



SPECIAL EDUCATION HANDBOOK

FOR FAMILIES OF CHILDREN
WITH SPECIAL NEEDS AND
OTHERS WHO ADVOCATE ON
THEIR BEHALF

ELK GROVE UNIFIED SCHOOL DISTRICT 9510
ELK GROVE-FLORIN ROAD
ELK GROVE, CALIFORNIA 95624

INTRODUCTION

This handbook has been prepared for the parents of children with disabilities. We hope this handbook will help you understand more about the process of obtaining appropriate educational services for your child. Parents and educators are partners in planning for the special needs of each child. As a parent, it is important to:

1. Be active in the entire planning process.
2. Know your rights and those of your child.
3. Ask and answer questions; provide any relevant information/reports to the team working with your child.
4. Read and learn about your child's special needs.
5. Ask for help if you need it.
6. Be active in your child's education program.
7. Be a confident advocate for your child.

The questions answered in this booklet are the questions parents ask most often. If you have questions which are not answered here or you need clarification of an answer, feel free to call or visit the Elk Grove Unified School District's Office of Student Services, Robert Trigg Education Center, 9510 Elk Grove-Florin Rd, Elk Grove, CA 95624. 916-686-7780.

This handbook is truly the product of a team effort - the same kind of teamwork we want to practice every day as parents and school personnel, who work together to assure quality education for our children with special needs.

We hope you use this booklet as a handy source of information and find it helpful.

SPECIAL EDUCATION

Special education is defined by Federal (Individuals with Disabilities Education Act, I.D.E.A.) and State law (California Master Plan for Special Education) as specially designed instruction, at no cost to the parents to meet the unique needs of the individual with exceptional needs, whose educational needs cannot be met with modification of the regular instructional program. School-aged children with exceptional physical, communicative, or learning needs are eligible for special education and related services. Everyone has relative learning strengths and weaknesses. When a child's identified disability is so severe that it significantly impacts his/her educational performance, the student may be found eligible for special education services.

Who May Receive Special Education Services?

In order to be eligible for special education, the student must exhibit one or more of the following disabling conditions (see Glossary for additional information):

- Intellectually Disabled
- Hard of Hearing
- Deafness
- Speech and/or Language Impairment
- Visual Impairment/Blind
- Autism
- Traumatic Brain Injury
- Emotional Disturbance
- Orthopedic Impairment
- Other Health Impairment
- Deaf-Blind
- Multi-Handicapped
- Specific Learning Disabilities

What Are Other General Terms Which May Refer To Children With These Disabling Conditions?

Students with one or more of these disabling conditions may also be referred to by using terms such as:

- Individuals with Exceptional Needs (IWENS)
- Exceptional Children
- Children with Disabilities
- Handicapped Children
- Children with Special Needs

Do Different Agencies Use Different Terms and Guidelines?

Yes. Since various state and federal agencies operate under different laws and guidelines, the eligibility criteria may differ significantly. The same term may also be used by various agencies with different meanings. This can be very frustrating and confusing to parents seeking assistance for their child. Therefore, parents should ask for clarification of terms from any agency providing services.

Do All Students With An Identified Disability Require Special Education?

No. Special education is for all disabled children. Many are able to and should attend school without any change in the classroom program.

Special education is only appropriate when accommodations in the regular classroom are not sufficient to meet the child's education needs and allow them to progress in the general education curriculum. If, through assessment, a special education program is determined necessary for your child, an Individualized Education Program (IEP) will be developed to specify objectives and services.

What Is An IEP?

The IEP (Individualized Education Program) is a written statement designed during an IEP Team Meeting. Some of the IEP items included are as follows:

- The present level of educational performance
- Goals and objectives which include criteria for evaluation
- Specific special education instruction and/or related services to be provided
- The extent your child will not be able to participate in the regular program
- Projected date for initiation and the anticipated duration and location of services

Who Are The Members Of The IEP Team?

The parent, one special education teacher or special education service provider of the child; one regular education teacher if the child is, or may be, participating in the regular education environment; a school representative who is knowledgeable about: availability of resources, general education and qualified to supervise the provision of services (this is usually an administrator); a person who can interpret instructional implications of the evaluation/results (this may be one of the above mentioned team members); wherever appropriate, the student. Other participants who have knowledge or special expertise regarding the child may be invited by the parent or school staff.

When and How Is The Individualized Education Program (IEP) Implemented?

You must first give your written permission for assessment and then again for the initial IEP and any subsequent IEPs before any services can be implemented. As soon as possible after consent is received, the program as developed in the IEP will be provided. Generally, you will be asked to sign permission at the end of the IEP meeting. You may take a copy home for review prior to signing if you desire. No services will begin, however, until your written permission is provided to the district.

CHILD FIND AND REFERRAL

School personnel and other concerned parties are responsible for identifying children who are having difficulty in school and may need special education services. Teachers usually contact a parent and talk over these concerns. Others, who are in contact with children including parents, doctors, child care workers, etc., may also recognize that a child is having difficulties with some aspect of development.

How Do I Know If My Infant or Preschooler Might Need A Special Education Program?

If you suspect your child is having difficulty learning and is an infant, ages birth through two years eleven months, or preschool age, 3 years through 4 years 9 months, contact the Office of Student Services at (916) 686-7780 and ask for the Program Specialist for the program specialist for Preschool-age Children.

How Do I Know If My School-Age Child Might Need A Special Education Program?

If your child has a demonstrated problem which prevents functioning effectively in a regular school program without special assistance, then your child may need a special program. Special education is one kind of special program. Public schools also have other programs available to assist students who need help, such as programs for students with limited English ability and School Improvement Programs (SIP).

Whom Do I Contact If I Have A Concern?

First, contact your child's teacher. If you are not able to resolve the problem, then speak to the school site principal. He/she may be able to suggest other school programs or modifications to help your child.

What Happens Before A Referral To Special Education?

If a student is struggling in the general education setting, a Student Study Team (SST) may be convened to discuss general education interventions that could be tried before referring a student for a special education assessment. However, if a parent still requests a special education assessment as part of the SST process, the District will provide an assessment plan.

The SST is made up of teachers, school administrators, and other specialists such as language/speech/hearing (LSH) specialists, counselors or the reading specialist. This team reviews what has been done in the regular classroom to address the difficulties that have been identified. The team determines which modifications may need to be tried before a referral is made for special education assessment.

What Are Some Of The Program Modifications The School Might Consider And Utilize?

The Student Study Team may consider many options to assist the student. These options include but are not limited to:

- Classroom modifications
- Other regular education programs such as Migrant Education, Alternative Programs, and/or programs for basic skills remediation, (Title 1, Remedial Reading, Learning Assistance Specialist, etc.)
- Using special materials
- Behavior Contracts
- Counseling
- Schedule changes
- Modified day
- Independent Study
- Retention
- Suggestions for parents to implement at home
- Referral to other agencies or medical professionals

Why Is the Student Study Team Process Necessary?

The use of the SST assists regular classroom teachers in modifying instruction for students having difficulty in their classrooms. It also helps prevent identifying students as disabled when all they really need is a little extra attention.

The SST also assists in documenting that modifications in the regular classroom have been implemented and whether these modifications meet the student's educational needs. Documentation that the classroom modification cannot meet student needs is a necessary part in determining that the student may require special education programs and services. When the majority of the members of the SST believe that all reasonable alternatives have been tried and are not sufficient, a referral should be initiated for education assessment.

Does Someone Contact Me If Special Education Services Are Being Considered?

Parents are part of the Student Study Team process and will know of the referral for assessment by participating at the SST meeting. If the parent is not in attendance when the referral is made by the Student Study Team, the parent will receive a "Notice of Special Education Referral" in the mail prior to the receipt of an Assessment Plan. Usually parents are contacted by phone to discuss the referral. You should discuss the Assessment Plan with your student's teacher, psychologist, or other specialist who is conducting the assessment to be sure you understand the process.

