

SOUTH ORANGE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA



PARENT HANDBOOK

Dear Parent/Guardian(s),

As the parent of a student with disabilities, you will make many important decisions during the course of your child's school career. The South Orange County Special Education Local Plan Area (SOC SELPA), developed this handbook in the spirit of collaborative partnership with all the families we serve. Throughout this handbook, we aim to familiarize you with the process of special education and offer a source of continual reference to support your participation in the design and implementation of your child's Individual Education Program (IEP).

Each SELPA is required to have a Community Advisory Committee (CAC). This is a group of family members and other individuals with a personal or professional interest in supporting the educational needs of young people with disabilities and facilitate family education and support. We therefore encourage every family member of a child with special needs to become involved with the CAC.

You possess unique and expert knowledge of your child, and your contributions as part of the IEP team is essential. SOC SELPA staff encourages you to partner with your child's teacher(s), school staff and district personnel in the educational process. It is critical to build trust within your relationships with school staff. Through ongoing dialogue, collaborative planning and clear and directed intervention, your child's education will be greatly enhanced.

Our Districts are proud of their programs and remain dedicated to helping your child develop their skills and maximize their potential.

In partnership,

Community Advisory Committee (CAC)
South Orange County Special Education Local Plan Area (SOC SELPA)

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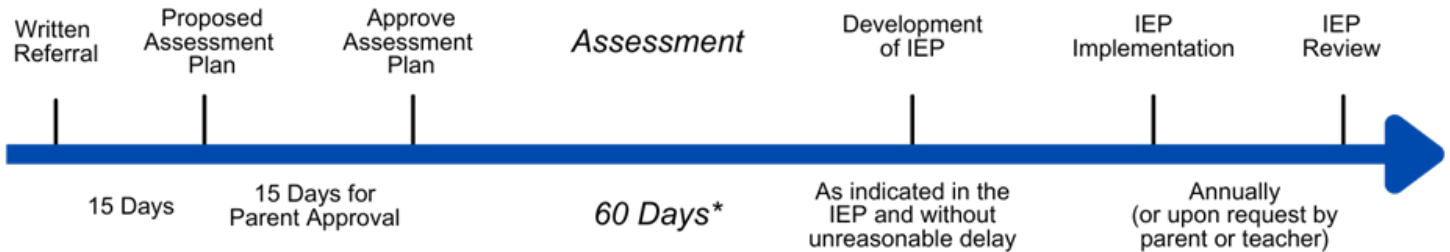


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IEP Overview

Timeline from Initial Referral to IEP Review



*Calendar days, which do not include days between regular school years, or school vacations in excess of 5 school days for the traditional school schedule, or the days between terms for year-round school schedules as provided in California Education Code.

Overview from referral to IEP Review

How the process of identification for Special Education Eligibility Works

A referral for identification of an individual (age 0-19) with possible special needs may come from a variety of sources to include:

- Parent or Legal Guardian
- Student Study Team (SST)
- Community Agency
- Teacher/Specialist
- Administrator
- Physician

In order to provide special education services, the following process has been established in an effort to conform with federal and state regulations:

Step One, Referral

A parent may make a referral via letter which should be sent to the Principal at your student's school of residence. Additionally, once a concern is recognized through a referral by one of the individuals/teams named above, a referral will be made to the district. Within 15 days of receipt of this referral, the district will refer you to the Student Study Team. If the Student Study Team interventions are not successful, the district may decline your request. If this is the case, the district must give you a reason. If the district is agreeing with your request, the district will provide you with a proposed assessment plan containing a copy of the notice of parent rights. You have 15 days to respond to the assessment plan. Upon the district's receipt of your written approval the district has 60 calendar days to complete the assessment, with some exceptions relating to breaks in the school calendar, to determine eligibility for services, and conduct an Individualized Education Program (IEP) team meeting.

Step Two, Assessment

Upon receipt of the approval for assessment, a case carrier/manager will be assigned. The case manager will make arrangements to have your child's strengths and areas of suspected disability evaluated. Information from you, including from outside assessments, is an important part of this

process. Based on the results of the assessment, the student may or may not meet the eligibility criteria for special education services. Additional information on Assessment is provided later in this handbook.

Step Three, Individualized Education Program

During the IEP meeting, assessment results will be shared with the parent and/or parent's designated representative. The parent may request a copy of the assessment reports in advance of the IEP meeting; there is, however, no requirement that the district provide parents copies prior to the IEP meeting. Districts will make every effort to provide assessment reports when it is feasible to do so. Parents will get a copy of final assessment reports at the IEP meeting. If the IEP team determines that special education placement is needed for your child to obtain educational benefit, an individual educational program ("IEP") will be developed to meet your child's needs. Parents are equal participants along with teachers and school personnel in developing, reviewing and revising the child's IEP.

Step Four, Appropriate Placement/Service

If your child has been determined to qualify for services under IDEA, the IEP team will identify your student's unique needs, develop goals, and determine appropriate placement/services. You and the school team will consider the least restrictive environment where your child's needs can appropriately be met. Parents can ask about placement options that are available and appropriate to meet your child's needs. (See page 18 for a discussion of various placement options).

Step Five, IEP Review

Your child's program and progress will be reviewed at a minimum annually. Additional meetings may be scheduled during the year according to IEP goals and/or objective/benchmarks to determine the appropriateness of the program in meeting your child's needs. You may request a review or change to the IEP when necessary, by writing to your child's teacher, school psychologist, or administrator.

Assessments

The following applies to any evaluations:

- Written consent from parent/guardian/surrogate of a student under 18 years of age must be obtained prior to assessment. If the student is 18 years or older, he/she must sign the assessment plan, unless a court of competent jurisdiction has determined otherwise.
- Evaluation is done by a multidisciplinary team, with the exception of some limited purpose assessments, which assesses all areas related to the child's suspected areas of disability including, where appropriate, vision, hearing, motor abilities, self-help, mobility skills, cognition, information processing skills, achievement, speech and language, career and vocational abilities/interests, and social/emotional and behavioral levels of functioning.
- Tests must be valid for the specific purpose used and be administered by trained personnel. Tests must accurately measure a child's aptitude or achievement and assess specific areas of educational need. No single procedure or test is to be used for determining an appropriate educational program for a child.
- The assessments must be given in the child's native language unless the child has been determined to be competent in English or other mode of communication. If this is not feasible, an interpreter must be used.
- Testing and evaluation materials must be selected and administered so as not to be racially, culturally, or sexually discriminatory.
- The school must provide the parents a copy of the assessment report at the IEP meeting. A parent may request that a copy of the written assessment report be provided prior to the IEP meeting. Any report provided prior to the IEP team meeting should be considered a draft of the report, with the final version presented at the meeting.
- If you disagree with any portion of the assessment or the assessment results, please see the Resolving Differences section of this handbook.
- A re-evaluation of your child to determine continued eligibility for special education will be completed at least once every three years. Re-evaluations may also occur if a new area of suspected disability is identified. An assessment plan will be prepared prior to the completion of any recommended assessment.
- A copy of the Notice of Procedural Safeguards must be included with the assessment plan. This notice will explain all of the procedural rights of a special education student under federal and state law. It will include information on other agencies, resources and procedures, from informal to formal, that parents may use if they disagree with the district's assessment

Special Education Eligibility

Eligibility for Special Education is a two-part determination. First, the child must be identified as having a disability. Second, the child must be found to require special education services as a result of his/her disability. The eligibility categories under IDEA are denoted as follows per State and Federal requirements:

Intellectual Disability	Hard of Hearing	Deafness
Speech and/or Language Impairment	Visual Impairment	Emotional Disturbance
Orthopedic Impairment	Other Health Impairment	Established Medical Disability
Specific Learning Disability	Deaf-Blindness	Multiple Disability
Autism	Traumatic Brain Injury	

Tips for Preparing for Your Child's IEP

- Respond to the IEP notification. Parents are invited and encouraged to attend. You are a full and equal partner along with school personnel in developing, reviewing, or revising your child's IEP and deciding appropriate services. IEP meetings are to be arranged at a mutually agreeable date and time. Make sure to let the team know you are bringing an outside party to the meeting.
- Let your IEP team know about your concerns before the meeting.
- Familiarize yourself with the Procedural Safeguards document. Ask questions of the other IEP team members if you do not understand or have a question about these rights. (See Appendices in back of this handbook.)
- Be prepared to share important information about your child such as school and medical reports and/or recent private assessments.
- You may request a copy of your child's assessment results and proposed goals prior to the IEP meeting. The District will accommodate your request when it is feasible to do so.
- Write down any questions, concerns, and suggestions you may have and take to the IEP meeting.
- The IEP meeting may be audio recorded if you notify the case carrier in writing at least 24 hours before the meeting. The district may audio record the meeting as well.
- Be an equal partner in the decision-making process. Do not be afraid to ask other members of the IEP team to explain or clarify the process and procedures that you are unfamiliar with.
- If your student is transitioning levels, request to view the program transitioning to and request a representative from the next school to attend the IEP.

The IEP Meeting

The purpose of the initial IEP meeting is to review the assessment and determine the child's eligibility for special education services. If the child is eligible, an IEP is developed, and it is implemented upon the parent's written consent. The IEP is reviewed at least annually or sooner upon written request by a parent or other member of the child's IEP team.

An IEP specifies in writing the determination by the IEP team and the commitment of the school district to provide the services needed to assist your child in working toward his/ her goals. It does not, however, guarantee that your child will achieve the growth anticipated or described in the IEP.

What to do:

- Be sure you are introduced to everyone at the meeting. If their titles are not mentioned, ask them in what capacity they serve your child.
- The attendance signature just states that you attended the IEP meeting, it does not provide any consent.
- If you don't have copies of the documents being discussed, ask for a document copy to be provided to you, so you can easily follow along.
- Share your child's strengths and needs and what motivates him or her.
- Give input and feedback. If you received copies of draft reports and/or goals for your child prior to the IEP meeting, give feedback to the team.
- Don't be afraid to ask the speaker/presenter to slow down, repeat information, or explain jargon/acronyms.
- Take notes. A district member of the IEP team will also reflect agreements and disagreements in the Notes Section of the IEP. You will also be provided an opportunity to identify your concerns which will be reflected in the IEP document.
- Don't let your emotions or stress affect you. Request a break if necessary.
- Don't worry about time. If you feel rushed, request a follow-up meeting.
- You do not have to sign consent to the IEP meeting if you are not comfortable doing so at the time of the meeting. Sharing the content with your spouse or significant other and/or taking additional time to reflect and review the content is acceptable. You must remember, however, that recommended services and/or Goals/Objectives will not be implemented until consent is provided.

