

PARENTS' GUIDE TO THE ALTERNATIVE DISPUTE RESOLUTION CONTINUUM

WORKING THROUGH CONFLICT IN THE IEP PROCESS
CLOVIS UNIFIED SELPA



Acknowledgments

The Clovis Unified Special Education Local Plan Area (SELPA) offers this handbook as a tool to assist parents in their endeavor to support and advocate for their child(ren).

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PREPARING FOR YOUR STUDENT'S IEP

WHAT CAN I DO TO PREPARE FOR MY CHILD'S IEP MEETING?

- Be sure to respond to the IEP notification sent to you! You are invited and encouraged to attend as a member of the team to develop, review, and/or revise your child's IEP.
 - You may reschedule the meeting or ask to attend via phone conference or video call.
 - If you need to reschedule, notify the school as soon as possible.
 - Have a couple of alternative dates to suggest when you call.
- Understand the purpose of the IEP meeting (example – Eligibility Evaluation, Annual, Plan Review, or addendum) as this will help you prepare and enter with confidence.
- Talk with your child and others involved in his/her education to brainstorm strengths, needs, and challenge areas.
 - List some of the areas you would like to share with the IEP team.
- Write down your questions and concerns. This will help the IEP meeting move smoothly as well as address your concerns.
 - If you have specific areas or goals that you want to discuss, contact the case manager prior to the team meeting to discuss your ideas so they may be included in the meeting conversation.
- Review copies of your child's previous IEP prior to your meeting.
 - If you cannot find it, you may make a written request for a copy from the school. (Remember, it may take up to 5 business days to get a copy).
- If you wish to tape record the IEP team meeting, notify the IEP team at least 24 hours before the meeting. You may indicate this on the IEP conference notice if returned within the timeline above and/or via fax or email.

WHAT IS MY ROLE DURING THE IEP MEETING?

- Be introduced to everyone at the meeting and, if their title is not determined, ask them in what capacity they serve your child.
- Actively listen.
- Share your child's needs, strengths, and what motivates your child.
- Give input and feedback.
- Ask questions, especially if the team is referring to term with which you are not familiar.
- Take notes.
- Be an equal partner in the decision making process.

TIPS FOR EFFECTIVE COMMUNICATION DURING THE IEP

- Have a positive attitude.
- Give and expect treatment with respect.
- Acknowledge that everyone on the team has feelings.
- Keep your child as the focus of the IEP process.
- Involve your child whenever possible.
- Remember that the team is there to help your child be successful.
- Remember, you share a common goal.
- Keep the lines of communication open.
- Be fair and be willing to compromise.

WHAT ABOUT IEP IMPLEMENTATION?

- If you consent with the IEP as written, it will be fully implemented without delay.
- If you do not agree with all the parts of the IEP, you may sign consent only for those portions of the program with which you agree.
- It is important to continue to work with the IEP team to reach full agreement.
- If you consent with the IEP and later decide you disagree with any part of it, you may request, in writing, an IEP meeting to discuss this concern.
 - Even if you consent with the IEP, at any time you may **revoke consent** to special education, in writing. This action is not retroactive. The student will exit from special education. If, in the future, you seek re-enrollment in special education, the request will be treated as an initial eligibility evaluation.

WHAT SHOULD I DO AFTER THE IEP?

- Review the results of the meeting with your child, if appropriate.
- Maintain communication with your child's teacher.
- Check that new services or resources were put in place.
- Verify the related service providers have seen the current IEP (if appropriate).
- Periodically check the IEP against school work for consistency.
- Monitor homework and support your child as needed for completion.
- Evaluate progress:**
 - Are you receiving periodic reports from school on progress or concerns?
 - How is your child progressing?

- How does your child feel he/she is doing?
 - Is your child happy at school?
 - Is the program is working?
 - Are there some changes you would like to discuss? If so, can your requests be made informally, or do you think they require a formal agreement or IEP meeting?
- Keep Accurate Records: As the primary decision maker, observer, and advocate for your child, it is to your benefit to keep accurate, up-to-date records.**
- Background Information
 - Developmental History
 - Medical History and Medical Records
 - Family Health History
 - Educational History
 - Educational, Psychological, and Therapy Reports
 - IEP, including Long-Term Goals (with or without short-term objectives)
 - Samples of past and present work
 - Records from outside agencies (e.g., Regional Center, etc.)
 - Correspondence – Letters you have written and received
 - A record of your contacts with school agencies (e.g., personal visits, phone calls)
 - School Report Cards and IEP Progress Reports

WORKING WITH THE SCHOOL PROGRAM

A well-developed, successful IEP requires the active participation of everyone on the team – parents, teachers, administrators, related service providers and any other person working with the student who may have an impact on the school program. A strong IEP team will have involvement by each member of the team.

- The IEP is developed by a collaborative team whose members share responsibility for the meeting process and results.
- The process builds and improves relationships among team members.
- Decision-making is arrived to by true consensus based upon effective communication and reflective listening.
- The needs of the student are the focus of the IEP content and process.

Please keep in mind that the schools care about your child and try very hard to provide a high quality, effective program. Your cooperation, understanding, and support are important.

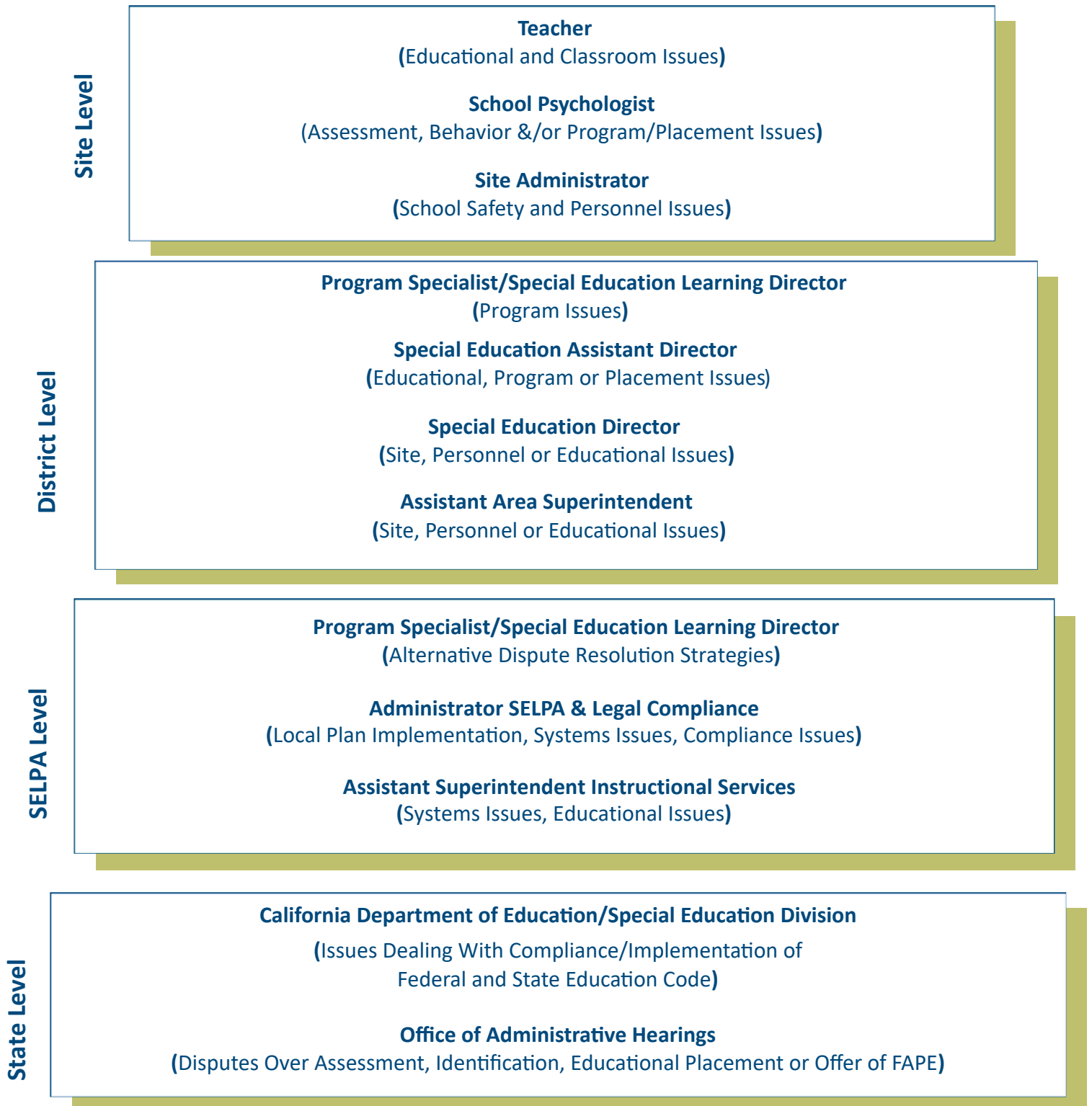
At times, both the school staff and parents/guardians recognize constraints such as geography, limited resources, time restrictions, etc., but given reasonableness by all, together, we can provide what each child needs!

WHAT ARE SOME EFFECTIVE STRATEGIES FOR RESOLVING DIFFERENCES?

During the course of the special education process, you and the school personnel might disagree about some aspect of your child's education. Listed below are examples of issues that may arise and how to respond.

- What if I want an IEP sooner than the annual IEP review?
 - At any time, you can request in writing that another IEP meeting be held. Expressing in your request what your specific concerns are and/or desired outcomes can help the school ensure that the right people are in attendance at the IEP meeting. The Local Educational Agency (LEA) has thirty days in which to schedule the IEP meeting.
- What if I want my child evaluated prior to the triennial evaluation?
 - If you think that your child's educational program is inappropriate due to outdated information in his/her records, you can request a re-evaluation before its scheduled time. It may be appropriate to reassess if additional areas of suspected disability arise which impact educational success.
- What if I just want to talk to someone outside of the IEP meeting?
 - If you have a concern with the school, make an appointment with the person most closely connected with the area of concern. For example, if you are concerned about a situation in a classroom, meet with the teacher and if appropriate, the school principal. The hierarchy to follow (next page) when resolving conflicts provides more examples.
- What if I am interested in requesting an Independent Educational Evaluation?
 - The parent/guardian has the right to request an Independent Educational Evaluation (IEE) at public expense when the parent disagrees with the assessment conducted by the LEA. The LEA then must respond without unnecessary delay as to whether or not the District will fund the IEE request or file Due Process. The LEA may initiate a due process hearing to show that its evaluation is appropriate. If the LEA initiates a hearing and the final decision is that the LEA's assessment is appropriate, the parent has the right to an IEE, but not at public expense.
 - The LEA is not responsible for providing or reimbursing an IEE when parents merely feel the need for additional information about their child, which is not based on a disagreement with LEA assessment results or IEP team findings. Further, when the parent disagrees with an assessment previously conducted by the LEA and obtains multiple IEE reports in the same assessment areas, the LEA will not reimburse the cost of more than one IEE in any one area assessed.
- What if I want to file a Uniform Complaint?
 - If you suspect a school is in non-compliance with state laws or regulations, and the matter cannot be resolved informally, you can file a complaint in writing with the LEA's superintendent using the LEA's uniform complaint procedures.
 - Families and school districts are encouraged to work to solve differences at the lowest level possible in order to preserve collaboration and foster long term relationships which benefits the student as well as all other parties involved.

HIERARCHY TO FOLLOW WHEN RESOLVING CONFLICTS



ALTERNATIVE DISPUTE RESOLUTION (ADR) CONTINUUM

Alternative Dispute Resolution (ADR), is a free service offered to parents and school districts in the Clovis Unified SELPA that provides parties the opportunity to resolve disputes collaboratively and avoid time-consuming and costly litigation.