What Is A Referral For Special Education Assessment?

A formal referral is a written request for assessment to determine whether the student requires special education services. Within 15 days of receipt of the referral, an assessment plan will be submitted to the parent(s) for written permission to begin the evaluation. No assessment may begin without written parental permission.

Who Can Make a Referral?

In addition to the SST, a formal written referral for assessment can be made directly to the school site or district administrator by:

- Parent or guardian
- School personnel
- Public or private agency
- Student
- Other interested persons

However, the district may encourage the referring party to utilize the SST process since a direct referral does not eliminate the need for documentation of regular education modifications. If the parent still believes special education assessment is necessary, the District will propose an assessment plan even while SST modifications are being tried.

THE ASSESSMENT PROCESS

Prior to Referral for Assessment: *Consultation and General Education Interventions by the Student Study Team process. If interventions are not enough to meet your child's needs in general education a special education assessment plan will be developed.*

What Happens When I Sign the Assessment Plan Form?

1. Parent signs Assessment Plan
(date)

Your child can't be assessed without your permission. All assessments must be completed and an Individualized Education Program (IEP) developed within 60 days of the date the signed assessment form is received by the district, not counting days of major school holidays and breaks between school sessions or terms.
2. Student is assessed by the School Psychologist, Special Education Teacher and others as needed (i.e. Speech Therapist, AdPE Specialist)

The assessment normally takes 3-4 weeks. You will be contacted regarding your child's health & developmental history, your concerns, and other issues.
3. A meeting is held with parent(s) to go over assessment results on or before:
(date)

You will be asked to come to school for a meeting. You will find out how your child did on the assessment. A list of your child's needs should be developed at this meeting.
4. If assessments show student needs special help, parent will be asked to help develop the IEP. This meeting will be held on or before:
(date)

If your child needs special help, an IEP will be developed at this meeting or at a later meeting. Your child cannot be placed in a special program without your permission.
5. Student receives Special Education services.

Your child may then receive help from Special Education teachers and/or other specialists as needed.
6. A review meeting with parent is held at school.

After your child has been in a Special Education program for one year, or sometimes sooner, you will be asked to come to a meeting so you and the IEP team can review your child's progress.

If you have any questions, please call _____ at _____
(name) (phone number)

ASSESSMENT

An assessment is a comprehensive evaluation by a team of specialists that evaluates how a child is functioning in all areas of his/her suspected disability.

Evaluation may include intellectual, academic, physical, motor, health, speech/language, and social-emotional development. The assessment team may include the school psychologist, language, speech and hearing specialist, resource specialist, remedial reading teacher, school nurse, regular education teacher, and/or others, depending on the individual student's needs. The specific areas to be evaluated will be specified on your child's assessment plan.

Who Shall I Contact If I Have Questions About the Assessment Plan?

The name and telephone number of a contact person will be listed on the assessment plan. If for some reason there is no name and number, contact the school principal or the special education office in your school district.

How Will the Assessment Be Conducted?

Assessment information may be gathered in different ways: tests, observations, discussions with classroom teachers and parents, review of student work, review of previous records and educational or medical records from other agencies (with parent permission). A child must be assessed in all areas of the suspected disability and no single test may be used to determine eligibility for special education.

Where and When Will The Assessment Take Place?

The assessment will be conducted during the school day. A student will be observed in class, on the playground and may be taken to a quiet room for part of the assessment. Infants and preschoolers may be assessed in the home or at school.

How Long Does the Assessment Take?

Assessments are completed within sixty (60) days after ***written parental consent to the assessment plan is received by the district.*** There may be situations where the assessment takes longer than 60 days as a result of school vacations. Ask the school staff about assessment timelines when consenting to the assessment. When the assessment is completed, a written report will be developed and explained to the parents. Not all children who are referred and assessed are found eligible for special education.

The determination of whether or not your child is eligible for special education and appropriate services is made by the Individualized Education Program (IEP) Team.

What Will the Report(s) Include?

Although the particular components may vary, generally the assessment report(s) will include:

- Background information, including developmental, health, and school history
- Summary and interpretation of actual tests results
- Recommendations for educational needs
- Relevant behavior and relationship of observed behavior to student's academic and social functioning
- For pupils with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services
- A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate
- The need for specialized services, materials, and equipment for pupils with low incidence disabilities

Are There Additional Components Required in The Report Depending On the Suspected Areas of Disability?

Yes. For example, additional components might include a vision report for the blind or visually impaired, a current audiogram for students who are hard of hearing or deaf and a medical report for students who have orthopedic impairments or traumatic brain injury.

How Often Will These Assessments Be Conducted?

A full evaluation must be completed prior to the student's initial enrollment in special education.

At least every three (3) years a determination of what, if any, evaluation will be made of the student's continued eligibility for special education.

At other times as proposed by school staff or requested by the parent, when circumstances warrant reassessment. In no event can the District request assessment more often than once per year.

INDIVIDUALIZED EDUCATION PROGRAM MEETING (IEP MEETING)

The IEP Team Meeting is designed to give parents, the teacher, specialists, and the school administrator(s) the opportunity to come together and review the present level of functioning of the child and then to plan an appropriate program. The assessments which were administered will be reviewed and interpreted.

What Happens After the Assessment Is Completed?

An IEP Team meeting will be held. You are a member of this team and must be invited, in writing, to attend the meeting. Attempts must be made to schedule the meeting on a date and time convenient to both you and the school personnel.

The meeting notice must reach you within a reasonable amount of time so that you can arrange to attend. It will tell you the purpose of the meeting, date, time, place, and who will be in attendance. If you cannot meet at the time scheduled, contact the person listed on the meeting notice as soon as possible to reschedule.

What Is the Purpose Of This Meeting?

The purpose of this meeting is to review the assessment findings, determine if your child is eligible for special education, and, if eligible and in need of special education services, develop the Individualized Education Program (IEP) and the team makes a recommendation for services for your child. There may not be formal assessments reviewed at every IEP meeting. However, the team will always be prepared to discuss the child's progress on goals and informal measures used to look at how the child is learning.

Who Will Be At The Meeting?

The administrator/designee who is knowledgeable about resources and curriculum, a special education teacher or service provider, a regular education teacher when appropriate, someone who can interpret evaluation results, you, your child (if appropriate), and others who have information about your child (see page 2 for a more in-depth description of the IEP Team members).

May I Bring Someone With Me To The Meeting?

Yes. You may bring anyone you wish with you to the meeting such as your child's regional center worker or social services worker. Be sure to notify him/her of the date, time and location of the meeting. If you cannot attend the meeting, you may have someone attend in your place and speak for you. However, you must ultimately give your written permission for your child's placement in special education.

You should notify the school whether or not you will attend or if someone will be attending for you. You are encouraged to bring your child to the meeting if you feel he/she will benefit from the discussion.

How Do I Prepare?

You may want to review your child's past records for clues to any information which may assist the assessment team. Be sure to request records in advance of the time you want to see them. School records must be requested at least five days in advance.

You may provide any information you want considered at the IEP meeting.

As The Assessment Results Are Shared, What Is My Role As Parent?

You will be given a full explanation of the assessment findings. During this process you may present any additional information you have about your child, ask any questions you may have about the assessment or findings and/or request the school to provide additional assessment if necessary. A copy of the written assessment report will be given to you.

If I Need Time To Think About What Is Presented, May I Request A Second Meeting At A Later Time?

Yes. The meeting may be continued or tabled so you may consider the results and recommendations and you may request a second meeting.

What Do I Do If I Want An Independent Assessment?

You may obtain an independent assessment of your child at any time. Independent assessments must be considered in the decision-making processes along with school assessments. Independent assessments to augment the school assessment are at the parent's or other agency expense, and are not provided at public school expense unless specifically agreed to by the District.

What Do I Do If I Do Not Agree With The School's Assessment Findings?

