



Help! My Child is Struggling in School

An Overview of Educational Support Systems



Todd Gary

Special Education Advocacy
Group

50 Oak Court, Suite 100
Danville, CA 94526
tel: (925) 263-1770
fax: (925) 263-1771
tgary@seadvocacy.com
www.seadvocacy.com



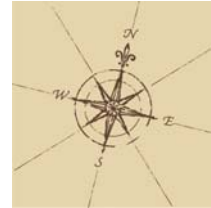
Purpose of Presentation

- To provide participants with a broad overview of educational structures that support children with special needs.
- To provide participants with a basic understanding of RtI (Response to Intervention), SST's (Student Support Teams), Section 504 Plans, and IEP's (Individual Education Programs), and how General Education and Special Education fit and work together to support students.



Overview of the Overview (aka The Big Agenda)

- The Diagram
 - Multi-Tiered Systems of Support (MTSS) and Response to Intervention (RtI)
 - Student Support Team (SST)
 - Section 504 Plans (504)
 - Special Education (IDEA & IEP's)
 - Outside Service Agencies

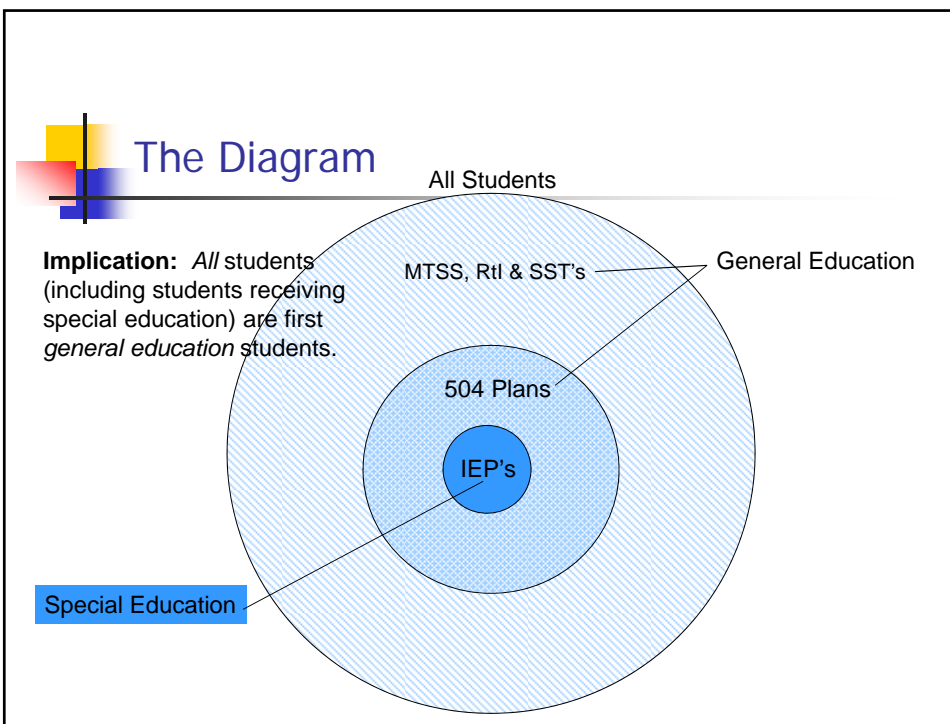


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The Diagram

- Multi-tiered Systems of Supports (MTSS) and Response to Intervention (RtI) are *general education* supports that can be used for all students.
- The Student Support Team (SST) is a *general education* processes that can be used for any struggling student.
- Section 504 Plans are a *general education* process for eligible students with a defined disability.
- An Individual Education Program (IEP) is a *Special Education* process for eligible students with disabilities that need special education.



