



***Special Education & Related Services: Advocating for
Students with Disabilities***



All students deserve to learn and thrive at school. Unfortunately, not all students receive the supports and services they need to succeed. Although federal and state laws set forth specific rights and protections for students with or suspected of having disabilities, these laws can be complex for parents¹ to understand and navigate on their own. In addition, when parents attempt to access special education and related services for their student, systemic barriers such as structural racism, unequal language access, and unfair power dynamics often work together to prevent them from being the equal partners they are meant to be under law.

We designed this handbook to help parents, caregivers, and community members who support students with disabilities advocate for and enforce their student’s special education rights. We hope to empower and prepare families to advocate for their students by providing them with the necessary information to identify special education needs and navigate the special education process. Please note that we intend this handbook to be a guide for self-advocacy and it does not constitute legal advice.

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¹ In this handbook, we use the term “parent” to mean the person(s) who has the legal authority to make educational decisions for a student (otherwise known as an “educational rights holder” or “ERH”). In general, biological parents hold education rights. However, the ERH may be a legal guardian or other adult appointed by the dependency court such as a Court Appointed Special Advocate (CASA) or foster parent. Typically, once a student turns 18 years old, they hold their own educational rights.

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Overview of Special Education Laws

What is Special Education?

The Individuals with Disabilities Education Act (IDEA) is the federal law that establishes special education rights for students with disabilities.² Put simply, IDEA requires local educational agencies (e.g., school districts) to provide special education and related services to all eligible students to ensure that they receive a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). California has enacted its own laws that generally mirror federal law.³

² 20 U.S.C. § 1400 et seq.

³ Cal Educ. Code §5600 et seq.

Under law, “eligible students” are defined as students ages three (3) through 21, inclusive, with specific disabilities that adversely impact their educational performance such that they need special education and related services.⁴ There are thirteen (13) different eligibility “categories” including but not limited to Speech of Language Impairment (SLI), Specific Learning Disability (SLD), Other Health Impairment (OHI), Intellectual Disability (ID), Orthopedic Impairment (OI), Emotional Disturbance (ED), Autism (AUT), or Visual and/or Hearing Impairments.⁵ Once a student is found eligible, their school district must provide them with an individualized special education program, known as an Individualized Education Program (IEP), for as long as they remain eligible. School districts cannot “exit” students from their special education programs without first conducting an evaluation and having a meeting to discuss the results. At that meeting, the IEP team must agree that the student no longer requires special education and related services.

As mentioned above, school districts must develop an IEP for eligible students. An IEP is a contract between a school district and a parent/student that details the specific supports and services that schools must provide to address a student’s unique needs. It is important to note that schools cannot take a “one size fits all” approach to designing special education programs. Instead, they must evaluate each student’s needs separately and consider their specific mode of learning in order to create a unique program that allows them to access and benefit from their education.

Free Appropriate Public Education (FAPE) and Least Restrictive Environment (LRE)

Under the [IDEA](#), an eligible student with a disability is entitled to a [FAPE](#) in the [LRE](#) through an [IEP](#).

IDEA: Individuals with Disabilities Education Act

FAPE: Free Appropriate Public Education

LRE: Least Restrictive Environment

IEP: Individualized Education Program

What does all of this mean? Put simply, a school district must provide an eligible student with a disability free special education and related services through an IEP that is “reasonably calculated” to enable them to make appropriate progress based on their unique circumstances and abilities.⁶ Although students are not entitled to the *best* program possible, the Supreme Court has emphasized that every IEP should be “appropriately ambitious” and that all students should have the chance to meet “challenging objectives.”⁷

Before the enactment of federal special education laws in 1975, students with disabilities were generally excluded from public education. As a result, the IDEA makes clear that, to the maximum extent possible, students with disabilities must be educated alongside their nondisabled peers in the general education classroom.⁸ This concept is referred to as the “LRE mandate.” Before making a decision to remove a student from the general education classroom (e.g., place them in a special day class or send them to a special school for students with disabilities), the IEP team must consider whether there are any supports and/or services that would allow the student to access their education in the general education classroom. In California, courts have established the “Rachel H.” test to evaluate the appropriateness of placement decisions related to LRE. The Rachel H. test includes 4 factors that IEP teams should consider in making a decision about whether or not

⁴ 20 U.S.C. § 1401(3).

⁵ A full list of the different eligibility categories, including legal definitions, can be found in the “Eligibility” section below.

⁶ *Bd. of Educ. v. Rowley*, 458 U.S. 176 (1982); *Andrew F. v. Douglas County Sch. Dist.* 137 S.Ct. 988 (2017).

⁷ *Andrew F. v. Douglas County Sch. Dist.* 137 S.Ct. 988 (2017).

⁸ 20 U.S.C. § 1414(a)(5)(A); 34 C.F.R. § 300.114.

to remove a student from the general education classroom. These factors include: (1) the educational benefits of placement in a regular classroom with supports and services; (2) the non-academic benefits of such placement; (3) the effect the student has on the teacher and other children in the general education classroom; and (4) the costs associated with maintaining the student in the general education classroom.⁹

Child Find

Under law, school districts are required to identify, locate, and evaluate all children with or suspected of having a disability who may be in need of special education and related services.¹⁰ This is known as the “child find mandate.” As soon as there is a suspicion that a student may have a disability necessitating a special education evaluation, teachers and school administrators must refer that student for evaluation. Parents may also request a special education evaluation, and we outline the process for doing so below.

Special Education Evaluations (Assessments)

Introduction to Special Education Evaluations (Assessments)

If a parent believes that their student may have a developmental, mental, emotional, physical, or learning disability that might make it difficult for them to be successful in school, they can request a formal special education evaluation (i.e., one or more special education assessments) to determine if the student is eligible for special education and related services.¹¹

For an initial special education evaluation, a school district will typically complete a psycho-educational assessment. At minimum, a psycho-educational assessment (or “psycho-ed”) should assess a student’s cognitive, academic, health, vision, hearing, and social-emotional needs through a review of records, interviews with adults involved in the student’s life (e.g., teachers, parents, therapists, etc.) and the student, classroom observations, and various standardized tests. The information collected is included in a report that will be reviewed at an IEP meeting.

Along with a psycho-educational assessment, students with more specific areas of suspected disability may require additional assessments as part of their evaluation, including but not limited to those addressing:

- **Speech and Language (SL):** communication skills (Speech-Language Pathologist (SLP));
- **Occupational Therapy (OT):** fine and gross motor skills, visual perception, sensory integration, executive functioning, and self-care (Occupational Therapist(OT));
- **Physical Therapy (PT):** muscle tone, strength, range of motion, balance, coordination, endurance, locomotion, need for and design of adaptive equipment (Physical Therapist (PT));
- **Functional Behavior Assessment (FBA):** concerning behaviors at school, including their cause(s) and consequence(s) (ideally a Board-Certified Behavior Analyst (BCBA), but can also be done by a teacher or school psychologist);
- **Educationally Related Mental Health Services (ERMHS) or Educationally Related Intensive Counseling Services (ERICs):** Significant social-emotional and/or behavioral needs that affect a student’s ability to benefit from their special education program (Ideally a licensed mental health clinician, but can also be done by a school psychologist);

⁹ *Sacramento City Unified Sch. Dist., Bd. of Educ. v. Rachel H.*, 14 F.3d 1398 (9th Cir. 1994).

¹⁰ 20 U.S.C. § 1412(a)(3); 34 C.F.R. § 300.111; Cal. Educ. Code § 56301.

¹¹ 20 U.S.C. § 1414(a).

- **Assistive Technology (AT):** A student's need for AT (devices or equipment to help them function and benefit from their special education program such as a wheelchair, hearing aid, or telecommunication device) (AT specialist, or anyone with the knowledge/skills needed to determine possible AT solutions to a student's needs); or
- **Vocational Assessment (VOC):** A student's interests, skills, and abilities to help support future education, training, employment, and independent living (Ideally a vocational expert, but can also be done by a teacher or school psychologist).

Common Indicators of a Potential Need for Special Education and Related Services

If a parent is not sure whether their student needs a special education evaluation, they can consider whether their student presents with common indicators suggesting they may need special education and related services to help them succeed in school. Some examples of these common indicators include:

- Health issues, including poor vision and/or hearing;
- Cognitive and/or developmental delays (e.g., difficulty with memory or processing information; a diagnosis of Down Syndrome, autism, or cerebral palsy; traumatic brain injury);
- Difficulty with academics (e.g., low grades or performance in any subject, such as reading, spelling, writing, or math; difficulty completing classroom assignments);
- Chronic absenteeism due to illness;
- Challenges with attention and/or focusing (please note that while a diagnosis of Attention Deficit Hyperactivity Disorder (ADHD) may suggest that a student should be evaluated for special education, a formal ADHD diagnosis is not required in order to show that a student struggles with attention);
- Speech or language challenges (e.g., stuttering, limited vocabulary, or difficulty pronouncing words);
- Difficulty with or an inability to engage in important life skills appropriate for the student's age such as toileting, dressing, bathing, or eating with utensils;
- Gross motor challenges (e.g., difficulty walking or navigating the school campus, lack of balance);
- Fine motor challenges (e.g., difficulty picking up small objects, holding pencils/crayons, stringing beads, moving objects from one hand to the other, using scissors);
- Sensory processing difficulties (e.g., challenges with sensory input such as hugging and/or grabbing too hard, intolerance to certain textures; a tendency to seek sensory input by, for example, deliberately pushing their body into furniture);
- Social or emotional challenges (e.g., an inability or lack of desire to socialize with same-aged peers; being withdrawn; having angry outbursts or "tantrums"; anxiety about going to school);
- Mental health needs (e.g., diagnoses of depression, anxiety, or Post Traumatic Stress Disorder (PTSD)).

Please note that this is not an exhaustive list of all the potential indicators that a student may need a special education evaluation. Further, the fact that a student exhibits one or more of these indicators does not necessarily mean they will be eligible for special education and related services. These indicators can be useful, however, in demonstrating suspected disability and requesting a special education evaluation. The results of the special education evaluation should, hopefully, give parents a better sense about whether their student does in fact need special education and related services.