If you disagree with an assessment obtained by the school district, you may be entitled to an independent educational assessment at school expense. You may submit a request in writing to have the District fund an independent educational evaluation at public expense. However, the public education agency may initiate a due process hearing (see appendix) to show that its assessment is appropriate. If the district's assessment is found to be appropriate, the district will not then be required to pay for the parent's independent assessment. Additionally, you are not entitled to more than one independent educational evaluation at public expense in any area unless the District has had the opportunity to reassess in that area.

What Do I Do If The IEP Team Finds That My Child Is Not Eligible For Special Education?

If you, as part of the team, agree with the team's decision:

Sign the form indicating you agree. Discuss with the school staff any other plans or classroom modifications for your child's education program.

If you, as part of the team, **do not** agree with the team's decision: You may request:

- Additional assessment followed by a continuation of the IEP meeting.
- An administrative review with the district office special education staff.
- A state level hearing which may include mediation.

What Happens If The IEP Team Finds My Child Eligible For Special Education?

You and the team will develop an Individualized Education Program (IEP) specifically tailored to your child. The team may bring a draft of some of the goals and objectives being considered for your child to the meeting. Remember, these are drafts and can be changed. The drafts can be helpful in giving everyone something to look at and discuss. Parents are also encouraged to offer proposed goals and objectives.

What Is An IEP?

The IEP is a written statement designed for your child including:

- The present level of education performance
- Goals and objectives which include criteria for evaluation
- Specific special education instruction and/or related services to be provided
- An explanation of the extent your child will not be able to participate in the regular program
- Projected date for initiation and the anticipated duration and location of services
- Participation in state and district-wide tests
- Transition service needs
- Age of majority – at age 18 student gains full adult status for decision making
- How progress will be measured and how parents will be informed

When appropriate, the IEP should also include:

- Extended school year services
- Provisions for transition into the regular program
- Specialized equipment, materials, and services for deaf, blind, and severely orthopedically impaired pupils
- Pre-vocational or vocational education
- Linguistically appropriate goals for students whose primary language is other than English
- Special transportation

What Do I Do If I Agree With Some Parts Of The IEP But Not All Of It?

If you agree that services should be provided sign the parts of the IEP to which you agree and not those parts to which you do not agree. This way, the student can receive services while you and the district members take time to work out the areas of non-agreement. However, if there are elements of the IEP that the District believes are necessary, the District may be required to file a request for due process hearing to implement the portions of the IEP not consented to by parents.

How Often Must The School Review My Child's Special Education Placement And IEP?

Every special education student must have his or her progress and Individualized Education Program reviewed at least once each year. Teachers, however, will be monitoring each student's progress regularly throughout the school year. Progress toward annual goals will be reported to you at least as often as student progress is reported in regular education. Parents may request an IEP review at any time. If parents request an IEP, the District is obligated to schedule a meeting within thirty (30) days.

Can The IEP Be Transferred To Another School District?

If you move to another district, take a copy of your child's annual IEP and most recent assessment to your new school district. Within California, the new district will implement your child's IEP in a comparable program as much as possible for 30 days as an administrative placement. Prior to the end of the 30-day administrative placement, an IEP meeting will be convened to review your child's IEP, revise if necessary, and specify the provision of services in your new district. Similar provisions exist in other states.

PROGRAM OPTIONS

Special Education is provided in the least restrictive environment (LRE) through a continuum of services and placement. Larger numbers of students are served in less restrictive environments, smaller numbers in more restrictive environments. A child's placement on the continuum will change as his/her needs change.

What Is The Least Restrictive Environment (LRE)?

The least restrictive environment for a student is the placement that realizes a match between the learning needs of the student and the conditions of the educational environment, while providing the student with the maximum integration with non-disabled students possible.

The Code of Federal Regulations, Title 34 states:

"Each public agency shall insure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling or other removal of children with disabilities from the regular education environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."

What Is The Continuum Of Services and Placements?

- Regular Education
- Designated Instruction and Services (DIS) only
- Resource Specialist Program (RSP)
- Self-Contained Classroom (SCC) on regular campus
- Non-Public School (NPS)
- Residential

What Are Designated Instruction and Services (DIS)?

DIS services include speech and language therapy, adapted physical education, itinerant services for the hard of hearing or visually impaired, occupational therapy, behavior services, counseling and other specific types of instruction required for the pupil to benefit educationally from his other instructional program. The child generally receives DIS services at school during the regular school day for a number of sessions during the term of the IEP. ***What Is The Resource Specialist Program (RSP)?***

Students in the Resource Specialist Program are assigned to their regular classrooms for the majority of the school day, but receive special education instruction and/or consultation services from the Resource Specialist. Services may also be provided directly to the student in the regular classroom and/or in the resource room. Services may also be provided through consultation to the regular education teachers.

What is a Self-Contained Classroom (SCC)?

Self-contained classroom (SCC) placements are made for those students who need individualized and small group instruction for a significant portion of their school day. Self-contained classrooms are located at various schools throughout the region, so a child who is determined eligible for a self-contained classroom may attend a school other than his or her home school.

What Is A Non-Public School?

If the IEP team determines that no public school program in the student's district of residence or neighboring districts can meet the student's extraordinary needs, a private program certified by the state may be an option.

When Is A Residential Program Required To Meet The Students Special Education Needs?

A very small minority of children with disabilities have educational needs so extensive that they require out-of-home programs to meet their educational needs. These students generally require a very highly structured, 24-hour program, which cannot be provided by school staff **and** parents.

RIGHTS AND RESPONSIBILITIES

The provision of special education services is governed by state and federal laws. It is also required that local districts establish their own procedures to implement these laws. Students with identified disabilities have the right to free appropriate special education services in the least restrictive environment (LRE). Parents/adult students and the local school district have responsibilities, as well as rights, to ensure identification, placement and services for individuals with exceptional needs. These laws protect the rights of parents/adult students to be fully informed and to participate in all planning and decision-making about their child's or their own education.

How Are These Rights Protected?

All schools in the Elk Grove Unified School District SELPA want to provide the appropriate educational services for all students. In doing this, certain procedures are followed. The law requires that school districts shall establish guidelines and procedures to protect the rights of exceptional students and their parents or guardians. These practices are called Procedural Safeguards and are described throughout this booklet as they pertain to the different topics discussed. A brief summary follows (parent also means adult student, if appropriate):

- The right of parents to request an assessment and, under certain conditions, an independent evaluation of the student at public expense.
- Written permission from the student's parents or guardians (or from the student, if age 18 years) is required to begin an assessment, or to change an educational placement of a student with exceptional needs.
- Parents have the right to participate in the IEP process and be informed of student assessment results in their primary language and to give or withhold consent for placement.
- Parents have the right to request a meeting to review the IEP.
- The right of the parents or guardians (or student, if age 18 years) to examine all reports and educational records of the student.
- The right of privacy and confidentiality of records apply to all students.
- Parents have the right to an impartial due process hearing regarding the identification, evaluation, placement, and provision of a free appropriate public education for the exceptional student.

Parents/adult student (if appropriate) receive an expanded, in-depth, version of the Parents/Adult Students Rights prior to initial assessment and prior to each IEP annual review meeting.

What Are Some Of My Responsibilities As The Parent?

You, as parent, have the primary responsibility for your child. You, as well as the school, must seek the appropriate educational program for your child. This responsibility includes communicating your concerns with the appropriate staff, requesting assistance, and initiating a written referral for assessment if needed. You should assist the school by providing relevant information and past records including medical history where they may impact the child's school progress. Your child should come to school well rested, nourished and prepared to

learn. Your child needs to attend school every day, unless physically unable, to ensure that he/she has a continuous opportunity to succeed.

What Are The School District's Rights And Responsibilities?

Your school is concerned with providing an appropriate education for all its students. Generally, this includes the modification of regular education programs prior to consideration for special education services.