Tips on communicating:

- Have a positive attitude.
- Show respect for each member of the team.
- Remember that your child is the focus of the IEP process.
- Involve your child whenever possible.

- Have educational goals in mind and let the District team know what they are.
- Keep the lines of communication open between self and child's service providers.

Your child's IEP should include, but is not limited to, all of the following:

- A statement of your child's present level of performance, both strengths and weaknesses.
- A statement of annual goals, including short-term instructional objectives/benchmarks as needed, for students who take alternative assessments based on California's alternative achievement standards (CAA CAPA).
- A statement of the specific educational placement and other related services (DIS) to be provided to your child.
- The extent to which your child will be able to participate in general educational programs.
- The projected dates that services will begin and how long they will be expected to continue.
- Appropriate objective criteria and evaluation procedures and schedules for determining on at least an annual basis, whether progress is being made or the short-term instructional objectives are being achieved.
- Vocational education goals may be included in an IEP. These may include prevocational education, career awareness and development, working training programs, and travel training. Preparing students with special needs for employment is the long-term goal of vocational education.
- An Individual Transition Plan (ITP) is developed prior to the student turning 16 (this will change to age 14 on July 1, 2025). The ITP is designed to develop a long-range plan for the student's movement into the adult world. Goals are developed by the IEP team and may include the areas of employment training, post-secondary education, residential, recreational, social, and independent living.
- For Limited-English-Proficient students, that is, for children whose primary language is other than English, the IEP should include linguistically appropriate goals, objectives, programs and services. If a parent has a primary language other than English, attempts be sure to request an interpreter at the IEP meeting so that information will be made available in your primary language.

The IEP team must include the following people:

- Parent(s)/Legal Guardian/Surrogate
- An Administrator or Designee
- General Education Teacher
- Special Education Teacher

When appropriate, additional individuals may be invited to participate. These individuals may include, but are not limited to:

- School Psychologist
- Designated Instruction Services Personnel
- Program Specialist/Coordinator
- Parent or child representative, legal counsel, or anyone chosen by parent who has knowledge of the child
- Interpreter
- Student (when appropriate). Note: when a student becomes 18 years old, the student holds his/her own educational rights unless a court has determined otherwise.
- Agency representatives who provide services to the student.

The school district is required to notify the parent in writing regarding whom the district will be inviting to the IEP team meeting. It is helpful in planning for your child's meeting if you indicate additional individuals that will be attending the meeting with you on the Notice Form. This form should be returned prior to the IEP meeting.

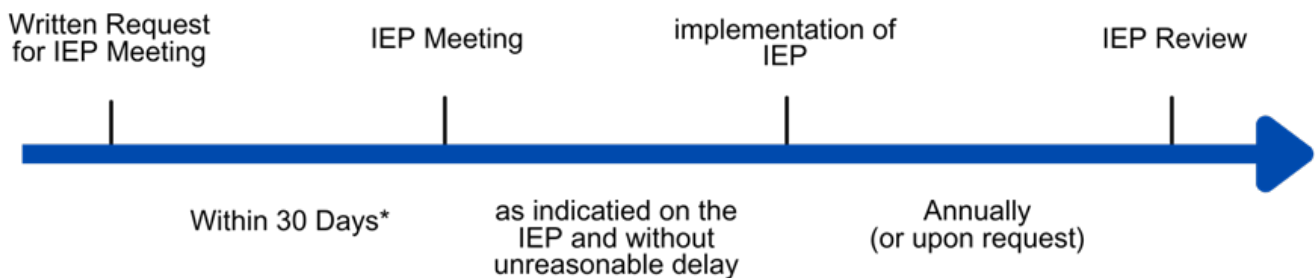
Steps in developing the IEP:

- The IEP team will review all relevant data and establish your child's present level of performance in the areas of need. Feel free to ask questions if you do not understand the information. You may request to see the results of any reports prior to the IEP meeting in order to read them and prepare questions in advance. Every effort will be made to accommodate your request.
- Goals/Objectives and/or accommodations should be written for each area where the team has identified a unique need.
- Goals describe how the team wants a student's skill level to change after instruction, usually over a one-year period of time.
- Objectives are developed for students who take alternative assessments based on California's Alternative Assessments (CAA). Objectives/benchmarks are measurable steps to be taken to reach the goals. They should be specific, meaningful, observable, and measurable. The objective should clearly say who will measure the results and how they will do it.
- All appropriate program options are explored. The option deemed to be the least restrictive placement option that will allow your child to benefit from the agreed upon goals and objectives should be offered.
- After the team has offered placement/services, the parents need to provide written consent for placement/services to be initiated.
- Parents/guardians are provided with a copy of the written IEP at the IEP meeting. You can request that your copy be translated into your primary language.
- If you choose not to attend the meeting and do not request a rescheduling of the meeting, the other members of the IEP team will meet on the scheduled day and develop the program with your permission. A copy of the completed IEP will be sent for your review and written consent.

Partial implementation of the IEP:

- Except for the initial IEP, if you do not agree with all the parts of the IEP, you may give written consent for only those portions of the program that you do agree with. Those portions agreed upon will be implemented without undue delay. Areas of disagreement may become the basis for a due process hearing.
- You have the right to include a written statement of disagreement with the IEP. If you sign the IEP and later decide you disagree with any part of it, you may withdraw your consent at any time after giving written notification to the case carrier/school administrator.

Timeline to amend an existing IEP:



*Calendar days, which do not include days between regular school years, or school vacations in excess of 5 school days for the traditional school schedule, or the days between terms for year-round school schedules. In the event that the district does not agree to an IEP meeting, the district must respond in writing giving the basis for the decision.

Classroom Placement and Program Options

In accordance with federal and state law, the SOC SELPA makes available a range of educational programs for students with special needs, referred to as the continuum of options. The IEP team determines program placement/services of each student based on the principle of Least Restrictive Environment (LRE), and the student's unique needs.

A student will be accommodated in the Least Restrictive Environment (LRE) through appropriate supports and services. Examples of "supports and services" may include accommodations, modifications, assistive technology devices, and/or designated instruction services. Your child cannot be separated from students without disabilities any more than is educationally necessary for your child. Also, your child's education program and other services must be located as close to your child's home school as possible.

Early Intervention Services

Early intervention services are provided to children younger than three years old who are experiencing developmental delays in the areas of cognitive development, physical development, language and speech development, social or emotional development, or self-help skills. These services are also provided to children younger than three years old who have diagnosed mental or physical conditions that would typically result in delays, or who are at risk of substantial delays.

In California, early intervention services are provided by school districts and

regional centers. Regional Centers are non-profit agencies, each one covering a different geographic region, that are under contract with the State of California to provide services to persons with developmental disabilities. School districts are responsible for providing educational programs for infants who meet the following criteria:

- Have solely low incidence disabilities, defined as conditions that are solely visual, hearing, or severe orthopedic impairments, or any combination thereof;
- Are eligible for special education; and
- Are not eligible for services from a Regional Center or who cannot be serviced by a regional center.

Regional Centers are responsible for providing early intervention services to all other eligible infants, including children who have developmental delays or are at risk of delays. Some school districts, however, provide early intervention services for infants and toddlers that have non-solely low incidence disabilities because of "maintenance of effort" obligations to continue their existing programs.

A referral for determination of eligibility for early intervention services for an infant or toddler may be made orally or in writing by the parent, a doctor or any other service provider, to a regional center or school district. The branch office of the Regional Center of Orange County that serves southern Orange County can be contacted by telephone at (714) 796-5100 (24 hours), Toll free (800) 244-3177 or www.rcocdd.com.

If eligibility for early intervention services is determined, then a multidisciplinary team, including the parent or guardian, develops an Individualized Family Service Plan (IFSP) that identifies the appropriate early intervention services that are required to meet the unique needs of the infant or toddler, under IDEA Part C. The family of the infant or toddler receiving early intervention services is provided a review of the IFSP at six-month intervals or more often when needed. The IFSP is evaluated and changed, if necessary, at least once a year.

An important part of any IFSP is transition planning to other appropriate services. This includes assessments to determine eligibility for special education services under Part B of the Individuals with Disabilities Education Act, as the child turns 3 years of age. If an infant or toddler is found eligible for services under Part B, then an Individualized Education Program must be developed and implemented before the child's third birthday. This is an important transition for children and their families as there is a substantial difference between IDEA Part C and IDEA Part B services.

Preschool Program

Preschool-age children with special needs may be served in several ways:

- Self-contained classroom setting with or without DIS

K-12 Program Options

Students should first be considered for general education classrooms with individually appropriate special education supports and services provided in that environment, at their resident school. Additional program supports include:

Specialized Academic Instruction Programs (SAI)

Within the SOC SELPA, there are a variety of service delivery models of Specialized Academic Instruction (SAI) to meet the diverse learning needs of students. There are three basic services delivery models that can be found which include collaborative/consultative (push-in), pull-out, and self-contained classrooms. In collaborative and consultative models, students are not removed from the general education classroom; rather, support providers deliver support in the general education setting. In pull-out SAI instructional models, students are removed from the general education classroom for limited periods of time to receive instruction in a separate classroom or support in a learning center. The final model of SAI found within SOC SELPA are special day classes. In these classes, students are grouped in smaller special education classroom settings. There are a variety of special day classes within SOC SELPA to meet the unique needs of the students.

Designated Instruction Services (DIS)

These support services are provided when they are determined appropriate to allow a student with special needs to benefit educationally from his or her instructional program.

- Designated Instruction Services include, but are not limited to, the following:
- Speech and language therapy
- Audiological services
- Orientation and mobility instruction
- Instruction in the home or hospital
- Adapted physical education
- Occupational therapy
- Physical therapy
- Vision therapy
- Counseling and guidance services
- Psychological services other than assessment and development of the IEP
- Parent counseling and training
- Health/nurse services
- Specially designed vocational education and career development
- Specialized services for low-incidence disabilities such as readers, transcribers, and vision and hearing services
- Transportation

Nonpublic School (NPS)

This placement is considered only when a student's needs cannot be met within public school programs. A NPS placement is deemed to be more restrictive than a public-school placement. Residential NPS facilities are an even more restrictive placement as the student is not residing in the home for a period of time as determined by the IEP team.

State Schools

This placement is considered only when no appropriate placement is available within, but not limited to, the SOC SELPA and when a State, specialized residential placement is needed for the child to meet his or her educational goals.