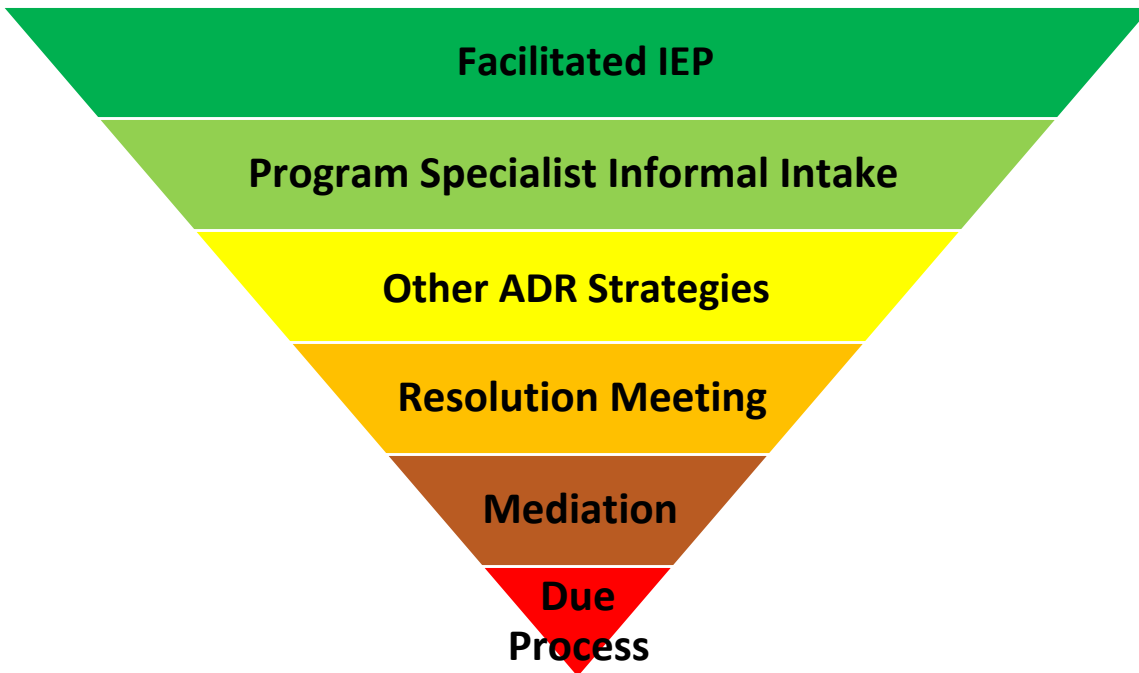
FOUNDATIONAL CLOVIS UNIFIED SELPA ADR PRINCIPLES

Parent/Educator engagement is a critical component to managing conflict through the IEP process. The process of building a foundation for a strong relationship between stakeholders involves intentional and proactive planning. Educating parents and educators in the areas of Conflict Resolution, Problem-Solving, Collaborative IEP Processes, and IEP Compliance is the cornerstone to engagement and collaboration.

WHAT IS ADR?

ADR is an informal method of settling disagreements that may arise during an IEP meeting. It is designed to meet the interests of the parties involved that results in a crafted, mutually agreeable outcome rather than living with a decision made by an outside third party such as a hearing officer or judge. The process can be initiated by a school district or a parent by contacting the Case Manager and/or Program Specialist assigned to the school site/program.

THE ADR CONTINUUM OF SUPPORTS



PROGRAM SPECIALIST INFORMAL INTAKE

ADR Intakes are strongly encouraged by SELPA and the California Department of Education (CDE). ADR intakes can come in the form of a phone call, written letter, written notice from Procedural Safeguards Referral Services with CDE, or a potential due process. The Program Specialist is trained to match strategies to the disputes and is available to both parents and LEA staff to assist with the ADR process. During the intake, all concerns are heard and help is provided to both parties in identifying problems and conflicts. Dispute resolution options are discussed and follow up is provided to check on the outcome of the option chosen. The ADR collaborative process allows for both parties to build relationships and is the first step in a positive resolution for both the parent and the local education agency (LEA) so that matters do not escalate into a potential complaint or due process.

PROGRAM SPECIALIST INFORMAL INTAKE STRATEGIES

Parent Support and Intervention

- Parent Support involves gathering and sharing information as well as counseling the family on the IEP and what it means. The Program Specialist may clarify what the IEP says and what it may mean for the student. The process may also include reviewing the IEP and addressing parent concerns or needs.

Team Planning Meeting

- Team IEP Planning is a process to prepare for the IEP. The team has the opportunity to utilize a third party to work through difficult questions and to critically examine IEP team questions and data. A Team Planning Meeting is a good coaching opportunity for staff.

File Review

- A SELPA File Review is a review of the issue in conflict by a third party who may offer a fresh perspective or opinion. The purpose of the file review is to gather information and offer analysis to the current area of conflict. The file review is specifically **not** a compliance review.

Student/Environmental Observation

- This process provides the opportunity for a third party exploration of the conflict at issue. The observation may be utilized to support discussion of IEP implementation, continuum of services, environmental issues and/or examining student needs. A Student/Environmental Observation is not a teacher evaluation and **does not** include evaluation of teacher performance.

CLOVIS UNIFIED SELPA FORMAL ADR STRATEGIES

If the parties are unable to resolve the differences with using informal ADR strategies, the next level of support includes formal ADR strategies. If the level of conflict is significant, parties may agree to initiate support with formal ADR strategies.

Neutral 3rd Party IEP Observer

- This process involves the Program Specialist or LEA Representative attending an IEP outside the role of a facilitator but as a neutral party.

Formal Facilitated IEP (FIEP)

- This process provides a choice of additional elements to facilitate or guide the IEP team meeting, including pre-meeting preparation through follow-up tasks. As part of the process, there is a neutral facilitator who clarifies the agenda and meeting outcomes, enforces working agreements, keeps the group focused on the IEP process, encourages problem solving, monitors time and encourages participation by all team members, asks for clarification and makes corrections while maintaining a neutral perspective. Key ideas and information will be visually recorded. The outcome of the facilitated IEP is a signed IEP which has been developed collaboratively and with agreement between the LEA and parents.

WHO CAN BE THE FACILITATOR?

- Typically a member of the team facilitates the meeting.
- Sometimes an LEA representative with facilitation skills may be called to assist the team reach consensus.
- A trained, neutral facilitator from SELPA may be asked to assist.
- As appropriate, students may be trained to facilitate their own IEP meetings. **WHAT**

WHAT DOES A FACILITATOR DO?

- Focuses the IEP team on consensus decision-making to develop an appropriate IEP.
- Guides the discussion by keeping the team's energy centered on the student.
- Assists team to resolve conflicts and disagreements that arise during the IEP meeting at the local level.
- Promotes open communication among all members of the IEP team.
- Helps the IEP team develop and ask clarifying questions about issues.
- Keeps IEP team members on task with the time allotted for the meeting.
- Does not impose a decision on the IEP team.

- Maintains impartiality and does not take sides (external facilitator).

WHAT ARE THE BENEFITS OF FIEP?

- Builds and improves relationships between the IEP team members (parents and schools).
- Ensures the IEP meeting is student-focused.
- Models effective communication and listening skills.
- Clarifies points of agreement and disagreement.
- Provides opportunities to resolve conflicts if they arise.
- Encourages IEP team members to identify new options to address unresolved problems.
- Costs less than more formal proceedings (due-process with attorney fees).
- Less stressful than formal proceedings.
- Supports better follow-through and follow-up.
- Roles and responsibilities can be discussed and planned.

PREPARING FOR FIEP

- Be familiar with facilitation techniques and strategies.
- Facilitate collaboration and communication.
- Identify issues and needs.
- Address logistic elements (dates, time, place).
- Prepare/receive notice and respond as appropriate.
- Gather data on present levels.
- Participate in planning meeting if appropriate.
- Be willing to discuss options.
- Share questions at least 3 days prior to meeting.

PARTICIPATION IN FIEP

- Come to meeting with expectations for balance, open discussion, and respectful interaction.
- Make introductions.
- Review agenda, ground rules, and purpose of meeting.
- Listen attentively, remain objective.
- Participate actively.
- Speak clear, plain language.
- Maintain confidentiality.
- Focus on student needs based on data.
- Utilize interest-based problem-solving strategies.
- Follow legal mandates for IEP meetings.
- Involve the student as appropriate.

AFTER THE FIEP

- Distribute/receive IEP documents as appropriate.
- Review consensus decisions.
- Monitor implementation of IEP.
- Gather data on progress towards IEP goals.
- Reflect on what worked well and areas of need.
- Make notes for future FIEP meetings.
- Continue to facilitate collaboration and communication.
- Debrief as a team

Mediation

- A facilitated IEP is not the same as mediation. Mediation is used to deal with a broader range of issues in special education than in an IEP meeting. Mediation occurs outside of an IEP meeting when you have already used your ADR structure, and where there is significant disagreement that the parents and the LEA are unable to resolve, but has not risen to the level of Due Process.

Local SELPA Informal Mediation

- This process involves a mediation session conducted by a SELPA mediator who will negotiate or resolve the dispute acting as a neutral third party. The local mediation process is voluntary and is provided at no cost to parents or the LEA.

Formal State Process

- If the parties are not able to resolve the differences using ADR strategies at the local level, they may choose to utilize formal procedures through the state. Disputes at this level are outside of the ADR continuum and are administered by state level agencies.

Helpful Resources

- Clovis Unified School District SELPA - cusd.com/SpecialEducation.aspx
- California Department of Education - www.cde.ca.gov
- Office of Administrative Hearings - www.oah.dgs.ca.gov
- Local Education Agencies - District Policies and Procedures

STATE PROCESSES TO RESOLVE COMPLAINTS: CALIFORNIA DEPARTMENT OF EDUCATION (CDE)
AND CALIFORNIA OFFICE OF ADMINISTRATIVE HEARINGS (OAH) AND MEDIATION SYSTEM



CDE SPECIAL EDUCATION COMPLAINT PROCESS: Frequently Asked Questions (FAQs)

KEY QUESTIONS	COMPLIANT PROCESS
What is a complaint?	A formal request, in writing, to the CDE to investigate allegations of noncompliance with special education federal or state laws.
Who may file?	Anyone can file a complaint, including parents, students, teachers, advocates and attorneys.
How does someone file?	A complainant may use the CDE form, <i>Request for Complaint Investigation</i> , or submit a written letter that includes the specific facts on which the complaint is based. A copy of the complaint must be sent to the education agency at the same time it is filed with the CDE.
How long do you have to file?	Complaints must be filed within one year of the alleged violation.
Where is the complaint filed?	Complaints may be sent by fax or mail to: California Department Education, Special Education Division, Procedural Safeguards Referral Service (PRSR), 1430 N. Street, Suite 2401, Sacramento, CA 95814-5901. FAX 916-327-3704. PSRS opens the case, assigns a case number and forwards all information to the FMTA unit.
Who does the investigation?	An investigator in the Focused Monitoring and Technical Assistance Unit (FMTA) of CDE is assigned to gather the facts about the allegations and conduct the investigation.
How long is the investigation?	Investigations are completed within 60 days of receipt of the complaint in the PRSR division and a written investigate report is issued by the FMTA.
How does the school district respond to a complaint?	After the receipt of the “Request for Information” facsimile from the FMTA investigator, the district sends the requested documentation to the FMTA investigator following the timeline specified in their letter, usually within 10 working days.
How can the complaint be resolved?	The complaint can be resolved locally with the district and complainant using an Alternative Dispute Resolution process through SELPA while the case is moving through the FMTA investigation process.
Does CDE continue the investigation during the local ADR process?	CDE continues with the investigation until they receive a letter withdrawing the complaint, signed by the parent or sent via email by the parent. The complaint can only be withdrawn by the parent for any reason.
What if the complaint is not resolved locally?	CDE continues the investigation and prepares a written report, with findings, at the end of the required 60-day time period.
What happens if there is disagreement with the initial eligibility report?	Either party may request reconsideration through an appeal process that must be submitted no later than 35 calendar days after receiving the initial investigation report. CDE assigns a new investigator, reviews the initial report, if necessary, gathers and/or reviews additional information, reviews the decision and issues a second, final written investigate report.
What happens if corrective actions are not completed?	CDE will work with the district to meet the timelines for the corrective actions documented in the investigative report. CDE can very rarely impose sanctions for failure to comply with the corrective actions.
What if the compliance report doesn’t resolve the dispute?	Participation in a local alternative dispute resolution process, or the filing of a complaint with CDE, does not prevent the complainant from filing for Mediation and Due Process although a complaint will not be investigated simultaneously with a mediation/due process filing. Complaints that are file simultaneously with OAH will be closed and may be re-filed, by the complainant, after completion of mediation/due process, if issues remain unresolved.

