

**RIGHT TO WORK
IS A LIE!**

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UNION SOLIDARITY

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Special Education Information for GTA Members

Over the last few years, many GTA members have expressed frustration and concerns that the RTI process is a “roadblock” to CSE or that teacher voice has been diminished in the process of getting students the necessary supports and services they need. Although we have been continuously working with the District around these concerns, the perception remains. Hopefully, the information in this issue will support your efforts in this process.

First, we have included all of the contractual language that applies

to special education programs, member rights within the CSE process, and the supports available contractually.

Secondly, we have included a document that can be used to help members request a referral to the CSE. By law, teachers do not have a direct route to referring a student to CSE. However, teachers have the right to request referral to the CSE. Once this formal request is made, the District is required by law to notify parents of the request.

As educators, we know the first step in helping students isn't

jumping directly to special education services. But, we also know that when students need these services, we must begin the process sooner, rather than later. Hopefully, the information in this newsletter will help you support your students.

Teachers must avail themselves of these rights.

As always, contact the office with questions.

In solidarity,

Jason

Friedrichs v. The California Teachers Association: As the GTA leadership continues to visit buildings, the topic of conversation will be the Supreme Court case of Friedrichs v. The California Teachers Association. The GTA website has a number of articles around the topic.

Special Education Contract Language

Red Areas are explanation and not contractual language

Article 15-Teaching Conditions

A.
8 b. Through an annual shared decision making process, each school shall develop a plan for the assignment and use of special education aides. This plan must be developed after consultation with special education teachers and special area teachers and general education teachers who teach classified students (All teachers are have a right to input). The plan must follow students' Individual Education Plans and fit within the special education staffing resources allocated to the school. The purpose of the plan is to ensure that all teachers receive appropriate support for the instruction of students with disabilities.

14. Students with Individual Educational Programs □

- a. Students with Individualized Educational Programs (IEP's) will be allocated to classes in as equitable manner as possible after consultation with the teachers involved. Student placements will be consistent with the legal requirements governing students with IEP's.
- b. A teacher who has a student with an IEP assigned to him/her shall, upon request, meet with the Building Instructional Support Team to discuss matters relating to modification of the IEP. **The teacher shall also be released from regular duties for the annual review of the student's IEP. (Regular duties does not include lunch or planning. Members should not give up either)**
- c. The District agrees to provide a minimum of eighteen (18) hours of training per year during the regular teacher work day to each regular education teacher assigned students with IEP's.
- d. The District will establish a district-wide committee to develop a forum to discuss solutions to improve delivery of services to classified students which will include, but not be limited to, the following topics:
- In-service to all staff members regarding special education mandates, etc. □
 - Prior notification to classroom teachers who have special education students. □
 - Equitable distribution of special education students. □
 - Reasonable balance between the number of regular students and the special education □ students (recognizing the teaching makeup/legal requirements). □
- e. The District will support intra-district visitation days to provide access to classrooms where inclusion is effective.
- E. 3. Any unit member who believes that a student's IEP is not currently meeting that student's needs has the right to request of the building level CSE committee on special education a review of the IEP (applies to students who currently have an IEP). The unit member shall receive a written response to a written request within thirty (30) school days. **If the unit member is not satisfied with the response, such unit member may appeal in writing to the District Committee on Special Education, which shall respond to such appeal within sixty (60) days. The unit member may thereafter appeal to the Superintendent for final review, requesting the Superintendent's intervention to cause reconsideration by the Committee and/or action by the Board of Education (Any member can appeal the content of an IEP all the way to the Superintendent)**

GREECE TEACHERS ASSOCIATION

Request for Referral for an Initial Evaluation

Part 200.4 (2) states that “a **written request** that the school district or agency refer the student for an initial evaluation pursuant to paragraph (1) of this subdivision is” being made by: (Referring Member’s Name).

Part 200.4 (2) iii:

The **written request** for referral **shall**:

- a) “state the reasons (**student concerns**) for referral and include any test results, records or reports upon which the referral is based that may be in the possession of the person submitting the referral” (**state assessments, district assessments, student records, etc**):
- b) “describe in writing, intervention services (**RTI, AIS**), programs (**support outside of RTI or AIS**) **or** instructional methodologies (**teacher differentiation for example**) used to remediate the student’s performance prior to referral, including any supplementary aids or support services provided for this purpose, or state the reasons why no such attempts were made” (**This is a legal requirement. Interventions must be attempted prior to CSE. But, RTI should have definitive end points and cannot be used to block CSE**);
- c) “describe the extent of **parental contact** or involvement prior to the referral”.

Part 200.4 (2) iv

“**Upon receipt of the request for a referral that meets the requirements of subparagraph (iii) (the information above) of this paragraph, the school district shall (this means the District legally must), within 10 school days, either:**

- a) “request parent consent to initiate the evaluation; or”
- b) “provide the parent with a copy of such request for referral; and
 1. “**inform the parent of his or her right to refer the student for an initial evaluation for special education programs and/or services; and**
 2. “**offer the parent the opportunity to meet to discuss the request for referral and, as appropriate, the availability of appropriate general education services for the student, with the building administrator or other designee of the school district authorized to make a referral pursuant to paragraph (1) of this subdivision, and the party making the request for referral if a professional staff member of the school district.** Upon request of the parent of school district, any person making a request for referral shall have the opportunity to attend such meeting.”