Other

Specialized instruction may also occur in settings other than traditional classroom settings (e.g., home hospital instruction).

Monitoring the IEP

- Review the outcome of the meeting with your child, if appropriate.
- Maintain communication with your child's teacher.
- Volunteer in your child's program on a regular basis if possible, and/or attend Community Advisory Committee (CAC) and PTA Meetings in an effort to get involved and be visible.
- Periodically check the IEP against schoolwork for consistency.
- Monitor homework.
- Monitor your child's progress and contact your child's case carrier any time you have questions.
- Confirm that new services or resources are put in place when in doubt.
- Communicate, Communicate, Communicate ...

The Transition IEP

The term “transition” is used in a variety of ways in special education. For this part of the Handbook, transition refers to times at which students move from one level of schooling to another. A transition IEP should be held at certain times during your child’s school career. The first of these, unless your child was on an IFSP as discussed previously, is when your child moves from a preschool program to kindergarten. The next transition IEP should take place when your child completes elementary school and is entering middle or intermediate school. Another meeting should occur when your child is ready to start high school. An additional transition meeting for some students, non-diploma bound will occur in the spring of their 12th grade year. This meeting will assist in planning for their Post High School experience, also known as Adult Transition Program. The transition IEP meeting can take place anytime in the school year, and often is held between March and June preceding the changes; usually the change occurs at the beginning of the next school year. If you have not received notice of an IEP meeting to discuss transitioning from one school level to another by May, you can contact your child’s case carrier to arrange for such a meeting.

The transition IEP often is held in conjunction with the annual or triennial review. Your child’s special education teacher may do additional testing to aid in determining appropriate placement and services at the new school as well as in updating your student’s IEP goals and objectives. Before coming to the transition IEP, it is important for you to discuss the programs available to your student at the new school with your child’s case carrier. You may request a visit to programs your child may transition to. A representative from the school your child will be attending should attend the meeting. It is a common practice for middle or intermediate and high school students to be invited to and participate in their transition IEP meetings.

Tips for Parents - Building Your Child's Home File

As a parent of a child with special needs, you will gather a tremendous amount of information about your child from various professional and service agencies. Each time you seek services for your child from a new agency, you may be asked to provide information from other service providers.

As the primary decision maker, observer, and advocate for your child, it is to your advantage to keep complete and up-to-date records in a notebook or home file.

Suggested items to include in your child's home file:

- Your child's medical history and medical reports
- A list of medications prescribed (current and historically)
- Your child's developmental and family health history
- Copies of all your child's school reports, including report cards, progress reports, discipline reports, IEP's etc.
- Copies of all assessment reports including both District evaluations and private evaluations you may have had completed
- All letters and written communications to and from school personnel and other service providers
- Copies of your child's past and present work

Consider purchasing a three-ring binder and tabs, to collect and maintain your records. Record keeping is not mandatory, but good records prove helpful in day-to-day contacts. Bring your records to any and all meetings with school, health, or other agency personnel.

Resolving Differences

The Alternative Dispute Resolution Process

During the course of your child's education, you and the school district might disagree. Listed below are some things you can do

Request a Teacher/Service Provider Conference:

If you have a concern, ask to meet with the student's teacher, case carrier, and if appropriate, the school principal. You do not need an IEP meeting to ask questions of service providers.

Request an IEP Meeting:

An IEP meeting may be requested at any time should you have concerns about your child's program. The District must convene this meeting within 30 days of your request. IEP meetings should be requested if a change in services is being requested.

Independent Education Evaluation:

If you do not agree with the school district's evaluation, you may consider obtaining an independent educational evaluation (IEE). The IEP team is required to CONSIDER any IEE. If you want to get reimbursed for an IEE, you must first disagree with an assessment that the district has done within the past two years. You then must request an IEE in writing or at an IEP meeting where the IEE request is written on the IEP. The district must respond to your request for an IEE and reimbursement. Rather than granting your request for an IEE, the district may decide to file for hearing to defend the district's assessment. The Procedural Safeguards will provide additional information on IEEs.

Revocation of Consent:

If you think that the IEP is not appropriate for your child, you can request an IEP meeting to discuss your concerns. You have the ability to revoke consent for the IEP should you believe your child no longer requires specialized services.

Special Education Law

Special education law is very complex and always changing. This section is intended to provide a brief overview of special education law that affects your child. It is not intended to provide a comprehensive review of all special education law nor is it intended to provide legal advice. For additional information on special education law, please refer to the reference sources listed at the end of this section and Procedural Safeguards information that the district provides.

Federal laws form the basis for state laws; states can require more but not less than federal statutes. This applies to the laws related to special education. There are three important federal statutes: the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504) and the Family Educational and Privacy Rights Act (FERPA). The most significant of these statutes is the IDEA, which was originally passed in 1975 by the U.S. Congress as the Education for All Handicapped Children Act (Public Law 94-142). The IDEA has been amended and reauthorized many times since then, with the latest amendment and reauthorization being enacted in 2004.

Individuals with Disabilities Education Act (IDEA):

[The IDEA](#) of 2004, Public Law 108-446 is in Title 20 of the United States Code Section 1400 et seq. The U. S. Department of Education has developed regulations for administering the IDEA, which are in Title 34 of the Code of Federal Regulations, beginning at Part 300.

California law generally conforms to the IDEA and is found in the California Education Code beginning at Section 56000. The California State Department of Education has developed regulations for administering these laws, which are in Title 5 of the California Code of Regulations, beginning at Section 3000.

The Individuals with Disabilities Education Act (IDEA) provides for the following:

- Ensure that the rights of children with disabilities and parents of such children are protected.
- Assist states, localities, educational service agencies, and federal agencies to provide for the education of all children with disabilities.
- Assist states in the implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families.
- Ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting systemic-change activities, coordinated research and personnel preparation, coordinated technical assistance, dissemination, and support, and technology development and media services.
- Assess and ensure the effectiveness of efforts to educate children with disabilities.

A child with a disability is defined as a child with intellectual disability, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and who, by reason thereof, needs special education and related services.

An important part of this definition is the phrase “who, by reason thereof, needs special education and related services.” A child with a disability does not automatically qualify for services under the IDEA. A child with a disability must need and be able to benefit from special education and related services in order to receive them.

The IDEA guarantees the following basic rights to all children with disabilities:

- **Free Appropriate Public Education (FAPE)** - Children with disabilities are entitled to a public education, appropriate to their needs, at no cost to their families.
- **Least Restrictive Environment (LRE)** – Children with disabilities must be educated with students who do not have disabilities, as much as appropriate and as close to home as possible.
- **Supplementary Aids and Related Services or Designated Instruction and Services (DIS)** - Children with disabilities must be provided the supportive services that are required to assist them to benefit educationally from their instructional program.
- **Assessment** - An assessment must be completed in areas of suspected disability to determine the child’s needs. This may be done only with the parent’s informed written consent.
- **Public Charter Schools** - Children with disabilities in public charter schools and their parents retain all rights under the IDEA regardless of the funding sources for the public charter schools. However, the Local Education Agency (LEA) to which the charter school belongs is responsible for providing special education services.

In order to assure that these rights are received, the IDEA also includes the following protections:

- **Individualized Education Program (IEP)** - The student’s IEP must be written at least annually for all children with disabilities. It is prepared by a team comprised of those people who have assessed the child; appropriate school personnel, which should include teachers, service providers and a school administrator; and the child’s parents or legal guardian.
- **Due Process** - Due process rights ensure that no changes can be made in a child’s program without prior notice to the parents. Further, due process provides a mechanism for the resolution of disagreements.

The IDEA Part B applies to public school students. It does not apply to public post-secondary education, employment or any other areas.

Section 504 of the Rehabilitation Act (Section 504):

[Section 504 of the Rehabilitation Act](#) is in Title 29 of the United States Code in Section 794. Congressional findings and purpose for this Act are in Section 701, and definitions are in Section 705. The U. S. Department of Education has developed regulations for administering this Act, which are in Title 34 of the Code of Federal Regulations, beginning at Part 104.

The purposes stated for Section 504 of the Rehabilitation Act are the following:

- Empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society, through statewide workforce investment systems implemented in accordance with Title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.] that include, as integral components, comprehensive and coordinated state-of-the-art programs of vocational rehabilitation; independent living centers and services; research; training; demonstration projects; and the guarantee of equal opportunity.
- Ensure that the federal government plays a leadership role in promoting the employment of individuals with disabilities, especially individuals with significant disabilities, and in assisting states and providers of services in fulfilling the aspirations of such individuals with disabilities for meaningful and gainful employment and independent living.

If a student does not meet the special education eligibility requirements of IDEA (i.e., the student's disability did not significantly affect the student's ability to learn), a student may qualify for services or accommodations under Section 504. Students who qualify under Section 504 do not have an IEP; they may be eligible for a 504 plan.

Section 504 is a civil rights law designed to prevent discrimination against individuals with disabilities. It provides that no otherwise qualified individual with handicaps in the United States shall, solely because of his or her handicap, be excluded from the participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Otherwise qualified individuals are considered to be students with disabilities who are entitled to attend school under state law; parents with disabilities; employees with a disability who can, with or without reasonable accommodation, meet the essential requirements of a job; under the Americans with Disabilities Act; or persons who are discriminated against because of their association with individuals with disabilities.

An individual with a disability is defined as a person who has a physical or mental impairment that substantially limits a major life activity, has a record or history of having such impairment, or is regarded as having such impairment. Major life activities may include seeing, hearing, speaking, walking, breathing, learning, working, caring for oneself, and performing manual tasks.

Family Educational Rights and Privacy Act (FERPA):

[The Family Educational Rights and Privacy Act](#) is in Title 20 of the United States Code, Section 1232. The U. S. Department of Education has developed regulations for administering this Act, which are in Title 34 of the Code of Federal Regulations, Part 99. FERPA mandates that all agencies and institutions that receive federal funds, including elementary and secondary schools, colleges, and universities must protect the privacy of parents and students.

FERPA states that personally identifiable information may not be disclosed without the written consent of the parent. Personally identifiable information includes but is not limited to: the student's name, the name of the student's parent or other family member, the address of the student or student's family, a personal identifier, such as the student's social security number or student number, a list of personal characteristics that would make the student's identity easily traceable, or other information that would make the student's identity easily traceable.

FERPA also mandates how schools must maintain the privacy and confidentiality of all educational records. Educational records are defined as records, files, documents, and other materials that contain information directly related to a student; and are maintained by a school or by a person acting for a school.