- The school has the responsibility to identify, refer, and assess students in all areas of suspected disability.
- The school district may exchange information and records with other districts.
- Districts must adhere to procedural safeguards.
- The district has the right to request a due process hearing.

Who May Have Access To My Child's Records?

Parents, appropriate school personnel and service providers from other agencies who provide instruction or a related service to the student may have access to the student's records. All individualized education programs shall be maintained in accordance with state and federal pupil confidentiality laws. Contact your local district or the SELPA for more detailed information.

Are There Safeguards To Protect My Rights?

Parents or students have the right to file a complaint with the local district superintendent or the State Superintendent of Public Instruction, or request a due process hearing with the California Office of Administrative Hearings.

What Is A Complaint?

A complaint is an allegation that the district has violated federal or state laws or regulations regarding education. The remedy, if the district has been found out of compliance, is to develop a process that ensures the violation will not continue to occur.

What Is Due Process?

Due process is a legal process that ensures that each child is treated in a manner that guarantees no child is denied the right to equal educational opportunities.

Due process ensures that there are specific procedures and timelines that must be followed when and if significant changes or accommodations are made (or even proposed) in a child's educational program. Due process is guaranteed to us by the Constitution of the United States. It is there as a safeguard so that every individual has the means of protecting and asserting his or her own rights.

A due process hearing is appropriate whenever there is a:

- Disagreement over a proposal to initiate or change the identification, assessment or educational placement of the child or the provision of a free appropriate public education to the child.
- A refusal to initiate or change the identification, assessment or educational placement of the child or the provision of a free appropriate public education to the child.
- Refusal by a parent to consent to an assessment of the child.

How Do I Make A Complaint Or Request Due Process?

Any complaint that you may have should first be shared with the individual with whom you disagree and/or with the school site administrator. If your concerns are not resolved in a timely manner, you may contact your regional program specialist or the special education director at (916) 686-7780. Should you be unable to resolve the issue at that level, you may file a formal complaint or a request for a due process hearing with the California Department of Education and the local superintendent of schools. Your local school district has the responsibility to provide you with specific information on filing and to assist you if you request its help.

(See Flowchart on the following page.)

Complaint and/or Concern Flowchart

Concern about Provisions of Special Education Services

Contact your School Site Special Education Case Manager
and/or the School Site Administrator

(If concerns continue)



Contact your Regional Program Specialist
Office of Student Services (916) 686-7780

(If concerns continue)

Contact the Director of Special Education
(916) 686-7780

TRANSITION

What Is A Transition Plan?

Some children need to have a plan to move from one program to another. This may occur when the child is going from the infant program to the preschool program and from preschool to kindergarten. It is also important at the high school level when the student is preparing to enter the world of work or when the student is exiting special education. Transition plans are developed with the parent through the IEP process, and involve other agencies as appropriate (for example, Regional Enter, Department of Rehabilitation, etc.).

It is required that all special education students have a Transition Plan as stated in IDEA:

- Beginning at age 14, and updated annually, a statement of the transition service needs of the child under the applicable components of the child's IEP that focuses on the child's courses of study (such as participation in advanced-placement courses or a vocational education program).
- Beginning at age 16 (or younger, if determined appropriate by the IEP Team), a statement of needed transition services for the child, including, when appropriate, a statement of the interagency responsibilities of any needed linkages.

What Happens When My Child Leaves Special Education?

Students are exited from special education when they no longer meet the eligibility criteria and/or when the IEP Team recommends exit from service and parent agrees. The student is returned to full participation in the regular school program. There is usually a period of transition from special education to full regular education participation. Most often, this process includes phasing out direct services to consultation between the specialist and the regular education program teacher. Parents are participants in this process as it is carried out through the IEP.

Some students may remain eligible for special education until they graduate from high school or reach the age of 22, whichever occurs first.

PARENT INVOLVEMENT

One of the most critical aspects of your student's education is your involvement in the IEP process and regular communication with your child's classroom teacher.

How Can I Help My Child Succeed At School?

Listed below are some of the ways that you can be involved in your child's education while being sensitive to the teacher's work hours and work day yet keeping the lines of communication open with your child's classroom teacher.

- Communicating by telephone with your child's teacher, after or before instructional time.
- Sending and receiving notes from your child's teacher.
- Talking briefly with the teacher while dropping off or picking up your child.
- Receiving progress reports from the teacher.
- Attending IEP meetings and teacher conferences.
- Making materials for your child's classroom.
- Sending a small notebook back and forth to school for communication with the teacher.
- Observing your child in his/her classroom.
- Responding positively to staff suggestions for home visits.
- Serving on district or community advisory committees.
- Participating in parent support groups.
- Supplying your child with organizational materials (notebook, backpack, pencil).

Are There Parent Organizations In Which I Can Participate?

Some districts have active local advisory councils which serve as both support groups for parents and in an advisory capacity to the district.

All parents may be involved with the Special Education Local Plan Area's (SELPA) Community Advisory Committee (CAC) which is concerned with the development and review of our special education programs. By law, the committee is composed of a majority of parents of special education students. Others on the committee may include parents of regular education students, special education teachers, administrative personnel, representatives of other public agencies and students with disabilities.

Some organizations available to parents are listed in Appendix E.

What Is The Purpose Of The CAC?

The primary purpose of the CAC is to provide input into the local plan (the document that describes services in the region). However, at meetings the CAC members may see demonstrations and share information about special programs. When you come to a CAC meeting, you can ask questions, get information, express your opinions and get to know the people who make decisions in the Special Education Departments.

Where Do They Take Place And How Do I Find Out About Meetings?

The Elk Grove Unified School District's CAC meetings are held the second Tuesday of each month. The meetings are held at the Robert Trigg Education Center, 9510 Elk Grove-Florin Road, Elk Grove, CA. For more information regarding the CAC, contact the Office of Student Services at (916) 686-7780.

APPENDIX A

An Introduction To The Language Of Special Education

The following phrases are often used by special education professionals. Frequently, the letters to the left are used instead of the entire phrase. This list is intended to help you better understand what can otherwise seem like “Alphabet Soup.”

AB	Assembly Bill
ADD	Attention Deficit Disorder
ADHD	Attention Deficit Hyperactive Disorder
Ad PE	Adapted Physical Education
BD	Behavior Disorders
CAC	Community Advisory Committee
CCS	California Children’s Services
CH	Communicatively Handicapped
DIS	Designated Instruction and Services
ED	Emotional Disorders
ESL	English as a Second Language
FAPE	Free Appropriate Public Education
FEP	Fluent English Proficient
HH	Hard of Hearing
IDEA	Individuals with Disabilities Education Act (Name of PL 94-142, 1975)
IEP	Individualized Education Program
IFSP	Individual Family Service Plan
ISP	Individual Service Plan
IPP	Individual Program Plan
IWEN	Individual With Exceptional Needs Learning
LD	Disabled
LEP/NEP	Limited English Proficiency / Non-English Proficiency
LH	Learning Handicapped (Teaching Credential)
LRE	Least Restrictive Environment
LSH	Language, Speech and Hearing
MH	Multi-handicapped
ID	Intellectually Disabled
Non-RIS	Not Requiring Intensive Social Education Services
NPS	Nonpublic School
OI	Orthopedically Impaired
OHI	Other Health Impaired
OT	Occupational Therapy
PL94-142	Education for All Handicapped Children Act of 1975
PL99-457	Early Intervention for Handicapped Infants/Toddlers
PT	Physical Therapy
RIS	Requiring Intensive Special Education Services
RSP	Resource Specialist Program
SB	Senate Bill

SCC	Self-Contained Classroom
SELPA	Special Education Local Plan Area
SH	Severely Handicapped
SI	Speech Impaired
SLD	Specific Learning Disability
SST	Student Study Team
TBI	Traumatic Brain Injury
VI	Visually Impaired

APPENDIX B

Glossary of Terms

Age Equivalent Score (A.E.): a way of reporting test scores in which the score is equal to that of an average child of that age (for example, an age equivalent score of 3.7 means that the child did as well as an average child who is 3 years and 7 months old).

