

The Oro Grande School District is fully committed to providing a Free, Appropriate Public Education for all students with special needs in the Least Restrictive Environment (LRE). Placement and services for students with disabilities are based on assessment results in alignment with a student's unique needs as determined by an Individualized Education Program (IEP) Team during the IEP process. Below are questions and answers pertaining to Special Education.

WHAT IS SPECIAL EDUCATION?

Special Education is instruction that is specially designed to meet the unique needs of students who have disabilities. The definition of Special Education comes from the Individuals with Disabilities Education Act (IDEA). This law gives eligible students with disabilities the right to receive special instruction and services that are specially designed to:

- meet their unique needs
- assist students to learn the information and skills necessitated to access the General Education curriculum.

WHO IS ELIGIBLE FOR SPECIAL EDUCATION?

Students with disabilities, who need Special Education and related services, and are found eligible when they meet the IDEA definition of a “child with a disability”. There are [fourteen \(14\) categories of disabilities](#) under which a student may be found eligible for Special Education and related services. These categories are listed below:

Autism	Multiple Disabilities
Deafness	Orthopedic Impairment

Deaf-Blindness	Other Health Impairment
Developmental Delay	Specific Learning Disability
Emotional Disturbance	Speech/Language Impairment
Hard of Hearing/Hearing Impairment	Traumatic Brain Injury
Intellectual Disability	Visual Impairment

HOW IS A STUDENT DETERMINED TO BE ELIGIBLE FOR SPECIAL EDUCATION?

The decision about the student’s eligibility for Special Education services is based upon whether the student has one or more disabilities within the aforementioned fourteen (14) disability categories listed for eligibility. This decision will be made after an assessment plan has been completed and signed by the parent and/or educational rights holder, which will be accompanied by a Notice of Procedural Safeguards has been completed, and the results are available through the IEP process with an IEP team determining the eligibility.

Parents are part of the Individualized Education Program (IEP) team who decide a child’s eligibility for Special Education. The IEP team will discuss all information gathered during the assessment and decide if the student meets the definition of a “child with a disability.” If so, the student will be deemed eligible for Special Education and related services. If the student is found eligible, the parent and Oro Grande School District will work together to design an IEP for the child. An IEP is a written document that describes the educational program designed to meet a child’s individual needs.

WHAT HAPPENS IF THE STUDENT IS NOT FOUND ELIGIBLE FOR SPECIAL EDUCATION?

The IEP team reviews the assessment results and determines whether or not the student is eligible for Special Education programs and related

services. If it is determined that the student is not eligible, and the parent disagrees with this decision, Oro Grande School District will provide information to the parent as to what the parent can do under IDEA.

WHAT HAPPENS IF A STUDENT IS FOUND ELIGIBLE FOR SPECIAL EDUCATION, BUT THE PARENT DOES NOT AGREE?

If a student is found eligible for special education and related services and the parent disagrees with that decision, or if the parent does not want his/her child to receive Special Education and related services, the parent has the right to decline those services. The school may provide the student with Special Education and related services only with parental consent.

WHAT HELP IS AVAILABLE IF A STUDENT IS HAVING LEARNING OR OTHER PROBLEMS IN SCHOOL?

If a student is having a difficult time with learning or parents have observed other problems related to their child's educational performance, parents or person with a concern should contact the Principal or Assistant Principal or Teacher of their child's school and describe the concerns about their child's educational performance. It may be appropriate to have a Student Study Team (SST) meeting, with the parent as an important member. The purpose of a SST meeting is to review the student's strengths, needs, and possible interventions. Typically, prior to referring a student for a Special Education assessment, Oro Grande School District will first consider and attempt to exhaust all of the resources within the General Education program.

However, if the school thinks that a student may have a disability or disabilities, then Oro Grande School District shall evaluate that student for Special Education eligibility at no cost to the family. The school must ask for parental permission and receive written consent through an assessment plan before it may evaluate the student. Once that consent is obtained, the evaluation must be conducted and completed within 60 days.