Alternative Dispute Resolution Continuum – BEFORE DUE PROCESS IS FILED

FEATURES	FACILITATED IEP	LOCAL SOLUTIONS MEETING	MEDIATION ONLY Office of Administrative Hearings (OAH)
Participants	Parents Relevant IEP Team Members District Representative SELPA Representative/Facilitator	Parents Relevant IEP Team Members District Representative/Facilitator SELPA Representative	Parents Relevant IEP Team Members District Representative SELPA Representative OAH Assigned Mediator
Decision Type	Written agreement prepared by the Facilitator as part of the IEP.	Legally binding written settlement agreement prepared by the facilitator.	Legally binding written settlement agreement developed by the parties with the assistance of the OAH mediator.
Time Frame	Usually resolved in 1-2 IEP meetings within 30 days.	30 Days (Average)	OAH schedules a <i>Mediation Only</i> meeting within 15 days of the receipt of the <u>Mediation Only Request Form</u> at OAH. Issues must be resolved within 30 days from the date received, unless parties agree to extend the mediation time.
Process	<p>Voluntary, Collaborative, Informal</p> <p>Parent or district request a facilitator by contacting SELPA before the dispute reaches an impasse and to avoid Due Process.</p> <p>Meeting scheduled at a time and place mutually agreed to by both parties.</p> <p>The IEP process determines the meeting agenda.</p> <p>The entire IEP team works together.</p> <p>The outcome is revised and/or completed and signed IEP.</p> <p>Second meeting may be set if consensus is not reached at the first meeting.</p> <p>If the parties are unable to reach agreement after a second IEP meeting, either party may move to:</p> <ul style="list-style-type: none"> • <i>Local Solutions Meeting</i> • <i>Mediation Only</i> with OAH or • <i>Mediation and Due Process</i>. The first step in that process is a <i>Local Resolution Session</i>. 	<p>Voluntary, Collaborative, Informal</p> <p>Parent or district requests Solutions Meeting through the SELPA after the parties have reached an impasse and have been unsuccessful in resolving the dispute.</p> <p>Meeting scheduled at a time and place mutually agreeable to by both parties.</p> <p>The facilitator helps the parties create an agenda.</p> <p>The facilitator may work separately with specific parties (caucus) at times during the process.</p> <p>If an agreement is reached, the outcome is the written agreement that resolves the dispute.</p> <p>If the parties are unable to reach agreement within the specified time frame, either party may move to:</p> <ul style="list-style-type: none"> • <i>Mediation Only</i> with OAH or • <i>Mediation and Due Process</i> (Local Resolution Session required as first step if parent has filed) <p>Participation in a Local Solutions Meeting does not prevent either party from filing for <i>Mediation and Due Process</i> at any time</p>	<p>Voluntary, Collaborative, More Formal</p> <p>Due Process Hearing is not part of a <i>Mediation Only</i> request.</p> <p>Parent(s) and/or District may request a “<i>Mediation Only</i>” meeting that occurs without either party filing for Due Process, by submitting the <i>Mediation Only</i> form to OAH.</p> <p>May occur at any time, but encouraged to occur after Facilitated IEP(s) and Local Solutions Meeting has been unsuccessful at resolving the dispute.</p> <p>If the matter is settled, results are reported to OAH.</p> <p>If the matter is <u>not settled</u>, either party can file a request for <i>Mediation and Due Process Hearing</i>.</p> <p><i>Mediation Only</i> sessions are rarely scheduled more than one time and may not be recorded.</p>

Alternative Dispute Resolution Continuum – BEFORE DUE PROCESS IS FILED

FEATURES	FACILITATED IEP	LOCAL SOLUTIONS MEETING	MEDIATION ONLY Office of Administrative Hearings (OAH)
Attorneys Present	Yes <i>*At the discretion of the parties, but encouraged without attorneys</i>	Yes <i>*At the discretion of the parties, but encouraged without attorneys</i>	No <i>*Law specifically excludes attorneys from participating, but parents and district may be accompanied by non-attorney advocates/representatives</i>
Confidential	No <i>*Can be used as evidence in a hearing</i>	No <i>*Can be used as evidence in a hearing unless the parties sign a written confidentiality agreement.</i>	Yes <i>*Can not be used as evidence at a hearing</i>
Costs	Free <i>*Unless attorneys are involved</i>	Free <i>*Unless attorneys are involved</i>	Free
Results	Win/Win Successful, signed IEP No need to proceed to Local Solutions Meeting, <i>Mediation Only, and/or Mediation and Due Process</i>	Win/Win Legally binding written settlement agreement enforceable in court No need to proceed to <i>Mediation Only, and/or Mediation and Due Process</i>	Win/Win Legally binding settlement agreement enforceable in court A <i>Notice of Resolution Outcome</i> is sent to OAH whether the matter settles or not
Who to Contact	District Special Education Director SELPA	District Special Education Director SELPA	CDE/OAH

Alternative Dispute Resolution Continuum – AFTER DUE PROCESS IS FILED

Features	LOCAL RESOLUTION SESSION	FORMAL MEDIATION (Followed by Due Process Hearing) Office of Administrative Hearings (OAH)	DUE PROCESS HEARING Office of Administrative Hearings (OAH)	FEDERAL COURT APPEAL
Participants	<p>Parents Relevant IEP Team members District Representative SELPA Representative/Facilitator</p>	<p>Parents Relevant IEP Team members District Representative SELPA Representative OAH Mediator</p> <p>Legally binding written settlement developed by the parties with OAH Mediator assistance.</p>	<p>Parents Relevant IEP Team members District Representative SELPA Representative OAH ALJ</p> <p>ALJ decision that is binding on all parties.</p>	<p>Judge Parents District</p> <p>Written binding opinion (may be appealed)</p>
Decision Type	<p>Legally binding written settlement developed by the parties with Facilitator assistance Either party may revoke consent for any reason within 3 business days.</p>	<p>OAH schedules a formal mediation only if the parties agree to mediation and make a request in writing.</p> <p>Issues must be resolved within 30 days from the date received, unless parties agree to extend the mediation time.</p>	<p>Hearing scheduled on 45th calendar day after the hearing request is filed.</p> <p>3-5 days (Hearing average)</p> <p>Decision is usually within 45 calendar days after the end of the 30 day resolution period (total 75 days).</p> <p>District filed cases exclude the 30 day resolution period.</p> <p>Hearing dates can be requested to be continued by the parties for good cause.</p>	<p>May be as long as 2+ years.</p>
Time Frame	<p>Within 10 days of the receipt of request for <i>Mediation and Due Process</i>, the LEA must provide a formal written response (aka Prior Written Notice or Answer) to the parent.</p> <p>Within 15 days (including the 10 days noted) of the date the district receives notice that a parent had filed for <i>Mediation and Due Process</i> the LEA must schedule the local mediation resolution session. Session must be held even if school is on summer break.</p> <p>If the district does not schedule the Session within 15 days, or unwilling to participate, parents may request that OAH set the matter for Due Process immediately.</p> <p>Issues must be resolved within the 30 day resolution period or the district and/or parent may request to proceed to <i>Mediation/Due Process</i> with OAH unless both parties agree to extend the timeline.</p>			
Process	<p>Required by IDEA 2004 when a parent files for Due Process.</p> <p>If the District files the case, a Local Resolution Meeting is not required and the case goes directly to <i>Mediation (if requested) and Due Process</i>.</p> <p>For parent-filed cases, District and parents are required to attend the local Resolution Session unless both parties agree in writing to waive the Local Resolution Session and agree to:</p> <ul style="list-style-type: none"> • go to <i>Mediation and/or</i> • Proceed with <i>Due Process Hearing</i> 			

Alternative Dispute Resolution Continuum – AFTER DUE PROCESS IS FILED

Features	LOCAL RESOLUTION SESSION	FORMAL MEDIATION (Followed by Due Process Hearings) Office of Administrative Hearings (OAH)	DUE PROCESS HEARING Office of Administrative Hearings (OAH)	FEDERAL COURT
Process <i>continued</i>	<p>If a parent refuses to attend, the District can request that the case be dismissed after 30 days.</p> <p>If a settlement is reached, results are reported to OAH, the case is closed and does not go to Due Process.</p> <p>If a settlement is not reached, results are reported to OAH, and the case proceeds to a Due Process hearing.</p> <p>Participation in a <i>Local Resolution Session</i> does not prevent either party from agreeing to participate in a formal mediation.</p>	<p>Parties participate in a formal mediation with an OAH mediator.</p> <p>If the case is <u>not settled</u>, case proceeds to Due Process Hearing.</p>	<p>Ruling can be appealed at the Federal level within 90 days from the date the decision is issued.</p>	
Attorneys Present	<p>Recommend that attorneys do not attend. If a parent brings an attorney to Local Resolution Session, then the District also has a right to have an attorney present.</p> <p><i>Note: Parents are not entitled to be reimbursed for attorney fees accrued with participation in Local Resolution Sessions.</i></p>	<p>Attorney or Advocate optional for Parents</p> <p>Attorney optional for District</p>	<p>Attorneys optional for both parties.</p>	<p>Attorneys optional for both parties.</p>
Confidential	<p>No</p> <p><i>*Unless a written agreement is signed by both parties.</i></p>	<p>Yes</p> <p><i>*Can not be used as evidence in Hearing.</i></p>	<p>Published decision</p> <p><i>*May be used as evidence in any future legal proceedings.</i></p>	<p>Published Decision</p> <p><i>*May be used as evidence in any future legal proceedings</i></p>
Costs	<p>Free</p> <p><i>*Unless attorneys are involved</i></p>	<p>Free</p> <p><i>*Unless attorneys are involved</i></p>	<p>Parents may be entitled to reimbursement of attorneys' fees if they prevail.</p> <p>Costs of remedy ordered by ALJ.</p>	<p>Substantial costs for both parties. Parents may seek reimbursement for attorneys' fees if they prevail.</p>
Results	<p>Win/Win</p> <p>Legally binding settlement agreement enforceable in court</p> <p>A <i>Notice of Resolution Outcome</i> is sent to OAH whether the matter settles or not.</p> <p>Case is closed.</p>	<p>Win/Win</p> <p>Legally binding settlement agreement enforceable in court.</p> <p>Case is closed.</p>	<p>Win/Lose</p> <p>OAH decision is final unless the case is appealed to the Federal District Court.</p>	<p>Win/Lose</p>
Who to Contact	<p>District Program Specialist</p> <p>District Special Education Assistant Director</p> <p>District Special Ed. Director</p> <p>SELPA</p>	<p>OAH</p>	<p>OAH</p>	<p>Attorney(s)</p>

Due Process Timelines

TIMELINE	ACTION	TIME COUNTED FROM	DETAILS	LEGAL REFERENCE
2 years	Time Limit for Filing a Due Process Hearing Request	Date of Alleged Violation	Parents are limited to two years for filing a denial of FAPE claim. The two years are counted from the date the denial was known or should have been known.	34 CFR 300.507(a)(2) EC 56505(1)
1-3 Business Days	Receive Scheduling Center	Filing with OAH	OAH sends the District and Parents a scheduling order within a day or so of receiving a DPH request. The District may receive a parent's DPH request prior to it being filed with OAH or may not receive it at all.	OAH Guidelines
ASAP	Begin Case Preparation	Date Complaint Received	An attorney will request student records, schedule witness interviews, issue any necessary subpoenas, and gather information for the defense.	EC56505(e)(3) CCR 3082(c)(2)
10 Calendar Days	Respond to DPH Complaint	Date Complaint Received	The District's response must include prior written notice regarding the subject matter contained in the complaint if not previously provided to parent.	34 CFR 300.508(e) EC 56502(d)(2)(A)
15 Calendar Days <i>(Except District Filings)</i>	Convene or Waive Resolution Session (Written Waiver Required)	Date Complaint Received by LEA	Schedule the resolution session ASAP. File the resolution session report with OAH immediately after the resolution session is held. (Not required for District filings.)	34 CFR
3 Calendar Days	Parties May Revoke Consent to a Resolution Agreement	Date of Agreement	Either party may have counsel review the resolution agreement and may revoke consent for any reason within three days.	34 CFR 300.510 EC 56501.5(g)
30 Calendar Days <i>(Except District Filings)</i>	Resolution Period	Filing with OAH	The completion of the resolution period begins the 45-day DPH timeline on parent filed cases. (No resolution period on District-filed cases.)	34 CFR 300.510 EC 56501.5(d)
15 Calendar Days	Notice of Insufficiency (NOI) (Optional)	Date of Complaint Received	A NOI may be filed with the OAH if the complaint is poorly pled and does not meet due process hearing request requirements.	34 CFR 300.508(d) EC 56502(d)(1)
5 Calendar Days	OAH Determination of DPH Complaint Sufficiency	Date of OAH Receives NOI	A NOI may be filed very early in a matter in hopes of receiving a dismissal prior to the response being required.	34 CFR 300.508(d) EC 56502(d)(1)
Must be requested no later than the date PHC statements are due.	Mediation		Mediation is voluntary and may be scheduled at the request of the Parents and District.	OAH Guidelines
3 Business Days Prior to PHC	Prehearing Conference Statement	Date of PHC	A prehearing conference statement clarifies the issues, hearing accommodations, and hearing details such as witness/evidence lists, motions, hearing dates and any concerns that may arise.	PAH Guidelines
1 Week Prior to Hearing	Prehearing Conference (PHC)	Date of Hearing	Conference with ALJ and parties to discuss PHC statements and hearing concerns.	OAH Guidelines
11 or More Calendar Days Prior to Hearing	Settlement Offer Pursuant FRCP Rule 68	Date of Hearing	Providing timely settlement offer may reduce an attorney's fees if the offer is rejected and OAH awards the same or less remedies contained in the settlement offer.	34 CFR §300.517(c)(2)
At Least 10 Calendar Days Prior to Hearing	Issue Statement/Notice of Representation	Date of Hearing	A notice of representation is usually filed when an attorney receives a request for representation from the client.	EC 56505(e)(6) EC 56507(a)
5 Business Days Prior to Hearing	Evidence Package and Witness List Due	Date of Hearing	The attorney will prepare documentary evidence and upload it on OAH's digital management case system and serve it to parent or parents' counsel.	EC 56505(e)(7)
75 Days Total (45 Days for District Filings)	OAH Decision	Date of Filing	OAH must issue a decision within a 75-day timeline including the 30-day resolution period and the 45-day hearing timeline. (District-filed cases exclude the 30-day resolution period.)	34 CFR 300.515(a) EC 56505(f)(3)
30 School Days Total	Expedited Hearings	Date of Filing	Mediation at day 10/PHC at day 14/DPH at day 20/Decision at 30.	34 CFR 300.532(c)
45 Days Total for DPH	OAH Decision	District Filing	Resolution Session at 15 Days/ Hearing at 30 Days.	OAH Guidelines
90 Days	Appeal Decision	Decision Receipt	Either party may appeal the DPH decision within 90 days of receipt.	34 CFR 300.516(b)

Frequently Asked Questions – Special Education Due Process Hearings and Mediations

These Frequently Asked Questions (FAQs) are designed to provide parents, students, and educational agencies with information on how to access the California Office of Administrative Hearings (OAH) special education due process hearing and mediation system. These FAQs were developed in consultation with the California Department of Education (CDE).