Attention Deficit Disorder (ADD/ADHA): significant inability to maintain prolonged attention to a task.

Autism: a severe behavioral disorder affecting the way sensory input is processed, causing problems in learning, communications, and relationships with others.

Basal Reader: any of a series of books designed to teach reading.

Behavior Modification: a technique of changing or controlling the way a person behaves by controlling the events that come after the behavior.

California Children Services (CCS): the state agency which provides occupational and physical therapy to eligible physically disabled students.

Communicatively Handicapped (CH): a type of special education program/teacher certification serving students with language and/or hearing impairments.

Community Advisory Committee (CAC): a group of members appointed by local school districts. Functions in an advisory capacity to the governing board of the Local Planning Agency. Composed of parents of individuals with exceptional needs; parents of other pupils enrolled in school; pupils or adults who are disabled; regular and special education teachers; other school personnel; representatives of public or private agencies. All meetings are open to the public.

Compliance: the requirement to follow all state/federal laws. An allegation of "noncompliance" will generally result in an investigation.

Designated Instruction and Services (DIS): related services required for the disabled child to benefit educationally from his/her instructional program (e.g., speech therapy, adaptive physical education, counseling, etc.).

Directionality: awareness of the two sides of the body and the ability to identify them as left and right, and to project this correctly into the outside world, as in knowing which is the right hand of a person facing you.

Disabled Children (Handicapped) (more properly stated: Children with Disabilities):

those children identified through the IEP process as being mentally retarded, hard of hearing, deaf, speech impaired, visually disabled, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, learning disabled, autistic, or having suffered a Traumatic Brain Injury or multi-disabled. These children are referred to as Individuals with Exceptional Needs (IWENS) in California law.

Due Process: the set of legal requirements that guarantees that the rights of the disabled child, the child's parents, and the school are protected.

Due Process Hearing: that part of due process in which disagreements between a parent and a school regarding identification, services, etc., for a student can be resolved. Both the school and the parent(s) get to present their evidence to an impartial hearing officer who decides which is the appropriate plan of action for the child.

Dyslexia: a disorder that results in difficulty in learning the written or symbol language skills of reading, writing, and spelling through conventional instruction.

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

Figure-Ground Perception: the ability to pay attention to one part of what you are looking at (for example, the ink) in relation to the rest of the "field" (for example, this paper).

Fine Motor Coordination: development and control of small muscles such as those used to cut & hold a pencil, etc.

Goal (instructional goal, annual goal): a general statement of what is expected of an individual.

Grade Equivalent Score (G.E.S): a way of reporting test scores in which the score is equal to that of an average child of that grade level (for example, a grade equivalent score of 3.7 means that the child did as well as an average child who is in the seventh month of third grade).

Gross Motor Coordination: the development of awareness of large muscle activity, Coordination of large muscles in a purposeful manner such as walking and jumping.

- 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).

Guardian: a person who is permanently or temporarily appointed by a court to act in place of a parent.

Hyperactivity: a description of a physical or mental condition causing constant excessive movement.

Impulsivity: acting impulsively, without considering the outcome(s) of the action.

Independent Evaluation: an evaluation of the child's abilities by people not connected in any way with your public school.

Individualized Education Program (IEP): an educational plan written for each disabled child.

(Intelligence Quotient): a measure of cognitive (mental) ability. It suggest a child's potential for academic success.

Laterality: refers to the two sides of the body, and the ability to identify them as left or right correctly.

Learning Disabled (specific learning disabled - SLD): children who have difficulty with understanding or using language which may affect their ability to listen, think, speak, read, write, spell or do arithmetic due to a processing deficit. These problems cannot be a result of visual, hearing or physical disabilities or mental retardation, emotional disturbance, or environmental disadvantage and must adversely impact the child's educational progress to a statistically significant degree.

Learning Handicapped (LH): a type of special education program/teacher certification serving non-severely disabled students, such as those with learning disabilities, mild retardation, etc.

Least Restrictive Environment (LRE): the program placement which is the most "normal" that a particular child can work in and benefit from the educational program.

Local Education Agency (LEA): the local school district.

Mainstreaming: placing disabled individuals in as normal an educational setting as possible.

Mediation: an optional step in the Due Process procedure in which a state appointed facilitator works with both parties to develop a mutually acceptable compromise.

Intellectually Disabled significantly sub-averages intellectual ability in all settings. Includes measured I.Q. and adaptive behavior.

Multiply Disabled (multi handicapped - MH): children who have two or more disabling conditions.

Multidisciplinary: the use of a combination of several disciplines (health education, social services) to determine the needs of a child.

Objective (short term objective, instructional objective, behavioral objective): a clear statement of what is expected of an individual. It should include the conditions under which the behavior is to occur, a description of the behavior, and how the behavior is to be measured.

Perceptual-Motor: coordination of body movements with the senses of sight, hearing and touch.

Perseveration: continuing or repeating an activity (such as finger patting) to excess.

Placement (program placement): the type of program and/or setting in which a child will be educated.

Psychomotor: refers to muscle responses including development of fine motor, small muscles (cutting, etc.) and large muscles (walking, jumping, etc.).

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.

Regional Center (Alta Regional Center – ARC): the state agency which provides supportive services to developmentally disabled children, adults and their families.

Regular Class Placement: the type of program placement in which nondisabled children are educated.

Residential School: a placement option in which children, usually with severe disabling conditions, receive their education away from their home environment in an educational facility which has dormitory or cottage living facilities. Some placements provide for returning home on holidays and weekends, while other placements may be on a more permanent basis.

Resource Specialist Program (RSP): a type of instructional setting in which a child receives intensive instruction in specific areas (for example: math, spelling, language or reading) for a part of the school day. It may be implemented on a pull out, in classroom, and/or consultative mode.

Emotionally Disturbed (ED): a condition evidenced by an inability to learn which cannot be explained by other factors, which is evidenced by inability to build or maintain satisfactory relationships with peers and adults, inappropriate behavior or feelings under normal circumstances, a general pervasive mood of unhappiness/depression, or a tendency to develop physical symptoms or fears associated with personal or school problems.

Severely Disabled (designated as SH - Severely Handicapped): a type of special education program/teacher certification serving students with severe disabilities, such as seriously emotionally disturbed, moderately-severely retarded, physically disabled, multi-disabled, etc.

Self-Contained Classroom (SCC): a type of special education placement in which a child receives most (or all) of his/her instruction in a class made up of children with similar disabilities. A self-contained class usually is in a regular school building.

Special Education: specially designed instruction to meet the needs of a disabled child in

accordance with his/her IEP.

Specialized Academic Instruction (SAI): instruction provided by a credentialed special education teacher either as pull-out services from the general education classroom or as services in a self-contained classroom. SAI may also be provided in the general education setting as a “push-in” service to meet the individual child’s needs.

Speech Impaired (SI): children who have difficulty in expressing their thoughts due to difficulty with articulation, voice, fluency, and/or language.

Student Study Team (SST): a process for implementing modifications in the regular education setting to address a student’s needs. It is generally implemented prior to a referral for special education services.

Surrogate Parent: a person who “stands-in” for a child’s real parent.

Tactile: sense of touch.

Task Analysis: breaking down a complex task (such as an instructional objective) into simpler, smaller parts.

Visual Perception: processing information which encompasses the ability to interpret or organize information coming in through the eye, such as:

- Visual Distractibility - Easily distracted by visual stimuli, may also include figure-ground perception.
- Visual Discrimination - Using the eyes to discriminate letters and words.
- Visual Memory - The ability to remember visually presented information; may also include recalling sequence.