Overview of the Overview (aka The Big Agenda)

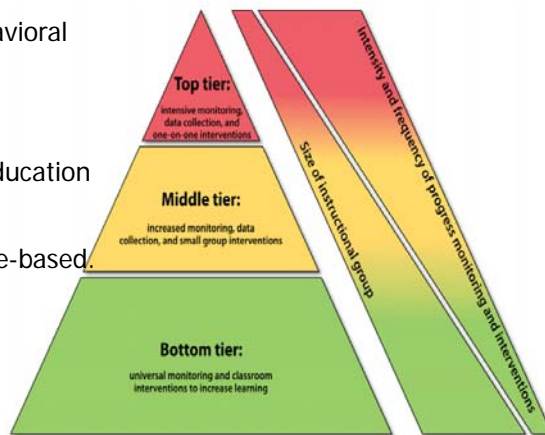
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Multi-Tiered Systems of Support (MTSS)

- Academic (RtI) and behavioral (PBIS) interventions
- Tiered approach
- Applied in the general education setting
- Data-based and evidence-based
- May not involve parents (except at top tiers)

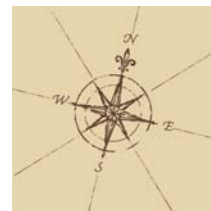


Response to Intervention Model

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The SST (Student Support Team)

- Purpose:

To brainstorm and find interventions or adaptations in the general education environment which allow a student to be successful in that setting



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The SST (Student Support Team)

A student can be referred by...

- Teacher
- Parent
- Counselor
- Administrator
- The student



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The SST (Student Support Team)

A student can be referred for...

- Lack of academic progress
- Increasing behavioral concerns
- Personal / social concerns
- Consideration for retention
- Attendance / truancy issues
- Parent concerns



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The SST (Student Support Team)

The SST is a collaborative effort of knowledgeable stakeholders, that may include:

- Parent/Guardians
- Student
- Principal
- Assistant Principal
- Counselor
- School psychologist
- Teacher
- Special education teacher



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The SST (Student Support Team)

An SST involves ...

- Data collection and review
- Assessing current accommodations, strategies and interventions
- Surfacing health/family issues involved
- Brainstorming ideas and strategies - "how might we?"
- Problem solving
- Developing action plans: who does what



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The SST (Student Support Team)

An SST is not...

- A parent-teacher conference
- Automatic referral for 504 or Special Education
 - It *may* result in referral for assessment, or further interventions, or both



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The SST (Student Support Team)

An SST may look different at different schools and levels (elementary, middle, high), but its outcome is...

- An action plan of who does what to help the student
- A timeframe for evaluating the impact of the strategies implemented (usually 4-6 weeks)
- A date for re-convening, if necessary



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Middle School Student Support Team Report

Student: _____ Team: _____ Date: _____
 Primary/Lang. English Gr. _____ D.O.B. _____ Parents: _____

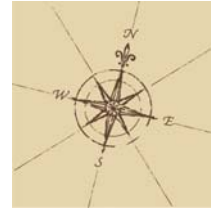
Strengths	Known Information	Areas of Concern Concerns/Questions	Interventions/Strategies/Actions	Who/When

Follow Up: _____
 Teachers: _____

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504 Plans

Section 504 of the Rehabilitation Act of 1973

- Prohibits *discrimination* on the basis of disability
- Requires reasonable *accommodations* so that a disabled student has equal *access* to the general education curriculum



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504 Plans

Section 504 of the Rehabilitation Act of 1973

- Entitles an eligible student to *accommodations* in a general education setting
- Accommodations are adaptations in the *way* a student accesses learning, without changing *what* the student is learning
- Examples:
 - Large font text
 - Preferential seating
 - Extra time



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504 Plans

Referral may be made by a...

- Teacher
- Parent
- Counselor
- Administrator
- SST team

...that suspects a disability



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504 Plans

Evaluation and eligibility is made by a knowledgeable team, that may include...

- Parents
- Administrator
- Counselor
- School psychologist
- Nurse
- Teacher
- Specialists (e.g., special education teacher)



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504 Plans

Who is eligible for protection under Section 504?

Students who...

- have a physical or mental impairment which *substantially limits* one or more *major life activities* or major bodily function
- (or have a record of such an impairment, or are regarded as having such an impairment)



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504 Plans

Major life activities include (but are not limited to)...

caring for oneself, performing manual tasks, **seeing, hearing**, working, **learning**, walking, speaking, breathing, eating, sleeping, standing, lifting, bending, **reading, concentrating, thinking, communicating...**



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504 Plans

Important Note:

Medical diagnosis ~~=~~ Disability

- Eligibility is highly individualized. The impairment must be severe enough to *“substantially limit”* the student
- *“Substantially limits”* means that without accommodation, the student would not have *equal access* to educational programs and activities