How to Request a Special Education Evaluation

Once a parent has determined that their student needs a special education evaluation (assuming that the district has not already fulfilled its child find mandate and referred the student itself), they can request a

special education evaluation (including specific assessments) by following the steps outlined below. Please note that referrals for special education evaluations should be documented. This means that it is best for parents to submit a request for special education evaluation in writing. However, if a parent makes a verbal evaluation request, school or district staff should help them put their request into writing.¹² Appendix A contains a template evaluation request letter that parents can customize to illustrate their student’s unique situation and needs and submit to the school or district. Parents should include as much information as possible to demonstrate that their student may have a disability that adversely affects their educational performance such that they may require special education and related services. Parents can provide this letter to the school or district in-person or via email/fax. Parents should be sure to ask for a receipt from the school or district (e.g., a physical copy with a date stamp and staff signature; a “read receipt” if sent via email; or a delivery confirmation if sent via fax).

After a parent submits an evaluation request, the school/district has 15 calendar days* from the date it receives the request to respond by either providing an “assessment plan” (discussed below) or a written denial.¹³ Please note that this 15-day timeline pauses between the end of one school year and the beginning of the next, and during school breaks of more than 5 schooldays (e.g., summer vacation, winter break; sometimes spring break if students have more than 5 consecutive schooldays off).



In some situations, a school/district may have more than 15 days to respond to a parent’s request. For example, if a parent submits an evaluation request and there are 10 days or less before the end of the regular school year, the school/district has 10 days after the start of the next regular school year to provide an assessment plan.¹⁴

If a parent receives a written denial from the school/district, they should review it carefully. Please note that a school/district cannot refuse to assess a student based on attendance challenges, how long the student has been at the school, or its belief that the student would not be eligible for special education and related services. Parents should also be aware that sometimes, schools/districts might try to avoid providing either an assessment plan or a written denial letter altogether to avoid conducting a special education evaluation for their student. They might say that there is a “waitlist” or that they must first hold an “SST” (Student Study Team/Student Success Team) Meeting. However, holding an SST meeting is not a requirement under federal or state special education laws. If a school/district tells a parent this, or otherwise refuses to give them an assessment plan, they can say that they know they have a right to an assessment plan within 15 days of receipt of their request. If a parent continues to have problems with the evaluation request process (for example, the school/district repeatedly refuses to provide an assessment plan or respond to the request), they

¹² 5 C.C.R. § 3021(a).

¹³ Cal. Educ. Code § 56043(a). For example, if the school receives an assessment request on January 11, 2023, then the school must respond no later than January 26, 2023 (15 calendar days later). Note here that the timeline does not pause over the January 16, 2023 holiday because the break does not exceed 5 schooldays. Finally, a parent can agree to an extension in writing.

¹⁴ Cal. Educ. Code § 56321(a).

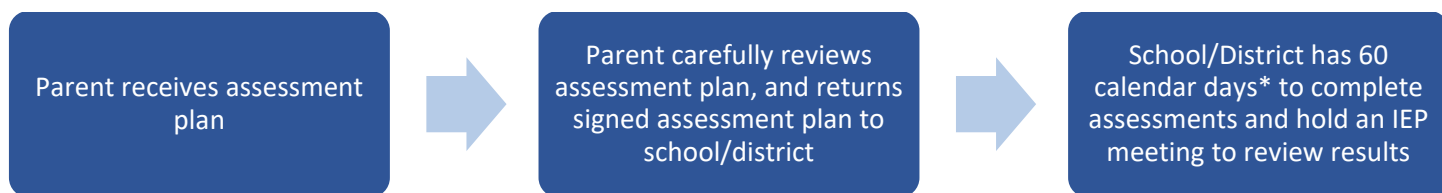
should consider seeking advice from an education attorney or advocate. A parent should always make sure to document their efforts to obtain their student’s special education assessment.

The Assessment Plan

If the school/district agrees that a student should receive a special education evaluation, it will provide their parent with an assessment plan. An assessment plan is a document that outlines all areas of suspected disability that will be assessed as part of the special education evaluation process, as well as the type of professional who will complete each assessment. It is important that parents review the assessment plan carefully to ensure that all areas of concern they reported in their evaluation request are addressed, and that appropriate professionals are assigned to each assessment. For example, if a parent noted concern regarding their student’s communication skills, the assessment plan should include a speech and language assessment conducted by a speech and language pathologist (and not, for example, by a special education teacher since they are not experts in speech and language pathology). If the assessment plan does not include all areas of concern, or if inappropriate professionals are assigned to any of the assessments, the parent should go back to the school/district to request an updated/corrected assessment plan.

Sometimes, school or district staff may try to pressure parents into signing an assessment plan immediately upon receipt, without allowing them time to review it thoroughly. Please note that the law states that once a parent receives the assessment plan, they should have at least 15 calendar days to review it, make a decision, and sign and return the assessment plan to the school/district.¹⁵ Please also keep in mind that under law, a school/district cannot move forward with conducting a special education evaluation until it receives written consent from the student’s parent/ERH.¹⁶ It is very important to return the signed assessment plan as soon as possible to avoid unnecessary delay in the evaluation process.

Once a parent returns the signed assessment plan, the school/district has 60 calendar days* to complete the assessments and hold an IEP meeting to review the results unless the parent agrees, in writing, to an extension.¹⁷ Please note that here, again, the 60-day timeline pauses between the end of one school year and the beginning of the next, and during school breaks of more than 5 schooldays. A school/district may legally take more than 60 days to complete the assessments and hold an IEP meeting if either: (1) the student enrolls in a new school after the 60-day timeline begins, and the new school is making sufficient progress to promptly complete the assessments by a date that the parent agreed to; or (2) the parent repeatedly fails or refuses to make their student available for assessments.¹⁸



¹⁵ Cal. Educ. Code §§ 56043(b), 56321(b)(4).

¹⁶ 34 C.F.R. §§ 300.300(a)(1)(i); 300.300(c)(1)(i). Please note that in some cases a district may file for due process to get permission from an administrative law judge to conduct a special education evaluation without parental consent.

¹⁷ 20 U.S.C. § 1414(a)(1)(C); Cal. Educ. Code §§ 56302.1(a), 56344(a). Please also note that if the referral for special education evaluation is made within 30 days or less before the end of the regular school year, the IEP should be developed within 30 days after the start of the next school year. Cal. Educ. Code § 56344(a).

¹⁸ Cal. Educ. Code §§ 56302.1(b)(1)-(2).

Reviewing Assessment Reports

During the evaluation period, each designated professional will conduct their assessments and complete report detailing their findings. These reports contain important information about the student's needs, so it is crucial that parents receive copies of all reports and an opportunity to review them before the IEP meeting. The law states that parents must receive copies of these reports,¹⁹ and we recommend that parents request that the school/district send copies of all reports at least 5 business days before the IEP meeting so that they will have time to review them and meaningfully participate in their student's IEP meeting. Parents can make this request in a note on the signed assessment plan, when they are notified of the IEP meeting date, or at any other time before the IEP meeting is held.

Once parents receive all assessment reports, they should review them to ensure that each report includes sections where the assessor: (1) reviewed the student's records; (2) interviewed relevant individuals (e.g., parent, teachers, school-based and/or external service providers, etc.); (3) observed the student in various settings (e.g., in the classroom, at lunch or recess, etc.); and (4) conducted standardized testing. Assessment reports can be complicated and difficult to understand, especially if you do not have a background in the area(s) assessed. As they review each assessment report, parents should make note of any questions or concerns they may have so that they can raise them during the IEP meeting.

Triennial Evaluations

Once a student is found eligible for special education and related services, the school/district is required to conduct a reevaluation (i.e., conduct updated assessments in all areas of suspected disability) every three years, unless the parent and school/district agree in writing that these "triennial" assessments are unnecessary.²⁰ Please note that a student may be reevaluated more frequently if necessary, but they cannot be reevaluated more than once per year unless the parent and school/district agree otherwise.

Exit Evaluations

When a school/district "exits" a student from special education, it means that it has been determined that the student no longer needs special education and related services due to their disability. A school/district must reevaluate a student before determining that the student is no longer eligible.²¹ Please note that there is no requirement to conduct a reevaluation before exiting a student from special education if the student graduates from high school with a regular diploma, or if they exceed the State's age eligibility requirement.

Independent Educational Evaluation (IEE)

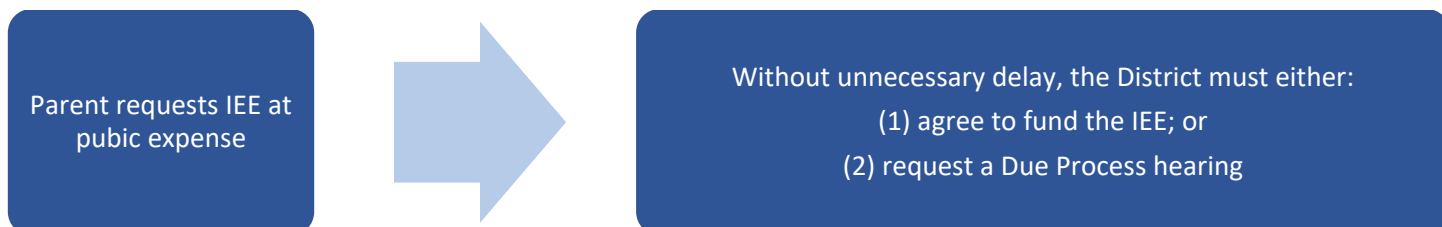
Sometimes, parents disagree with the evaluation completed by their student's school/district. A parent might disagree with an evaluation for many reasons, including but not limited to the procedures used or the conclusion regarding the student's eligibility. If for any reason a parent disagrees with a school/district's evaluation, they can request an Independent Educational Evaluation (IEE). An IEE is an evaluation by a qualified assessor who does not work for the school district. Parents have the right to request an IEE at public expense (i.e., paid for by the school district), and can request multiple IEEs if they disagree with multiple school district evaluations/assessments. As an example, if a student's school/district conducted a psycho-educational assessment, speech and language assessment, and occupational therapy assessment, and their parent disagreed with the speech and language assessment and occupational therapy assessment, the parent

¹⁹ 20 U.S.C. § 1414(b)(4)(B); Cal. Educ. Code §56329(a)(3).

²⁰ 20 U.S.C. § 1414(a)(2)(B); Cal. Educ. Code § 56043(k).