Parents have a right to inspect and review all educational records relating to their child. This includes the right to copies of the records and to receive explanations and interpretations of them from school officials. A parent also has the right to ask a school to change the educational records if the parent believes that it contains inaccurate or misleading information. The parent may also request a hearing to correct or challenge misleading or inaccurate information in the educational records.

Educational records may not be released without a parent's written consent except in the following cases:

- To other school officials, including teachers within the educational institution or local educational agency, who have been determined by such agency or institution to have legitimate educational interests.
- To officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.
- In health and safety emergencies.
- To law enforcement agencies and monitoring agencies.

Under the General Educational Provisions Act, schools must retain educational records for at least five years. A school may not destroy any education records if there is an outstanding request to inspect and review them.

Special Education Law References

California Statutes, California Codes –

California statutes are laws that have been passed by the California State Legislature and signed by the Governor. California statutes are organized and then published in the California Codes. The California Codes can be viewed at <http://www.leginfo.ca.gov>.

California Regulations, California Code of Regulations –

Regulations are rules developed by government regulatory agencies to administer statutes. After being legally adopted, regulations have the force of law. California regulations are organized and then published in the California Code of Regulations. The California Code of Regulations can be viewed at <http://ccr.oal.ca.gov>.

Laws and Regulations: A Composite of Special Education and Related Laws –

This website is published by the California Department of Education. This database contains Education Code, Part 30, and other related laws; and California Code of Regulations, Title 5, and other regulations. CDE Laws and Regulations [CDE Laws and Regulations](#).

Special Education Rights and Responsibilities –

This book, currently in its tenth edition, is written by the Community Alliance for Special Education and Disability Rights California (CASE). This entire book discusses both federal and California special education laws through a question-and-answer format. A specific and detailed answer is provided for each question that explains which special education laws apply to it and why. Legal citations to the statutes, regulations, and administrative and judicial rulings that are referred to in answering the questions are also included with each answer. [CASE](#)

Wrights Law: Special Education Law –

This book, currently in its second edition, is written by Peter W. D. Wright and Pamela Darr Wright, and published by Harbor House Law Press. It includes the text of all major federal special education laws, regulations and court decisions with the authors' explanations, analyses and tips located throughout the text. Each law and court decision that is included in the book is preceded by an overview section that analyzes and interprets it. This book does not include or discuss any California special education laws. This book may be purchased from the ["Wrights Law Store"](#).

South Orange County Special Education Local Plan Area (SOC SELPA)

In 1977, all school districts and county offices of education in California were required to form consortiums in geographical regions of sufficient size and scope in order to provide special education services to all students residing within the region. Each region, defined as a Special Education Local Plan Area (SELPA), were required to develop a Local Plan in alignment with the California Department of Education's Master Plan that detailed how it would provide effective special education services for children in accordance with Federal and State Law.

Today there are over 120 SELPAs throughout the state with various structures including Single District SELPAs, Multi-District SELPAs, County SELPAs, and Charter SELPAs. For more information, please visit the California Department of Education's website.

The South Orange County SELPA is a Multi-District SELPA which includes Saddleback Valley and Laguna Beach Unified School Districts. The South Orange County SELPA's Local Plan is dedicated to providing coordinated special education services for all students residing within the boundaries of the SELPA which include the cities of Laguna Beach, Laguna Hills, Mission Viejo, Lake Forest, and parts of Trabuco Canyon, Rancho Santa Margarita, and Aliso Viejo. The SELPA has a combined Average Daily Attendance rate of nearly 34,000 students and provides special education services for approximately 3,700 students. A copy of the local plan is available for public review on both member district's websites.

Community Advisory Committee (CAC)

As a parent of a child in a special education program or as an interested member of the community, you are invited to participate in a group of parents, educators, and community representatives called the Community Advisory Committee. The CAC, which meets periodically during the school year, reviews programs and procedures within the SELPA and makes suggestions for improvements that will benefit students with special needs. The school boards of each of the school districts in the SELPA appoint official representatives, who are students, parents and teachers, to the CAC. The CAC meetings are open to any interested community members, not just appointed representatives.

The CAC determines its own leadership and agenda. Ad Hoc committees within the CAC focus on educational programs, membership, publicity, and Local Plan reviews. Professional staff provides information and support. Guest speakers may also be invited to present information of interest to parents at CAC meetings.

The CAC is a local resource, where parents can learn about the system that manages their children's special services and can become collaborating partners in the process. Parent involvement is very important and a key element in providing effective programs for children.

For information on membership to the CAC or for current information on meeting dates and locations, please visit their webpage: <https://www.svusd.org/departments/educational-services/special-education/community-advisory-committee-cac>.

Appendices

Website Resources

- Special Education in General
 - [A Brief History of Special Education](#)
- Laws, Regulations and Policies Related to Special Education
 - [Americans with Disabilities Act \(ADA\) of 1990](#)
 - [California Code of Regulations \(CCR\)](#)
 - [California Department of Education \(CDE\) – Special Education Facts](#)
 - [California Special Education Reference \(CASER\)](#)
 - [Family Educational Rights and Privacy Act \(FERPA\)](#)
 - [Reauthorization of the Individuals with Disabilities Act \(IDEA\) 2004](#)
 - [Section 504 of the Rehabilitation Act](#)
 - [SOC SELPA Procedural Safeguards – English](#)
 - [SOC SELPA Procedural Safeguards - Spanish](#)
 - [A brief summary of procedural safeguards \(CDE\)](#)
- SELPA
 - [State SELPA Brochure](#)
 - [CDE SELPA Information](#)
 - [South Orange County SELPA \(SOC SELPA\)](#)
- Community Advisory Committee (CAC)
 - [CAC Information – State SELPA](#)
 - [CAC of South Orange County](#)
- LEA – School District Information
 - [LBUSD Special Education](#)
 - [SVUSD Special Education](#)
- Local Programs and Continuum of Support
 - [La Tierra Early Childhood Center](#)
 - [Esperanza Education Center](#)
 - [2023/24 Special Education Program Locations](#)
- Other Special Education Resources
 - [Special Education Terminology](#)
 - [English-Spanish Glossary of Special Education Terminology](#)
 - [Basic Rights for Students with Disabilities](#)
 - [Evaluations and Assessments](#)
 - [Independent Educational Evaluations \(IEEs\)](#)
 - [Eligibility Criteria](#)
 - [Students with Dyslexia](#)
 - [English Learners with Disabilities](#)

- [The IEP Process](#)
 - [Checklist to Assist Families](#)
 - [Related Services](#)
 - [Interagency Services](#)
 - [Transition Services](#)
 - [Transition Tips and Guidance](#)
 - [Least Restrictive Environment \(LRE\)](#)
 - [Continuum of Options](#)
 - [Common Core Resources for Special Education](#)
 - [State Assessments and Graduation Requirements](#)
 - [California Alternate Assessment \(CAA\)](#)
 - [Early Start and Preschool Programming](#)
 - [Behavior-Related Issues](#)
 - [Alternative Dispute Resolution \(ADR\)](#)
 - [Alternative Dispute Resolution of California \(ADRCal\)](#)
 - [Center for Appropriate Dispute Resolution Special Education \(CADRE\)](#)
 - [Center for Parent Information and Resources \(CPIR\)](#)
 - [Family Resource Centers Network of California \(FRCNCA\)](#)
 - [Students with Significant Health Conditions](#)
 - [Students with Behavioral Needs](#)
- **Additional Outside Agencies and Support Resources**
 - [California Children Services \(CCS\)](#)
 - [Department of Rehabilitation \(DOR\)](#)
 - [Family Support Network \(FSN\)](#)
 - [In-Home Supportive Services \(IHSS\)](#)
 - [OCDE – The Education of Special Education Children Resource Guide](#)
 - [Orange County Department of Education](#)
 - [Regional Center of Orange County](#)
 - [Seeds of Partnership](#)
 - [Supporting Inclusive Practices](#)
 - [Team of Advocates for Special Kids](#)
 - [Wright's Law: Special Education Law](#)

Terms and Definitions

Adaptive Physical Education (APE)

Specially designed physical education program, utilizing services, accommodations or modifications tailored to the needs of student who require developmental or corrective instruction.

Accommodations

Accommodations are adjustments to an educational program that allow a person with a disability to participate fully in a grade level or standards-based activity.

Assessment or Evaluation

All testing and diagnostic processes leading up to the development of an appropriate, individualized educational program (IEP) for a student with exceptional needs.

Assistive Technology

Equipment (such as a Braille printer, text to speech systems, Specialized apps, slant board, pencil grip, etc.) to increase or improve function of people with disabilities.

Case Carrier/Manager

The person deemed to be the main contact person for the student's IEP team. These terms are used interchangeably.

Community Advisory Committee (CAC)

A committee whose membership includes parents of school children (with and without special needs), school personnel, and representatives of public, community, and private agencies. This committee advises, (makes recommendations) to school administrators and local school boards regarding the Local Plan for Special Education, assists with parent education, and promotes public awareness of individuals with special needs.

Cumulative File

Records maintained in a central location by the school district for any child enrolled in school; it may contain evaluations and information about a child's disability and special education placement. Parents have a right to inspect the files.

Designated Instruction Services (DIS)

Instruction and services not normally provided by regular classes, resource specialist programs, or special day classes. They include speech therapy, occupational therapy and adaptive physical education.

Developmental Disability

Mental and/or physical condition (such as intellectual disability, cerebral palsy, autism) that begins before age 18, causing the child to acquire skills at a slower rate than peers and is expected to continue indefinitely, impairing the child's ability to function normally in society.

Due Process

The formal procedure used to decide disagreements between a school district and a student or their legal parent/guardian.

Early Intervention

Programs for developmentally delayed infants and toddlers through 35 months of age; designed to help prevent problems as the child matures.

Eligibility Categories

The Individuals with Disabilities Education Act (IDEA) requires public schools to provide special education and related services to eligible students. But not every child who struggles in school qualifies. To be covered, a child's school performance must be "adversely affected" by a disability in one of the 13 categories: Autism (AUT), Deafness (DEAF), Deaf-Blindness (DB), Emotional Disturbance (ED), Hard of Hearing (HH), Intellectual Disability (ID), Multiple Disabilities (MD), Orthopedic Impairment (OI), Other Health Impairment (OHI), Specific Learning Disability (SLD), Speech or Language Impairment (SLI), Traumatic Brain Injury (TBI), Visual Impairment (VI).