What is OAH?

The Office of Administrative Hearings (OAH) provides a neutral forum for fair and independent resolution of matters while ensuring due process and respecting the dignity of all. OAH is divided into two statewide divisions: General Jurisdiction and Special Education Division. OAH's Special Education Division provides Administrative Law Judges (ALJ) to hear disputes as well as to provide mediation and settlement services throughout the state to school districts and parents of children with disabilities.

What happens when there is a disagreement about the special education needs of a student or whether a student needs special education and services?

When a disagreement arises about a child who has (or is suspected of needing) Special Education, a request for due process hearing may be filed. The request for due process must be in writing. A parent, student or education agency may use a form that has been developed by OAH and CDE in order to submit a request for due process.

Where can these forms be obtained?

OAH and CDE have developed a form entitled "Request for Due Process Hearing and Mediation" to assist parties in filing a request for hearing. Another form for "mediation only" has also been developed and is entitled "Request for Prehearing Mediation Only." Both forms are available on the OAH website at www.oah.dgs.ca.gov or by contacting the Office of Administrative Hearings, Special Education Division, 2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833, (916) 263-0880. Forms may also be obtained by contacting the California Department of Education at (916) 319-0800 or by visiting their website at www.cde.ca.gov.

How do I ask for a due process hearing or a mediation only?

To begin the process, a "Request for Due Process Hearing and Mediation" or a "Request for Prehearing Mediation Only" must be filed with the OAH. Although OAH has regional offices, all due process requests must be filed in Sacramento. The party requesting a due process hearing must at the same time send or deliver a copy of the request to the other party or parties. The request may be sent via the internet using OAH's Secure e-File Transfer (SFT) system, mailed, hand delivered, or sent by overnight delivery to the Office of Administrative Hearings, Special Education Division, 2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833. OAH no longer accepts faxed documents.

What is the difference between mediation and a due process hearing?

Mediation is a voluntary, confidential, informal meeting at which the parties and an experienced, impartial mediator attempt to resolve the dispute in a cooperative, non-adversarial atmosphere. The mediator does not provide advocacy or legal advice to either party but facilitates communication between the parties. The participation of the neutral mediator makes it more likely that the parties will reach a mutually satisfactory resolution. Most mediations successfully resolve the dispute. Most mediations occur as part of the due process hearing procedures. However, as noted, a parent or school district can request a "mediation only," which is a mediation that takes place without also requesting a due process hearing. A hearing is a more

formal, trial-like legal proceeding in which all parties are given the opportunity to present evidence and arguments before an impartial Administrative Law Judge (ALJ). The ALJ then issues a written decision, which is the final administrative decision resolving the matter (unless appealed by either party).

Who may request a due process hearing or mediation only?

A parent or legal guardian of a student with a disability (or suspected of having a disability) may request a hearing or mediation. A school district or other educational agency may also make such a request. In some cases, the student may make a request. Each side of the disagreement is referred to as a “party.”

How long do I have to request a due process hearing or mediation only?

Education Code section 56505, subdivision (l), provides that a request for a due process hearing must be filed within two years from the date the party initiating the request knew or had reason to know of the facts underlying the basis for the request. This is typically referred to as the “statute of limitations.” However, there are exceptions to the application of this two-year provision, and OAH recommends that parents, students, and school district obtain advice from legal counsel to determine the viability of a request for due process.

What must be in a request for a due process hearing?

All requests for due process hearing and mediation are confidential. To be legally sufficient, a request for a due process hearing must contain the following information:

1. the name of the child, the address of the residence of the child, and the name of the school the child is attending;
2. if the child is homeless, available contact information for the child and the name of the school the child is attending;
3. a description of the nature of the problem, including facts relating to the problem; (i.e., describing the facts of the disagreement, such as the “who, what, where, how, why and when/dates”); and
4. a proposed resolution of the problem which is what the party wants the ALJ to order the other party to do.

What will happen to the student’s education during the due process hearing process?

The law requires that the student remain in his or her present educational placement during the mediation and hearing process until the ALJ issues a written decision, unless the school district and the parents agree otherwise. This requirement is often referred to as the “stay put” provision of the law. There are some specific exceptions to the stay put requirement when discipline is involved.

How will I know when my mediation and due process hearing have been scheduled?

You will receive a written document titled “Notice of Due Process Hearing and Mediation and Scheduling Order” approximately one week after filing a request for due process hearing. The notice will contain a date, time, and location of the mediation and due process hearing. It will also contain a date for a telephonic prehearing conference.

When will the due process hearing be scheduled?

The hearing is initially scheduled approximately 45 days after the hearing request is received, to allow time for the 30-day resolution meeting and for a resolution session to take place. The average hearing takes approximately 5 days to complete.

What happens in the first 30 days after the form is filed requesting a due process hearing?

Within the first 30 days after the request for hearing is made, the parties must have a meeting called a “resolution meeting.”

What is a resolution meeting?

Once a school district receives notice that a due process hearing request has been filed by a parent, the district has 15 days to hold a resolution meeting with the parents. The resolution meeting must include someone from the district who has the authority to make a decision for the district. The district’s lawyer is not allowed to come to the resolution “unless” the parent brings a lawyer. This meeting gives parties an opportunity to resolve the dispute. If the dispute is not resolved within 30 days after the district has received the due process hearing request, then the hearing proceeds as scheduled in the Scheduling Order. There is no requirement in the law for a resolution meeting in district filed requests for hearing.

Does the resolution meeting have to include the entire IEP team?

The law requires participation by “relevant” IEP members who have knowledge of the complaint.

What is the process for notification of the resolution meeting?

The school district, not OAH, is responsible for convening the resolution meeting and assembling the required participants.

May the resolution meeting be waived?

The parents and the school district may mutually agree to waive the resolution meeting. This agreement must be in writing. The parents and the district may also agree to use mediation instead of holding the resolution meeting. If OAH receives a written waiver of the resolution meeting signed by both parties, the period allotted for the resolution meeting ends, and the matter proceeds to mediation and hearing.

What if the parents do not attend the resolution meeting?

If the parents refuse to go to the resolution meeting, then they have not met the legal requirements to get a due process hearing, and the case may be dismissed.

What if the case is settled in the resolution meeting?

If the case is resolved at the resolution meeting, then both parties sign a settlement agreement. The settlement agreement is a legal document that can be enforced by a state or federal court of competent jurisdiction. The parties have three business days after the settlement agreement is signed to cancel the agreement. If the agreement is cancelled, then the due process hearing goes forward. If the parties reach an agreement at the resolution meeting they must notify OAH in writing.

If the resolution meeting is unsuccessful or cancelled, should the parties advise OAH?

Yes, because OAH will be able to advance the scheduling of a hearing date. If no communication is received, OAH will assume after 30 days that the resolution meeting was unsuccessful and the matter will proceed to mediation and hearing.

Do the parties have to wait 30 days before notifying OAH that they can't resolve issues in a resolution meeting and therefore need to proceed to hearing?

If the parties have reached an impasse prior to expiration of the 30-day period and submit to OAH a written statement to that effect, signed and dated by both parties, the matter will proceed to mediation and hearing.

OAH will not consider the resolution period terminated based on one party's assertion that the parties are at impasse.

What happens after the first 30 days has passed?

The parties will attend a mediation, if requested.

What is mediation?

Mediation is a way of settling a disagreement through facilitated discussion. At mediation the parties have the help of a trained mediator, who is unbiased and independent of both parties. The mediator will help the parties try to find a solution that is acceptable to both parties. In mediation, the parties work together to try to find a solution that will satisfy both parties. The parties decide whether or not the dispute is settled. If the parties try mediation but cannot reach an agreement, they still have the right to continue to a due process hearing.

What if one of the parties does not want to participate in mediation?

Mediation is a voluntary process. It is encouraged because it is more likely to lead to a settlement of the dispute, but participation in mediation is voluntary. If one of the parties declines the opportunity to mediate, the dispute will proceed to hearing.

What if I need an interpreter at the mediation?

If you need a language interpreter or an interpreter for the hearing or sight impaired, you must notify OAH before the mediation. OAH will provide the interpreter at state expense. When you ask for an interpreter, be sure to say what language or type of interpreter you need.

Am I allowed to have an attorney represent me?

You may have an attorney represent you at mediation which is scheduled as a part of your due process hearing. You do not have the right to have an attorney appointed for you.

Where can I get assistance in finding an attorney or other representative?

OAH maintains a list of persons and organizations that can provide representation on a free or reduced cost basis. This list is available upon request and is on the OAH website. Other resources for obtaining legal representation may be available through the local school districts or the internet.

Why should the parties participate in mediation?

Both federal and state law encourage the use of mediation for all special education disputes. The majority of special education disputes are resolved through mediation. Mediation is a preferred method for resolving disputes for a number of reasons, including the following:

1. The parties are more likely to maintain a cooperative relationship in the future if the settlement of the dispute is by mutual agreement.
2. Through mediation, the parties have a great deal of flexibility in reaching a mutually acceptable settlement. When the dispute goes to hearing, the ALJ makes the final decision which may not be completely satisfactory to either party.
3. If the parties reach an agreement in mediation, the agreement is written and signed that same day and can be implemented immediately. If the case goes forward to hearing, the ALJ must take time to consider the evidence presented at the hearing and then write a decision informing the parties of his or her determination.

4. Mediation is less costly than a hearing in terms of time, money, and personal stress.

Is mediation confidential?

Except for enforcement purposes, any agreement reached, and everything said in a mediation are confidential and are protected by law from being revealed in any other place. This is to encourage the parties to discuss their dispute candidly without fear of the later consequences of what they say.

What happens during mediation?

While all mediators have different ways of approaching mediation, most mediators begin with all of the parties in the same room. The mediator will explain how the mediation will proceed and will usually ask the parties to explain their positions regarding the dispute. The mediator will summarize the issues and invite discussion. Then the mediator may suggest that the parties adjourn to separate rooms. This is called “caucusing.” During caucusing, the mediator goes back and forth between the parties trying to develop a basis for common ground and a written agreement. Sometimes the parties are brought back together; sometimes they are not.

How will the parties be notified of the mediation?

When a hearing or mediation is requested, OAH sends a notice to all the parties setting the mediation date. A mediator will be assigned shortly before the mediation. The identity of the mediator can be obtained by either calling the Sacramento OAH office or through the online calendar at www.oah.dgs.ca.gov.

Where will the mediation take place?

In Clovis Unified, the mediation is usually held at the school district or virtually.

What happens if the mediation is successful?

The parties enter into a written agreement resolving their dispute. OAH then closes the matter because the dispute has been resolved.

Is the process different when “mediation only” is requested?

The process is basically the same except that attorneys and advocates cannot attend a mediation only. If parties are unable to resolve the dispute at the mediation only, the matter is closed. However, either party retains the option of filing a due process hearing request if the case is not resolved during mediation.

If mediation is unsuccessful, will the same ALJ be assigned to the due process hearing?

The mediation and hearing functions of OAH are kept separate so that the parties in mediation will feel free to discuss their dispute candidly. A mediator never discusses the case with anyone else in the office. He or she only reports whether the mediation was successful or not. In addition, all documents that result from mediation are sealed in an envelope marked confidential. The same ALJ will not be assigned to the due process hearing.

What happens after an unsuccessful mediation and a party has requested a due process hearing?

The case will proceed to due process hearing before an ALJ on the date scheduled in the scheduling order unless postponed (see information on continuances below). A telephonic prehearing conference, also scheduled in the scheduling order, will be conducted prior to the hearing.

Who conducts the prehearing conference and the due process hearing?

An Administrative Law Judge (ALJ) from OAH oversees the due process hearing, just like a judge is in charge of a trial. The ALJ does not take the side of either party and is independent of the school district and the California Department of Education. The ALJ rules on all procedural matters, runs the hearing, listens to the evidence and arguments of the parties, and writes a final decision. The ALJ will have telephone conferences or meetings before the hearing, give written orders, and generally control the hearing process. All ALJs are licensed California attorneys who have received specialized training in special education law and in the conduct of administrative hearings.

Do I need an attorney to go to a due process hearing?

If you are a party in a due process hearing, you do not have to have an attorney. As a parent or legal guardian, you may represent yourself and your child. If you choose to represent yourself, you will need to know the law and rules that apply to your case. OAH cannot give you legal advice or help you present your case. You can also be accompanied throughout the hearing process by someone with special knowledge or training relating to the problems of special education students, at your own expense. At a parent's request, OAH will provide a mediator without charge to assist the parent in identifying the issues and proposed resolutions that are stated in the request for due process hearing. However, the OAH-provided-mediator can only assist with preparation of documents and answer questions about the process. The mediator cannot provide legal advice.