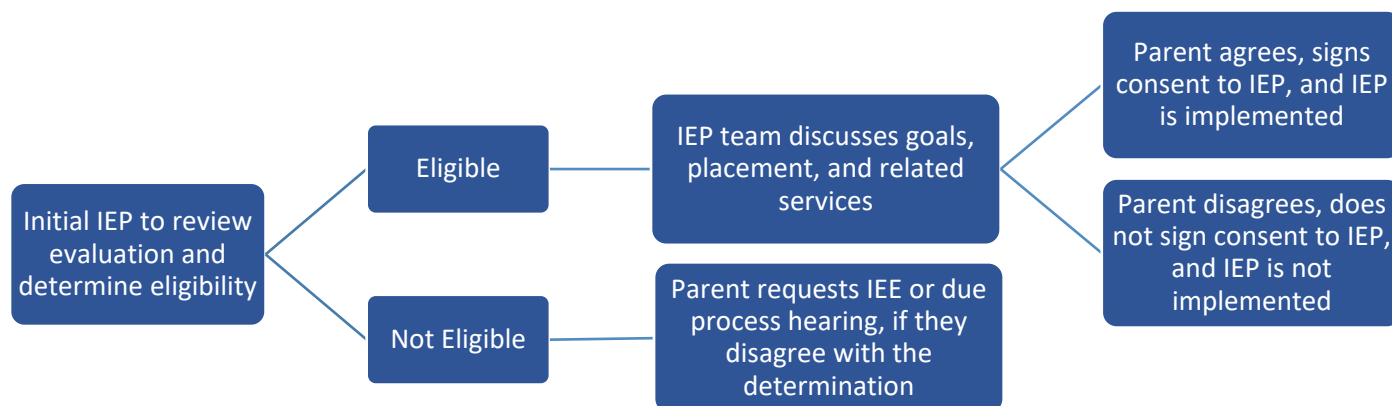
²¹ 20 U.S.C. §§ 1414(c)(5)(A)-(B)(i).

could request two separate IEEs in the areas of speech and language and occupational therapy. Parents are not required to give a school district any reasons for their disagreement. However, parents should state that they disagree with the district’s evaluation and request an IEE in writing. A sample IEE request can be found in Appendix B. Once a parent requests an IEE, the district must respond “without unnecessary delay” by either (1) agreeing to fund the IEE, or (2) requesting a due process hearing against the parent to prove its evaluation was appropriate.²² Any other response is inappropriate. Please note that the law does not define “unnecessary delay,” so the time a district has to respond varies depending on the specifics of each case.



Overview of the Individualized Education Program (IEP) Process

At the conclusion of the evaluation period, the school/district must hold an IEP meeting to review the results of the assessments. At an initial IEP meeting, the main goal is to determine whether or not the student is eligible for special education and related services. The below flowchart illustrates the general process for initial IEPs.



The Individualized Education Program (IEP)

The IEP really is the cornerstone of special education. Parents should be aware that when someone says “IEP,” they could be referring to the IEP team, the IEP meeting, or the IEP document.

The IEP Team

An IEP team is the group of people who attend and participate in an IEP meeting. The IEP team must include the following individuals:²³

- The student’s parent(s);
- At least 1 general education teacher if the student is or may be placed in a general education classroom;
 - Note: if the student has more than one general education teacher, the school can decide which teacher(s) will attend.

²² 34 C.F.R. § 300.502(b).

²³ Cal. Educ. Code §§ 56341(b)(1)-(7), 56341(d)(1)&(2).

- At least 1 special education teacher or service provider;
- A school district representative who is (1) qualified to provide, or supervise the provision of, special education services, (2) knowledgeable about the general education curriculum, and (3) knowledgeable about the district’s available resources;
- A qualified person who can explain the student’s evaluation, ideally (but not necessarily) the assessor(s) who conducted the assessments or someone who works with them and understands the results;
- The student, when appropriate.
 - While students are not usually required to participate in IEP meetings, once they turn 16 years old the IEP team should begin to invite them to and include them in the IEP meeting. If the student does not attend, the school/district must take additional steps to include and consider the student’s preference and interests.
 - When the student turns 16 years old, the IEP will include a section called the Individual Transition Plan (ITP). The ITP is the student’s plan for their transition to post-high school life (for example, college, trade school, employment, independent living, or something else). The student is key in determining what skills they want to work on, what options they want to explore, and the ITP will offer support to help them achieve those additional goals.
- Finally, the school/district is required to provide a qualified interpreter for parents who may be deaf or who speak a language other than English.²⁴

In addition to the required IEP team members, parents (or schools/districts) may invite other people who have “knowledge or special expertise” about the student to join the IEP meeting if their perspective or input would be helpful. Examples of such individuals include:

- A psychologist or therapist who sees the student outside of school;
- A tutor;
- An at-home aide;
- A social worker; or
- An advocate or attorney.

The parent is one of the most important members of the IEP team. The IEP meeting should not take place without the parent unless the parent gives the IEP team permission to hold the meeting without them!

The IEP Meeting

All required IEP team members must be present before an IEP meeting can begin, unless a parent agrees to excuse one or more members for some or all of the meeting. Whether excusal is appropriate depends on the circumstances. For example, a teacher whose class is starting soon may ask to be excused early to return to class. If the IEP team member asking to be excused has already given their update on the student, provided input on the student’s goals, and the IEP team determines they will not be needed for the rest of the meeting, the parent may agree to excuse that member from the rest of the meeting by signing a written excusal form.²⁵ If a parent thinks they may have more questions for the IEP team member, the parent may ask them to stay in

²⁴ 34 C.F.R. § 300.322(e).

²⁵ Cal. Educ. Code §§ 56341(f)-(g).

the meeting. If the IEP team member refuses, the parent may ask to stop the meeting and resume at a future date when everyone can be together.

Please note that if a parent requested an interpreter for the IEP meeting, they should be introduced to each other before the meeting begins. If an interpreter is not present, the meeting should not go forward and a parent may ask to stop the meeting. If at any point the parent feels that the provided interpreter is not doing a good job (e.g., summarizing a lot of information in just a few words, or consistently struggling to find the right word), the parent may ask to stop the meeting and resume at a future date in which appropriate interpretation can be provided.

At the IEP meeting, the IEP team will go through a draft of the IEP document, providing an overview of the information included in the draft and an opportunity for discussion. As such, IEP meetings (especially initial IEP meetings and IEP meetings where IEP teams are reviewing reports) can last a few hours. At times, the IEP meeting may need to take place over multiple days.

The IEP Document

An IEP document is a contract between a parent and a school district that includes important information about a student's performance, needs, and the supports and services that a school district will provide the student (i.e., the school district's Offer of FAPE). If a parent's native language is one other than English, they are entitled to receive a copy of the IEP in their native language.²⁶

Although different school district may use different formats, each IEP document must include the following:

- Eligibility statement;
- Present levels of academic achievement and functional performance;
- Annual goals, including measurable objectives;
- Services, including the frequency, duration, location, and dates of service;
- Placement, including an explanation of the extent to which the student will not participate in the general education classroom and non-academic activities with nondisabled students;
- All supplementary aids and related services;
- All accommodations and modifications;
- Participation in State or districtwide assessments;
- Transition services; and
- Assistive technology.²⁷

The IEP document should be created during the IEP meeting with input from all IEP team members. In practice, school staff may start an IEP meeting with a draft of the IEP document, which they then review and revise with the parent at the IEP meeting. The parent's input is just as important as any other team member's, so if the parent does not agree with something in the IEP, they should voice their comments/concerns and ask for them to be included in the notes.

As mentioned, an IEP document is a contract. Therefore, the parent must provide their consent to the IEP in order for it to go into effect. Please note that a parent does not have to agree with all components of the IEP. Rather, they can specify which parts they agree and disagree with in the parent comments and concerns

²⁶ 5 C.C.R. § 3040(a).

²⁷ 20 U.S.C. § 1414(d); 34 C.F.R § 300.320.

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 section of the IEP. The school district must implement the IEP and provide the agreed-upon services as soon as possible after it receives consent via parent signature.²⁸ Parents who are concerned and unsure which parts of an IEP they would like to agree with should seek legal assistance promptly.

Eligibility

To be eligible to receive special education and related services under the IDEA, a student must:

- Be between 3 and 22 years old;²⁹
- Fall under one or more of the eligibility categories defined under law; and
- Need special education and related services, due to their disability, to benefit from their education.³⁰

The following is a list of all eligibility categories defined under law. The IEP team should consider all relevant information to determine whether a student is eligible under one or more of these categories. Please note that a student’s eligibility category itself does not determine the services of supports they need. Rather, services and supports must be determined by the student’s demonstrated need. For example, a student may be eligible under the Speech or Language Impairment category and receive services other than speech and language therapy (e.g., counseling for social-emotional needs).

Eligibility Category	Abbreviation	Definition
Autism	AUT	A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally (though not necessarily) evidence before age 3, that adversely affects a child’s educational performance. Other characteristics often associated with autism are engagement in repetitive activities or stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. <ul style="list-style-type: none"> • Autism does not apply if a child’s educational performance is adversely affected primarily because the child has an Emotional Disturbance.
Deaf-Blindness	DB	Concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.
Deafness	D/HH	A hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child’s educational performance.
Emotional Disturbance	ED	A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child’s educational performance: <ol style="list-style-type: none"> An inability to learn that cannot be explained by intellectual, sensory, or health factors; An inability to build or maintain satisfactory interpersonal relationships with peers and teachers; Inappropriate types of behavior or feelings under normal circumstances; A general pervasive mood of unhappiness or depression A tendency to develop physical symptoms or fears associated with personal or school problems. <ul style="list-style-type: none"> • Emotional Disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an Emotional Disturbance as defined here.

²⁸ Cal. Educ. Code §§ 56043(i), 56344.

²⁹ Students may remain eligible for special education and related services through the end of the semester in which they turn 22.

³⁰ 20 U.S.C. § 1401(3); 34 C.F.R. 300.8(a); 5 C.C.R. 3030(b).

Special Education & Related Services: Advocating for Students with Disabilities

Hearing Impairment	HI	An impairment in hearing, whether permanent or fluctuating, that adversely affects a child’s educational performance but that is not included under the definition of Deafness.
Intellectual Disability	ID	Significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child’s educational performance.
Multiple Disabilities	MD	Concomitant impairments (such as intellectual disability-blindness or intellectual disability-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. <ul style="list-style-type: none"> Multiple Disabilities does not include Deaf-Blindness.
Orthopedic Impairment	OI	A severe orthopedic impairment that adversely affects a child’s educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).
Other Health Impairment	OHI	Having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that: <ol style="list-style-type: none"> Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and Adversely affects a child’s educational performance.
Specific Learning Disability	SLD	A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. <ul style="list-style-type: none"> Specific Learning Disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.
Speech of Language Impairment	SLI	A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child’s educational performance.
Traumatic Brain Injury	TBI	An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child’s educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. <ul style="list-style-type: none"> Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.
Visual Impairment (including blindness)	VI	An impairment in vision that, even with correction, adversely affects a child’s educational performance. The term includes both partial sight and blindness.