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504 Plans

- In determining whether a student is *substantially limited* (and would not have *equal access* to educational benefit), we look to impact of the disability on (for example):
 - Grades
 - In-class performance
 - Attendance
 - Discipline
 - Social issues...
- ...and compare the student to the *average* student in the *average* classroom
 - A student is not “substantially limited” merely because she is not reaching her potential

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504 Plans

- Eligibility must be determined without regard to accommodations or mitigating factors (like medication, assistive technology, etc.)
 - We must determine if the student would be substantially limited without the use of the mitigating measures

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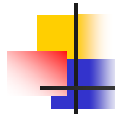
504 Plans

Eligibility results in a 504 Plan that includes:

- a description of the disability and the major life activity limited
- the basis for determining the disability and its educational impact
- Any *necessary* accommodations
- a review or re-evaluation date (usually annually)



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504 Plans

Accommodations must be:

- disability specific
- *necessary* (not merely helpful)
- individualized
- documented
- communicated to all individuals involved



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504 Plans

Accommodations may be:

- physical
- instructional
- social
- emotional
- behavioral...

in nature



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504 Plans

Any disagreements regarding 504 Plans should be resolved at the school level if possible. Additional resolution possibilities include:

- Review by the District Office
- Neutral third party evaluation
- Federal Office of Civil Rights

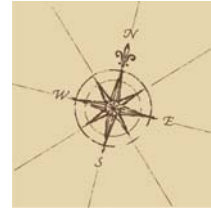


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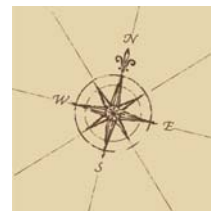


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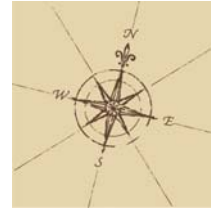
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 - Parent Rights
 - Dispute Resolution



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Special Education (IDEA) Purpose and Principles

- The *Individuals with Disabilities Education Act* (IDEA) was passed in 1975 to ensure that local schools serve the educational needs of students with disabilities
- IDEA guarantees *Free Appropriate Public Education* (FAPE) to eligible students with disabilities



What is FAPE?

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Special Education (IDEA)

Purpose and Principles

- Free Appropriate Public Education (FAPE) means "*Special education*" and "*related services*," provided under public supervision and direction, at no cost to the family, in conformity with an *Individualized Education Program* (IEP).



What is...

- Special Education?
- Related Services?
- IEP?

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Special Education (IDEA)

Purpose and Principles

- Special Education* is specially designed instruction (adaptation of content, methodology or delivery of instruction) to meet the unique needs of student with disability, while ensuring access to the general curriculum.



What is...

- ✓ Special Education?
- Related Services?
- IEP?

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Special Education (IDEA)

Purpose and Principles

- *Related Services* are supportive services that are required to assist a child with a disability to benefit from special education
- Examples:
 - Speech/Language therapy
 - Occupational therapy
 - physical therapy
 - psychological services
 - inclusion support
 - behavior management services
 - paraprofessional support
 - adaptive physical education

What is...

- ✓ Special Education?
- ✓ Related Services?
- IEP?

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Special Education (IDEA)

Purpose and Principles

- An *Individualized Education Program* (IEP) is a plan for delivering...
 - Specially designed instruction that is...
 - reasonably calculated to enable the student to make progress appropriate in light of the child's circumstances
 - in the *Least Restrictive Environment* (LRE).

What is...

Least Restrictive Environment?

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Special Education (IDEA)

Purpose and Principles

- *Least Restrictive Environment* (LRE) is a fundamental tenet of IDEA:
 - Students with disabilities shall be educated with their non-disabled peers to the maximum extent appropriate
 - Special classes, separate schooling or removal of students from the regular education environment should occur only when nature or severity of the disability is such that education in regular classes cannot be achieved satisfactorily with use of supplementary aids and services

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Special Education (IDEA)

Purpose and Principles

- Least Restrictive Environment (Continued)...
 - LRE is individually determined, and may be different for each individual
 - Placement in the general education classroom is always the first consideration
 - Consideration of the use of supplementary aids and services to make the general education class a first and viable choice is always required

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Special Education (IDEA) Purpose and Principles