APPENDIX C

PARENTS RIGHTS AND APPEAL PROCEDURES

General Rights

- All children with disabilities have the right to a free appropriate public education.
- All children with disabilities have the right to placement in the least restrictive learning environment which offers maximum interaction with nondisabled peers.
- All individuals have the right to receive a full explanation of all procedural safeguards and rights regarding their child's education.

Rights Related To Records

- Individuals have the right to privacy and confidentiality of all educational records.
- You may examine all records concerning your child within 5 days of your request.
- You may request copies of records. (The district may charge a reasonable fee for copying them unless you cannot afford such fees.)
- You may challenge the content of records and tape recordings in accordance with federal and state law.

Rights Related To Assessment

- You may request an educational assessment for your child.
- You must give your written permission for any assessment before it may be conducted, and you may revoke that consent at any time.
- You have a right to have an assessment that is designed to be free of racial or cultural discrimination.
- You shall be given, in writing, a proposed assessment plan within 15 calendar days of the referral for assessment not counting days between school sessions or days of school vacation in excess of 5 school days from date of receipt of referral unless there is written parent agreement to an extension. Assessment plans shall be developed within 10 days after the start of the new regular school year when a referral was made 10 days or less prior to the end of the regular school year. For pupil school vacations, the 15-day time starts again when the regular school year reconvenes. A copy of the Parent's Rights shall be included with the assessment plan.
- The assessment plan shall explain each type of assessment instrument to be used, the professional personnel responsible for administering the instrument, and the facts which make an assessment necessary or desirable.
- You shall have at least 15 calendar days from your receipt of the proposed assessment plan to arrive at a decision. Assessment may begin immediately upon district's receipt of your consent.

- You shall be fully informed of the assessment results and will receive a copy of the findings of the assessment.
- You have the right to obtain, at public expense, an independent educational assessment if you disagree with the assessment conducted by the district. However, the district may initiate a due process hearing to show that its assessment is appropriate. If the decision resulting from the hearing is that the district's assessment is appropriate, the parent still has the right to an independent assessment, but not at public expense.
- You will be notified before an Individualized Education Program team meeting is held to discuss the assessment, the educational recommendations, and the reasons for these recommendations. You will be invited to participate in the development of your child's Individualized Education Program (IEP).
- An IEP shall be developed within 60 calendar days from the date of receipt of the parent's written consent for assessment, not counting days between regular school sessions or days of school vacation in excess of 5 school days, unless the parent agrees in writing to an extension.

Rights Related To the Individualized Education Program (IEP)

- The IEP shall be developed within 30 days after the start of the new regular school year if the referral was made 20 days or less prior to the end of the regular school year. For school vacations the 60-day time starts again when school reconvenes.
- Your child's program placement will be based upon the goals and objectives as stated in his/her IEP.
- The IEP team meeting shall be arranged at times and places mutually agreeable to you and the district.
- You are entitled to receive written notice of the proposed meeting.
- You have a right to make an audiotape recording of the IEP team meeting by giving 24 hours' notice to the IEP team of the intent to tape the meeting. The District/SELPA is only permitted to record an IEP meeting if the parents record. A District/SELPA is not required to record an IEP meeting.
- A copy of the IEP shall be provided in the primary language at the request of the parent.
- You have the right to present information to the IEP team in person or through a representative and the right to participate in eligibility recommendations and program planning.
- You have the right to request a review by the IEP team.
- Your child's IEP and placement will be reviewed at least once each year by the IEP team and you will be invited to participate.
- A meeting of the IEP team requested by a parent to review the IEP shall be held within 30 days, not counting days in July and August, from the date of receipt of your written request.

- Your child shall not be required to participate in all or part of any special education program unless you are first informed in writing of the facts which make participation in the program necessary or desirable.
- Your voluntary written consent is necessary before any program placement or special education services may begin. You may consent to all or part of the proposed IEP.
- You may withdraw your consent at any time by submitting written notification to an administrator.

Procedures for Resolving Differences

- The parent and representatives from the public education agency may meet informally to resolve any issue(s) relating to the identification, assessment, education and placement of the child or the provision of a free appropriate public education.
- Either the parent or the district may request voluntary pre-hearing request mediation by filing a written request with the Office of Administrative Hearings with a copy provided to the other party at the same time. The pre-hearing mediation shall be scheduled within 15 days of the receipt of the request by the State Superintendent. The mediation conference shall be completed within 30 days after receipt of the mediation request unless both parties agree to a time extension. Attorneys or other independent contractors who provide legal advocacy shall not participate in pre-hearing request mediation conferences.
- Informal meetings and mediation conferences are optional.
- Either the parent or the district may request a due process hearing in the event of a disagreement regarding a proposal or a refusal to initiate or change the identification, assessment, education placement of a child, or the provision of a free appropriate public education.
- The due process hearing procedures include the right to a mediation conference, the right to examine pupil records and the right to a fair and impartial administrative hearing at the state level.
- Any party to the hearing has the right to be informed by the other parties at least 10 days prior to the hearing as to what those parties believe are the issues to be decided and their proposed resolution of those issues. Upon request, parents who are not represented by an attorney will be assigned a mediator to assist in identifying the issues and the proposed resolution.
- All requests for a due process hearing shall be submitted to the Superintendent of Public Instruction with a copy provided to the other party at the same time.
- The parent will be advised of free or low-cost legal services and other relevant services available within the geographic area.
- The parent has the right to be accompanied and advised by counsel and by individuals with special knowledge or training relating to the problems of disabled children.
- The parent has the right to present evidence, written arguments and oral arguments.

- Any party to the hearing has the right to prohibit the introduction of any evidence at the hearing that has not been disclosed to the other party at least 5 days before the hearing.
- The parent has the right to a written or electronic verbatim record of the hearing.
- Any party to the hearing has the right to written findings of fact and the final administrative decision.
- The hearing must be completed within 45 days unless a continuance is granted.
- Either party has the right to appeal the final administrative decision to a court of competent jurisdiction. Appeals must be made within 90 days of receipt of the hearing decision.
- A court may award reasonable attorneys' fees to the parent if the parent is the prevailing party.
- During the hearing and judicial proceedings, the pupil shall remain in his or her present placement unless the district and parent agree otherwise.

Complaint Procedures

An individual may file a written complaint with the superintendent of the local public education agency or the State Superintendent of Public Instruction with a copy to the district regarding the public agency's alleged violation of federal or state law involving special education and related services.

(Rev 7/31/98)

This is a partial list of rights. Parents/adult students (if appropriate) receive an expanded, in-depth version of parents/adult student rights prior to initial assessment and prior to each IEP annual review meeting.

APPENDIX D

Record Keeping

Many parents have found it helpful to develop a home file or notebook about their child. One of the most practical and useful projects for parents is the formulation of a file or notebook of the child's medical development and educational histories. Such a file is useful for keeping records for every child, but it is particularly useful for keeping records of the disabled child whose records are often more complicated and lengthy than those of most children. Parents may refer to these files to gauge progress and make comparisons.

Important information to include:

1. **Medical:** Developmental history, including pregnancy and birth, doctor's report (pediatrician, allergist), therapy reports (speech therapy, occupational therapy), and agency reports (Regional Center, Mental Health).
2. **School:** Copies of all IEP's, communications with school staff, assessment reports, educational history, report cards, dated examples of school work, vocational testing.
3. **Personal/Social History:** The child's interests, clubs and organizations, family history, camps, special awards and pictures.
4. **Other Resources:** Financial resources, legal documents, community agencies, copies of Federal and State laws and regulations.

Record keeping is not mandatory for parents of disabled children, but good records prove helpful in day-to-day contact. Bring your up-to-date record-keeping notebook to any and all meetings with school personnel. It is great to be prepared. The following pages provide a format that might be useful for recording information about your child.

NOTES I MAY WANT TO SHARE ABOUT MY CHILD

Additional information about your child's strengths, how your child learns best: By answering the questions below you will be prepared to include this important information at your child's IEP and/or share it with your child's teacher.