Present Levels of Performance

During the IEP meeting, the IEP team should discuss, and the IEP document should include a section on, the student's present levels of performance. A discussion of the present levels should include a detailed overview of how the student is doing in school, including strengths and weaknesses, in all areas of suspected disability. If assessments are being reviewed at the IEP meeting, each assessor should also present their report's findings, conclusion, and recommendation(s). If the student already has IEP goals, the team should discuss whether the student met the goals and, if not, what prevented the student from meeting them. Parents should ask any other questions they have about their student's performance. The information collected during this portion of the IEP meeting is incredibly important because it sets "baselines" that the IEP team will use to create goals for the student, and determine which supports and services the student needs to help them meet those goals.

Goals and Objectives

After a review of the student's present levels of performance, assuming the IEP team agrees that the student is eligible for special education and related services, the IEP team should discuss the student's goals for the upcoming year and set incremental objectives that the student should be meeting throughout the year. The present levels of performance should inform the development of the student's goals. Periodically, the IEP team should provide updates to the parent on the student's progress towards their objectives, and review the student's goals at least once per year (usually at the student's annual IEP meeting).

The IEP team should create at least one goal in each identified area of need. Some common areas of need for goals include math, reading, writing, speech and language (communication), behavior, and social-emotional skills. A student might have more than one goal in any one of the relevant areas of need. For example, a student might have two reading goals: one for reading fluency (the ability to read with speed, accuracy, and proper expression) and one for reading comprehension. Parents can always ask questions if they do not understand a goal, and can suggest additional goals during the IEP meeting. Even if the team begins the meeting with draft goals, the parent should not feel limited. Goals are an opportunity for the parent to provide input on where they would like the student to improve. School staff may tell a parent that they cannot add any additional goals because there would be "too many" goals and doing so would "overwhelm" the student. However, there is no limit to the number of goals that can be created for a student. The number of goals should be determined based on the student's needs and individualized circumstances, and not based on an arbitrary cutoff.

Each goal should be written based specifically on the student's present level of performance in that area. Goals should be uniquely tailored to the student's needs, specific, measurable, and appropriately ambitious – providing the student with an opportunity to meet challenging objectives. Goals should be something that the student, with the appropriate supports, should be able to achieve while providing some level of challenge.

Below are some examples:

Area of Need: Reading Comprehension

Inappropriate Goal Example:

- Present Level of Performance: Student struggles with reading comprehension.
- Goal: Student will improve their reading comprehension skills.

More Appropriate Goal Example:

- Present Level of Performance: Student struggles with reading comprehension, scoring an average of 30% on teacher-provided reading comprehension quizzes.

- Goal: By [DATE], after independently reading a grade-level text, Student will be able to correctly answer at least 6/10 WH-comprehension questions (e.g., who, what, when, where, why), as measured by teacher-provided reading comprehension quizzes in 4/5 opportunities.

Services

Next, the IEP team should discuss the services the student will need to help them achieve their IEP goals. For example, if a student has a goal about improving their articulation skills, it would be important for them to receive speech therapy. Other examples of services include but are not limited to occupational therapy, counseling, or physical therapy. Please remember that a student’s services cannot be limited to those that seem directly related to their eligibility category (e.g., a student eligible under SLI can receive more than just speech therapy; if they have a fine motor need, they could still be eligible to receive occupational therapy services. In short, the individualized needs of a student, not their eligibility category, dictates which services they should receive.

The IEP team must discuss and indicate not only the type of service(s) a student will receive (e.g., speech therapy), but also their frequency (e.g., twice per week during the regular school year), location (e.g., a separate speech therapy room) and duration (e.g., 30 minutes).³¹ Parents should also check the IEP document to ensure that all information regarding services is accurately documented and that qualified individuals are assigned to provide such services.

If a parent is attending a non-initial IEP meeting and believes their student needs more of a service they had been receiving, the parent may request an increase in that service to meet the student’s needs. If the school refuses, the parent should ask that their request and the school’s denial be included in the IEP notes. If the school states that a new assessment is needed before it can determine whether an increase in services is appropriate, a parent may (but need not) agree to a school-proposed assessment or request one themselves.

If school staff members of the IEP team want to remove a service from a student’s IEP, a parent has the right to disagree with such a decision. The parent should make sure to document their specific areas of disagreement in the notes section of the IEP document.

Accommodations, Modifications, and Assistive Technology

The IEP team should also discuss any accommodations, modifications, or assistive technology that a student may need to access their education. Definitions and examples of these components are included here:

Accommodations	Modifications	Assistive Technology
Accommodations are supports that a student can receive in class and throughout the school day to help them access their education and support how the student learns the materials provided.	Modifications involve changing what is given to the student to learn. In other words, whereas accommodations help a student access the general curriculum, modifications change what a student is expected to learn. Generally, modifications make the material easier for the student.	Assistive technology (AT) refers to devices (e.g., equipment) and services (e.g., training/technical assistance) that help a student maintain or improve their functional capabilities, including the selection, acquisition, or use of such devices.
Examples include but are not limited to: <ul style="list-style-type: none"> • A seat near the front of class; 	Examples include but are not limited to: <ul style="list-style-type: none"> • Learning below grade-level curriculum; 	Examples of AT devices include but are not limited to: <ul style="list-style-type: none"> • Wheelchair or ramp; • Hearing aid;

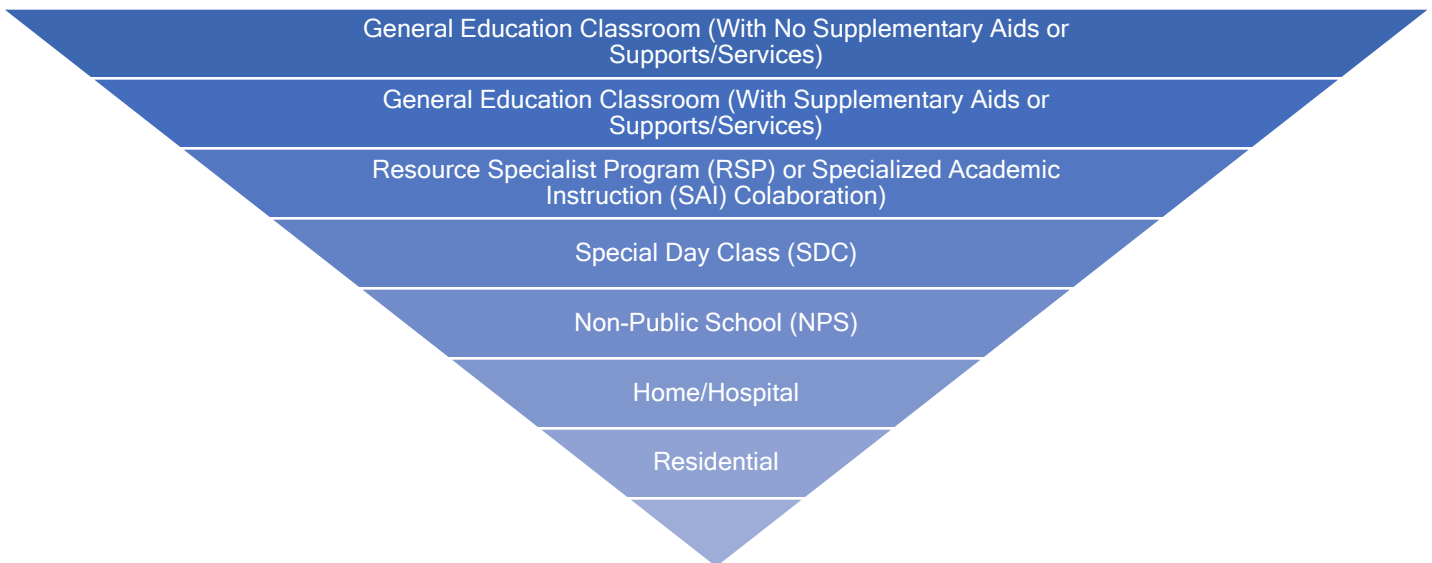
³¹ 20 U.S.C. §§ 1414(d)(1)(A)(i)(IV), 1414(d)(1)(A)(i)(VII); Cal. Educ. Code §§ 56345(a)(4), 56345(a)(7).

<ul style="list-style-type: none"> • Extended time on assignments and/or tests; • Shortened assignments; • A separate testing environment; • Having instructions read to them out loud and/or repeated; • A note taker, if the student has trouble writing or gets tired after writing for long periods of time; and • The use of visual aids, manual devices, and/or computer technology. 	<ul style="list-style-type: none"> • Creating alternate assignments/projects; or • Taking different tests. <p>It is important to make sure that any modifications made to a student’s academic program will not impact their ability to progress to the next grade or, if the student is in high school with a goal of graduating, that the modifications will not change the curriculum to such an extent that the student is no longer able to graduate. If a parent is unsure how a modification will impact their student, they should ask the student’s school administrator or IEP team.</p>	<ul style="list-style-type: none"> • Telecommunication device; • An auditory FM trainer; • Word prediction, voice recognition, and word processing software; or • Tactile materials for visually impaired students such as Braille flashcards. <p>Examples of AT services include but are not limited to:</p> <ul style="list-style-type: none"> • A functional evaluation; • Selecting, designing, fitting, adapting, repairing, or replacing an AT device; • Purchasing, leasing, or acquiring an AT device; or • Training or technical assistance for the student, their family, or other professionals.
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Placement

Once the IEP team has covered present levels, goals, services and accommodations, the IEP team should proceed to a discussion of the appropriate placement for the student, including a review of the “continuum of placements” beginning with the general education classroom setting and moving to settings that are more restrictive as necessary.

During placement discussions, the IEP team should always keep in mind the LRE mandate discussed above: students with disabilities must be educated alongside their non-disabled peers to the maximum extent possible, and removal to a more restrictive environment should only occur if the student cannot be satisfactorily educated in the general education setting with supplementary aids and services. The inverted pyramid below illustrates potential placement options ranging from least restrictive (i.e., the general education classroom with no supplementary aids or supports/services) to most restrictive (i.e., residential).



Behavior Intervention Plan (BIP)

If a student has social-emotional needs that lead to behaviors that negatively affect their education, their IEP should also include a Behavior Intervention Plan (BIP).³² Please note that not all behaviors will require a BIP. Only behaviors that impede a student's learning or the learning of others require a BIP. A BIP should address behavior challenges and be informed by a Functional Behavior Assessment (FBA). A good FBA will involve identifying the "ABCs" of behavior, including what happens before the behavior that influences or leads to the behavior ("A" is for Antecedent), the behavior itself ("B" is for Behavior), and lastly the consequences or what the student gains from engaging in the behavior ("C" is for Consequences). Once the ABCs of behavior are identified, it will be easier for the student's IEP team to develop an BIP that includes that information as well as interventions, supports, and strategies to help the student reduce challenging behaviors and increase the use of positive, replacement behaviors.