Free Appropriate Public Education

Special education and related services, provided at public expense, under public supervision and direction, and without charge, that meet the standards of the State educational agency, including an appropriate preschool, elementary or secondary school education and are provide in conformity to the student's IEP.

Inclusive Education

Inclusive education serves students with disabilities in local neighborhood schools in general education classrooms, with appropriate supportive services as is appropriate.

Individualized Education Program (IEP)

A written document that includes present levels of performance, goals, objectives, and recommended services for students receiving special education.

Individualized Education Program Team (IEPT)

A committee of parents, teachers, administrators, and school personnel providing service to the student. The committee may also include medical professionals and other relevant parties. The team reviews assessment results, determines goals and objectives and program placement.

Individualized Family Service Plan (IFSP)

A process of providing early intervention services for children (ages 0 to 3) with special needs. Family based needs are identified, and a written plan is developed and reviewed periodically.

Individual Transition Plan (ITP)

This plan starts the year the student turns age 16 the age baseline changes to 14 on July 1, 2025) and addresses areas of post-school activities, post-secondary education, employment, community experiences, and daily living skills.

Least Restrictive Environment (LRE)

The placement of a special needs student in a manner promoting the maximum possible interaction with the general school population. Placement options are offered on a continuum

including regular classroom with no support services, regular classroom with support services (aides and/or resource specialist program), designated instruction services, pull-out support in basic or foundational classes, private special education programs or residential treatment or home hospitalization.

Local Education Agency (LEA)

A school district participating in a SELPA.

Mainstreaming

Integrating children with special needs into regular classrooms or other portions of regular education programming for part of the school day. Mainstreaming is also called partial inclusion.

Modifications

A modification is a change in the course, standard, test preparation, location, timing, scheduling, expectation, student response, or other attribute that provides access for a student with a disability to participate in a course, standard or test, and it does fundamentally alter or lower the standard or expectation of the course, standard or test.

Multidisciplinary Team

A group that evaluates a child's levels of functioning in various areas to determine if the child is disabled and if so, supports preparation of his or her IEP based on assessment results, is led by a case coordinator (school psychologist, social worker, or special education teacher) and includes the classroom teacher, parents, and educational and medical specialists as appropriate.

Nonpublic School (NPS)

Nonpublic Schools are private, nonsectarian and certified by the state of California to provide special education services to students based on their Individualized Education Plan (IEP). These schools provide an environment to help youth that are struggling academically, behaviorally and socially.

Program Specialist/Coordinator

An individual who holds an administrative credential and a valid special education credential, health services credential, or school psychologist authorization, and has advanced training and related experience in the education of children with special needs.

Related Services

Services that are required to allow the student to benefit from his or her special education program. Services may include therapy and transportation.

Special Education Local Plan Area (SELPA)

A school district or group of school districts within a geographic area that administers the delivery of special education services.

State Schools

Residential schools operated by the State of California for the deaf, blind, and neurologically handicapped.

Surrogate

A person appointed to represent the rights of a ward or dependent of the court with special needs in all educational matters.

A C R O N Y M

SPECIAL EDUCATION ACRONYMS

ACRONYM	MEANING
504	Section 504 of the Rehabilitation Act
AAC	Augmentative and Alternate Communication
ABA	Applied Behavioral Analysis
ADA	Americans with Disabilities Act
ADHD (ADD)	Attention Deficit Hyperactivity Disorder
ADR	Alternative Dispute Resolution
AIM	Accessible Instructional Materials
ALD	Assistive Listening Device
APE	Adapted Physical Education
ASD	Autism Spectrum Disorder
ASL	American Sign Language
AT	Assistive Technology
AUT	Autism
BIP	Behavioral Intervention Plan
CAA	California Alternate Assessment
CAASPP	California Assessment of Student Performance and Progress
CAC	Community Advisory Committee
CASE	Community Alliance for Special Education
CAST	Collaborative Academic Support Teams
CBI	Community Based Instruction
CCR	California Code of Regulations
CCS	California Children's Services
CDC	California Diagnostic Centers
CDE	California Department of Education
CDPS	California Department of Public Health
CMH	County Mental Health
CPS	Child Protective Services
CST	California Standards Test
DHH	Deaf-Hard of Hearing
DIS	Designated Instruction and Services
DOE	US Department of Education
DOR	Department of Rehabilitation
DTT	Discrete Trial Training
EC	Education Code

ACRONYM	MEANING
ECE	Early Childhood Education
ED	Emotionally Disturbed
EL	English Learner
ELD	English Learning Development
ELPAC	English Language Proficiency Assessments for California
EMD	Established Medical Disability
EO	English Only
ESY	Extended School Year
FAPE	Free and Appropriate Public Education
FBA	Functional Behavioral Assessment
FEP	Fluent English Proficient
FERPA	Family Educational Rights and Privacy Act
GE	General Education or Grade Equivalent
HOH	Hard of Hearing
IA	Instructional Aide or Assistant
IBI	Individual Behavior Intervention
ID	Intellectual Disability
IDEA	Individuals with Disabilities Education Act
IDEIA	Individuals with Disabilities Education Improvement Act
IEE	Independent Educational Evaluation
IEP	Individualized Educational Program
IEPT	Individualized Education Program Team
IFSP	Individualized Family Service Plan
ISP	Individualized Service Plan
ITP	Individualized Transition Plan
JTPA	Job Training Partnership Act
LCI	Licensed Children's Institute
LEA	Local Education Agency
LEP	Limited English Proficient
LI	Low Incidence Disabilities
LP	Local Plan
LRE	Least Restrictive Environment
MD	Multiple Disabilities

A C R O N Y M

SPECIAL EDUCATION ACRONYMS (CONT.)

ACRONYM	MEANING
MDA	Multidisciplinary Assessment
MH	Mental Health
MM	Mild to Moderate (Basic)
MS	Moderate to Severe (Foundational)
NCLB	No Child Left Behind
NPA	Non-Public Agency
NPS	Non-Public School
O&M	Orientation and Mobility
OAH	Office of Administrative Hearings
OCD	Obsessive Compulsive Disorder
OCMH	Orange County Mental Health
ODD	Oppositional Defiant Disorder
OH	Orthopedically Handicapped
OHI	Other Health Impaired
OI	Orthopedically Impaired
OSEP	US Office of Special Education Programs
OT	Occupational Therapy
PECS	Picture Exchange Communication System
PH	Physically Handicapped
PL	Public Law
PLOP	Present Level of Performance
PS	Program Specialist
PT	Physical Therapy, Physical Therapist
PWN	Prior Written Notice
RC	Regional Centers
RCOC	Regional Center of Orange County
ROP	Regional Occupational Program
RSP	Resource Specialist Program
SDC	Special Day Class
SELPA	Special Education Local Plan Area
SH	Severely Handicapped
SL (SLI)	Speech & Language (Speech & Language Impaired)
SLD	Specific Learning Disabilities
SLP	Speech Language Pathologist
SLPA	Speech and Language Pathologist Assistant
SPED	Special Education

ACRONYM	MEANING
SST	Student Study Team
STAR	State Testing and Reporting
SUCSESS	Systemic Utilization of Comprehensive Strategies Ensuring Student Success
SWD	Students with Disabilities
TBI	Traumatic Brain Injury
TEACCH	Treatment and Education of Autistic and related Communication Handicapped Children
TPP	Transition Partnership Project
TRI	Triennial Review
VI	Visually Impaired

1 **SOUTH ORANGE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA**
2 **SADDLEBACK VALLEY AND LAGUNA BEACH UNIFIED SCHOOL DISTRICTS**

3 **Notice to Parent/Guardian/Surrogate**

4 **Notice of Procedural Safeguards**

5
6 This notice is provided to you as parents, legal guardians, surrogate parents or court appointed educational
7 rights holder, because your child is receiving special education services or has been referred for possible placement
8 in special education. This information is your Notice of Procedural Safeguards (Notice) as required under the
9 Individuals with Disabilities Education Act (IDEA). The IDEA is a federal law that requires school districts to provide a
10 "free appropriate public education" (FAPE) to eligible children with disabilities, as defined further below. This Notice
11 will also be provided to students who are entitled to these rights at age eighteen (18). The purpose of this Notice is to
12 explain to you your rights as a parent of a child with disabilities under federal and state laws. In California, special
13 education is provided to disabled students between birth and the student's twenty-second (22nd) birthday. Federal
14 and state laws protect you and your child throughout the procedures for evaluation and identification of special
15 education placement and services. Parents of children with disabilities have the right to participate in the
16 individualized education program (IEP) process, including development of the IEP, and be informed of the availability
17 of FAPE and of all available alternate programs, including public and nonpublic programs.

18 A copy of this Notice will be given to you only one time a school year; except that a copy must also be given
19 to you upon (1) initial referral or your request for evaluation; (2) upon the receipt of the first filing of a state complaint
20 or due process complaint in a school year; (3) when a decision is made to make a disciplinary change of placement;
21 or (4) upon your request. You have a right to receive this Notice in your primary/native language or other mode of
22 communication, unless to do so is clearly not feasible. This Notice may also be translated orally to you if your
23 primary/native language or other mode of communication is not a written language. **A copy of this Notice is**
24 **available at:** <https://www.saddlespace.org/wuc/socselpa>
25

26 The definitions below will help you understand the Notice of rights provided herein.
27 (20 U.S.C. section 1415(d); 34 C.F.R. sections 300.29 and 300.504; Education Code sections 56021.1(a),
28 56301(d)(2), 56321(b), and 56506(a).)
29
30
31

1 **DEFINITIONS**

2 **Children With Disabilities** also referred to as individuals with exceptional needs is defined by federal and state law
3 as including children with intellectual disabilities, hearing impairments (including deafness), speech or language
4 impairments, visual impairments (including blindness), emotional disturbance, orthopedic impairments, autism,
5 traumatic brain injury, other health impairments, specific learning disabilities, deaf-blindness, or multiple disabilities;
6 and who by reason thereof, need special education and related services.

7 (20 U.S.C. section 1402(3); 34 C.F.R. section 300.8; Education Code section 56026; 5 California Code of
8 Regulations (CCR) section 3030.)

9 **Evaluation** means the assessment of your child using various tests and measures in accordance with state and
10 federal laws to determine whether your child has a disability and the nature and extent of special education and
11 related services needed by your child for his or her educational benefit. The assessment tools are individually
12 selected for your child and are administered by trained and knowledgeable professionals employed or contracted by
13 the school district. These tests do not include the basic tests given to all children in the school setting.