- SUMMARY:

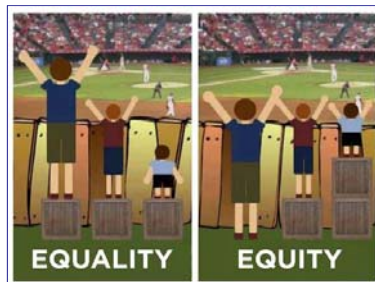
IDEA mandates provision of Free Appropriate Public Education (FAPE) to eligible students. FAPE means specially designed instruction (tailored to the unique needs of the student) delivered in the least restrictive environment, that is reasonably calculated to enable the student to make progress appropriate in light of the child's circumstances.

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Special Education (IDEA) Purpose and Principles

- Federal Entitlement under IDEA:

- Special Education ~~≡~~ Maximizing Potential
- Parent perspective: Maximizing potential
- IDEA entitlement: Floor of opportunity



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Special Education (IDEA)

Purpose and Principles

- 2017 Change in Federal Entitlement under IDEA:
 - Old Standard:
 - reasonably calculated to provide “some educational benefit”
 - New Standard:
 - reasonably calculated to enable the student to “make progress appropriate in light of the child's circumstances”
 - *Andrew F. v. Douglas County School District* (2017) 137 S. Ct. 988

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Special Education (IDEA)

Purpose and Principles

- Another Fundamental Tenet of IDEA:
 - Parents are full partners in the Special Education process
- Parental participation and input in the development of the IEP is guaranteed through comprehensive, detailed Procedural Safeguards

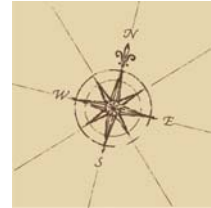


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Special Education (IDEA)

Scope of Coverage

- Special Education follows eligible individuals with disabilities from birth through age 22:
 - Ages 0 – 3: Early Start: IFSP (Individual Family Service Plan)
 - Ages 3 – 18: School Age: IEP (Individual Education Program)
 - Ages 18-22: Transition: ITP (Individual Transition Plan)

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Special Education (IDEA)

Scope of Coverage

- Ages 0 – 3: Early Start
 - California's program for providing family-centered early intervention services to eligible infants and toddlers from birth to their 3rd birthday.
 - Service Agency depends on disability
 - Regional Center for the East Bay (RCEB) for developmental delays. Call (510) 383-1355
 - LESD Early Start Program for "low incidence" disabilities (vision, hearing, orthopedic impairments) (?)

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Special Education (IDEA)

Scope of Coverage

- Ages 0 – 3: Early Start (Continued)...
- Service is provided through an Infant Family Service Plan (IFSP) to the whole family.

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Special Education (IDEA)

Scope of Coverage

- Ages 18 – 22: Transition
 - Special Education services are available to eligible students through graduation, or through age 22 if the student does not graduate from high school (ie, receives diploma)
 - A statement of transition services and interagency responsibilities must be included in the IEP beginning at age 16
 - At age 18, educational rights transfer to the student absent conservatorship

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Special Education (IDEA)

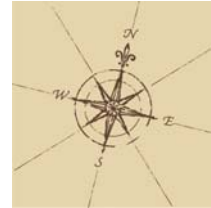
Scope of Coverage

- Ages 18 – 22: Transition (continued)...
- Services are provided through an Individual Transition Plan, with focus often on transition to independent living, post-secondary or vocational education, integrated or supported employment, functional skills and community participation
- The IEP team expands to include members that will be responsible for post-secondary services, including Regional Centers and California Department of Rehabilitation

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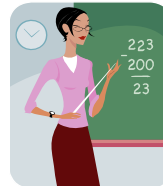
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Special Education (IDEA) Referral for Assessment

- The family or school district can refer a student for assessment to determine eligibility for special education



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Special Education (IDEA)

Referral for Assessment

- School referrals *must* be preceded by documented general education interventions



- Families *should* first contact their school and discuss their concerns (e.g., SST process), and consider whether general education interventions might be effective or tried first

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Special Education (IDEA)

Referral for Assessment

- Requests for assessment should be in writing, and should identify every area of concern or suspected disability
- Parents have the right to give or withhold informed written consent to assessment



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Special Education (IDEA)