DOES THE SCHOOL NEED PARENT CONSENT TO IMPLEMENT THE IEP?

Yes. The school must obtain informed written consent from the parent before the initial provision of Special Education and related services for their child and must make reasonable efforts to obtain that consent. If parents do not respond to the request for consent for the initial provision of Special Education and related services or refuse to give consent, the district may not override the lack of consent and implement the IEP and may not provide Special Education services to the student.

MAY A PARENT CANCEL SPECIAL EDUCATION AND RELATED SERVICES FOR HIS OR HER CHILD OR REVOKE CONSENT AFTER INITIALLY GIVING IT?

Yes. A parent may cancel Special Education and related services or revoke consent for the continued provision of Special Education and related services. Once consent is revoked by the parent, Oro Grande School District may no longer provide Special Education and related services to the student. This is considered a “revocation” of services. It is important to note, however, that if a parent declines or cancels Special Education for his or her child and later decides to reverse this decision, the evaluation process must start all over.

CAN A STUDENT’S IEP BE CHANGED?

Yes. At least once a year a meeting must be scheduled to review the student’s progress and develop an annual IEP. However, the parent does not have to wait for an annual review. The parent (or any other team member) may ask to have the student’s IEP reviewed at any time. This would allow the parent and school to review the student’s educational program and change it as necessary. Upon request for an IEP, the team will have 30 days to convene the meeting.

CAN THE IEP BE CHANGED WITHOUT HOLDING AN IEP MEETING?

Yes. If the parent and school want to change the student’s IEP after the annual IEP meeting, both parties may agree not to convene an IEP

meeting. Instead, the parent and school will develop a written document that will amend the student's IEP. If an IEP is changed, all IEP team members will be informed of the changes.

DOES THE IEP MEETING HAVE TO BE IN PERSON?

No. When holding an IEP meeting, the parent and school may agree to use other means of participation, as long as there is a mutual agreement. For example, some members may participate by conference call.

MAY A TEAM MEMBER BE EXCUSED FROM ATTENDING AN IEP MEETING?

Yes. Oro Grande School District views the excusal of an IEP team member as an exception to only be utilized under certain circumstances and only with the consent (prior to the meeting) of both the parent or educational rights holder. If the member's area of the curriculum or related service is not going to be discussed or modified at the meeting, then he or she may be excused if the parent or educational rights holder agrees in writing. A member whose area of expertise is going to be discussed or changed at the meeting may be excused under two conditions:

- Parent (in writing) agree to excuse the member; and,
- Excused members give written input about developing the IEP to the parent and the team before the meeting.

IF A STUDENT IS ELIGIBLE FOR SPECIAL EDUCATION SERVICES, WOULD HE OR SHE PARTICIPATE IN GENERAL EDUCATION SCHOOL PROGRAMS?

It depends on each student's individual needs. Students receiving Special Education services and related services are to be educated in the Least Restrictive Environment (LRE). LRE is the placement or program that can meet the individual student's needs and does so with a minimal loss of interaction with the General Education class programs.

ARE THERE ANY INDIVIDUALS FOR WHOM ADVANCE WRITTEN NOTICE MUST BE GIVEN TO THE SCHOOL IN ORDER FOR THEM TO BE AT AN IEP?

Yes. If the parent chooses to bring an attorney to an IEP without giving the school advance notice, the Oro Grande School District may elect to reschedule the meeting. It is common practice when there is legal representation on one side for the other side to seek the same representation.

COULD AN IEP BE SCHEDULED VIA AN EMAIL?

Parents can correspond with the school via email if IEP dates need to be changed or confirmed. Oro Grande School District could send out the notification via regular mail or email if this has been previously established as an acceptable means of communication with the parent or educational rights holder.

