Parents Unlimited (EPU)
(909) 890-3388 (San Bernardino Co.)



QUESTIONS