Referral for Assessment

- The school has 15 days to respond to a written referral for assessment
- The school may offer an Assessment Plan, or they may decline to assess and provide Prior Written Notice. (The assessment plan may be developed through an SST process.)
- The school has 60 days from receiving consent to complete the assessment and convene an IEP meeting to review the assessment and determine eligibility

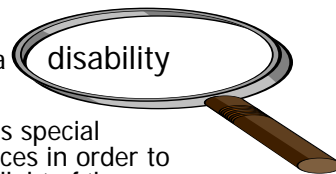


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Special Education (IDEA)

Assessment

- The purpose of the assessment is to....
 - Determine if the student has a disability
 - Determine if the student needs special education and/or related services in order to make progress appropriate in light of the child's circumstances
 - Determine the present levels of educational functioning and needs (Present Level of Performance - PLOP)



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Special Education (IDEA)

Assessment

- IEE: If parents disagree with the assessment, they may request an Independent Educational Evaluation (IEE) at public expense.
 - If the district disagrees that an IEE is warranted, it may file for Due Process to determine that the assessment is valid.
- Parents may always have their own assessments performed. These should be coordinated with the district to ensure validity. The district must consider, but is not bound by, results of the outside assessment
- The district must re-assess for eligibility at least every three years (a triennial review)

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Special Education (IDEA)

Eligibility

Eligible students are those who meet the specific criteria of the 14 categories of disability set out in California Education code...

- | | |
|--|---------------------------------|
| ■ Specific Learning Disability | ■ Hearing Impairment |
| ■ Speech or Language Impairment | ■ Deafness |
| ■ Emotional Disturbance | ■ Visual Impairment / Blindness |
| ■ Autism | ■ Deaf/Blindness |
| ■ Other Health Impairment | ■ Orthopedic Impairment |
| ■ Intellectual Disability | ■ Traumatic Brain Injury |
| ■ Established Medical Disability (3-5) | ■ Multiple Disabilities |

...**AND** who because of that disability require special education and/or related services in order to make progress appropriate in light of the child's circumstances

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Special Education (IDEA) Eligibility

- Two pronged eligibility test: a student might meet the Ed Code definition, and still not be eligible for special education.
 - They must need specially designed instruction and/or related services
- Important note: the criteria for the 14 categories of disability defined in California Education code are *not medical criteria*, and differ from standards used for medical diagnosis. Therefore...
 - Medical Diagnosis ~~≠~~ eligibility for Special Education
- Eligibility is a highly individualized determination

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Special Education (IDEA)

The IEP

- The IEP Team will first review the assessment results, and determine eligibility
- If the student is eligible, the Team must develop an IEP



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Special Education (IDEA)

The IEP

- The goal of the IEP process is to:
 - make data-based determinations of educational need
 - to set appropriate educational goals in areas of need
 - and to determine the appropriate services and placement necessary to enable the student to make appropriate progress on the goals
- The process should be open-minded, collaborative and respectful, with the full participation of the parents protected at all points



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Special Education (IDEA)

The IEP

- The process mandated by IDEA is to determine...
 - Present level of performance
 - Goals
 - Services
 - Placement
- Parent perspective
- Parents can speak to all of the steps.



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Special Education (IDEA)

The IEP

- Present Level of Performance (PLOP) may include
 - Assessments
 - Progress on prior goals
 - Grades
 - Academic testing
 - Informal review and observation

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Special Education (IDEA)

The IEP

- Goals should be
 - Based on need (i.e., areas of performance below the level of non-disabled peers)
 - Measurable and attainable (on an annual basis)
- Goals may be
 - Non-academic (e.g., social / emotional goals)
 - Based on areas not related to the eligibility criteria

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Special Education (IDEA)

The IEP

- Services
 - Define the specialized instruction and related services that the student will receive to enable them to make progress on their goals and participate in the general curriculum

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Special Education (IDEA)

The IEP

- Common academic service delivery and placement models include:
 - Inclusion
 - Inclusion student's primary placement is the general education class in her home school where she receives specialized support and services from an itinerant service provider (e.g., a speech and language therapist).