As an example, every time a teacher presents a student with new or challenging work material in class (the Antecedent), the student refuses to do the work (the behavior). After the student refuses, the student usually gets out of doing the more challenging work (the consequence). A good BIP for this student would include a goal to address work refusal and detail the interventions, supports, and strategies that their teacher (and any other relevant other individuals at the school) will provide to help the student achieve their goal.

Individualized Transition Plan (ITP)

Once a student turns 16 years old, the law requires that their IEP include an Individualized Transition Plan (ITP).³³ An ITP is a written plan to address a student's transition from school to life after high school including but not limited to postsecondary education or training, employment, and independent living. The ITP should include goals and services in each of these areas based on the student's needs, interests, and aspirations as detailed in one or more transition assessments. Transition assessments can include but are not limited to questionnaires, formal career tests, and interviews with the student, parent(s), and teachers. Some examples of transition services to help a student reach their transition goals include job counseling, assistance with creating a resume or writing a cover letter, linkage to vocational training, or college readiness counseling.

Consenting to the IEP & Implementation

Once the IEP team has reviewed all components of the IEP, the school district will provide an "Offer of FAPE." The Offer of FAPE includes the placement, supports, and services offered to the student to progress towards their individualized goals. At the end of the IEP meeting, the parent will be asked to sign the IEP document "in attendance" to confirm that they attended the IEP, and to sign the parental consent page of the IEP document stating that they agree to the Offer of FAPE.

A parent is not required to sign in consent with the Offer of FAPE at the IEP meeting, though school staff may attempt to pressure the Parent into doing so. A parent who believes that the proposed IEP is appropriate and agrees with the school district's Offer of FAPE can sign in consent to the full IEP. On the other hand, a parent who disagrees entirely with an IEP can sign and state that they do not agree with or consent to the IEP. If a parent is unsure whether they agree with the Offer of FAPE, or if they want more time to review the IEP document, they should ask for a copy of the IEP document at the end of the IEP meeting. Parents have the

³² 20 U.S.C. § 1414(d)(3)(B)(i); Cal. Educ. Code § 56341.1(b)(1).

³³ 20 U.S.C. § 1414(d)(1)(A)(i)(VIII); Cal. Educ. Code § 56345(a)(8).

right to receive a written copy of the IEP document, take it home, and review it before signing.³⁴ Parents also have the right to request that the IEP – including all notes – be translated into their chosen language.³⁵

Please remember that a parent does not have to agree with all components of an IEP. Instead, they can specify which parts they agree and disagree with in the “parent comments and concerns” box. In some cases, a parent may choose to agree to the IEP for purposes of implementation only, but still express their disagreement with the Offer of FAPE in the comments section. Parents may choose to agree to implementation to start some services though they may disagree with the level of services provided in the offer of FAPE. Parents should document their concerns in writing. The comments included will become part of the IEP document, so a parent should make sure to maintain a copy of the signed IEP for their records. Parents may also agree with part of the IEP and not with another. For instance, a parent may agree with the services and supports offered for speech and language, but disagree with the offer of FAPE which notes that the student is not eligible for services to address behavioral issues. If this is the case, the parent may agree to the part of the IEP and disagree with the rest. As noted above, parent should make sure to document their concerns in writing and request that their concerns be included as part of the IEP document.

The law does not specify a timeframe within which a parent must sign their consent to an IEP. However, please note that a school district cannot implement any new services (or changes to a prior IEP) until they receive written consent. The school district must implement the parts of the IEP to which the parent has agreed as soon as possible after it receives consent.³⁶

Finally, please note that if there is disagreement with regard to the Offer of FAPE, a school district may choose to initiate a due process claim against the parent to show that their Offer of FAPE is appropriate if the IEP remains unsigned, or if the parent refuses to provide consent.³⁷

Types of IEP Meetings

Types of IEP Meetings:

Initial – Annual – Triennial – Amendment – 30-Day/Transfer – Manifestation Determination

Initial IEP

At an initial IEP meeting, the main goal is to review the student’s initial assessments and determine whether or not the student is eligible for special education and related services.³⁸

Annual IEP

Once the initial IEP is finalized (i.e., the IEP meeting has been held, the IEP document has been created, and the parent has signed their consent to the IEP), the school district must monitor student progress and convene an IEP meeting to discuss the student’s needs at least once per year.³⁹ These meetings are known as “Annual” IEP meetings.⁴⁰ The purpose of an Annual IEP meeting is to review the student’s performance and progress

³⁴ Cal. Educ. Code §56341.5(j).

³⁵ 5 C.C.R. § 3040(a).

³⁶ Cal. Educ. Code §§ 56043(i), 56344.

³⁷ Please see the “Resolving Disputes” section below for more information about due process proceedings.

³⁸ 20 U.S.C. § 1414(a)(1); Cal. Educ. Code §§ 56302.1, 56343(d).

³⁹ In addition, school districts must comply with the special education timelines in the IDEA and in state law (e.g., timelines related to assessment requests and holding timely IEP meetings). Failure to comply with these timelines may also lead to a denial of FAPE.

⁴⁰ 20 U.S.C. § 1414(d)(4)(A); Cal. Educ. Code § 56043(j).

towards their goals, and make any necessary changes including but not limited to developing new goals and/or changing a student’s placement or services. If a parent disagrees with any change in services, they may request an assessment in the relevant area to determine if the increase or decrease in services is appropriate. The parent may also specify their disagreement on the parental consent page as detailed above.

Triennial IEP

Under law, every three years, school districts must conduct new assessments in all areas of need and convene a “Triennial” IEP meeting.⁴¹ School districts must conduct these “triennial” assessments unless the parent agrees in writing that a reevaluation is unnecessary. Often, parents may feel pressured to agree that triennial assessments are not necessary since the student will continue to be eligible anyway. Although a parent has the right to agree that assessments are not necessary, it is recommended that all students with an IEP receive a full evaluation every three years to monitor their progress and identify any new potential areas of need. At the Triennial IEP meeting, the IEP team will review the new assessments and may discuss changes to a student’s eligibility and other topics including but not limited to changes to goals, placement, and/or services.

Amendment IEP

If a parent has concerns about their student’s educational program, they do not need to wait until the next Annual or Triennial IEP meeting to discuss any changes to the IEP. Instead, a parent has the right to request an IEP meeting at any time. Once the school receives the parent’s request for an IEP meeting, the IEP must be held within 30 days (excluding school breaks of more than five schooldays).⁴² See Appendix C for a sample IEP request letter.

Transfer/“30-Day” IEP

There are also some special rules for when an IEP meeting must be held for students who transfer between school districts in California, and who transfer into a California district.⁴³ These rules are summarized here:

Scenario	Requirement
Student transfers from District A to District B in the middle of the school year. District A and District B are both in California, and operate under the same “Special Education Local Plan Area” (SELPA).	The new school district (District B) must continue to provide services “comparable” to those in the student’s most recently agreed-to IEP from District A. There is not a requirement to hold an IEP meeting, unless the parent and school district agree to meet and develop a new IEP.
Student transfers from District A to District C in the middle of the school year. District A and District C are both in California, but operate under different SELPAs.	The new school district (District C) must provide the student with a FAPE, including services “comparable” to those in their most recently agreed-to IEP from District A, and must hold an IEP meeting within the first 30 days of the student’s attendance at the new school
Student transfers from District Z to District A in the middle of the school year. District Z is not in California, but District A is in California.	District A must provide the student with a FAPE, including services “comparable” to those in their most recently agreed-to IEP from District Z, until District A conducts a full evaluation and holds an IEP meeting to review the results of the assessments and develop a new IEP.

⁴¹ 20 U.S.C. § 1414(a)(2)(B)(ii); Cal. Educ. Code § 56043(k)

⁴² Cal. Educ. Code § 56343.5.

⁴³ Cal. Educ. Code §§ 56043(m), 56325.

Manifestation Determination Review IEP

A Manifestation Determination Review (MDR) meeting is a meeting to determine whether a student with a disability may be “removed” from their placement (e.g., have their placement changed for more than 10 schooldays or be recommended for expulsion) due to a violation of a code of student conduct. An MDR should be held within 10 school days of the district’s decision to change the student’s placement. At the MDR meeting, the IEP team must determine whether the student’s conduct was a manifestation of their disability by asking whether the conduct was either (1) caused by or had a direct and substantial relationship to the student’s disability; or (2) the direct result of the school district’s failure to implement the student’s IEP.⁴⁴

If the IEP team answers “yes” to either of these questions, the school district cannot expel the student and, unless the behavior is one of a particular set of very serious offenses (possession of a weapon; possession, use, or sale of controlled substances; or inflicting serious bodily injury at school), the student must be returned to their original placement. The school district must also conduct a FBA or modify the student’s BIP to address the behavior. If the team answers “no” to both questions, the student may be recommended for expulsion or otherwise removed from their placement. The student would then be subject to the same disciplinary procedures as their nondisabled peers. However, please note that in these circumstances, the district must continue to provide educational services to the student in order to enable them to continue to participate in the general education curriculum and progress toward meeting their IEP goals, even if done in an alternative setting.⁴⁵

School discipline matters for students with IEPs can be incredibly complex, so parents are encouraged to seek assistance if needed as soon as possible.

IEP Invitations

A school must notify parents of any IEP meeting “early enough to ensure an opportunity to attend.”⁴⁶ That notice (typically an “Invitation”) must specify the purpose, date, time, and location of the IEP meeting, and inform parents of their right to bring other people with knowledge/expertise of the student to the meeting.

Preparing for an IEP Meeting

Attending an IEP meeting, especially for the first time, can be intimidating and overwhelming. In order to help prepare for the meeting, this handbook provides the following steps on how to prepare for an IEP meeting to ensure that parents feel confident and prepared to advocate for their student.

Requesting and Organizing Student’s Education Records

Parents should request all of their student’s education records from their student’s school and school district as soon as possible to prepare for an IEP meeting.⁴⁷ Parents may wish to request all records, including their student’s cumulative file, as well as any academic, attendance, disciplinary, and/or special education records (e.g., assessment reports, IEPs, service logs). Although parents may request records orally, they should submit their request in writing so they have a record of their request. A parent can either fax their request or email it to the custodian of records/records clerk (if the parent does not know where to send the request, they can call the school/district to ask). If a parent submits their request in person, they should ask for a copy with a time

⁴⁴ 20 U.S.C. § 1415(k)(E); 34 C.F.R. § 300.530(e).