DOES A TEACHER, THERAPIST, OR ADMINISTRATOR HAVE THE AUTHORITY TO EXTEND TIME FOR THERAPY (E.G., SPEECH) DURING AN IEP?

It is required that the decision is made based upon the student need, that's primarily rooted on the assessment results and in agreement from the IEP team members during the IEP process.

WHAT IS A PARENT'S ROLE IN SPECIAL EDUCATION?

Parents and educators are equal partners in planning for the special needs of each child. Parents participate in the decision making process which

includes initial assessment, planning, placement, and continuing program reviews and evaluations.

WHAT IF A PARENT SPEAKS A LANGUAGE OTHER THAN ENGLISH?

At any meeting that a Parent attends for which he/she needs an interpreter; the Parent must notify the Oro Grande's Student Services in advance, preferably in writing. The Oro Grande School District will provide an interpreter in an effort for the Parent or educational rights holder to have a complete understanding and comprehension of the meeting.

MUST THE IEP INCLUDE ALL SERVICES AND MODIFICATION NEEDED BY THE STUDENT?

Yes. The IEP must include all services, including the duration and frequency of all related service sessions. Modifications/accommodations, such as those necessary to include the student in the General Education classroom (special seating, large print, etc.), must be included in the IEP document. If it is not in a student's IEP, the student does not have those services and/or modifications.

DO PARENTS HAVE TO SIGN THE IEP DOCUMENT AT THE TIME OF THE MEETING?

It is the goal of the Oro Grande School District to complete the IEP document at the meeting which includes Parent signature. However, Parents may choose to take the IEP home to review it further. If this is the case, then the Parent should sign the section "in attendance only" at the IEP meeting. After taking more time to study the IEP document and being in agreement, then the parent should sign the IEP and return it promptly. Parents will receive a copy of the entire IEP document that is created at the meeting including the notes page.

If there is still disagreement, questions or if clarification is needed, the Parent should call the student's Special Education Teacher/Case Manager or the Local Education Agency (LEA) Designee/School Administrator who attended the IEP. If the questions and/or concerns cannot be addressed at

the school site level, the Student Services Executive Director or Director at the Oro Grande School District Office in our Educational Services department should be contacted. Parent rights allow many different ways to resolve disagreements and as a district, Oro Grande School District will do all that is necessary to rectify the matter to offer the best support of the student and their needs.

WHAT HAPPENS IF THE PARENT DOES NOT AGREE WITH PART OR ALL OF THE IEP?

If the student already has an IEP in place, and the Parent disagrees with the new IEP, the old IEP will remain in effect. If only part of the new IEP is not agreed to, that part will not go into effect until the issue is resolved. There is a place on the IEP document under consent where the Parent can state the part of the IEP to which he/she does not agree.

WHAT SHOULD BE DONE IF A PARENT OR EDUCATOR THINKS A STUDENT NEEDS A CHANGE IN SERVICES?

Parents or educators may make a request in writing to the Case Manager for an IEP team meeting to discuss concerns. They may also wish to provide documentation (test results, examples of student sample work, etc.) to substantiate the request. This may be done as often as the parent or school believes is necessary. If additional meetings are requested to amend the IEP, the school must hold the meeting within 30 days of the written request (not including school holidays).

DOES A STUDENT IDENTIFIED ELIGIBLE FOR SPECIAL EDUCATION HAVE THE RIGHT TO PARTICIPATE IN NONACADEMIC AND EXTRACURRICULAR ACTIVITIES OFFERED AT THE SCHOOL?

Yes. Special Education students have the right to participate in all activities at school, including field trips and camps with the support that is stated in the IEP.

WHAT IS A SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)?

School districts and county school offices form regional groupings of districts and county offices to ensure that Special Education services are provided to all eligible Special Education students. Our SELPA is called the Desert Mountain SELPA and includes a combination of school districts, charter schools, and the San Bernardino County Superintendent of Schools.

For further information, or any questions, please contact Oro Grande's Student Services Department at (760) 243.5884