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Special Education (IDEA)

The IEP

- Resource Specialist Program
 - Student is in the general education classroom usually for half or more of the school day. Students receive specialized instruction from the Resource Specialist within the general education classroom (push-in) or in the Resource classroom (pull-out) on an individual or small group basis
 - The Resource Specialist remediates skills to support the student in accessing the general education curriculum delivered by the teacher in the general education classroom

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Special Education (IDEA)

The IEP

- Special Day Class
 - Special Day Classes (SDC's) serve students with a wide continuum of strengths and challenges who require modified curriculum or specialized instruction usually for more than half of the school day. SDC environments are designed to meet the specific needs of these students.
 - The SDC teacher should deliver a range of curriculum linked to the California State Standards, from grade level to highly modified, to match the student's level of functioning

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Special Education (IDEA)

The IEP

- Outside placements
 - Students may, if necessary, be placed at classes run by partner agencies (e.g., county classes) and non-public or private schools.

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Special Education (IDEA)

The IEP

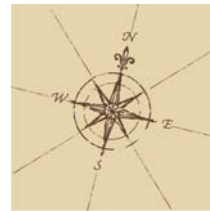
- A note on the spectrum of placements and LRE:
 - Placement is highly individualized. What might be a more restrictive placement for one student, may be less restrictive for another if it affords her the opportunity to be more independent.
 - All placements should be designed to be as least restrictive as possible while affording the student the opportunity to progress on her goals and move toward independence at a developmentally appropriate level.

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Special Education (IDEA) Parent Rights

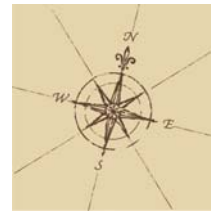
- Parents have rights under IDEA Procedural Safeguards to:
 - To participate in decision-making
 - To be informed of options
 - To provide written consent to assessment and special education services
 - To receive prior written notice when the district proposes or refuses to initiate or change a provision of FAPE
 - To request an independent educational evaluation
 - To access all records
 - To settle disputes voluntarily
 - To Due Process through state level hearing and complaint options

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Special Education (IDEA)

Dispute Resolution

- Most districts have several dispute resolution options to enable resolution of disputes under non-adversarial conditions
- Parents should seek to resolve disputes at their local school level if possible
- Additional options may include
 - Additional IEP meetings
 - Involvement of a Program Specialist
 - SELPA involvement
 - Facilitated IEP's
 - Local Resolution
 - Solutions Panel
 - "Mediation Only" (no attorneys)
- You may be supported by an advocate at any stage



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Special Education (IDEA)

Dispute Resolution

- Due Process: the most formal and expensive option for resolving disputes.
- There are alternative dispute resolution options available after Due Process has been filed (and before the hearing):
 - Resolution Session
 - Informal, local, each side may bring attorneys
 - Mediation
 - Mediator from OAH, attorneys allowed

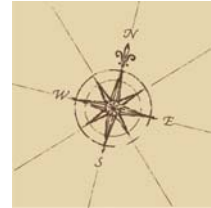


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Outside Service Agencies

- Regional Center for the East Bay (RCEB)
 - Private, nonprofit corporation under contract with the California Department of Developmental Services to coordinate services for infants and toddlers with developmental delays (e.g., Early Start), and older children and adults with developmental disabilities
 - RCEB is also charged with serving the home- and community-based needs of school-age children with more severe disabilities
 - RCEB does not provide direct service, but contracts with vendors that provide service

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Outside Service Agencies

- Regional Center for the East Bay (RCEB)
(continued)...
- In addition to traditional services like behavioral management and ABA, RCEB can provide services or reimbursement for services such as
 - Respite care
 - Summer camps or recreation
 - Tuition for parent training

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Outside Service Agencies

- California Children's Services (CCS)
 - Students with serious or life-threatening conditions that are physically disabling or that require treatment with surgery, medicine or rehabilitation (often disabilities that are a "disease")...
 - ...and whose family income is less than \$40,000 or who receive MediCal...
 - (These eligibility statements are vastly oversimplified)
 - Wide range of services and direct assistance with treatment

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Outside Service Agencies

- Kaiser - Mental Health Case Managers
 - Mental health includes autism
 - Provides case management services, coordination of care
 - North Valley
 - Ana Zdravkovic, Ph.D.
Child & Adolescent Case Manager
Mental Health-Child and Family Department
Walnut Creek-South Broadway Building
(925) 295-2958

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Questions?



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