Am I allowed to have an attorney represent me?

You may have an attorney represent you at due process hearing. You do not have the right to have an attorney appointed for you.

Must I give notice to the other parties if I plan to use an attorney?

The law requires that a party notify all other parties ten days before a hearing if that party intends to be represented by an attorney at the hearing.

What about attorneys' fees?

Parents may be entitled to have attorneys' fees reimbursed if they prevail as a result of filing for a due process hearing. School districts may also have attorneys' fees reimbursed, but only if parents act in bad faith in using the hearing process. Attorneys' fees are not awarded by the ALJ hearing the case. Recovery of attorney's fees requires that a separate case be filed with the federal or state court.

Where can I get assistance in finding an attorney or other representative to represent me at the due process hearing?

OAH maintains a list of persons and organizations that can provide representation on a free or reduced cost basis. This list is available upon request and is on the OAH website. Other resources for obtaining legal representation may be available through the local school districts or the internet.

What if I need an interpreter at the due process hearing?

If you need a language interpreter or an interpreter for the hearing or sight impaired, you must notify OAH before the mediation, hearing, or event where the interpreter will be needed. OAH will provide the interpreter at state expense. When you ask for an interpreter, be sure to say what language or kind of interpreter you need.

What if I can't attend the hearing on the day it is scheduled?

You may request a postponement, which is called a continuance, as long as you have “good cause” to do so. A request that the hearing be continued is simply a request by one or more of the parties that the hearing be rescheduled to a later date. Continuing the case also means that the time for issuance of a decision is extended.

What is “good cause” for a continuance?

In determining whether good cause exists for a continuance, the ALJ will consider the facts supporting the request for continuance, prior rulings by OAH on continuance requests, and the legal mandate for speedy resolution of special education disputes.

How do I request or respond to a request for a continuance?

Whenever possible, a party seeking a continuance should first contact the other party to inquire if the other party will agree to continue the hearing. If all the parties agree to the continuance, they should promptly communicate their agreement in writing to OAH. The parties must identify specific facts showing good cause for the continuance. If the parties are unable to agree on a continuance of the hearing, the party requesting a continuance should submit a request in writing to OAH and at the same time send a copy of the request to the other parties. The written request should state the specific facts supporting the request for a continuance, indicate the time at which the parties learned of the facts that created the need for a continuance, and show that a copy of the request has been sent at the same time to the other parties. If you wish to oppose a request for continuance, you must submit your reasons for opposing the request, in writing, to OAH within three (3) business days of the request for continuance.

What is OAH's procedure for ruling on a request for continuance?

All continuance requests are ruled on by a presiding administrative law judge (PALJ) or his or her designee. Until a ruling has been made on the continuance request, the parties should be prepared to proceed on the date and time previously scheduled.

What happens once a ruling is made on a continuance request?

If a continuance request is granted, the hearing will be rescheduled, and the 45-day time limit will be extended accordingly. OAH will either provide the parties with a notice of the new hearing date or schedule a telephonic trial setting conference to set mutually agreeable dates for the prehearing conference and the hearing.

Are parties permitted to stipulate (agree) to continuances?

While parties may jointly request a continuance, by law, the parties must still establish good cause, which must be decided by PALJ. A stipulation by the parties is not a substitute for the requirement of finding good cause. However, the fact that the parties jointly request a continuance will be considered in the assessment of good cause.

Are parties permitted to stipulate to specific hearing dates as part of a continuance?

The law requires these matters to be heard within a specified time period. The parties are encouraged to cooperatively arrive at agreement hearing dates for the matter. OAH will consider the parties’ preferences in resetting the matter once a finding of good cause for the continuance is determined.

Before the due process hearing begins, what other events will occur?

Before the hearing is held, various prehearing events may occur. Primarily these are motions, trial setting conferences, status conferences, and prehearing conferences.

What is a motion?

A motion is simply a written request that an ALJ rule on a particular issue prior to the due process hearing.

When should I make a prehearing motion?

The following are examples of issues that are appropriate for resolution through the filing of a prehearing motion:

1. Whether good cause exists for a continuance;
2. Determining the student's stay put placement pending resolution of the dispute;
3. Dismissal of a party or parties; and
4. Consolidation of two cases into one for hearing.

How do I make a prehearing motion?

A party may obtain a ruling on a prehearing issue by submitting a written request for a ruling. This is called a motion. While OAH has regional offices, all motions must be filed at the Sacramento location. The written motion should state the specific facts and legal authority supporting the motion and indicate that a copy of the motion has at the same time been sent to the other party or parties. When facts important to the motion are in dispute, declarations (affidavits) about the facts, made under penalty of perjury, should be included in the motions.

Before OAH rules on a motion, will OAH ensure that all parties get a copy of the motion?

The party making the motion must serve it on the other party at the same time it files the motion with OAH. OAH does not forward a copy of the motion to the other parties.

How and when do I oppose a motion? When will OAH rule on the motion?

The party wishing to file an opposition to a motion has three business days from the filing/service of the motion to send a copy of the response to OAH and all other parties. After three business days OAH may rule on the motion, but its timing will depend on the nature of the motion, its urgency, and the nearness of the hearing date.

Are prehearing motions assigned to the ALJ handling the case?

Most motions filed before assignment of an ALJ to a matter will be handled by the Presiding Administrative Law Judge of the Sacramento office (PALJ) or his or her designee. Motions filed after the assignment of an ALJ to the matter will be handled by the ALJ assigned to hear the matter.

What is a trial setting conference?

It is a brief, unrecorded telephonic conference initiated by the ALJ from an OAH office during which the dates and times for further proceedings are set, such as the prehearing conference and the due process hearing. It gives the parties and the ALJ an opportunity to consult their calendars and agree on dates that are acceptable to all.

What happens if I do not participate in a trial setting conference?

The conference will proceed without you, and the other party and the ALJ will set dates for further proceedings that are convenient to them.

What is a prehearing conference?

A prehearing conference is a meeting, usually by telephone or virtually, of the ALJ and the parties that is held to organize the upcoming hearing. The parties may discuss with the ALJ almost any issue concerning how the hearing will proceed, such as the need for clarification of issues, the length of the hearing, additional dates for motions and the hearing, and the need for an interpreter or special accommodation at the hearing. The ALJ may cover the disclosure of witnesses, evidence, and exhibits. A prehearing conference may also decide which party will put on its case first and what documentary evidence and witnesses will be presented by the parties. The parties are required to address these issues in written prehearing statements that must be filed three business days before the prehearing conference.

Will the same Administrative Law Judge who conducted the prehearing conference also conduct the hearing?

OAH makes every effort to assign the ALJ who conducted the prehearing conference to the hearing. However, scheduling problems may require that another ALJ be assigned to conduct the hearing.

What if I don't want to use the particular ALJ assigned to hear my case?

A peremptory challenge is the disqualification of the ALJ scheduled to preside over the hearing. A party can challenge an assigned ALJ one time for any reason. The challenge will be reviewed and if this challenge is granted, a different ALJ will be assigned. If a party wants to exercise a peremptory challenge, the challenge should be made as soon as an ALJ is assigned. This can be determined by contacting the Sacramento OAH office or from the calendar located on the OAH web site at www.oah.dgs.ca.gov. In no event can the challenge be made once the prehearing conference or hearing has started.

What should I do to prepare for the hearing?

In preparing for a hearing, a party must not only determine what issues need to be addressed by the ALJ but must also prepare to present evidence during the hearing to support the party's position on those issues. Additionally, the law requires that, prior to the hearing; each party must make certain disclosures to the other parties, including notice of the following:

1. proposed issues;
2. proposed resolutions;
3. evidence to be presented at the hearing;
4. witnesses that may be called to testify; and
5. representation by an attorney.

Can I get my child's school records?

Parents have the right to examine all pupil records maintained by the school district that are related to their child and to receive copies within five business days after requesting them. Parents should call or write their school district to request access to pupil records.

Do I have to give notice of the evidence I plan to present during the hearing?

By law each party must provide to the other parties copies of all documents that the party plans to use during the hearing. Each party must also provide to the other parties a list of all witnesses who will provide testimony, and a brief description of their expected testimony.

When must the evidence be provided to the other party and to OAH?

The evidence must be received by the other parties at least five business days before the hearing. Copies of the evidence should not be sent to OAH, but should be uploaded to OAH's electronic digital evidence management system (CASELINES) by the five business day deadline.

What happens if I fail to provide the evidence to the other party five business days prior to the hearing?

The ALJ has discretion to exclude the evidence.

How can I make sure witnesses appear at the hearing?

Most witnesses appear voluntarily when asked. Typically, the school district will be calling many of the same witnesses, who can be questioned when they testify for the district. If a witness is unwilling to appear voluntarily, a subpoena (or a subpoena for records) may be obtained from OAH and served by the party wanting to ensure the presence of the witness or the records. The requirements for serving a subpoena must be observed or the subpoena will be ineffective. Those requirements can be found in Government Code sections 11450.05 through 11450.50. The Government Code can be found in a law library or on line at <http://www.leginfo.ca.gov>.

When will the due process hearings be scheduled?

Hearings are scheduled on any regular business day, depending on the availability of an ALJ, usually on mutually convenient dates chosen by the parties. Most hearings begin at 9:30 am and end at 5:00 pm.

Where will the hearing be held?

The law requires that the hearing be held at a place reasonably convenient to the parent and the student. Hearings are usually held in local school facilities or virtually. The hearing room, at a minimum, should have one table for Student's representatives, one table for District's representatives, one table for the ALJ with a nearby electrical outlet, and one witness table.

Will OAH send copies of documents such as the notices of due process hearings to an advocate or a particular law firm upon receipt of written notice to do so?

OAH normally sends documents notice only to the parties to the matter. A written notice of representation must be received for each case before a notice will be sent to an advocate, a lawyer, or a law firm.

What happens during the hearing?

The purpose of the hearing is to allow all parties to present evidence supporting their positions and to explain to the ALJ why they believe they should prevail on the issues being heard. The hearing is not governed by formal rules of procedure or evidence. Although the hearing is less formal than a court trial, the hearing will proceed in an orderly fashion that is similar to a trial. At the beginning of the hearing, the ALJ turns on a recorder to make a record of the hearing and, after identifying the case and the parties for the record, briefly explains how the hearing will proceed. The ALJ may only speak with a party about the case in presence of the other parties. It is important to have any substantive discussions about the case on the record. Once preliminary matters are completed, each party is given an opportunity to make an opening statement, which should provide the ALJ with a brief summary of the party's position on the issues being heard. Then evidence is presented. The party who requested the hearing is usually the party who presents evidence first. All witnesses are sworn to tell the truth. After one party has presented its witnesses and evidence, the other

parties will call their witnesses. Each party will be given an opportunity to ask questions of the other parties' witnesses, and the ALJ may also ask questions of the witnesses. The ALJ may ask the parties to be flexible as to when witnesses are called to ensure that all relevant testimony is presented. At the end of the hearing, each party is allowed to make a closing argument. In some cases, the ALJ may ask the parties to make oral closing arguments. In others, closing statements will be submitted in writing after the hearing. After closing statements are received, the hearing record is closed. The ALJ will then prepare a written decision, which will be sent to the parties.

What issues can be considered at the hearing?

State and federal law prohibit the consideration at a due process hearing of any issue that is not raised in the request for due process hearing, unless the other party consents, or unless, not later than five days before the hearing, an ALJ grants permission to a party to add an issue under Education Code section 56502, subdivision (e). A party that wishes to add issues to a case must file a motion for leave to amend the complaint. If a complaint is amended, the timelines for resolution meetings, mediations, and hearing start over again.

What are the rights of the parties during the hearing?

All of the parties have the following rights during the hearing:

- Right to representation. All parties have the right to be accompanied, advised, and assisted by counsel and by persons with special knowledge or training related to the problems of disabled children.
- Right to request the exclusion of witnesses. Any party may ask the ALJ to order prospective witnesses to remain outside the hearing room while other witnesses are testifying. This practice allows the ALJ to compare the testimony of witnesses who have not heard each other testify.
- Right to present evidence and argument. All parties have the right to call witnesses and present evidence that will help them prove their cases. They will also be given the opportunity to argue the merits of their cases.
- Right to confront and cross-examine adverse witnesses. All parties have the right to be present when witnesses testify against their positions and to ask them questions concerning their testimony.
- Right to written findings of fact and decision. The ALJ must prepare a written decision setting forth his or her factual findings, analysis of the applicable law, and final decision.

Do parents have any additional rights during the hearing process?

The law provides the following special rights to parents in addition to the rights set out above:

- Right to an interpreter. If the primary language of a party is other than English, an interpreter will be provided by OAH. It is important that the parties notify OAH well before the hearing that an interpreter will be needed.
- Right to close the hearing to the public. At the parents' request the ALJ will close the hearing to anyone but the participants.
- Right to a public hearing. Parents have the right, if they choose, to allow members of the public to attend the hearing.
- Right to presence of the student. Parents have the right to have their child present during the hearing.

What authority does the Administrative Law Judge have at the hearing?