14 (34 C.F.R. sections 300.15, 300.304 – 300.311; Education Code sections 56302.5 and 56320.)

15 **Individualized Education Program (IEP)** is defined as a written document developed by your child’s IEP team that
16 includes at least all of the following: (1) present levels of academic achievement and functional performance; (2)
17 measurable annual goals; (3) a description of how the child’s progress toward meeting the annual goals will be
18 measured and when periodic reports on progress the child is making toward meeting the annual goals will be
19 provided; (4) a statement of the special education and related services and supplementary aids and services to be
20 provided to the child; (5) an explanation of the extent to which the child will not participate with non-disabled children
21 in the general education programs; (6) a statement of any individual appropriate accommodations that are necessary
22 to measure the academic achievement and functional performance of the child on state and district wide
23 assessments; and (7) the projected date for initiation and the anticipated duration, frequency and location of the
24 programs, services and modifications included in the IEP.

25 (20 U.S.C. section 1414(d); 34 C.F.R. sections 300.22, 300.320-300.324; Education Code section 56345.)

26 **Free Appropriate Public Education (FAPE)** is defined as special education and related services that: (1) are
27 provided at public expense, under public supervision and direction, and without charge to you; (2) meet the standards
28 of the California Department of Education (CDE); (3) are provided in conformity with a written IEP developed for your
29 child to confer an educational benefit; and (4) are provided in an appropriate preschool, elementary or secondary
30 school program of the State, or in a nonpublic school if there is no appropriate program available in a school district.

31 (20 U.S.C. section 1402(9); 34 C.F.R. section 300.17; Education Code section 56040.)

1 **Least Restrictive Environment (LRE)** means that to the maximum extent appropriate, children with disabilities will
2 be educated with children who are not disabled, and that special classes, separate schooling, or other removal of
3 children with disabilities from the regular education environment will occur only when the nature or severity of the
4 disability is such that education in regular classes with the use of supplementary aids and services cannot be
5 achieved satisfactorily.

6 (20 U.S.C. section 1412(a)(5); 34 C.F.R. section 300.114; Education Code section 56040.1.)

7 **Related Services** means transportation and such developmental, corrective and supportive services that may be
8 required to assist a child with a disability to benefit from special education, including the early identification and
9 assessment of disabling conditions. Related services may also include:

- 10 1. Speech-language pathology and audiology services.
- 11 2. Interpreting services.
- 12 3. Psychological services.
- 13 4. Physical and occupational therapy.
- 14 5. Recreation, including therapeutic recreation.
- 15 6. Counseling services, including rehabilitation counseling.
- 16 7. Orientation and mobility services.
- 17 8. School health services and school nurse services.
- 18 9. Medical services for diagnostic or evaluation purposes only.
- 19 10. Social work services.
- 20 11. Parent counseling and training.

21 (20 U.S.C. section 1402(26); 34 C.F.R. section 300.34; Education Code section 56363.)

22 **Special Education** means specially designed instruction, at no cost to parents, to meet the unique needs of a child
23 with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in
24 other settings, and instruction in physical education.

25 (20 U.S.C. section 1402(29); 34 C.F.R. section 300.39; Education Code section 56031.)

27 **CONFIDENTIALITY AND ACCESS TO EDUCATIONAL RECORDS**

28 All parents of a child enrolled in the school district have the right to inspect their child's educational records
29 under the federal Family Educational Rights and Privacy Act (FERPA), and the California Education Code. Under the
30 federal and state laws, parents of a child with disabilities (including noncustodial parents whose rights have not been
31 limited) are presumed to and have the right to inspect and review all educational records regarding their child unless
the school district has been advised that the parent does not have the authority to do so under applicable state laws.

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1 This includes the right to inspect and review all educational records with respect to the identification, evaluation,
2 educational placement and the provision of a FAPE, as well as to receive an explanation and interpretation of the
3 records without unnecessary delay, including prior to a meeting regarding your child's IEP or before a resolution
4 session or due process hearing. Under California statutes, parents have the right to review and to receive copies of
5 educational records. You also have the right to have a representative inspect and review the records in accordance
6 with FERPA. These rights transfer to a pupil upon their eighteenth (18th) birthday unless the pupil has had a
7 conservator appointed by a court to assume the educational rights of the pupil.

8 Educational records are those records that are directly related to your child and maintained by the school
9 district, or an agency, or institution acting for the school district that collects, maintains, or uses personally identifiable
10 information, or from which information is obtained. Both federal and state laws further define an educational record or
11 pupil record as any item of information directly related to an identifiable pupil, other than directory information, which
12 is maintained by a school district, whether recorded by handwriting, print, computer media, video or audio tape, film,
13 microfilm, microfiche or by other means. If records contain information about more than one child, you have access
14 only to that portion of the record pertaining to your child. The school district must keep a record of parties obtaining
15 access to educational records collected, maintained, or used under the IDEA, other than school district employees in
16 accordance with FERPA.

17 The school district must protect the confidentiality of personally identifiable information at collection, storage,
18 disclosure and destruction stages. All persons collecting or using personally identifiable information must receive
19 training or instruction regarding the state's policies and procedures under the IDEA and FERPA. Each school district
20 must maintain, for public inspection, a current listing of the names and positions of those employees who may have
21 access to personally identifiable information.

22 The school district must inform you when personally identifiable information collected, maintained or used
23 under the IDEA is no longer needed to provide educational services to your child. Upon receiving notice that the
24 records are no longer necessary to the school district, you may request destruction of the records, which will take
25 place either by physical destruction or by removing personal identifiers from the records so that the information is no
26 longer personally identifiable. However, the school district is obligated to keep a permanent record for each child.

27 Personally identifiable information may include: (1) the name of the child, the child's parent or family
28 member; (2) the address of the child; (3) a personal identifier such as the child's social security number, student
29 number, court file number, or biometric record; (4) other indirect identifiers such as the child's date of birth, place of
30 birth and mother's maiden name; (5) a list of personal characteristics or other information that would make it possible
31 to identify the child with a reasonable certainty. Parental consent must be obtained before personally identifiable
information is disclosed to parties other than school district employees and in accordance with FERPA.

1 The custodian of records at each school site is the principal of the school. The district custodian of records
2 is the Director of Special Education. Pupil records may be kept at the school site or the district office, but a written
3 request for records at either site will be treated as a request for records from all sites. The custodian of records will
4 provide you with a list of the types and locations of pupil records (if requested). A request for a copy of your child's
5 special education records may be made to the District's Director of Special Education.

6 A review and/or copies of educational records will be provided to the parent within five (5) business days
7 after the request is made by the parent, either orally or in writing. A fee for copies, but not the cost to search and
8 retrieve, is determined by local policy and will be charged unless charging the fee would effectively prevent the parent
9 from exercising the right to receive the copies. Once a complete copy of the records has been provided, a fee will be
10 charged for additional copies of the same records.

11 If you believe that information in the education records collected, maintained or used by the school district is
12 inaccurate, misleading or violates the privacy or other rights of the child, you may request in writing that the school
13 district amend the information. If the school district agrees with your request, the record will be amended and you will
14 be informed within a reasonable time after receipt of the request. Should the school district refuse to amend the
15 information as requested, the school district will notify you of the right to a hearing to determine whether the
16 challenged information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child.
17 If you request a hearing, the school district will provide a hearing, within a reasonable time, which must be conducted
18 according to the procedures for such hearings under FERPA.

19 If as a result of the hearing the school district decides the record will not be amended, you have a right to
20 provide what you believe is a corrective written statement, which will be permanently attached to the contested record
21 and also provided if the contested record is disclosed to any party. Additional information regarding your right to
22 access and challenge educational records is available in the District's Annual Notice of Parent Student Rights and
23 Responsibilities.

24 (20 U.S.C. section 1232g; 34 C.F.R. sections 99.1-99.67; 34 C.F.R. sections 300.610-300.625, 300.613; Education
25 Code sections 48980, 49060-49079; Education Code sections 56041.5, 56043(n) and 56504; 5 CCR section
26 432(b)(1).)

27 28 **PRIOR WRITTEN NOTICE**

29 The IDEA requires school districts to provide prior written notice to you as the parent of a child with
30 disabilities when the school district proposes or refuses to initiate or change the identification, evaluation or
31 educational placement of your child or the provision of a FAPE to your child or if you revoke consent in writing for the
continued provision of special education and related services. The notice will be provided in your native language or
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1 other mode of communication you use, unless it is clearly not feasible to do so, and must be provided to you within a
2 reasonable time.

3 The prior written notice must include:

- 4 1. A description of the action proposed or refused by the school district.
- 5 2. An explanation of why the school district proposes or refuses to take the action.
- 6 3. A description of each evaluation procedure, assessment, record, or report the school district used
7 as a basis for the proposed or refused action.
- 8 4. A description of other options that the IEP team considered and the reasons why those options
9 were rejected.
- 10 5. A description of other factors that are relevant to the school district's proposal or refusal.
- 11 6. A statement that the parents of a child with a disability have protection under the procedural
12 safeguards of the IDEA, and if this notice is not an initial referral for evaluation, the means by which
13 a copy of a description of the procedural safeguards can be obtained.
- 14 7. Sources for parents to contact to obtain assistance in understanding the provisions of this part.

15 (20 U.S.C. section 1415(c); 34 C.F.R. sections 300.503 and 300.300(b)(4); Education Code section 56500.4.)
16

17 **INFORMED PARENTAL CONSENT**

18 The IDEA requires that school districts obtain informed consent from you before the commencement of an
19 initial evaluation of your child to determine if your child qualifies as a child with disabilities. Informed consent means
20 you have been fully informed in your native language, or other mode of communication, of all information about the
21 action for which you are giving consent and that you understand and agree in writing to the carrying out of the activity
22 for which consent is sought, such as an evaluation or educational placement decision for your child. Your consent is
23 voluntary and may be withdrawn at any time. Should you withdraw/revoke consent the revocation is not retroactive, it
24 will not negate an action that has occurred after the consent was given and before the consent was revoked.

25 Your consent for the initial evaluation does not imply or grant consent for placement and receipt of special
26 education and related services. The school district will request your consent for special education and related
27 services separately and at a later date. The school district will also obtain your informed consent for reevaluations of
28 your child and will not conduct a reevaluation unless you fail to respond to requests for your consent.

29 If you do not provide consent for an initial assessment or fail to respond to a request to provide the consent,
30 the school district may pursue the initial assessment by using due process procedures.
31

1 If you refuse to consent to the initiation of special education and related services, the school district must not
2 provide special education and related services and shall not seek to provide services through due process
3 procedures.