⁴⁵ 34 C.F.R. § 300.530 (d)(1)(i).

⁴⁶ Cal. Educ. Code § 56043(e).

⁴⁷ If the student has attended multiple schools, potentially in different districts, parents should request records from all relevant schools/districts.

Special Education & Related Services: Advocating for Students with Disabilities stamp. Schools/districts must provide parents with copies of all requested records within five (5) business days after their request.⁴⁸ It is generally a good idea to call the school/district to make sure they received the request and ask about the status. For an example of a records request, see Appendix D.

If a parent does not receive the requested records within 5 business days, they should call the school/district and ask to speak with the custodian of records or records clerk, and provide the date of their request. Parents may also call the principal at their student's school to let them know the records are legally overdue.

If a parent has made reasonable efforts to obtain the requested records (e.g., called multiple times over at least a few days), they have the option to file a compliance complaint against the school district.⁴⁹

Once a parent receives records, they should check to make sure that all requested documents were included. Afterwards, parents should create a binder with copies of all records (preferably in chronological order), as this will be helpful to reference in their advocacy efforts.

Gather Other Relevant Information & Contact Individuals with Relevant Information

If a student has been assessed by any other agency (e.g., the regional center), parents should gather copies of those assessments for their binder. Sometimes, there are individuals who have relevant information about a student that a parent may wish to invite to the IEP meeting. If that is the case, the parent should contact those individuals as soon as possible. Once the individual confirms they can attend, the parent can inform the school (there is usually a place on the IEP invitation to indicate who else will attend the IEP with the parent).

Prepare Questions, Comments, and Concerns

After a parent has requested, reviewed, and organized all of their student's records and contacted any relevant individuals they wish to attend the IEP, they should begin preparing a list of questions, comments, and concerns for the IEP team. This might include questions about a student's progress, their existing services, or any other comments/concerns they believe the IEP team should know about. For more information on how to prepare for an IEP meeting, please see Appendix E, IEP Preparation Checklist.

Resolving Disputes

If a parent disagrees with the Offer of FAPE presented at an IEP meeting, believes their student has additional, unaddressed areas of need, or is concerned that their student's IEP is not being implemented, they may want to pursue alternative dispute resolution. Such dispute resolution options include: (1) requesting a follow-up IEP meeting; (2) engaging in Informal Dispute Resolution; (3) filing a Compliance Complaint with the California Department of Education; or (4) requesting an administrative due process hearing. As noted above, parents have the right to request an IEP meeting at any time to address concerns, including disagreements.

Informal Dispute Resolution

Informal Dispute Resolution (IDR) is a voluntary process usually involving one or more meetings between parents and a school district. During these meetings, parents can raise their concerns and may be able to come to a resolution with the school district on how to move forward (e.g., adding new services, ensuring a student's IEP is implemented, etc.). One benefit of using IDR is that it can be much quicker dispute resolution option than more formal options such as a due process hearing. Please note that IDR sessions are generally

⁴⁸ Cal. Educ. Code §§ 56043(n), 56504.

⁴⁹ Please see the "Resolving Disputes" section below for more information about compliance complaints.

informal and may not be confidential, unless both parties agree otherwise in writing. This means that, in most cases, anything said during IDR may be used in future negotiations/hearings.

Compliance Complaints

What is a Compliance Complaint? When and how should a Compliance Complaint be filed?

If a person (e.g., parent, student, teacher, representative) believes that a school district has violated a state or federal special education law or regulation with respect to one or more students, they can file a written, signed compliance complaint to the California Department of Education (CDE). The person who signs and files the complaint is the Complainant, and they must include their contact information in the complaint. The Complainant must describe what they believe the school district failed to do and support their allegation(s) with all relevant facts. If the complaint is about a specific student, the Complainant must include the student's name, address, school, a description of how the violation(s) affected the student, and a proposed resolution (e.g., compensatory services for missed service sessions).

It is important to note that the CDE will only investigate allegations that occurred within **one year** prior to the date of filing.⁵⁰ Some examples of legal violations that the CDE will investigate include:

- District failed to provide a student's education records within 5 business days as required by law;
- District failed to respond to a parent's request for assessment within the required timeline;
- District failed to conduct assessments and/or hold an IEP meeting within 60 days after it received a signed assessment plan;
- District failed to hold an annual IEP meeting;
- District failed to hold an IEP meeting within 30 days of a parent's request;
- District failed to implement a student's IEP (e.g., did not provide some or all of the listed services);
- District violated the terms of a settlement agreement related to the provision of FAPE (unless it is a provision related to attorney fees); and/or
- District has failed or refused to implement a due process hearing order.⁵¹

Complaints should be addressed to:

California Department of Education
Special Education Division
Complaint Resolution Unit
1430 N Street, Suite 2401
Sacramento, CA 95814-5901

Compliance complaints may be filed with the CDE via email to speceducation@cde.ca.gov or faxed to (916) 327-3704. Please note that the Complainant must send a copy of the complaint to the school district at the same time that they file with the CDE.

What Happens Next? What are the Potential Outcomes of a Compliance Complaint?

Once a complaint is filed, the CDE has 60 days to investigate. During those 60 days, the CDE must give the Complainant a chance to submit additional information about their allegations and must give the school district an opportunity to respond. After the CDE reviews all the information and makes a decision about

⁵⁰ In other words, a Complainant must file within one year of the date of the alleged violation in order for CDE to investigate. Cal. Educ. Code § 56500.2(b); 34 C.F.R. § 300.153(c).

⁵¹ Cal. Educ. Code § 56500.2; 34 C.F.R. § 300.151-153; 5 C.C.R. §3201.

whether there has been a violation, it must issue a written decision to the Complainant that addresses each allegation in the complaint, including its findings of fact, reasoning, and conclusions (i.e., whether the school district is in compliance or out of compliance with legal requirements).⁵²

Sometimes, the CDE will conclude that a school district is “in compliance” and no corrective actions are necessary. If the CDE concludes that a school district is out of compliance, it will order the school district to take “corrective action” to fix the problem(s). Examples of corrective actions include conducting assessments, training staff in the areas of violation, providing compensatory education services, or convening an IEP meeting. In some cases, the CDE will require the school district to submit a plan describing how they will make sure the violation does not happen again to either the specific student or any other student within the district. In exceptional cases where the school district still fails to correct its noncompliance, the CDE may take further action such as a court proceeding to order the district to comply or otherwise stop the district’s funding.

If a Complainant (or school district) disagrees with the CDE’s report, they have the right to request “reconsideration” within 30 days of the date on the CDE’s report. The party requesting reconsideration must explain why they are requesting reconsideration, including one or more of the following:

- Findings are insufficient to reach a conclusion of law;
- Finding(s) of fact are not supported by substantial evidence;
- Conclusion(s) are inconsistent with law; and/or
- Corrective action(s) fail to provide a proper remedy.⁵³

Please note that during Reconsideration, the CDE will not consider any newly submitted information unless that information was unknown and could not have become known “with due diligence” during the original investigation period.⁵⁴

Reconsideration requests may be sent to the CDE via email to speceducation@cde.ca.gov or faxed to (916) 327-8878. After it receives the reconsideration request, the CDE has 60 days to provide a written response that may include denial of the reconsideration request or modifications to the report to ensure factual and legal accuracy.⁵⁵ During the 60 day reconsideration period, the corrective actions in the original report remain in effect unless a court says otherwise.⁵⁶

Due Process Administrative Complaints

What is Due Process?

If a parent disagrees with a district’s decision about their student’s special education program and believes that the district has failed to provide their student a FAPE, they have the right to request a “due process” hearing.⁵⁷ A due process hearing is a formal trial-like proceeding to resolve disagreements about a student’s special education program with a school district.

In California, the Office of Administrative Hearings (OAH) handles all due process complaints and hearings. At a due process hearing, the parent and the district will have an opportunity to present evidence, call witnesses,

⁵² 34 C.F.R. § 300.152.

⁵³ 5 C.C.R. § 3204(a).

⁵⁴ 5 C.C.R. § 3204(b).

⁵⁵ 5 C.C.R. § 3204(e).

⁵⁶ 5 C.C.R. § 3204(e).

⁵⁷ 20 U.S.C. § 1415(b)(7)(A); 34 C.F.R. § 300.507; Cal. Educ. Code §§ 56502(a)-(c).

and make arguments in front of an Administrative Law Judge (ALJ) who will then decide how the issue(s) will be resolved. Due process hearings can be complicated and stressful, so it is recommended that parents seek the assistance of an attorney even though they are not required to do so.

When to File for Due Process?

Parents must file for due process within **2 years** from the date they knew or should have known about the issue(s) (unless the district said they resolved the issue but did not, or refused to give the parent information they were legally entitled to).⁵⁸ A district also has the right to file for due process against the parent if it feels that the parent is preventing it from providing the student with a FAPE, such as when a parent refuses to sign consent to an IEP and does not tell the District what they disagree with.

Please note that some school districts have their own “informal” or “alternative” resolution processes that they may initiate once a due process hearing request is filed. School districts usually present these processes as “faster” and “more efficient” ways to resolve disagreements. However, these processes often involve waiving rights under the IDEA and make it difficult to file for a due process hearing in the future. For this reason, it is recommended that parents consult with an attorney before agreeing to engage in these informal or alternative resolution processes.

Examples of Disagreements that May be Decided by a Due Process Hearing
Whether the student needs special education and related services
Whether the student’s assessments were complete and proper
Whether the district must pay for an IEE
Whether the student’s IEP provides a FAPE
Whether the related services in the student’s IEP meet their needs
Whether the placement offered in the student’s IEP meets their needs in the LRE

How to File for Due Process & What to Include in a Due Process Complaint

To file for due process, a parent (or a parent and their attorney) must prepare a “complaint.” A due process complaint must include:

- The student’s name, address, and school of attendance;
- All facts in the case and how those facts constitute legal violations (e.g., the student’s IEP provided for speech services but the district did not provide speech services as evidenced by service logs); and
- A proposed resolution to the problem (i.e., what a parents want the outcome of the case to be).⁵⁹

If a complaint does not include all of these things, a school district can argue that it had “insufficient notice” of the issues. If an ALJ agrees, the hearing cannot move forward until a new, sufficient complaint is filed. As such, parents should be sure to include all required information in their complaint in the form of a letter, or use the forms available on the OAH website: <https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Forms>. Parents should carefully select which form to use based on what they are seeking (e.g., a due process hearing only or mediation and a due process hearing) and read the instructions on the form. Parents must file their due process complaint with the OAH and send a copy to the school district(s) named in the complaint. Parents also need to provide OAH with a “statement” or “proof” of service (proof that they sent copies of the complaint to OAH and the district(s)).