The ALJ has the authority to take all actions necessary to complete the hearing in an efficient and expeditious manner, and to render the final administrative decision. By law, the hearing officer is given additional specific authority to:

- Question a witness on the record before any of the parties does;
- With the consent of all parties, request that conflicting experts discuss an issue with each other while in the record;
- Visit the proposed placement site when the physical attributes of the site are at issue;
- Call a witness to testify at the hearing if all the parties consent, or if the hearing is continued for at least five days prior to the testimony of the witness;
- Order that an impartial assessment of the pupil be conducted (the cost of which will be paid by OAH);
- Put reasonable time limits on the hearing; and
- Initiate contempt sanctions and/or impose expenses and attorneys' fees against a party, attorney, or other representative for misconduct.

May I request that security be present at the hearing?

For in-person hearings, OAH will arrange for the presence of a security officer on request or when deemed necessary.

What happens if I do not attend the hearing?

If the person who requested the hearing does not appear at the hearing, the request for hearing may be dismissed or the hearing may proceed without that party, and a decision may be rendered based upon the evidence presented during the hearing.

How long is the due process hearing?

Before the hearing, the ALJ and the parties will make an estimate of the time the hearing will take, and the ALJ will reserve that number of days on OAH's calendar. If it appears that the hearing will take longer, the ALJ has the discretion to obtain additional hearing days.

Does OAH set time limits for witness testimony?

The ALJ has the power to do so in any particular case.

Is telephonic testimony permitted?

Yes, telephonic testimony is permitted at the discretion of the ALJ. A witness testifying by telephone must have available all of the exhibits of both parties.

Are the technical rules of evidence followed in hearings?

The technical rules of evidence do not apply in a special education due process hearing. The rules for admitting evidence in due process hearings can be found in Title 5 of the California Code of Regulations, section 3082(b).

What legal rules apply to the hearing?

The ALJ is required to decide the hearing according to the legal principles set forth in the federal and state law, and in the decisions of courts interpreting those principles. OAH also relies on prior decisions of its own ALJs and of its predecessor agency, the Special Education Hearing Office, which by law may be used as persuasive, but not binding authority.

Where can I find prior OAH decisions?

OAH posts its decisions on its web site at www.oah.dgs.ca.gov. The OAH website also includes a link to the California Department of Education website which contains all hearing decisions.

How do I file a document with OAH?

OAH accepts documents delivered by uploading to OAH's mail, personal delivery, using OAH's Secure e-File Transfer (SFT) system, mailed, hand delivered, or sent by overnight delivery to the Office of Administrative Hearings, Special Education Division, 2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833. OAH no longer accepts faxed documents. It is not necessary to file a document by more than one method.

Must I send a document to the other party or parties at the same time?

A document is not considered properly filed unless the document itself shows that the party filing it delivered the document to all other parties on the same day it was sent to OAH.

What happens when a filing deadline falls on a weekend or a holiday?

When a filing deadline falls on a weekend or holiday, the deadline is automatically extended to the next business day.

How long does the process take?

Most disputes must, by law, be heard and decided within 45 calendar days of the receipt of a request for a due process hearing. This timeline does not include time used by a continuance (postponement) requested by a party and granted by OAH, or time used by the resolution meeting process. Expedited hearings, which involve student discipline, must be held within 20 school days of the receipt of the complaint, and a written decision must be issued within 10 school days after the hearing.

What if I disagree with the decision?

Any party has the right to appeal the decision to a state or federal court of competent jurisdiction within 90 days of the receipt of the decision but no later. The hearing is recorded, and parents have the right to a written verbatim transcript of the hearing. If a parent wishes to have such a transcript, the parent should submit a request in writing to OAH.

What can a parent do if a school district fails to comply with a mediation agreement or hearing decision?

If a school district or other agency does not comply with the provisions of a settlement agreement or hearing decision, a parent may file a complaint with the California Department of Education, Special Education Division, Procedural Safeguards Referral Service, 1430 N Street, Sacramento, CA 95814, Attention: PSRS intake, telephone: 800-926-0648, facsimile: 916-327-3704. A parent may also file a lawsuit in an appropriate court.

How can I get answers to questions that are not answered here?

Anyone may call OAH at 916-263-0880 for further information about the due process hearing and mediation system. OAH staff cannot give legal advice but will answer any procedural questions a parent or a district may have.

SPECIAL EDUCATION TERMINOLOGY

The following is a list of terms used in specialized areas, such as education, psychology, and medicine. The definitions of these words are helpful to parents when reading reports, attending meetings, conferences, and/or talking with specialists who work with their child.

Academic - Refers to subjects such as reading, writing, math, social studies, and science.

Access - (1) The right to enter, get near, or make use of something or to have contact with someone. For example, a child with a disability may need transportation to access his special education program. (2) A personal inspection and review of a record, an accurate copy of a record, an oral description or communication of a record, or a request to release a copy of an educational record.

Accommodations - Changes in format, response, setting, timing or scheduling that do not alter in any significant way what a test measures or the comparability of scores.

Adapted Physical Education (APE) - A related service for students with disabilities require developmental or corrective instruction in the area of physical education.

Adaptive Behavior - The ability of an individual to meet the standards of personal independence as well as social responsibility appropriate for his or her chronological age and cultural group.

Administrative Law Judge (ALJ) - Judges provided by OAH to conduct Due Process Hearings in a manner similar to civil court trials. They are neutral fact-finders, fully independent of the agencies whose attorneys appear before them.

Administrative Unit (AU) - (same as Responsible Local Agency) A district, county office, or agency identified in a SELPA local plan as having, among other duties, the responsibility to receive and distribute funds in support of the local plan.

Advocate - A person who represents and provides support to children with disabilities and/or their parents.

Age of Majority - Age 18, the age at which special education parental rights and procedural safeguards transfer from the parent to their child with a disability unless conservatorship is made. This must be addressed by the IEP team prior to age 18.

Alternate Assessment - A test designed for the small number of students with severe disabilities who cannot participate in the regular state standardized testing and reporting system. It is a means of including students with the most significant disabilities in the state's assessment and accountability program.

Alternate Curriculum - The curriculum used for students with more significant disabilities to access the core areas of the California State Standards.

Alternative Dispute Resolution (ADR) - An informal and FREE method of settling concerns or disagreements between a parent and a LEA. It is a process that encourages all parties to problem-solve and reach a mutually beneficial agreement through strategies such as professional development, parent training, facilitated IEP meetings, resolution sessions, and mediation meetings.

Americans with Disabilities Act (ADA) - This act prohibits discrimination of individuals based on disability.

Annual Review - A scheduled meeting of the IEP team on at least an annual basis to review, revise, and update the IEP.

Appeal - An integral part of the due process and complaint procedures. If the party filing a complaint disagrees with the findings, the party may give input at the local board presentation of findings or request review of the findings by the State Superintendent of Instruction. A parent or LEA that disagrees with a due process decision may appeal that decision through the court of appropriate jurisdiction.

Applied Behavior Analysis (ABA) - Application of learning principles derived from operant conditioning used to increase or decrease specific behaviors.

Aptitude Test - A test which measures someone's capacity, capability, or talent for learning something.

Assessment/Evaluation - Assessment encompasses all those functions in the testing and diagnostic process. It may include observation, interviews and testing methods to identify if a child has a disability, the severity of that condition, and the child's educational needs based on his or her learning profile.

Assistive Technology - The term "assistive technology device" means any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability. The term "assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device.

At-risk - An infant, child, or youth who has a high probability of exhibiting delays in development or of developing a disability.

Attention Deficit Hyperactivity Disorder (ADHD) - A disorder characterized by symptoms of inattention, hyperactivity, and impulsivity.

Attention Span - The extent to which a person can concentrate on a single task (sometimes measured in length of time).

Audiologist - A professional who studies the science of hearing and provides education and treatment for persons with hearing loss.

Auditory Perception - How a person perceives or hears specific sounds.

Autism Spectrum Disorder (ASD) - A developmental disorder characterized by abnormal or impaired development in social interaction and communication; restricted repertoire of activities and interests; and/or repetitive patterns of behavior.

Behavior Intervention Services - A systematic implementation of procedures designed to promote lasting, positive changes in the student's behavior in the least restrictive environment; may include an individualized plan to address behaviors that impede a student's learning or the learning of others and describes positive changes to the environment, supports, instructional materials and strategies to be used to promote alternative replacement behaviors that support classroom success.

Blind - An impairment in which an individual may have some light or form perception or be totally without sight; When a child relies basically on senses other than vision as a major channel for learning.

Braille - A communication system utilizing raised presentation of written materials for tactual interpretation; frequently used by individuals who are blind.

California Children’s Services (CCS) - Agency which provides medically necessary physical and occupational therapy for students eligibly under CCS criteria.

California Code of Regulations (CCR) - Contains administrative regulations for the application of Education Code.

California Department of Education (CDE) - State agency responsible for educational policies and procedures required by legislation.

CALPADS (California Longitudinal Pupil Achievement Data System) - The foundation of California's K-12 education data system, comprising student demographic, program participation, grade level, enrollment, course enrollment and completion, discipline, and statewide assessment data.

Child Find - A federal mandate, this is the means to locate and refer all individuals who might require special education.

Code of Federal Regulations (CFR) - Contains administrative regulations for the application of federal laws such as the IDEA.

Cognitive Operations (Skills) - Processes involved in thinking, knowing; analytical or logical:

1. Cognition – comprehension
2. Memory – retention and recall of information
3. Convergent thinking – bringing together of known facts
4. Divergent thinking – use of knowledge in new ways (creative thinking)
5. Evaluation – critical thinking

Cognitive Skills - The act or process of knowing; analytical or logical thinking.

Community Advisory Committee (CAC) - A committee of parents and guardians, including parents or guardians of individuals with exceptional needs, and representatives from schools and community agencies, which has been established to advise the SELPA regarding the development and review of programs under the comprehensive Local Plan.

Community Based Instruction (CBI) - A strategy for teaching functional skills in the environment in which they would naturally occur.

Compliance Complaint - An alleged violation by a public agency of any federal or state law or regulation; Typically filed with the CDE by a person who thinks that a special education law has been violated (e.g., failure to implement a service as specified in an IEP).

Complainant - The individual and/or entity filing the Compliance Complaint.

Confidentiality - Assurance that no information contained in school records be released without parental permission, except as provided by law.

Consent - Permission from the parent/student or a student eighteen years or older as required by law for assessment, release of records, and implementation of a special education program developed by an IEP team.

Core Curriculum - The LEA-defined curriculum. The core curriculum is the range of knowledge and skills which are included in the LEA-adopted course of study and which must be learned for successful grade promotion and graduation. IEP goals and objectives should reflect knowledge and implementation of the LEA’s core curriculum as adapted for the student with disabilities.

Counseling and Guidance - Counseling in a group setting, provided by a qualified individual pursuant to an IEP.

Criterion-Referenced Testing (or measurements) - Measures individual performance compared to an acceptable standard (criterion) – such as “can correctly name letters of the alphabet” – not to the performance of others as in norm-referenced testing.

Curriculum-based Measurement - Evaluation techniques for monitoring student progress in core academic areas such as reading, writing and math.

Day Treatment - Day Treatment and Day Rehabilitation may be provided by a school-based program or by a non-public school program. Services include assessment, plan development, therapy, rehabilitation, and educationally-related services.

Deaf - When a student has a hearing loss so severe that it inhibits language processing and affects educational performance.

Deaf Blind - When a student has a hearing loss and visual impairment which causes severe communication, developmental, and educational problems.

Disability - An inability or incapacity to perform a task or activity in a normative fashion.

Discrepancy - In regard to learning disabilities, the difference between the student’s actual academic performance and his or her estimated ability.

Disproportionality - Refers to being out of proportion. Disproportionate representation is the determination that students in special education are over - or under-represented based on race/ethnicity overall or by disability.

Due Process - Procedural safeguards to ensure the protection of the rights of the parent / guardian and the student with a disability under IDEA and related state and federal laws and regulations.

Due Process Hearing - A more formal trial-like proceeding in which all parties are given a change to present evidence and arguments before an impartial Administrative Law Judge who then issues a final written decision resolving the matter. This is also known as "fair hearing".

English Language Development (ELD) - A separate core content instructional area for English Learners (EL) to accelerate their English proficiency by promoting the effective and efficient acquisition of listening, speaking, reading, and writing skills of the EL student. ELD instruction is the direct, systematic, explicit development of vocabulary, grammar, comprehension and expression in both oral and written domains of English using curricula and instructional methods appropriate for second language learners. It is provided during the regular day, based on the ELD state adopted standards, and differentiated for the English proficiency level of each EL until the student is reclassified. All ELs, including those receiving special education services, must receive ELD instruction appropriate to their proficiency level, consistent with the LEA’s instructional plan for teaching ELD, and from a teacher authorized to provide such instruction.

English Language Proficiency in California (ELPAC) - the mandated state test for determining English language proficiency (ELP). It is administered as an initial assessment to newly enrolled students whose primary language is not English, as indicated on a home language survey; and annually as a summative assessment to students who have been previously identified as EL students. The ELPAC is aligned with the 2012 California English Language Development Standards.