4 If at any time after the initial provision of special education and related services, you revoke consent in
5 writing for the continued provision of special education and related services after having consented to those services
6 in the past, the school district must provide you prior written notice before ceasing the provision of special education
7 and related services to your child and shall not seek to provide services through due process procedures. If you
8 submit a written revocation of consent after the initial provision of special education and related services to your child,
9 the school district is not required to amend the education records of your child to remove any reference of your child's
10 receipt of special education and services.

11 If you consent in writing to the receipt of special education and related services for your child but do not
12 consent to all of the components of the IEP, those components of the program to which you have consented must be
13 implemented so as not to delay providing instruction and services. If the school district determines that the proposed
14 special education program component to which you do not consent is necessary to provide a free appropriate public
15 education to your child, the school district must file a request for a due process hearing. If a due process hearing is
16 held, the hearing decision shall be final and binding, unless appealed within 90 days from the date of the decision.

17 In the case of reevaluations, the school district must document reasonable measures to obtain your consent.
18 If you fail to respond, the school district may proceed with the reevaluation without your consent.
19 (20 U.S.C. sections 1414(a)(1)(D), 1414(c) and 1415; 34 C.F.R. sections 300.9 and 300.300, 300.514 and 300.516;
20 Education Code sections 56021.1, 56321(c) and (d), 56346, 56381(f) and 56506(e).)

21 When a parent cannot be identified and the school district cannot locate the whereabouts of a parent to
22 obtain consent, the school district must ensure that an individual is assigned to act as a surrogate for the parents of a
23 child with a disability. A surrogate parent may also be appointed for unaccompanied homeless youth or a child who
24 is a dependent or ward and an educational representative has not been appointed by the Court.

25 (20 U.S.C. section 1415(b)(2); 34 C.F.R. section 300.519; Education Code section 56050; CA Rules of Court Rule
26 5.650.)

27
28 **PROTECTION IN EVALUATION PROCEDURES**

29 Federal law refers to "evaluation" and California law refers to "assessment". Therefore, these words may be
30 used interchangeably by employees of the school district and in this Notice. The school district must provide you with
31 a written assessment plan or prior written notice within fifteen (15) days after a referral for special education has been
received, including your written request for evaluation. You will have a minimum of fifteen (15) days in which to
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1 review the assessment plan and to provide consent to the school district to conduct the written assessment. The
2 proposed assessment plan will be provided to you in your native language or other mode of communication used,
3 unless to do so is clearly not feasible, and will include the following: the types of assessments to be conducted,
4 notification that no education program will be developed from the assessment without your consent, description of
5 any recent assessments conducted, including any available independent assessments and any assessment
6 information you want considered, and information indicating your child's primary language and your child's proficiency
7 in his/her primary language. You may request assessment in additional areas of suspected disability. Thereafter, the
8 school district has sixty (60) days after receipt of your written consent to complete the assessment and to develop an
9 IEP to determine the educational needs of your child. However, this timeline is extended by periods of school holiday
10 or vacation, if you refuse to make your child available for assessment, or if your child transfers to another school
11 district and you and the receiving school district agree to a specific time when the assessment will be completed.

12 The IDEA states that in conducting the evaluation the school district will:

- 13 1. Use a variety of assessment tools and strategies to gather relevant functional, developmental and
14 academic information, including information provided by the parent, that may assist in determining
15 whether the child is a child with a disability and the content of the child's IEP, including information
16 related to enabling the child to be involved in and progress in the general curriculum or, for
17 preschool children, to participate in appropriate activities;
- 18 2. Not use any single procedure as the sole criterion for determining whether a child is a child with a
19 disability or determining an appropriate educational program for the child; and
- 20 3. Use technically sound instruments that may assess the relative contribution
21 of cognitive and behavioral factors, in addition to physical or developmental factors.

22 The school district will also make sure that tests and other evaluation materials used to assess your child
23 are selected and administered so as not to be racially, culturally or sexually discriminatory and are provided and
24 administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so.
25 Any standardized tests that are given to the child will have been validated for the specific purpose for which they are
26 used, administered by trained and knowledgeable personnel, and administered in accordance with any instructions
27 provided by the producer of such tests. Your child will be assessed in all areas of suspected disability and the school
28 district will use assessment tools and strategies that provide relevant information that will directly assist the school
29 district in determining the educational needs of your child. Upon completion of the administration of evaluation
30 materials, the determination of whether the child is a child with a disability will be made by you and qualified
31 professionals comprising the IEP team. A copy of the evaluation report and documentation of the determination of
eligibility will be given to you.

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1 In making a determination of eligibility, your child will not be determined to be a child with a disability due to
2 a lack of instruction in reading or math or as a result of limited English proficiency.

3 As part of an initial evaluation (if appropriate) and as part of any reevaluation under this section, the IEP
4 Team and other qualified professionals, as appropriate, will:

- 5 1. Review existing evaluation data on the child, including evaluations and information provided by
6 you, current classroom-based assessments and observations, and teacher observation; and
- 7 2. On the basis of that review, and input from you, identify what additional data, if any, are needed to
8 determine:
 - 9 a. Whether the child has a particular disability, or, in case of reevaluation of a child, whether
10 the child continues to have such a disability and such educational needs;
 - 11 b. The present levels of performance and related developmental needs of the child;
 - 12 c. Whether the child needs special education and related services, or in the case of a
13 reevaluation of a child, whether the child continues to need special education and related
14 services; and
 - 15 d. Whether any additions or modifications to the special education and related services are
16 needed to enable the child to meet the measurable annual goals set out in the IEP of the
17 child and to participate, as appropriate, in the general curriculum.

18 Generally, a reevaluation is required every three (3) years. However, if the IEP Team determines that no
19 additional data is needed to determine whether your child continues to be a child with a disability and to determine
20 the child's educational needs the school district will notify you as to the reasons the school district believes a
21 reevaluation is not necessary. After receiving this notice, you may request a reevaluation of your child. If the school
22 district does not receive a reevaluation request from you, the school district will not conduct a reevaluation of your
23 child.

24 Before determining that your child is no longer a child with a disability, the school district must conduct an
25 assessment in accordance with the procedures discussed above.

26 (20 U.S.C. sections 1414, 1415; 34 C.F.R. sections 300.301 – 300.306; Education Code sections 56320, 56321,
27 56329, and 56381; 5 CCR section 3022.)

28 **INDEPENDENT EDUCATIONAL EVALUATION**

29 After the school district has completed its evaluation, if you disagree with the school district's evaluation of
30 your child and notify the school district of your disagreement, you have the right to request an independent
31 educational evaluation at school district expense. Upon your request for an independent educational evaluation, the

1 school district will provide you with information about where to obtain an independent educational evaluation and the
2 district's criteria applicable for independent educational evaluations. A parent is entitled to only one (1) independent
3 educational evaluation at public expense each time the district conducts an evaluation with which the parent
4 disagrees. However, if the school district disagrees that an independent educational evaluation is necessary, the
5 school district must request a hearing before a due process hearing officer to dispute your request for an independent
6 educational evaluation and to show that the school district's assessment is appropriate. If the school district prevails,
7 you still have the right to an independent evaluation but not at public expense. If you choose to obtain an
8 independent educational evaluation at your own expense, the results of the assessment must be considered by the
9 district. The independent educational evaluation must comply with all of the requirements that apply to school district
10 evaluations.

11 If the school district observes your child in his or her classroom during an assessment, or if the school
12 district procedures provide for in-class observations, an equivalent opportunity must be provided for any independent
13 educational evaluation in the current and any proposed educational placement.

14 If you unilaterally place your child in a nonpublic school and you propose the placement in the nonpublic
15 school to be publicly financed, the school district must be given the opportunity to first observe the proposed
16 placement and your child in the proposed placement.

17 (20 U.S.C. section 1415(b)(1); 34 C.F.R. section 300.502; Education Code section 56329.)

18 19 **IEP MEETINGS**

20 As the parent of a special education student, you have the right to be a part of the IEP Team and participate
21 in any meeting regarding the identification, assessment and educational placement of your child. The term IEP or
22 Individualized Education Program means a written document for each child with a disability that is developed,
23 reviewed and revised in accordance with federal and state law. The IEP includes the child's present levels of
24 academic achievement and functional performance and must consider your concerns as a parent for improving the
25 education of your child. As a parent, you have the right to be a member of any group that makes decisions with
26 respect to the educational placement of your child. You also have the right to bring individuals who have knowledge
27 or special expertise regarding your child to an IEP meeting. The school district will provide you with a copy of the IEP
28 in your primary language upon request. If you are a parent of a child age three through five years, the individualized
29 family service plan (IFSP) may serve as the IEP if agreed to by the parent and the school district.

30 Federal and state law requires that the first IEP to be in effect beginning at age sixteen include a statement
31 of the transition service needs of the child and that the IEP be updated annually thereafter. Beginning at age sixteen
or younger, if determined appropriate by the IEP Team, appropriate measurable postsecondary goals related
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1 training, education, employment, and where appropriate, independent living skills, a statement of needed transition
2 services for the child, including, when appropriate, a statement of the interagency responsibilities or linkages between
3 the agencies is required. Beginning at least one year before the child reaches age eighteen (18), a statement must
4 be included in the IEP that the child has been informed of his or her rights that will transfer to the child on reaching
5 the age of majority. Under California law, when a child turns age eighteen (18), he or she is considered an adult and
6 unless the parent obtains a conservatorship or guardianship over the child through court proceedings, the child may
7 make decisions regarding his or her education.

8 In developing an IEP for your child, the IEP Team must include positive behavioral intervention strategies
9 and supports in cases where the child's behavior prevents the child from learning and consider, when appropriate,
10 strategies, including positive behavioral intervention strategies and supports to address the child's behavior. The
11 regular education teacher of your child, as a member of the IEP Team, must to the extent appropriate, participate in
12 the development of the IEP of your child, including the determination of appropriate, positive behavioral intervention
13 strategies and the determination of supplementary agency services, program modifications and support for the school
14 personnel.