⁵⁸ 34 C.F.R. §§ 300.511(e)-(f)

⁵⁹ 20 U.S.C. § 1415(b)(7)(A).

A Note on “Stay Put”

If a student’s IEP is not signed, their last signed IEP will continue to be in effect. After a parent or a school district files a due process complaint, parents may make a motion (called a motion for “Stay Put”) to keep their student’s educational situation (e.g., their placement and/or services) the same until the ALJ decides the case.⁶⁰ Sometimes parents put this request in their complaint to avoid the need to file additional paperwork.

What Happens after a Due Process Complaint is Filed?

A school district must respond to a parent’s due process complaint within 10 days of receiving it. The district must address the issues raised in the complaint and 1) explain why it proposed or refused to do something raised in the complaint; 2) describe what other options the IEP team considered and why those options were rejected; 3) describe each evaluation, assessment, record or report used to justify its decision; and 4) describe factors relevant to its decision.⁶¹

Within 15 days of receiving the parent’s due process complaint, the district must hold a meeting called a “resolution session” to discuss the complaint and provide an opportunity to resolve the disagreement.⁶² The district may not bring an attorney to the resolution session unless the parent also brings an attorney. Please note that resolution sessions may not be confidential, so anything they say, request, or agree to could be used against them by the district later on at hearing. In general, it is recommended that parents sign, and ask the district to sign, an agreement to keep the resolution session discussions confidential. Such a confidentiality can help promote open communication which may increase the likelihood of resolving the disagreement without having to go to hearing.⁶³ If the parties can come to an agreement during a resolution session meeting, each party must sign a written settlement agreement.⁶⁴ Such an agreement may be “voided” by either party within 3 business days of its execution (e.g., once all parties have signed).⁶⁵ Assuming the agreement is not voided, it is “enforceable” in court. This means that if either party fails to uphold their end of the agreement, the other party can go to court to ask a judge to order that party to comply with the terms of the agreement. It is important to note that a parent is not required to sign a settlement agreement if they do not believe it resolves the issues in their complaint. There are opportunities after the resolution session (e.g., mediation, discussed below) to resolve the complaint before going to the actual due process hearing.

In fact, most due process cases are resolved using a process called mediation. During mediation, a qualified, impartial mediator attempts to help the parent(s) and school district reach a mutually acceptable resolution to their dispute.⁶⁶ Please note that parents and school districts may bring attorneys to mediation, but a school district may not bring an attorney if the parent does not bring an attorney. The mediator will ask both parties to present their case, and often will separate the parties and go back and forth between them trying to get a resolution. Depending on how negotiations are going, and if attorneys are involved, the mediator may even ask to speak only to the attorneys. If the parties reach an agreement during mediation, they will sign a settlement agreement and the due process complaint will be resolved or “dismissed.” Mediations vary in length: some only take an hour, while others last up to a full day (and negotiations may even continue after

⁶⁰ 20 U.S.C. § 1415(j); Cal. Educ. Code § 56505(d).

⁶¹ 20 U.S.C. § 1415(c)(2)(B)(i)(I); Cal. Educ. Code § 56502(d)(2).

⁶² 20 U.S.C. § 1415(f)(1)(B)(i); Cal. Educ. Code § 56501.5(a).

⁶³ Please note that a parent and a school district can agree, in writing, to waive the resolution session and go straight to mediation. If the parties waive the resolution session, the 45-day timeline starts the day after. See Cal. Educ. Code §56501.5(d)(1).

⁶⁴ 20 U.S.C. § 1415(f)(1)(B)(iii).

⁶⁵ 20 U.S.C. § 1415(f)(1)(B)(iv).

⁶⁶ Cal. Educ. Code § 56501(b)(2); 34 C.F.R. § 300.506.

the formal meeting ends). It is important to note that all settlement discussions during mediation are confidential and may not be used as evidence in a later due process hearing or civil proceeding.

If a parent's complaint is not resolved within 30 days of the school district's receipt, the timelines for a due process hearing commence.⁶⁷ These 30 days are sometimes referred to as the "30-day resolution period." A due process hearing must be completed and a written, reasoned decision must be sent to the parties no later than 45 days after the end of the 30-day resolution period.⁶⁸ This is referred to as the "45-day timeline" for due process cases.

However, before a due process hearing can occur, each party must submit a "prehearing conference statement" to OAH and the opposing party. These prehearing conference statements must include things such as: an estimate of the time necessary to complete the hearing, a concise statement of the issue(s) raised that remain to be decided and the proposed resolution to such issues, a description of each potential witness and their testimony, and a list of documentary evidence or description of physical evidence. Parties must submit these statements at least three (3) business days before the "prehearing conference" during which the parties will discuss the relevant issues, evidence, and witnesses for hearing. If the parties need more time (for example, to continue settlement negotiations), they can file a request for a "continuance" from OAH no later than the day the prehearing conference statements are due.

There are some other key deadlines to keep in mind prior to a due process hearing. First, a parent must inform a school district at least ten (10) calendar days in advance if they plan to be represented by an attorney at hearing. At least five (5) days prior to the due process hearing, each party must provide copies of all documents and a list of witnesses they plan to present at hearing. If a parent does not do this, they may not be able to use the documents or witnesses at the due process hearing.

Parent Rights during Due Process Proceedings

As mentioned, parents have the right to have an attorney represent them at a due process hearing and advise them throughout the complaint process. Please note that it is the parent's responsibility to find an attorney as the school district will not provide or pay for one for them. Parents also have the right to present evidence, require attendance of witnesses, and cross-examine (ask questions of) witnesses. If a parent needs an interpreter, they have the right to one. Further, parents have a right to a written or electronic copy of the transcript and/or the findings and hearing decision(s).

What Happens after the Due Process Hearing?

Also as noted, within 45 days of receiving a due process complaint and upon completion of the due process hearing, the OAH must mail the parent a copy of the ALJ's decision.⁶⁹ If a parent disagrees with the decision, they may appeal the decision by bringing a civil action in state or federal district court no later than 90 days after the OAH issues its due process hearing decision.⁷⁰ This manual does not include detailed information on the appeal process. If a parent who did not have an attorney during the due process hearing wishes to appeal a hearing decision, it is important that they seek legal advice and assistance promptly.

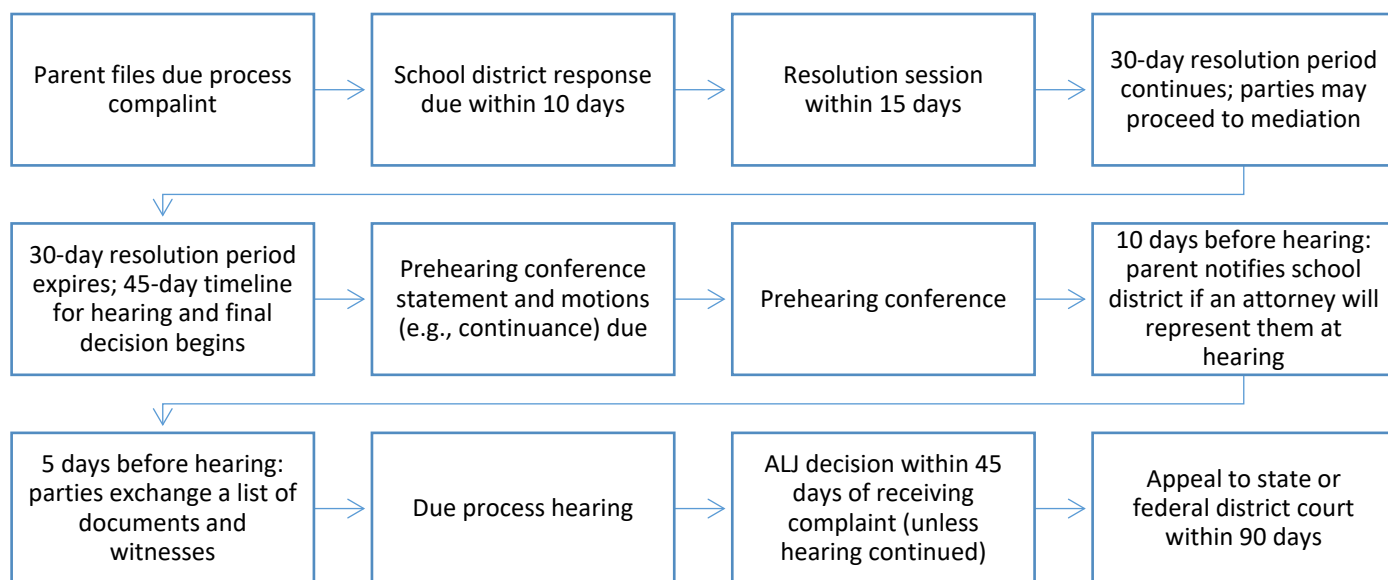
⁶⁷ 20 U.S.C. § 1415(f)(1)(B)(ii); Cal. Educ. Code § 56501.5(c).

⁶⁸ Cal. Educ. Code § 5605(f)(3).

⁶⁹ Cal. Educ. Code § 56505(f)(3).

⁷⁰ 20 U.S.C. § 1415(i)(2)(B).

The Life Cycle of a Due Process Case



U.S. Department of Education, Office for Civil Rights (OCR) – Discrimination Complaints

If a parent believes that a school district has discriminated against their child based on their race, color, national origin, sex, or disability, they can file an “OCR complaint” with the U.S. Department of Education’s Office for Civil Rights (OCR). Although OCR cannot investigate violations of the IDEA, it can investigate alleged violations of Title VI,⁷¹ Title IX,⁷² Title II of the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act of 1973.⁷³ To file an OCR complaint, a parent must prepare written statement describing how a specific school district discriminated against one or more named students and requesting that OCR take action. Parents must file their complaint with OCR within 180 calendar days of the discrimination unless an exception applies. Once OCR receives the complaint, it will investigate the allegation(s) of discrimination, try to resolve the issue with the school district, and take action to resolve the issue as appropriate. It is important to note that OCR can release information related to a complaint to the press or general public, including the name of the school, the date the complaint was filed, the type of discrimination at issue, the date the issue was resolved, and reasons why. OCR will not release the name of the person who filed the complaint or the name of the student(s) involved. For more information about OCR complaints, including a link to an electronic complaint form, please visit <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.