1. What are my child's strengths? (For example – David is usually in a happy mood and eager to learn.)

2. What are good reinforcers for my child? What motivates my child to do his or her best? (For example – Senita loves to listen to music.)

3. What are things a teacher can do to help my child learn? (For example – Kathy learns best when she is allowed to explore and touch instructional materials.)

4. In what way do I want my child to be with nondisabled children? (For example – I want Doug to participate in music activities with nondisabled peers.)

5. Does my child have any health or medical problems that will affect his or her school activities? (For example - Because of heart problems, Marci needs a short rest every hour.)

6. Other needs I think my child has that may need special attention. Why? (For example - Devina may need to improve her coordination and balance skills.)

7. How do I want to be involved in my child's school program? (For example - I want to observe and meet with my child's speech therapist once a month or I want to volunteer in my child's class.)

8. List any additional questions or concerns you would like to discuss at the IEP meeting here.

Suggestion: Copy this page for your notebook so you can keep an original for later years. Bring an updated copy to each IEP meeting.)

Department of Education

State of California - Special Education Division

What are procedural safeguards?

This information provides you as parents, legal guardians, and surrogate parents of children with disabilities from 3 years of age through age 21 with an overview of your educational rights, sometimes called procedural safeguards. This information is your Notice of Procedural Safeguards as required under the Individuals with Disabilities Education Act (IDEA). This notice is also provided for students who are entitled to these rights at age 18.
(20 USC 1415; Ed 56321)

What is the IDEA?

The IDEA is a federal law that requires school districts to provide a free appropriate public education to eligible children with disabilities. "A free appropriate public education" means special education and related services are to be provided as described in an individualized education program (IEP) and under public supervision to your child at no cost to you.

Can I participate in decisions about my child's education?

You have the right to refer your child for special education services. You must be given opportunities to participate in any decision-making meeting regarding your child's special education program. You have the right to participate in

meetings about the identification (eligibility), assessment, educational placement of your child and other matters relating to your child's free appropriate public education.

(20 USC 1414{b}{c}{d}{f}; EC 56341{b}, 56343 {c})

You also have the right to participate in the development of the IEP and to be informed of the availability of free appropriate public education, including all program options, and of all available alternative programs, both public and nonpublic.
(Ed 56321, 56301, and 56506)

Where can I get more help?

When you have a concern about your child's education, it is important that you call or contact your child's teacher or administrators to talk about your child and any problems you see. Staff in your school district or special education local plan area (SELPA) can answer questions about your child's education, your rights, and procedural safeguards. When you have a concern, this information conversation often solves the problem and helps to maintain open communication.

Notice, Consent, Assessment, and Access

Prior Written Notice

When is notice needed?

The school district must inform you about proposed evaluations of your child in a written notice that is understandable and in your native language or other mode of communication; unless it is clearly not feasible to do so. This notice must be given when the school district proposes or refuses to initiate a change: the identification, assessment, or educational placement of your child with special needs or the provision of a free appropriate public education.

(20 USC 1415{b}; EC 56329, 56506{a})

When will I be notified?

The Notice of Procedural Safeguards must be given to you:

- When you ask for a copy;
- The first time your child is referred for a special education assessment;
- Each time you receive a written notice of an IEP meeting for your child (including IEP meetings held regarding disciplinary actions);
- Each time your child is reassessed;
- Each time you request mediation; and
- Each time you request a due process hearing.

(20 USC 1415{d}; EC56301, 5621, 56500.3{k}, 56506{a})

What will the notice tell me?

The Prior Written Notice must include the following:

- A description of the actions proposed or refused by the school district;
- An explanation of why the action was proposed or refused;
- A description of any other options considered and the reasons those options were rejected;
- A description of each assessment procedure, test, record or report used as a basis for the action proposed or refused;
- A description of any other factors relevant to the action proposed or refused; and
- A statement that parents of a child with a disability are protected by the procedural safeguards.

If the notice is not in regard to an initial referral for assessment, the notice must provide a statement that you have protection under procedural safeguards; information on how you can obtain a copy of described procedural safeguards; and sources of additional assistance in understanding the procedural safeguards. (20 USC 1415{c}).

Surrogate Parent Appointment

What if the parent cannot be identified or located?

School districts must ensure that an individual is assigned to act as a surrogate parent for the parents of a child with a disability when a parent cannot be identified and the school district cannot discover the whereabouts of a parent. A surrogate parent may also be appointed if the child is an adjudicated dependent or ward of the court under the state Welfare and Institution Code and the child is referred to special education or already has an IEP. (20 USC 1415 {b}; EC 56050)

Nondiscriminatory Assessment

How is my child assessed for special education services?

You have the right to have your child assessed in all areas of suspected disability. Materials and procedures used for assessment and placement must not be racially, culturally, or sexually discriminatory. Assessment materials must be provided and the test administered in your child's native language or mode of communication, unless it is clearly not feasible to do so. No single procedure can be the sole criterion for determining eligibility and developing an appropriate educational program for your child. (20 USC 1414{a}{b}; EC 56001{j} and 56320)

Independent Educational Assessments

Can my child be tested independently at the district's expense?

If you disagree with the results of the assessment conducted by the school district, you have the right to ask for and obtain an independent educational assessment for your child from a person qualified to conduct the assessment at public expense. The school district must respond to your request for an independent educational assessment and provide your information upon request about where to obtain an independent educational assessment

If the school district disagrees that an independent assessment is necessary, the school district must request a due process hearing to prove that its assessment was appropriate. If the district prevails, you still have the right to an independent assessment but not at public expense. The IEP team must consider independent assessments. (20 USC 1415; EC 56506{c} and 56329{b})

Access to Educational Records

Can I examine my child's educational records?

You have a right to inspect and review all of your child's education records without unnecessary delay including prior to a meeting about your child's IEP or before a due process hearing. The school district must provide you access to records and copies if requested, within five days after the request has been made orally or in writing. (20 USC 1415 {b}; EC 56501, 56504, and 49069)

How Disputes Are Resolved

Due Process Hearing

When is a due process hearing available?

You have the right to request an impartial due process hearing regarding the identification, assessment, and educational placement of your child or the provision of a free appropriate public education. The request for a due process hearing must be filed within three years from the date you knew or had reason to know of the facts that were the basis for the hearing request. (20 USC 1415{a} {b}; EC 56501, 56505{j}, and 56043 {p})

Mediation and Alternative Dispute Resolution

Can I request mediation or an alternate way to resolve the dispute?

You may ask the school district to resolve disputes through mediation or alternative dispute resolution (ADR), which is less adversarial than a due process hearing. ADR and mediation are voluntary methods of resolving a dispute and may not be used to delay your right to a due process hearing. The parents and the school district must agree to try mediation before mediation is attempted. A mediator is a person who is trained in strategies that help people come to agreement over difficult issues. (20 USC 1415{e}; EC 56500.3)

Due Process Rights

What are my due process rights?

You have a right to:

- Have a fair and impartial administrative hearing at the state level before a person who is knowledgeable of the laws governing special education and administrative hearings (EC 56501 (b);
- Be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities (EC 56505 {e}; 20 USC 1415{h};
- Present evidence, written arguments, and oral arguments {e});
- Confront, cross-examine, and require witnesses to be present (EC 56505 {e});
- Receive a written or, at the option of the parent, an electronic verbatim record of the hearing, including findings of fact and decisions (EC 56505{e}; 20 USC 1415 {h};
- Have your child present at the hearing (EC 56501 {c});
- Have the hearing be open or closed to the public (EC 56501 {c});
- Be informed by the other parties of the issues and their proposed resolution of the issues at least ten calendar days prior to the hearing (EC 56505{e} and 56043{s}; 20 USC 1415{b};
- Receive a copy of all documents, including assessments completed by that date and recommendations, and a list of witnesses and their general area of

testimony within five business days before a hearing (EC 56505{e} and 56043{t});

- Have an interpreter provided (CCR 3082{d});
- Request an extension of the hearing timeline (EC 56505{f});
- Have a mediation conference at any point during the due process hearing (EC 56501{b}); and
- Receive notice from the other party at least ten days prior to the hearing that it intends to be represented by an attorney (EC 56507{a}).