Emotional Disturbance - Because of serious emotional disturbance a student exhibits one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational placement:

1. An inability to learn which cannot be explained by intellectual, sensory, or health factors
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers
3. Inappropriate types of behavior or feelings under normal circumstances exhibits in several situations
4. A general pervasive mood of unhappiness or depression
5. A tendency to develop physical symptoms or fears associated with personal or school problems

Early Childhood Education (ECE) - Early identification and special education services provided to children ages 3-5.

Evaluation - Procedures used by qualified personnel to determine whether a child has a disability and the nature and extent of the special education and/or related services that the child needs.

Expressive Language Skills - Skills required to produce language for communicating with other people. Speaking and writing are expressive language skills.

Extended School Year (ESY) - The term means the period of time between the close of one academic year and the beginning of the succeeding academic year. An extended year program shall be provided for a minimum of 20 instructional days, including holidays. Schools must provide extended year services to individuals with disabilities based on regression and recoupment data. Whether or not an individual is entitled to extended school year services is determined by the IEP team.

Facilitated IEP - A facilitated IEP is an Alternative Dispute Resolution process. A facilitated IEP is developed by a collaborative team whose members share responsibility for the meeting process and results. Decision making is managed through the use of essential facilitation skills.

Focused Monitoring Technical Assistance (FMTA) – The CDE Special Education Division assigns consultants to provide FMTA activities for their assigned counties, districts and SELPAs. The consultants provide information and facilitate access to technical assistance related to program monitoring and program implementation.

Fine-Motor Coordination - Pertains to usage of small muscle groups (writing, cutting).

Formal Assessment - Using published, standardized tests usually for measuring characteristics, such as “intelligence” or “achievement,” tests which have a standard set of directions for their use and interpretation.

Foster Family - Education Code 56155 (b): A family residence that is licensed by the state or other public agency having delegated authority by contract with the state to license, to provide 24-hour non-medical care, and supervision for not more than six foster children, including, but not limited to, individuals with exceptional needs.

Foster Family Home (FFH) - A family residence that is licensed by the state to provide for 24 hour non-medical care and supervision of not more than six foster children, including, but not limited to students with disabilities.

Free Appropriate Public Education (FAPE) - A special education program and/or related service(s) as determined on an individual basis which meets the unique needs of each child with a disability at no charge to the parent. Such an educational program and related service(s) are based on goals and objectives as specified in an IEP and determined through the process of assessment and IEP planning in compliance with state and federal laws and regulations.

Functional Academics - The application of life skills as a means for teaching academic tasks; this is the core of many instructional programs for students with more significant disabilities.

Functional Behavioral Assessment (FBA) - A functional behavioral assessment may be conducted for any student identified as having a behavior problem serious enough to impact the learning of the child him/herself or others.

Grade Equivalent - The score a student obtains on an achievement test, translated into a standard score which allows the individual student’s score to be compared to the typical score for students in his or her grade level. A “grade equivalent” score of 6.0 means the score that the average beginning

sixth grader makes; a “grade equivalent” score of 6.3 means the score that the average student who has been in sixth grade for three months makes.

Gross-Motor Coordination - Pertains to usage of large muscle groups (jumping, running).

Bilateral – Ability to move both sides of the body at the same time (jumping).

Unilateral – Ability to move one side of the body without moving the other (hopping).

Cross lateral (cross pattern) – Ability to move different parts of the opposite sides of the body together or in different sequences (e.g., skipping, which is a highly integrated movement).

Hard of Hearing - When a student has a hearing impairment, whether permanent or fluctuating, which impairs processing speech and language reception and discrimination through hearing, even with amplification, and which adversely affects educational performance.

Individual Counseling - One-to-one counseling, provided by a qualified individual pursuant to an IEP.

Inclusion – Inclusion is a philosophy and/or practice focused on educating each child with a disability to the maximum extent appropriate, in the school and/or classroom he or she would otherwise attend if he or she did not have a disability. It involves bringing the support services to the child (rather than moving the child to the services).

Independent Educational Evaluation (IEE) – An evaluation conducted by a qualified examiner.

Individualized Education Program (IEP) - The annually written record of an eligible individual's special education and related services, describing the unique educational needs of the student and the manner in which those educational needs will be met.

IEP Meeting - A meeting required at least annually under IDEA in which an IEP is developed for a student receiving special education services.

Individualized Family Service Plan (IFSP) - A written plan for providing early intervention services to an eligible child from birth to three years of age. The plan must be developed jointly by the family and appropriately qualified personnel involved in the early intervention. The plan must be based on the multidisciplinary evaluation and assessment of the child and include the services necessary to enhance the development of the child and family's capacity to meet the child's special needs.

Individual Services Plan (ISP) – Plan that describes the special education and/or related services that an LEA will provide to an eligible student who is voluntarily enrolled by his/her parent(s) in a private school setting.

Individual Transition Plan (ITP) – Plan included in a student's IEP beginning at age 16 or younger, that addresses transition needs and responsibilities or linkages that are needed for the student to successfully transition from school to adult life.

Individuals with Disabilities Education Improvement Act (IDEIA) - The Federal legislation that created amendments to PL 94-42, including the title of the act.

Individuals with Exceptional Needs (IWEN) - A student with a disability whose educational needs cannot be met by modifications of the regular school program and who requires special instruction and/or related services. Excluded are children whose needs are solely or primarily due to the unfamiliarity with the English language or to cultural differences.

Individualized Family Service Plan (IFSP) - A written plan for providing early intervention services to an eligible child from birth to three years of age. The plan must be developed jointly by the family and appropriately qualified personnel involved in the early intervention. The plan must be based on the multidisciplinary evaluation and assessment of the child and include the services necessary to enhance the development of the child and family's capacity to meet the child's special needs.

Informal Assessment - Using procedures such as classroom observations, interviewing, or teacher-made tests which have not usually been tried out with large groups of people, and which do not necessarily have a standard set of instructions for their use and interpretation.

Informed Consent - In accordance with 34 Code of Federal Regulations and Education Code, informed consent occurs when: (1) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his/her primary language or other mode of communication; (2) The parent understands and agrees in writing to the carrying out of the activity for which his/her part and may be revoked at any time.

Insufficient - Not meeting the legal requirement of IDEA by failing to provide the necessary detailed information and evidence to support a Due Process Complaint.

Intellectual Disability - A student who has significantly below average general intellectual functioning and deficits in adaptive behavior, which manifested during the developmental period, and adversely affects the student's educational performance.

Intelligence Test - A standardized series of questions and/or tasks designed to measure mental abilities – how a person thinks, reasons, solves problems, remembers, and learns new information. Many intelligence tests rely heavily on the understanding of spoken language.

Intelligence tests are given under controlled conditions involving standard instructions and time limits.

Intelligence Quotient (IQ) - The score obtained on a test of mental ability; it is usually found by relating a person's test score to his or her age.

Interpreter - A professional who signs, gestures, and/or fingerspells a speaker's message as it is spoken to enable individuals who are hearing impaired to understand spoken language, and who speaks for a person using sign language to be heard.

Least Restrictive Environment (LRE) - The concept that each child with a disability is to be provided opportunities to be educated with nondisabled peers and in a setting which promotes interaction with the general school population and classmates who are typically developing to the maximum extent appropriate to the needs of both. LRE is determined by the IEP team on an individual student basis.

Licensed Children's Institute (LCI) aka Group Home - A facility of any capacity which provides 24-hour non-medical care and supervision to children in a structured environment, with such services provided at least in part by staff employed by the licensed agency.

Local Educational Agency (LEA) - A school district, SELPA approved LEA charter school, or county office of education that provides education services.

Local Plan - The state required plan (EC 56170) that designates how the local educational agencies of the special education local plan area will meet both state and federal requirements for educating individuals with exceptional needs who reside in the geographical area served by the plan. The Local Plan must include the governance structure, administrative support, and agency responsibilities.

Long-Range Goals - Global and general "aims statements" which describe what needs to be learned by the student.

Low Incidence Disability - A severe disability with an expected incidence rate of less than 1 percent of the total K-12 statewide enrollment; includes hearing impairments, visual impairments, and severe orthopedic impairments (EC 56026.5).

Mainstreaming - Refers to the selective placement of students with disabilities in one or more general education classes and or extra-curricular activities.

Manifestation Determination - The determination made any time a disciplinary action is taken that involves a removal of student with a disability that constitutes a change in placement. A review must be conducted of the relationship between the child's disability and the behavior subject to the action.

Mediation - A conflict resolution process that can be used to resolve special education issues. Mediation is entered into prior to holding a due process hearing as an intervening, informal process conducted in a non-adversarial atmosphere that allows the parties to create their own solutions rather than having one imposed upon them through the judicial process.

Mediation (Formal) - A voluntary, alternative dispute resolution process that may occur after a Resolution Session and/or a Mediation Only has been unsuccessful. A mediator is provided through the Office of Administrative Hearing (OAH).

Mediation Only - A voluntary, alternative dispute resolution process through OAH in which the petitioner has requested mediation, but not a Due Process hearing. It is not a prerequisite to filing.

Medical Therapy Unit (MTU) - Space provided by LEAs for the provision of medically necessary occupational and physical therapy provided by CCS therapists.

Modality - A way of acquiring sensation; visual, auditory, tactile, kinesthetic, olfactory, and gustatory are the common sense modalities.

Modifications - Changes that alter what curriculum is covered and/or what a test is supposed to measure or the comparability of scores.

Multidisciplinary Team - A group of professionals from different disciplines who function as a team but perform their roles independently of one another.

Multi-Handicapped - Students with a combination of disabilities (such as intellectual disability and deafness) which causes severe educational problems. Deaf-blind is not included in this category.

Multi-Tiered Systems of Support - MTSS is defined as a coherent continuum of evidence based, system-wide practices to support a rapid response to academic and behavioral needs, with frequent data-based monitoring for instructional decision-making to empower each student to achieve high standards.

Non-Discriminatory Assessment - Assessment tools and methods which are "fair" to the student in the sense that they are given in the child's native language; given and interpreted with reference to the child's age and socioeconomic and cultural background; given by trained persons; appropriate even if the child has a physical, mental, speech, or sensory disability.

Because some tests used in schools often do discriminate against certain students (e.g., by asking questions that relate to the experiences of white, middle-class, English-speaking persons), the term culturally appropriate assessment has come into use to emphasize that assessment must be fair to students of other language and cultural backgrounds.

Non-Public Agency (NPA) - A private, nonsectarian establishment certified by the CDE that provides contracted, related services to students with disabilities.

Non-Public School (NPS) - A private, nonsectarian school certified by the CDE that enrolls students with disabilities pursuant to an IEP.

Norms - Information, provided by the test-maker, about "normal" or typical performance on the test. Individual test scores can be compared to the typical score made by other persons in the same age group or grade level.

Occupational Therapist - Trained in helping pupils develop daily living skills (e.g., self-care, prevocational skills, etc.)

Occupational Therapy (OT) - Treatment provided by a therapist trained in helping a student develop daily living skills (e.g., handwriting, self-care, prevocational skills, etc.)

Office of Administrative Hearings (OAH) - The agency that handles due process hearings and conducts mediations when there is a dispute between districts and parents.

Office of Civil Rights (OCR) - Agency that ensure equip opportunity and accessibility for users of programs and services that receive federal funding.

Office of Special Education Programs (OSEP) - A component of the Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education. OSEP focuses on the free appropriate public education of children and youth with disabilities from birth through age 21.

Orientation and Mobility - Services provided by qualified personnel to teach students with a visual impairment systematic techniques for planning routes and movements from place to place in the school, home, and/or community.

Orthopedically Impaired - 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 Impaired - A pupil has limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, 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 which adversely affects a child's educational performance.

Parent - Means a biological or adoptive parent unless the biological or adoptive parent does not have legal authority to make educational decisions for the child, a guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child, an individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative with whom the child lives, or an individual who is legally responsible for the child's welfare, a surrogate parent, a foster parent if the authority of the biological or adoptive parent to make educational decisions on the child's behalf has been specifically limited by court order.

Parent Counseling - Individual or group counseling provided by a qualified individual pursuant to an IEP to assist the parents of special education students in better understanding and meeting their child's needs.

Prior Written Notice (PWN) - A written notice that must be given to the parents of a child with a disability a reasonable time before a LEA (a) Proposes to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE to the child; or (b) Refuses to initiate or change the identification, evaluation or educational placement of a child or the provision of FAPE to the child.

Procedural Safeguards - Also known as Parent Rights; Procedural safeguards must be given to the parents of a child with a disability at a minimum (a) Upon initial referral for evaluation; (b) Upon each notification of an IEP meeting; (c) Upon reevaluation of a child; and (d) Upon receipt of a request for due process.

Program Specialist (PS) - A specialist who holds a valid special education credential and has advanced training and related experience in the duration of students with disabilities.

Psychological Services - Services provided by a credentialed or licensed psychologist pursuant to an IEP. Services include obtaining and interpreting information about child behaviors and conditions related to learning, planning programs of individual and group counseling and guidance services for children and parents.

