

Ventura County Special Education Local Plan Area (SELPA)
Emily Mostovoy-Luna, Assistant Superintendent
5100 Adolfo Road, Camarillo, CA 93012
(805) 437-1560/fax (805) 437-1599
www.vcselpa.org

Parent Rights and Procedural Safeguards for Special Education – Abbreviated Summary

NOTE: This notice is an abbreviated summary of your rights under state and federal law. A more extensive description of these rights is available on our website. These rights are guaranteed under the Individuals with Disabilities Act (IDEA) – PL. 108-446 and related California Education Code. Contact your school district or see our website for the complete Parent/Adult Student Rights.

INTRODUCTION: This document is for parents and legal guardians of students aged 3-21 years old who are being considered for or are receiving special education services and for students who have reached 18 years old. These rights apply to all and surrogate parents (appointed by the School District) acting on behalf of a special education student or an adult student being considered for special education. This is your Notice of Procedural Safeguards. (Contact the SELPA for your rights if your child is under 3 years of age.) You will be given these rights once a year, also when you ask for a copy, upon initial referral, at each assessment, if you file a Notice of Due Process Complaint, and when there is a decision to make a removal from the educational setting that constitutes a change of placement.

There are many people in your child's school district ("district") and Special Education Local Plan Area (SELPA) who can answer questions about your child's education and questions you may have regarding your rights. When you have a concern, it is important that you contact your child's teachers or administrators to talk about any problems you see. This informal conversation often solves the problem and helps maintain open communication.

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

Parent Surrogates: A surrogate may be appointed by the district to represent a student with a disability when a parent cannot be identified or located and after reasonable efforts by the district, when the child is a ward of the court, when the child is an unaccompanied homeless youth, and/or the parent's educational rights have been removed by a court of law. A surrogate may exercise all rights of a biological parent in issues regarding educational records and decision-making.

Parent Participation: You have the right to refer your child for special education services, participate in the development of the Individualized Educational Program (IEP), and to be informed of all program options and alternatives, both public and nonpublic, per the Local Plan and Intra-SELPA Charts. You must be given the opportunity to participate in any meeting in which decisions are made regarding your child's special education program, including meetings about identification, assessment, educational placement and/or other matters relating to your child's education. You should be notified early enough so that you have the opportunity to attend.

You may designate another adult to represent you at IEP and other meetings, by giving written notice. You may designate a representative for one meeting only by indicating on the IEP Meeting Notice, or you may do it on a long-term basis by completing the "Designation of Educational Representative" form. (On our website)

Written Notice: You have a right to receive prior written notice, in your native language or other mode of communication, when the district proposes or refuses to initiate a change in the identification, assessment or educational placement of your child. This may be given via the IEP or separate form. The notice will include a description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, a description of any other options that the district considered and the reasons why those options were rejected. It will also include a description of each evaluation procedure, test, record, or report the district used as a basis for the proposed or refused action, a description of any other factors that are relevant to the district's proposal or refusal, sources for parents to contact to obtain assistance in understanding these provisions, and a statement about your rights.

Consent: You must provide informed, written consent before your child is individually assessed or provided with any special education services. Consent must also be provided before any change in special education services can occur. You can revoke your consent at any time, but it does not negate an action that has already occurred. If your child is being reassessed, the district may conduct assessment without your consent if you have failed to respond to the district's reasonable attempts to obtain consent.

Rights of Refusal: You can refuse consent for an assessment or the placement of your child in special education. The

district may pursue its obligation to conduct an initial assessment of your child through Due Process but may not pursue Due Process on the issue of your child's initial placement into special education.

Revoking Consent: Any time after the initial provision of special education and related services, you the parent, or an adult student, may revoke consent in writing for your child to receive any special education services. You must put it in writing. If you choose to do this, your child will be exited from all special education services and supports. The district will not continue to provide services but must give you written notice before stopping the services indicating the date services will end. An IEP meeting is not required. The district may not use mediation or due process procedures to obtain agreement or a ruling that the services must be provided if you choose to revoke consent to your child's receipt of special education. If you revoke consent for special education services, the district is not required to amend your child's education records to remove any reference(s) about special education and related services. Additionally, if you revoke consent for special education services, your child will be subject to the same disciplinary guidelines as any other general education student in the district.

Assessment: Your child must be assessed for special education using methods that are not biased or discriminatory, based on culture, ethnicity, gender or disability. Tests will be administered in your child's native language or mode of communication to yield accurate information on what your child knows and can do academically, developmentally, and functionally, unless clearly not feasible to do so. No single assessment procedure will be used as the sole criteria for determining eligibility and programming for your child. The assessors will be qualified. You must sign the Assessment Plan to initiate assessment. Hearing and Vision Screening will be conducted at the intervals specified in CA Education Code, and/or within one year of special education assessment, unless you deny permission.