Filing a Written Due Process Complaint

How do I request a due process hearing?

You need to file a written request for a due process hearing. You or your representative need to submit the following information in your request:

- Name of the child;
- Address of the residence of the child;
- Name of the school the child is attending; and
- A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s).

State law requires that either party filing for a due process hearing must provide a copy of the written request to the other party. (20 USC 1415{h}; EC 56502{a})

After a written request is filed, a due process hearing is immediately scheduled, including any mediation conference, and must be completed within 45 days of the request, with a written, final decision provided. (EC56505{f}).

Does my child's placement change during the proceedings?

The child involved in any administrative or judicial proceeding must remain in the current educational placement unless you and the school district agree on another arrangement. If you are applying for initial admission to a public school, your child will be placed in a public school program with your consent until all proceedings are completed. (20 USC 1415D); EC 56505{d} and {l})

Can the decision be appealed?

The hearing decision is final and binding on both parties. Either party can appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final decision.

(20 USC 1415(1); EC 56043{u})

Who pays for my attorney's fees?

In any action or proceeding regarding the due process hearing, the court, in its discretion, may award reasonable attorney's fees as part of the costs to you as parent of a child with a disability if you are the prevailing party in the hearing.

Reasonable attorney's fees may also be made following the conclusion of the administrative hearing with the agreement of the parties. (20 USC 1415{1}; ED 56507{b})

Fees may be reduced if any of the following conditions prevail:

- The court finds that you unreasonably delayed the final resolution of the controversy;
- The hourly attorney's fees exceed the prevailing rate in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience;
- The time spent and legal services provided were excessive; or
- Your attorney did not provide to the school district the appropriate information in the due process complaint.

Attorney's fees will not be reduced, however, if the court finds that the state or the school district unreasonably delayed the final resolution of the action or proceeding or there was a violation of this section of law. (20 USC 1415{1})

Attorney's fees may not be awarded relating to any meeting of the IEP team unless an IEP meeting is convened as a result of a due process hearing proceeding or judicial action. Attorney's fees may also be denied if you reject a reasonable settlement offer made by the district/public agency ten days before the hearing begins and the hearing decision is not more favorable than the settlement offer. (10 USC 1415{d})

School Discipline and Placement Procedures for Students with Disabilities

School Discipline

Can my child be suspended or expelled?

Children with disabilities may be suspended or placed in other alternative interim settings or other settings to the same extent these options would be used for children without disabilities.

If a child exceeds ten days in such a placement, an IEP meeting must be held to determine whether the child's misconduct is caused by the disability. This IEP meeting must take place immediately, if possible, or within ten days of the school district's decision to take this type of disciplinary action. (20 USC 1415{k})

As a parent, you will be invited to participate as a member of this IEP team. The school district may be required to develop an assessment plan to address the misconduct or, if your child has a behavior intervention plan, review and modify the plan, as necessary.

If the IEP team concludes that the misconduct was not a manifestation of your child's disability, the school district may take disciplinary action, such as expulsion, in the same manner as it would for a child without disabilities.

If you disagree with the IEP team's decision, you may request an expedited due process hearing from the California Department of Education's Special Education Hearing Office. (20 USC 1415{k})

Alternative Interim Educational Settings

Can my child be placed in an alternative interim educational setting for disciplinary purposes?

Federal law allows the use of alternative educational placements under certain disciplinary circumstances. However, state law regarding the "stay put" provision described above overrides federal law regarding the use of alternative educational placements. Consequently, school personnel in California do not have the right to make 45-day placements for disciplinary purposes unless the parent agrees or there is a court order to do so. (20 USC 1415{j}{k}{l})

Regardless of the setting, the school district must continue to provide a free appropriate public education for your child. Alternative educational settings, when permissible, must allow the child to continue to participate in the general curriculum and ensure continuation of services and modifications detailed in the IEP. (20 USC 1415{k})

Children Attending Private School

When is reimbursement required for private school tuition?

Children who are enrolled by their parents in private schools may participate in publicly funded special education programs. While school districts have the clear responsibility to offer a free appropriate public education to students with disabilities, recent changes to federal law have significantly limited the school district's responsibility to provide services to students whose parents have chosen for them to attend private schools. Federal law limits the amount that school districts may spend for these services to a proportionate share of federal IDEA funds.

Parents are entitled to reimbursement for costs associated with the private school placement only if a court or hearing officer determines that the public agency had not made a free appropriate public education available to the child. (20 USC 1412{a}; EC 56175; 34 CFR 300.453)

When may reimbursement be reduced or denied?

The court or hearing officer may reduce or deny reimbursement if you did not make your child available for an assessment upon notice from the school district before removing your child from public school. You may also be denied reimbursement if you did not inform the school district that you were rejecting the special education placement proposed by the school district and gave notice of your concerns and intent to enroll your child in a private school at public expense.

Your notice to the school district must be given either:

- At the most recent IEP meeting you attended before removing your child from the public school; or
- In writing to the school district at least ten business days (including holidays) before removing your child from the public school. (20 USC 1412 {a}; EC 5614, 56176)

When can reimbursement not be reduced or denied?

A court or hearing officer may not reduce or deny reimbursement to you if you failed to notify the school district for any of the following reasons:

- Illiteracy and inability to write in English;
- Giving notice would likely result in physical or serious emotional harm to the child;
- The school prevented you from giving notice; or

You had not received a copy of this Notice of Procedural Safeguards or otherwise been informed of this notice requirement. (10 USC 1412{a}; Ed 56177 {a}(b)(c){d})

Additional Information

Where do I file a complaint?

To obtain more information about dispute resolution, including how to file a complaint, contact the California Department of Education, Special Education Division, Procedural; Safeguards Referral Service (800 926-0648 or fax 916 327-3704) or visit the Department's Web site at <http://www.cde.ca.gov/spbranch/sed>)

Complaints alleging violations of IDEA may be mailed to:

California Department of Education
Special Education Division
Procedural Safeguards Referral Service
515 L Street, Room 270
Sacramento, CA 95814

Telephone: (800) 926-0648
Fax: (916) 327-3704
Attention: PSRS Intake

For complaints involving issues not covered by IDEA, consult your district's Uniform Complaint Procedures (UCP).

Where do I file a request for mediation for due process hearing?

To obtain more information or to file for mediation or a due process hearing, contact:

Resources:

Parent Training and Information Centers

Northern California

Parents Helping Parents of San Francisco
(415) 841-8820

Support for Families of Children with Disabilities
(415) 282-7494

Matrix, A Parent Network and Resource Center
(415) 884-3535

Disability Right Education Defense Fund (DREDF)
(510) 644-2555

Parent's Helping Parents
(408) 727-5775

Central California

Exceptional Parents Unlimited
(559) 229-2000

Exceptional Family Support Education and Advocacy Center
(530) 876- 8321

Southern California

Team of Advocates for Special Kids (TASK)
(714) 533-8275

Team of Advocates for Special Kids (TASK) – San Diego
(619) 874-2386

Community Based Projects

Vietnamese Parents of Disabled Persons
(310) 370-6704

Loving Your Disabled Child
(323) 299-2925

Parents of Watts
(213) 566-7556

Other Resources:

National Information Center for Youth and Children with Disabilities: (800) 695-0285
Provides information on special education on its Web site and through printed materials.

Protection and Advocacy, Inc.: (800) 776-5746
Funded federally to advocate for people with disabilities.

Resources in Special Education (RiSE): (707) 664-3160

Rise Library: (408) 727-5775, ext. 110