Reading Comprehension - The ability to understand what one has read.

Receptive Language - Receiving and understanding spoken or written communication. The receptive language skills are listening and reading.

Referral - The process of requesting an evaluation for a student who is suspected of having a disability. A referral is official and must be in written form. Once it is made, time lines and procedural safeguards ensue.

Related Services - Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education; can include speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

Relevant IEP Team Members - Parent(s) or legal surrogate, student when appropriate, one regular education teacher, special education teacher, a representative of the LEA designated to make decisions on behalf of the district. Other members may include those who can interpret assessment results, and others who may have knowledge or specific expertise regarding the student.

Reliability - The extent to which a test provides precise or accurate measures.

Residential Treatment Services - A 24-hour out-of-home placement that provides intensive therapeutic services to support the educational program.

Resolution Session - An IDEA mandated meeting of parents and "relevant" IEP members after a parent files a Due Process Complaint where parties attempt to resolve a dispute within 30 days prior to proceeding to a Due Process Hearing.

Response to Instruction (RTI) - Interventions that include screening, observing, intervening, and tracking progress over time (progress monitoring).

Response to Instruction and Intervention (RtI²) - Is defined as a general education approach of high quality instruction, early intervention and prevention, incorporating academic and behavioral strategies.

Scaled Scores - The translation of "raw scores" (total points earned on a test) into a score which has similar meaning across age levels.

School Psychologist - A person trained to give psychological tests, interpret results, and suggest appropriate educational approaches to learning or behavioral problems.

Search and Serve - All schools are required to have procedures in place for identifying children who have or are suspected of having a disability and needing special education and related services. These procedures are commonly referred to as "search and serve" or "child find." The school's responsibilities for search and serve apply to the families and students attending and enrolling in the school. The District also has responsibilities for search and serve activities directed at the families of children below school age and students in private schools.

Section 504 - A component of the Rehabilitation Act of 1973. It is a civil rights law that prohibits discrimination on the basis of disability in programs and activities, public and private that receive federal financial assistance. Any person is protected who (1) has a physical or mental impairment that substantially limits one or more major life activities, (2) has a record of such impairment, or (3) is regarded as having such impairment. Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks.

Self-concept - A person's idea of himself or herself.

Self-help - Refers to feeding, dressing, and other activities necessary for functioning as independently as possible in a family, in school, and in the community.

Service Provider - Refers to any person or agency providing some type of service to children and/or their families.

Severely Handicapped (SH) - Students who require intensive instruction and training (e.g., multi-handicapped, intellectually disabled, autistic, or emotionally disturbed).

Significant Disproportionality - Is the determination that a LEA has significant over- representation based on race and ethnicity overall, by disability, by placement in particular educational settings, or by disciplinary actions.

Social Skills Training - Using direct instruction to teach students appropriate social behaviors that increase the individual's social competency and acceptance.

Social Work Services - Provided pursuant to an IEP by a qualified individual and include such services as preparing a social or developmental history of a child with a disability; group and individual counseling with the child and family; working with those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school; mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and assisting parents in developing positive behavioral intervention strategies.

Special Day Class (SDC) - A separate classroom that provides intensive instruction for students with disabilities who require special education instruction for more than 50% of the school day.

Special Education - Specially designed instruction, at no cost to parents, to meet the unique needs of an eligible individual, including the specially designed instruction conducted in schools, in the home, in hospitals and institutions, and in other settings. Special education provides a continuum of services in order to provide for the education needs of each eligible individual regardless of the nature or severity of the educational needs.

Special Education Local Plan Area (SELPA) - Individual district, group of districts, or districts and County Office of Education, which forms a consortium to ensure that a full continuum of special education services is available to all eligible students within its boundaries.

Specialized Academic Instruction (SAI) - Adapting, as appropriate to the needs of the child with a disability, the content, methodology, or delivery of instruction to ensure access of the child to the general curriculum, so that he or she can meet the educational standards that apply to all children.

Specialized Physical Health Care Services - Health services prescribed by the child's licensed physician and/or surgeon which are necessary during the school day to enable the child to attend school and are written into the IEP. Designated providers must be appropriately trained and supervised as defined in Education Code

Specific Learning Disability - Means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may have manifested itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

The basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, cognitive abilities including association, conceptualization and expression.

Speech Language Impairment - When a student has a language or speech disorder that meets one or more of the following: articulation disorder, abnormal voice, fluency disorder, language disorder (receptive or expressive).

State Operated Programs (SOP) - Special schools operated by the California Department of Education for the education of students with disabilities, including individual assessment services and the development of IEPs for students who are deaf and/or blind.

State Performance Plan Indicators (SPPI) - Measures of educational benefit developed by the CDE Special Education Division for students with disabilities enrolled in California public schools.

Stay Put - A special education student is entitled to remain in his or her current educational placement pending the completion of due process hearing procedures unless the parties agree otherwise. The current educational placement is typically the placement called for the student's IEP, which has been implemented prior to the dispute arising.

Student Study Team (SST) - A team of educational personnel including classroom teachers who are responsible for developing modifications to the regular program and providing appropriate learning environments for students who may be exhibiting school related problems. Through combining knowledge and brain storming efforts, the SST may generate solutions that enable a student to remain in general education rather than be referred for special education.

Sufficiency - Meeting legal requirement of IDEA providing necessary detailed information and evidence to support a Due Process complaint.

Supplementary Aids and Services - Aids, services and other supports that are provided in general education classes or other education-related settings to enable children with disabilities to be educated with typically developing peers to the maximum extent appropriate. These aids and services must be noted on the IEP.

Surrogate Parent - A person appointed by the SELPA who acts as a child's parent for the purpose of the IEP process to ensure the rights of an individual with exceptional needs when no parent can be identified or located, or the child is a ward of the state and the parents do not retain educational rights for the child.

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. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

Transition - Transition services are a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities. The coordinated set of activities is based upon the individual student's needs, preference and interests. The process begins at 16 years or younger and includes the student, family, education personnel, and vocational and adult service providers.

Triennial Assessment - Every student with a disability eligible for special education services shall have a complete reassessment at least every three years.

Unilateral Placement - When a parent removes their child from a public educational placement into a private placement outside the IEP process.

Universal Design for Learning (UDL) - UDL focuses on *planning instruction* in such a way to meet the varied needs of students at the point of first best instruction, thereby reducing the amount of follow-up and alternative instruction necessary.

Validity - The extent to which a test really measures what it is intended to measure.

Visual Discrimination - Using the eyes to discriminate letters and words.

Visually Impaired (VI) - Students who are blind or who have partial sight and who, as a result, experience lowered educational performance.

Visual-Motor - The ability to relate vision with movements of the body or parts of the body.

Visual Perception - The identification, organization, and interpretation of data received through the eye.

SPECIAL EDUCATION ACRONYMS

<p>504 Section 504 of the Rehabilitation Act</p> <p>AAC Augmentative & Alternative Communication</p> <p>AB Assembly Bill (State Legislation); Adaptive Behavior</p> <p>ABA Applied Behavior Analysis</p> <p>ADA American Disability Act; Average Daily Attendance</p> <p>ADD Attention Deficit Disorder</p> <p>ADHD Attention Deficit Hyperactivity Disorder</p> <p>ADR Alternative Dispute Resolution</p> <p>AMAOs Annual Measurable Achievement Objectives</p> <p>AP Assessment Plan</p> <p>APE Adapted Physical Education</p> <p>APR Annual Performance Report</p> <p>ASD Autism Spectrum Disorder</p> <p>AT Assistive Technology</p> <p>AU Administrative Unit</p>	<p>BCBA Board Certified Behavior Analyst</p> <p>CA Chronological Age</p> <p>CAA California Alternate Assessment</p> <p>CAC Community Advisory Committee</p> <p>CALPADS California Longitudinal Pupil Achievement Data System</p> <p>CAASPP California Assessment of Student Performance and Progress</p> <p>CBI Community-Based Instruction</p> <p>CBM Curriculum-Based Measurement</p> <p>CBS Community-Based Services</p> <p>CCR California Code of Regulations</p> <p>CCS California Children's Service</p> <p>CCSS Common Core State Standards</p> <p>CCTC California Commission on Teacher Credentialing</p>	<p>CDE California Department of Education</p> <p>CFR Code of Federal Regulations</p> <p>COE County Office of Education</p> <p>CPS Child Protective Services</p> <p>CTE Career Technical Education</p> <p>CWA Child Welfare and Attendance</p> <p>DB Deaf/Blind</p> <p>DDS Department of Developmental Services</p> <p>DHH Deaf and Hard of Hearing</p> <p>DMH Department of Mental Health</p> <p>DO District Office</p> <p>DOF Department of Finance</p> <p>DSS Department of Social Services</p> <p>EC Education Code</p> <p>ECE Early Childhood Education</p> <p>ED Emotional Disturbance</p>
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<p>EL English Learner</p> <p>ELA English-Language Arts</p> <p>ELPAC English Language Proficiency Assessment for California</p> <p>ELD English-Language Development</p> <p>ELM English-Language Mainstream</p> <p>ESSA Every Student Succeeds Act</p> <p>ESY Extended School Year</p> <p>FAPE Free Appropriate Public Education</p> <p>FBA Functional Behavior Analysis</p> <p>FEP Fluent English Proficient</p> <p>FERPA Family Educational Rights and Privacy Act</p> <p>FES Fluent English Speaker</p> <p>FFH Foster Family Home</p> <p>FMTA Focused Monitoring Technical Assistance (CDE-SED)</p> <p>FTE Full-Time Equivalent</p> <p>IA Instructional Aide</p> <p>IAES Interim Alternate Education Setting</p> <p>ID Intellectual Disability</p> <p>IDEIA Individuals with Disabilities Education Improvement Act</p> <p>IEE Independent Education Evaluation</p> <p>IEL Intermediate English Learner</p>	<p>IEP Individualized Education Program</p> <p>IFSP Individualized Family Service Plan</p> <p>ISAAP Individual Student Assessment Accessibility Profile</p> <p>ISP Individual Service Plan</p> <p>ITP Individual Transition Plan</p> <p>LAGOS Linguistically Appropriate Goals and Objectives</p> <p>LAO Legislative Analyst Office</p> <p>LCAP Local Control Accountability Plan</p> <p>LCFF Local Control Funding Formula</p> <p>LCI Licensed Children's Institute</p> <p>LEA Local Educational Agency</p> <p>LEP Limited English Proficient</p> <p>LRE Least Restrictive Environment</p> <p>MH Multihandicapped; Mental Health</p> <p>MOU Memorandum of Understanding</p> <p>MTSS Multitiered System of Supports</p> <p>MTU Medical Therapy Unit</p> <p>NEL Novice English Learner</p> <p>NPS/A Nonpublic School/Agency</p> <p>OAH Office of Administrative Hearings</p> <p>OCR Office of Civil Rights</p> <p>OHI Other Health Impaired</p> <p>OI Orthopedically Impaired</p> <p>OSEP Office of Special Education Programs (U.S.D.E.)</p> <p>OT Occupational Therapy</p>	<p>PBIP Positive Behavior Intervention Plan</p> <p>PBIS Positive Behavior Intervention and Supports</p> <p>PE Physical Education</p> <p>PL Public Law</p> <p>PLD Proficiency Level Descriptors (English Learners)</p> <p>PLOP Present Levels of Performance</p> <p>PT Physical Therapy</p> <p>PTA Parent Teacher Association</p> <p>PWN Prior Written Notice</p> <p>QIT Quality Improvement Team</p> <p>RFEP Reclassified Fluent English Proficient</p> <p>RS Related Services</p> <p>RSP Resource Specialist Program</p> <p>RTC Residential Treatment Center</p> <p>RTI Response to Intervention</p> <p>SARB School Attendance Review Board</p> <p>SB Senate Bill (State Legislation)</p> <p>SBAC Smarter Balanced Assessment Consortium</p> <p>SD Severely Disabled</p> <p>SDAIE Specially Designed Academic Instruction in English</p> <p>SDC Special Day Class</p>
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<p>SDE State Department of Education</p> <p>SEACO Special Education Administrators of County Offices</p> <p>SED Special Education Division (at CDE)</p> <p>SEI Structured English Immersion</p> <p>SEIS Special Education Information System</p> <p>SELPA Special Education Local Plan Area</p> <p>SEPAC Special Education Parent Advisory Committee</p>	<p>SH Severely Handicapped</p> <p>SLD Specific Learning Disability</p> <p>SLI Speech Language Impaired</p> <p>SLP Speech Language Pathologist</p> <p>SOP State Operated Program; Summary of Performance</p> <p>SSID Statewide Student Identifier</p> <p>SSIP State Systemic Improvement Plan</p> <p>SSPI State Superintendent Public Instruction</p>	<p>SST Student Study Team</p> <p>SWD Student with Disability</p> <p>TBI Traumatic Brain Injury</p> <p>TOMS Test Operations and Management System</p> <p>UDL Universal Design for Learning</p> <p>USD Unified School District</p> <p>USDE United States Department of Education</p> <p>VI Visually Impaired</p> <p>§ Section</p>
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