Independent Educational Evaluations (IEE): You may request an *IEE* for your child at public expense, if you disagree with an assessment conducted by the district within no more than two years from the date of the district's assessment. However, if the district disagrees that an IEE is necessary, it has the right to request a Due Process Hearing to prove that its assessment is appropriate. If the district prevails at the Due Process Hearing, you still have the right to an IEE, but not at public expense. Any IEE (regardless of who pays) must be considered by your child's IEP Team. The district must respond to your request for an IEE and provide you with information about where to obtain an IEE. IEEs must meet requirements for location, qualifications, costs, and assessment instruments as set forth by SELPA. If the district observes your child in his or her classroom during an assessment, or if the district would have been allowed to observe your child, an individual conducting an IEE must also be allowed to observe your child in the classroom. If the district proposes a new school setting for your child and an IEE is being conducted, the independent assessor must be allowed to first observe your child in the proposed new setting. See www.vcselpa.org "For Families" for an information packet for parents about IEEs.

Individualized Education Program (IEP): An IEP meeting will be held within 60 calendar days (excluding school holidays in excess of 5 days) of the date the district received the signed Assessment Plan. You may attend in person or by teleconference. Any assessment results will be shared with you, and a copy given to you in writing. You have a right to be a participating member of the IEP team, and an interpreter will be provided if you need it. Other members of the team will include: an administrator or other qualified representative of the district; a general education teacher of your child; a special education teacher or specialist of your child; anyone who has conducted an assessment if that assessment is being reviewed at the IEP; and the student, as appropriate and when transition to adult life will be discussed. A required member of the IEP team whose area will not be discussed may be excused from all or part of the meeting with your (and the district's) written permission. If you and the district agree, a member whose area will be discussed can also be excused from all or part of the meeting but must submit a written report prior to the meeting. Parents and district have a right to make an audiotape recording of the IEP by giving 24 hours' notice of the intent to audiotape. If the district initiates the intent to record and the parent objects or refuses to attend, the meeting shall not be recorded by either party.

Transition: Beginning the year of the IEP before your child turns 16, the IEP will address transition to adult life. Your child must be invited to participate, and a plan developed to address his/her dreams and interests for outcomes in life after high school/postsecondary school. Transition assessments will be conducted to determine the student's desired outcomes in the areas of education and training, employment, and, as appropriate, independent living. Goals and services will be developed to address the outcomes, as well as linkages to adult service providers, if needed. Prior to your son/daughter's 17th birthday, he/she must be informed that all special education rights will transfer to him or her upon turning eighteen.

Access to education records and other rights related to records: You have a right to inspect, review, and obtain copies of your child's education records. They must be provided within 5 business days of your request made orally or in writing. The district may charge you actual costs for copies, but if this cost effectively prevents parents from exercising the right to receive the copies the copies will be reproduced at no cost. You have the right to dispute documents in the record. School district officials can release confidential educational information to an agency caseworker or another representative of a state or local child welfare agency or tribal organization that has the legal responsibility for the care and protection of the student, without parent permission.

Use of Medicaid/Medi-Cal Public Benefits: You must give consent before the district may access your child's MediCal benefits to pay for certain special education and related services. You are not required to give permission again unless the

type, cost, or amount of services changes. If the district accesses your child's MediCal benefits, there will be no cost to you or impact on your child's coverage in any way.

Suspension, alternative placement and expulsion of Special Education Students: A special education student may be suspended for ten school days in the same year, (cumulative in a school year), the same as students without disabilities. A suspension for any part of a school day counts as one day of suspension, but in-school suspension with access to special education services as specified on the IEP and access to participate with peers without disabilities does not. For the first time occurrence of certain types of behaviors [(EC Section 48900 (f)-(r)], school administrators must use alternatives to suspension.

If the district proposes to suspend your child for more than 10 days, an IEP meeting called "Manifestation Determination" will be held within 10 school days. If it is determined that the behavior was a result of the district's failure to implement the IEP or was caused by or had a direct and substantial relationship to your child's disability, steps must be taken to address the misconduct and before the student is suspended further. For suspensions beyond ten days that caused a change of placement, the district must continue to provide special education services during the suspension.

In cases involving weapons, drugs, or serious bodily injury, the district may place your child in an Interim Alternative Educational Setting (IAES) for 45 school days while decisions are being made. While in an IAES, he/she must continue to participate in the general education curriculum and receive the special education services specified in the IEP.