Conclusion

We hope the information included in this handbook is helpful for students and families navigating the special education process. As a reminder, we intend this handbook to be a guide for self-advocacy and it does not constitute legal advice. Parents living within Public Counsel’s service area (Greater Los Angeles Area) who meet certain income requirements can contact Public Counsel’s Education Rights Project at (213) 385-2977, ext. 500 or by completing an application for legal services by visiting www.bit.ly/crped.

⁷¹ Title VI prohibits discrimination based on race, color, or national origin.

⁷² Title IX prohibits discrimination based on sex.

⁷³ The ADA and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination based on disability.

Appendices

Below, you will find the appendices referenced throughout this handbook. Please note that we have provided each appendix in English and Spanish.

[Appendix A: Sample Special Education Evaluation/Assessment Request Letter Template](#)

[Appendix B: Sample IEE Request Letter Template](#)

[Appendix C: Sample IEP Meeting Request Letter Template](#)

[Appendix D: Sample Records Request Template](#)

[Appendix E: IEP Preparation Checklist](#)

APPENDIX A

Sample Special Education Assessment Request Letter Template

Special Education Assessment Request

Date: _____

School Name: _____

School Address: _____

School Email and/or Fax: _____

District Name: _____

District Address: _____

District Email and/or Fax: _____

Student Name: _____

Student Date of Birth: _____

Student Grade: _____

Dear _____ :
(Name of Principal or Special Education Coordinator)

My name is _____ and I am the _____ and educational rights
(Relationship to Student)

holder (ERH) of the above-named student. I am concerned that _____ may require a special education
(Student Name)

program due to the following *(attach additional pages if needed)*:

▪ Academic Needs: _____

▪ Social-Emotional and/or Behavioral Needs: _____

▪ Health and Physical Development Needs: _____

▪ Other Needs: _____

At this time, I am requesting a comprehensive psycho-educational assessment for _____ including testing of cognition, academics, psychological processing (including visual, auditory, sensory motor, and attention processing), social-emotional needs, behavior, and health and physical development (including hearing and vision).

(Student Name)

Please also ensure that _____ is assessed in *all* areas of suspected disability including but not limited to (*check all that apply*):

(Student Name)

- Speech and Language by a speech and language pathologist
- Occupational Therapy including fine motor and/or sensory processing by an occupational therapist
- Gross Motor by an adapted physical education specialist or physical therapist
- Central Auditory Processing by an audiologist
- Visual Processing/Vision Therapy by an optometrist
- Functional Behavior Assessment
- Educationally Related Mental Health Services (ERMHS)/Educationally Related Intensive Counseling Services (ERICS)
- Vocational
- Adaptive Behavior
- Social Skills by a licensed psychologist or speech and language pathologist
- Recreational Therapy by a recreational therapist
- Other: _____

I look forward to receiving a proposed assessment plan within 15 calendar days, no later than _____ . Cal. Educ. Code §§ 56043(a), 56321(a). Please send this assessment plan to me via (*check all that apply*) email and/or

(15-day Deadline Date)

to the mailing address listed below. In the unfortunate event that any or all of the above-requested assessments are refused, please provide me with a written refusal letter including the reasons for the refusal no later than

_____. Cal. Educ. Code §§ 56500.4. Thank you for your attention to this important matter. I look forward to working with you to ensure _____'s educational success. If you have any questions, please contact me.

(15-day Deadline Date)

(Student Name)

Sincerely,

ERH Signature: _____

ERH Name: _____

ERH Address: _____

ERH Phone: _____

ERH Email: _____

Appendix B

Sample IEE Request Letter Template

Independent Educational Evaluation Request

Date: _____

School Name: _____

School Address: _____

School Email and/or Fax: _____

District Name: _____

District Address: _____

District Email and/or Fax: _____

Pupil Name: _____

Pupil Date of Birth: _____

Pupil Grade: _____

Dear: _____ :
(Name of Principal or Special Education Coordinator)

My name is _____ and I am the _____ and educational
(Relationship to Student)

rights holder (ERH) of the above-named student. Please note that I disagree with the _____
(Type of Assessment(s))

_____ assessment(s) dated _____ . At this time, I am
(Assessment Date(s))

requesting that the District fund an Independent Educational Evaluation (IEE) in the area(s) of *(check all that apply)*:

<input type="checkbox"/> Psycho-educational (incl. cognition, academics, psychological processing, social-emotional needs, behavior, health and physical development)	<input type="checkbox"/> Visual Processing/Vision Therapy
<input type="checkbox"/> Speech and Language	<input type="checkbox"/> Functional Behavior
<input type="checkbox"/> Occupational Therapy (incl. fine motor and/or sensory processing)	<input type="checkbox"/> Educationally Related Mental Health Services (ERMHS)
<input type="checkbox"/> Gross Motor	<input type="checkbox"/> Vocational
<input type="checkbox"/> Central Auditory Processing	<input type="checkbox"/> Adaptive Behavior
	<input type="checkbox"/> Social Skills
	<input type="checkbox"/> Recreational Therapy
	<input type="checkbox"/> Other: _____

As you know, when a parent or ERH requests an IEE at public expense, the district must respond, without unnecessary delay, by either agreeing to fund the IEE or filing a due process complaint to request a hearing to show that its evaluation is appropriate. Cal. Educ. Code § 56329(b); 34 C.F.R. § 300.502. I look forward to receiving the District's response to this request as soon as possible via email and/or to the mailing address listed below, preferably no later than _____. Thank you for your time and attention to this important matter.
(Preferred Response Date)

Sincerely,

ERH Signature: _____

ERH Name: _____

ERH Address: _____

ERH Phone: _____

ERH Email: _____

Appendix C

Sample IEP Meeting Request Template

Individualized Education Program (IEP) Meeting Request

Date: _____

School Name: _____

School Address: _____

School Email and/or Fax: _____

District Name: _____

District Address: _____

District Email and/or Fax: _____

Pupil Name: _____

Pupil Date of Birth: _____

Pupil Grade: _____

Dear _____ :
(Name of Principal or Special Education Coordinator)

My name is _____ and I am the _____ and educational rights
(Relationship to Student)
holder (ERH) of the above-named student. At this time, I am requesting that an Individualized Education Program (IEP)
meeting for _____ be held as soon as possible within 30 days as required by law, no later than
(Student Name)
_____. Cal. Educ. Code §§ 56043(1), 56343.5. At this IEP meeting, I would like to discuss:
(30-Day Deadline Date)

I am available to attend this IEP meeting on the below dates/times.

- Date: _____ at _____ AM / PM;
- Date: _____ at _____ AM / PM; or
- Date: _____ at _____ AM / PM.

Check this box if you will need an interpreter at the IEP meeting, and specify language: _____

Please send me an IEP meeting invitation via *(check all that apply)* email and/or to the mailing address listed below at your earliest convenience. If the above dates/times do not work for you, please contact me as soon as possible in order to find a mutually agreeable date/time for this IEP meeting. Finally, please note that the following individuals will also attend this IEP meeting: _____. Thank you for your time and attention to this matter.

Sincerely,

ERH Signature: _____

ERH Name: _____

ERH Address: _____

ERH Phone: _____

ERH Email: _____

Appendix D

Sample Records Request Template

Student Records Request

Date: _____

School Name: _____

School Address: _____

School Email and/or Fax: _____

District Name: _____

District Address: _____

District Email and/or Fax: _____

Student Name: _____

Student Date of Birth: _____

Dear Records Clerk(s):

Please accept this request for a copy of **all** school records for the above-named student including but not limited to **all**:

- Cumulative records (e.g., attendance, progress reports, report cards, transcripts, etc.);
- Health records;
- Class schedule(s);
- Standardized test scores;
- Disciplinary records, including but not limited to referrals to a counselor or other school/law enforcement official and suspension and/or expulsion notices;
- Correspondence, including but not limited to memoranda and/or notes by teachers or other staff members;
- Documents related to the student's English Learner (EL) status including but not limited to notices sent to parents/guardians regarding EL testing, proficiency, classification and reasoning for such classification, and a description of the EL instructional program in which the student has been or is placed;
- Individualized Education Programs (IEPs); and
- Assessments (e.g., psycho-educational, speech and language, occupational therapy, behavior), reports, and testing protocols.

I am the educational rights holder (ERH) for this pupil. The law requires you to provide these records **no later than five (5) working days** following the date of this request (Cal. Educ. Code §§ 49069, 56043(n), 56504). As such, please send the requested information/records to me at the physical and/or email address listed below **no later than** _____. To ensure my ability to access my pupil's records, I respectfully request that all fees associated with this request be waived. Thank you in advance for your assistance. If you have any questions, please contact me.

Sincerely,

ERH Signature: _____

ERH Name: _____

ERH Address: _____

ERH Phone: _____

ERH Email: _____

Appendix E

IEP Preparation Checklist



IEP Preparation Checklist



Student Name:

School Name:

Student Grade:

IEP Date & Time:

Before the IEP Meeting:

- Review IEP Meeting Notification: Were all required team members invited?
- Fill out IEP Meeting Notification: check “yes” if attending IEP, list additional attendees, request interpreter if needed
- If planning to record the IEP, must provide the school with at least 24 hours notice
- Ask for copies of all assessment reports to be reviewed at the IEP at least 5 business days before IEP
- Review reports; request and review any additional information (for example, IEP goal progress reports)
- Speak to other individuals such as the student’s medical provider(s) or therapist about the student’s needs at school
- Make a list of questions, concerns, or comments to discuss during the IEP
- Brainstorm potential IEP goals for the following year
- Think about whether the student may need different or additional services in school
- If holding a virtual IEP meeting, make sure the school has provided a meeting link

During the IEP Meeting:

- Confirm that all required IEP team members are present
- If requested, make sure that an interpreter is present and that translation is sufficient for full parental participation
- If recording the IEP and notice has been given to the school, start recording before starting the meeting
- Take detailed notes during the IEP meeting
- Share questions, concerns, and comments with the IEP team; ask that these things be included in the IEP notes
- If requesting something from the school district, make sure to also ask for “Prior Written Notice”
- At the end of the IEP, sign for participation only
- DO NOT SIGN CONSENT TO THE IEP AT THE IEP MEETING! Instead, request a copy of the IEP document to review before signing consent.
- If needed, request that a translated copy of the IEP document be provided as soon as possible

After the IEP Meeting:

- Review all parts of the IEP document to make sure that everything was documented correctly
- Decide whether to agree or disagree with the entire IEP or parts of the IEP
- Sign and explain your consent to the IEP
- Return the signed IEP document to the school; the school must implement the parts that were agreed to as soon as possible after they receive written consent