In cases in which your child is being considered for expulsion, the district will hold a Manifestation Determination IEP meeting. If it is determined that the misconduct was not caused by or a direct result of your child's disability, or the district's failure to implement the IEP, your child may be disciplined in the same manner as nondisabled peers which may include a recommendation for expulsion.

Due Process: You have the right to request an impartial due process hearing regarding the identification, assessment and educational placement of your child, or regarding the provision of a free appropriate public education. A request for a due process hearing must be filed within two years from the date you knew or should have known about the alleged action that forms the basis of your due process complaint. If you choose to pursue a due process hearing, you need to file your request with the California Office of Administrative Hearings (OAH) and send a copy of your request to the district. Your request for a due process hearing can include a request for mediation. Your request must contain your child's name, address, a description of the problem, including facts, and a proposed resolution to the problem. The form(s) are located on the SELPA website. Once your complaint is received by the district, the district must provide a written response to your request for due process. Once you file a request for due process hearing, your child will "stay put" in his/her last agreed-upon and implemented program/placement until the issue is resolved.

Due Process Rights: You have the right to a fair and impartial administrative hearing. You have the right to be accompanied and advised by an attorney and/or other individuals. You have the right to present evidence, confront and cross-examine witnesses and require the attendance of witnesses at hearing. Within 5 business days before the hearing, you have the right to receive a copy of all documents, including assessments completed by that date. You have the right to receive written or electronic record of the hearing and to have the hearing open or closed to the public. You have the right to be informed of the district's issues and proposed resolutions, to have an interpreter provided by OAH, to request an extension of the hearing timeline, to have a Mediation conference at any time during the hearing, and receive notice from the other party that the other party will be represented by an attorney at hearing.

Attorney's Fees: A court, in its discretion, may award reasonable attorney's fees to a parent if the parent is the prevailing party in a due process hearing, or subsequent judicial proceeding. The judge may reduce fees or deny reimbursement under certain conditions. Reimbursement of attorney's fees may be awarded to the district if the attorney of the parents files a complaint that is frivolous, unreasonable, or without foundation, the attorney of the parent continues to litigate after the litigation clearly became frivolous, unreasonable or without foundation, or the parent's request for a due process hearing was presented for an improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of the litigation.

Resolution Session: Within 15 days of receiving a request for due process, the district has to offer a date for you and the district to meet in a resolution session. The Resolution Session is an informal way for the district and parent to attempt to resolve the conflict. The resolution session is attended by the parent, a district representative with decision-making authority and, any other persons determined appropriate by the district and parent. The district cannot have an attorney at the resolution session unless the parent is accompanied by an attorney. The resolution session may be facilitated by a neutral party from outside the district. If an agreement is reached at the resolution session, you have three days to rescind that agreement. A resolution session is not required if you and the district agree in writing to waive the meeting.

Mediation: As part of a request for a due process hearing, you may also request Mediation. Mediation is voluntary and is not a prerequisite to requesting a due process hearing. Mediation involves the use of an impartial mediator who is appointed by the OAH. Discussions in mediation are confidential and may not be used as evidence in any due process hearing or otherwise.

Mediation Only and Alternative Dispute Resolution: A request for mediation may be made either before or after a request for a due process hearing is made. Instead of first filing a request for a due process hearing, you may, but are not required, to pursue resolution of your dispute by filing a request for Mediation Only, or by engaging in other forms of alternative dispute resolution with the district. Alternative dispute resolution and mediation are voluntary methods of resolving your dispute and may not be used to delay your right to a due process hearing. If you file a Mediation Only request, neither you nor the district are permitted to have attorneys provide assistance.

Children Attending Private Schools: Children who are enrolled by their parents in private schools may be referred to the district in which they live for assessment for special education. If eligible, the IEP team will offer a free appropriate public education to the child. However, if you choose to continue your child's attendance in the private school, you do not have the right to receive some of special education and related services necessary to provide a free appropriate public education. In some cases, very limited services will be offered via an Individual Service Plan, according to the guidelines of the district in which the private school is located. You would be entitled to reimbursement for private school costs only if a hearing officer or court determined that your district had not made a free appropriate public education available.

Parent Placement in a Non-Public School: A non-public school is a private school which is certified by the state to provide special education services. The district will pay for non-public school costs when the IEP team agrees that the placement is necessary to offer a free appropriate public education. If you intend to place your child in a non-public school, you must give the district notice. The district may initiate a request for due process on the appropriateness of the placement your child was offered. The cost of reimbursement may be reduced or denied by a Hearing Officer if: 1.) You did not inform the IEP team at the most recent IEP meeting that you were rejecting the proposed placement and intended to enroll your child in a private/non-public school. 2.) Within 10 business days prior to removing your child from public school you did not inform the district in writing. 3.) The district informed you of its intent to evaluate but you did not make your child available. 4.) A judge finds your actions unreasonable.

State Special Schools: The State Special Schools provide services to students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind at each of its three facilities: The California Schools for the Deaf are in Fremont and Riverside and the California School for the Blind is in Fremont. Residential and day school programs are offered to students from infancy to age 21 at both State Schools for the Deaf and ages five through 21 at the California School for the Blind. The State Special Schools also offer assessment services and technical assistance. For more information about the State Special Schools, please visit the California Department of Education Web site at www.cde.ca.gov/sp/ss/ or ask for more information from the members of your child's IEP team.

Complaints: You may file a state Compliance Complaint with the California Department of Education (CDE) if you believe the district has violated federal or state special education laws or regulations. The violation must have occurred not more than one year prior to the date the complaint is received by CDE. You must send a copy of your complaint to the district at the time you file it with CDE. For complaints not involving issues covered by federal or state special education laws, you may file a complaint with the district, according to their "Uniform Complaint Procedures." Consult your district for information regarding its Uniform Complaint Procedures.

To obtain more information about parental rights, or to file a compliance complaint, contact:

California Department of Education
Special Education Division
Procedural Safeguards Referral Service
1430 N. Street, Suite 2401
Sacramento, CA 95814
Telephone: (800) 926-0648 ~ Fax (916) 327-3704
<https://www.cde.ca.gov/sp/se/fp/>

To file a Request for Mediation and Due Process Hearing:

State of California, Office of Administrative Hearings
Special Education Division
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA, 95833
Telephone: (916) 263-0880
Fax (916) 263-0890

COMMUNITY ADVISORY COMMITTEE (CAC)

The SELPA convenes a Community Advisory Committee with the purpose of maintaining a flow of communication between the Special Education Administration and the community. Meetings are generally held once a month, September through June, and are open to the public. Free childcare is provided, if reserved one week in advance.

The CAC makes many brochures and booklets available free to families of students enrolled in special education programs in the Ventura County SELPA. All are available on our website at www.vcselpa.org or may be ordered for free at (805) 437- 1560.

- 90 Ways to Help Students with ADHD - *Brochure*
- A Parent Guide to Special Education (English/Spanish) - *Booklet*
- A Parent Guide to Transition Planning (English/Spanish) – *Brochure*
- A+ Access, Accommodations, Acceptance “A Winning Grade” - *Brochure*
- Adult Resources Directory – (English/Spanish) – *Booklet*
- Are You Concerned About Your Child? (3-22 years old, English/Spanish) – *Brochure*
- Community Resource Directory (*Families of Special Education Students*) – (English/Spanish) - *Booklet*
- Family Fact Sheet - Sorting through services to help you help your child. . . Regional Center or Schools? – (English/Spanish) – *Brochure*
- Going to College...or Thinking About it? - *Booklet*
- Independent Educational Evaluations – (English/Spanish) – *Booklet*
- Private School Procedures – (English/Spanish) – *Booklet*
- Procedural Safeguards Referral Service – *Brochure*
- My Child has Emotional & Behavioral Challenges...How Can I Find Help? – (English/Spanish) – *Brochures*
- Sensory Issues and Needs in Young Children Birth-Three (English/Spanish) – *Brochures*
- Transitioning to High School – A Guide for Parents of Special Education Students - *Brochure*
- What is Apraxia of Speech – A Guide for Parents of 3-5 year olds – *Brochure*
- What is a SELPA? – (English/Spanish) – *Brochure*

For full text of California Education Code related to special education go to <http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=edc&codebody=&hits=20>.

For full text of Federal Law related to special education got to <http://cfr.law.cornell.edu/cfr/cfr.php?title=34&type=chapter&value=3>

TERMS and ACRONYMS THAT YOU MIGHT FIND IN YOUR CHILD’S IEP:

CAA	California Alternate Assessment. An assessment of common core state standards designed for students in a functional skills curriculum.
Career Interest tool	Tool used to gauge career interests that a student may have
CBIP	Comprehensive Behavior Intervention Plan – A plan which addresses underlying causes of behavior and specific strategies to address it. Typically based on an FBA.
CCS	California Children Services - Public agency which provides medical services to eligible children. Website: http://www.vchca.org/dos/Program.asp?ProgID=62
CCSS	Common Core State Standards – Nationally and state-adopted curricular standard for all students.
Certificate of Achievement/Completion	For students who do not achieve a regular HS diploma, this document reflects that they participated in the course of study and/or achieved their IEP and Transition goals.
COE	County Office of Education – Provides services to students with disabilities according to the Local Plan.
COEDS	Collaborative Educational Services - Intensive, short-term in-home social/emotional services and supports for families with students receiving ERSES.
CST	CA Standards Test - Annual test of achievement in CA. State Curricular Standards given to all school children in the state, grades 2-11
DMH	Department of Mental Health – Public Agency providing counseling and medical services to people with emotional disturbance and mental illness. http://www.vchca.org/bh/index.htm (Knows as “VCBH” in Ventura County & “LACMH” in LA County)
DOR	District of Residence - District where child and family reside
DOS	District of Service - District providing primary special education services
DR or DOR	Department of Vocational Rehabilitation. Provides job training and supports to person with qualifying disabilities. https://www.dor.ca.gov/Home/JobSeekerConsumer
DRDP	Desired Results Developmental Profile - An assessment given to all 3,4 and 5 year old preschoolers twice a year to gauge developmental progress
EDD	Employment Development Department - CA agency which assists people to obtain jobs
EL	English Learner - A child who is learning English
ELA	English/Language Arts.
ELD	English Language Development – Strategies to assist English Learners to acquire academic-level English.
Emergency Health Care Plan	A plan that addresses steps to be taken in case of a medical emergency
EO	English only - A child who has English as his only language
ERSES	Educationally Related Social/Emotional Services – Counseling or Social Work services provided by an Intensive School-Based Therapist.
FEP	Fluent English Proficient - A child with other languages used in the home but who is determined to be proficient enough in English for participation in school
HAT	Hearing Assistive Technology
HS	Head Start – Services to low income children 3-4 years old. In Ventura County, provided by a non-profit organization, Child Development Resources. http://www.cdofvtaco.org/index.htm

ID	Intellectual Disabilities
IIS	Intensive Individualized Services – Additional adult support for a student for all or part of the school day.
ISBT	Intensive School-Based therapist – A licensed clinician providing social work or counseling services to special education students.
ISG	Individual & Small Group Instruction – Special education services provide to <u>preschoolers only</u> .
LOS	Level of special transportation service specified on the IEP. Level One – closest safe accessible curbside Level Two – within 2 blocks of home/service address Level Three – within .4 mile of home/service address Level Four – within 1 mile of home/service address Level Five – closest neighborhood school
LI	Low Incidence - Disabilities that occur statistically rarely in society including visual, hearing and orthopedic impairments. Children with these disabilities qualify for a small amount of extra funding to offset costs of their unique service and equipment needs.
NPA	Non-Public Agency – Agencies certified by the CA Dept. of Education to provide specific special education services
NPS	Non-Public School - Schools that are certified by the CA Dept. of Education to provide special education services.
PBIP	Positive Behavior Intervention Plan – A plan which addresses underlying causes of a behavior and specific strategies to address it.
Promotion and retention standards	Standards for progress in core curriculum set by each district for promotion between certain grade levels. Consult your district policies.
RC	Regional Center - Provides supports to people with developmental disabilities of all ages. http://www.tri-counties.org/ (Known as “TCRC” in Ventura County & “NLACRH” in LA County)
Related Services	Specialized Services to assist the student in accessing his/her special education program
RFEP	Reclassified Fluent English Proficient - A child who was formerly an English Learner, but has met reclassification guidelines according to district policy
SAI	Specialized Academic Instruction Adapting the content, methodology or instruction to assist a student with disabilities to access the core curriculum.
SBAC	Smarter Balanced Assessment Consortium – Statewide test administered annually to all California school children, assessing achievement in common core standards.
SCES	Special Circumstances Educational Support – Additional support that may be provided to a student based on assessment and IEP determination.
SDAIE	Specially Designed Academic Instruction in English – Strategies for assisting English learners in accessing core content presented in English.
SELPA	Special Education Local Plan Area – Regional consortium of school districts to facilitate the provision of special education services to all children in the districts within the SELPA
Skills/Aptitude Tools	Tools to assess the student’s strengths and abilities toward specific jobs/careers
SLD	Specific Learning Disability. A disability characterized by poor performance in one or more academic areas due to a psychological processing disorder.
Specialized Physical Health Care Services Plan	A plan developed by a physician to address the unique health or medical needs of a student
TPP	Transition Partnership Project – A collaboration between certain school districts and the Dept. of Rehabilitation to provide career development and transition to adult life services.
Triennial/Reevaluation	A review of all areas of suspected disability of a student to determine continued eligibility as well as need for special education and related services and supports.
WRK – WorkAbility Services	School-based career preparation services.