15 The IEP will be reviewed by the IEP Team at least annually in order to determine whether the annual goals
16 for your child are being achieved and revise the IEP as appropriate to: (1) address any lack of anticipated progress
17 toward the annual goals and in the general curriculum, where appropriate, (2) to address the results of any
18 reevaluation conducted, (3) to address information about your child provided by you, and 4) to address your child's
19 anticipated needs, if necessary. Your child will also receive report cards in the same manner as regular education
20 students. You and the school district may agree in writing that the attendance of an IEP Team member is not
21 necessary because the member's area of curriculum or related service is not being modified or discussed at the
22 meeting. In addition, if you and the school district agree in writing to excuse a member of the IEP team from the IEP
23 Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area or
24 the curriculum or related service, the member must submit in writing to you and the IEP Team, input into the
25 development of the IEP prior to the meeting. Under state law, you have the right to electronically record IEP
26 meetings by audio tape if you give 24 hours notice to other members of the IEP Team. After the annual IEP meeting
27 for a school year, you and the school district may agree in writing not to convene an IEP meeting to make changes to
28 the annual IEP, and instead may develop a written document to amend or modify the current IEP.

29 (20 U.S.C. section 1414(d); 34 C.F.R. sections 300.320-300.324; Education Code sections 56032, 56304, 56341,
30 56341.1, 56341.5, 56342.5 and 56345; 5 CCR section 3040.)

1 **PLACEMENT (“STAY-PUT”) DURING THE PENDENCY OF**
2 **DUE PROCESS PROCEDURES**

3 As a parent of a child with disabilities, should you get involved in a disagreement with the school district over
4 the identification, evaluation or placement of your child and you file a request for a due process hearing, your child
5 will remain (“stay-put”) in the current educational placement during the pendency of the proceedings. Unless you and
6 the school district agree to a change in placement, or the school district obtains a court order or an order from a
7 hearing officer, your child will remain in his or her current educational placement during the pendency of the
8 proceedings. For initial admission to school, your child will be placed in a public school program, with parental
9 consent, until the proceedings have been completed. There are exceptions to this general rule which allow the
10 school district to place your child in an alternative educational setting for a limited period of time. These exceptions
11 will be discussed in the next section on interim alternative educational settings.

12 (20 U.S.C. section 1415(j); 34 C.F.R. section 300.518; Education Code section 56505(d).)

13
14 **INTERIM ALTERNATIVE EDUCATIONAL SETTINGS**

15 **DISCIPLINE PROCEDURES**

16 School personnel may change the placement of your child if he or she violates a code of student conduct to
17 (1) an appropriate interim alternative educational setting; (2) another educational setting, or (3) suspend your child for
18 not more than ten (10) consecutive school days (to the extent such alternatives would be applied to children without
19 disabilities) and for additional removals of not more than ten (10) consecutive school days in that same school year
20 for separate incidents of misconduct. If school personnel seek a change in placement that exceeds more than ten
21 (10) school days in the same school year, school personnel must determine if the behavior that gave rise to the
22 violation of the code of student conduct is a manifestation of your child’s disability. If a determination is made that the
23 behavior is not a manifestation of your child’s disability, school personnel may discipline your child under the same
24 procedures applicable to children without disabilities.

25 In order to determine if the behavior that gave rise to the violation of the code of student conduct is a
26 manifestation of your child’s disability, the school district, you and relevant members of the IEP Team must review all
27 relevant information in your child’s file, including the IEP, any teacher observations, and any relevant information
28 provided by you to determine if the conduct in question was caused by, or had a direct and substantial relationship to
29 your child’s disability. This meeting must take place within ten (10) school days of any decision to take disciplinary
30 action. If the IEP Team determines that the conduct is a manifestation of your child’s disability, the IEP Team must
31 either conduct a functional behavioral assessment, and implement a behavioral intervention plan for your child, or
review and modify as necessary the existing behavioral intervention plan.

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1 School personnel may also place your child in an interim alternative educational setting for up to forty-five
2 (45) school days without regard to whether the behavior is determined to be a manifestation of your child's disability,
3 in cases where: (1) your child carries or possesses a weapon to or at school, on school premises, or to or at a school
4 function or activity; (2) your child knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled
5 substance while at school, on school premises, or a school function or activity; or (3) your child inflicts serious bodily
6 injury upon another person while at school, on school premises, or at a school function or activity. The IEP team
7 determines the interim alternative education setting for services.

8 After a child with a disability has been removed from his or her current placement for ten (10) school days in
9 the same school year, during any subsequent days of removal the school district must provide services to enable the
10 child to continue to participate in the general education curriculum, although in another setting, and to progress
11 toward meeting the IEP goals. If appropriate, the child may receive a functional behavioral assessment and behavior
12 intervention services and modifications designed to address the behavior violation so that it does not recur.

13 No later than the date on which the decision to take disciplinary action against your child is made, the school
14 district must notify you of that decision and notify you of your procedural safeguards. If you disagree with any
15 decision regarding placement, or the manifestation determination of your child, you may request an expedited due
16 process hearing which must occur within twenty (20) school days of the date of the hearing request. During the
17 pendency of the due process hearing, your child will remain in the interim alternative education setting pending the
18 decision of the hearing officer or for forty-five (45) school days, whichever occurs first, unless you and the school
19 district agree otherwise. If the school district believes it is dangerous for your child or others for your child to return to
20 the current educational placement, the school district may request an expedited hearing.

21 A hearing officer may order a change in the placement of your child to an appropriate interim alternative
22 educational setting for not more than forty-five (45) days, if the hearing officer determines that maintaining your child
23 in his or her current placement is substantially likely to result in injury to your child or to others.

24 (20 U.S.C. section 1415(k); 34 C.F.R section 300.530; Education Code section 48915.5.)

25 CHILDREN WITH DISABILITIES

26 ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOLS

27 A school district's obligation to children with disabilities enrolled in private schools is limited. Under the IDEA
28 *"no parentally-placed private school child with a disability has an individual right to receive some or all of the special*
29 *education and related services that the child would receive if enrolled in a public school."* School districts must
30 locate, identify and assess all private school children with disabilities, including religiously affiliated school age
31 children, who have disabilities and are in need of special education and related services, referred to as "child find".

1 The school district in which the private school is located, also referred to as the "District of Location" is responsible for
2 conducting child find activities for children enrolled by their parents in private schools. If the District of Location is not
3 the same school district in which the parents of the private school student reside, then the District of Location may
4 contract with the school district of residence to assess the child.

5 Children with disabilities enrolled in private school may receive equitable special education services as
6 determined through consultation with private schools and parents. In order to receive such equitable services, a
7 "Service Plan" must be developed for the private school student and consented to by the parents. The school district
8 in which the private school is located, the District of Location, is responsible for developing and implementing the
9 Service Plan.

10 A parent of a child enrolled by that parent in a private school has the right to file a due process complaint
11 only regarding the school district's child find activities. A due process complaint must be filed with the school district
12 in which the private school is located, the District of Location, and the California Department of Education (CDE).
13 However, because there is no individual right to services for children enrolled by their parents in private school, any
14 complaints regarding a Service Plan can only be filed in accordance with the CDE's compliance complaint
15 procedures.

16 (20 U.S.C. section 1412(a)(10)(A); 34 C.F.R. section 300.130–300.144; Education Code sections 56170–56177.)

17 18 **UNILATERAL PLACEMENT BY PARENTS IN PRIVATE SCHOOL**

19 If you decide to unilaterally enroll your child in a private school after the school district made a free
20 appropriate public education available to your child, the school district is not required to pay for the cost of your child's
21 education. In order to obtain reimbursement for the cost of the private school from the school district, including
22 special education and related services, you must first attempt to obtain the consent of the school district, and
23 establish that the school district does not have an appropriate program for your child. Reimbursement may be denied
24 or reduced if: 1) at the most recent IEP meeting that you attended prior to removal of your child from the public
25 school, you did not inform the IEP Team that you were rejecting the placement proposed by the school district to
26 provide a free appropriate public education to your child, including a statement of your concerns and your intent to
27 enroll your child in a private school at public expense; or 2) at least 10 business days prior to the removal of your
28 child from the public school, you did not give written notice to the school district of your concerns regarding the
29 school district's proposed placement and your intent to enroll your child in a private school at public expense.

30 If the school district notifies you prior to the removal of your child from the public school that the school
31 district wishes to evaluate your child and indicates the purpose of the evaluation, you should make your child
available for the evaluation. If you have not complied with these requirements, a court or hearing officer may find that
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1 you acted unreasonably in unilaterally removing your child from the public school and in placing your child in a private
2 school. The court or hearing officer may deny you reimbursement unless you can show one or more of the following:
3 1) you are illiterate and cannot write in English, or 2) the school district's placement would result in physical or serious
4 emotional harm to your child.
5 (20 U.S.C. section 1412(a)(10)(C); 34 C.F.R. section 300.148; Education Code sections 56175-56177.)

6 7 **OPPORTUNITY TO PRESENT AND RESOLVE COMPLAINTS**

8 **A. STATE COMPLAINT PROCEDURES**

9 The IDEA grants parents an opportunity to present and resolve complaints with respect to any matter
10 relating to the identification, evaluation or educational placement of your child or the provision of a free appropriate
11 public education to your child. Written complaints may be filed with the school district or the state or federal agencies
12 at the addresses listed below. Compliance complaints must allege a violation that occurred not more than one (1)
13 year prior to the date the complaint is received. A copy of the written complaint must also be provided to the school
14 district serving the child at the same time it is filed with the state agency. The school district, state or federal agency
15 has sixty (60) days from the date of receipt of the complaint to render a decision in the matter. For complaints filed
16 with the school district, within fifteen (15) days of receiving the school district's decision, you may appeal the school
17 district's decision to the California Department of Education (CDE). Complaints may also be filed directly with the
18 CDE.

19 You may also avail yourself of the compliance complaint process to report an instance of discrimination,
20 harassment, intimidation or bullying. A complaint must be filed with the school district no later than six months from
21 the date the incident occurred, or the date you first obtained knowledge that the incident occurred. The timelines for
22 conducting and completing an investigation of the complaint and rendering a decision are listed in the previous
23 paragraph.

24 25 **Saddleback Valley Unified School District**

26 Attn: Director of Special Education

27 25631 Peter A. Hartman Way

28 Mission Viejo, CA 92691

29 Phone: (949) 580-3218

30 Fax: (949) 454-1711

1 **Laguna Beach Unified School District**

2 Attn: Director of Special Education

3 550 Blumont Street

4 Laguna Beach, CA 92651

5 Phone: (949) 497-7700 x5208

6 Fax: (949) 497-3199

7
8 **California Department of Education**

9 Special Education Division

10 Procedural Safeguards Referral Service

11 1430 N Street, Suite 2401

12 Sacramento, California 95814

13 Phone: 1-800-926-0648

14 Fax: (916) 327-3704

15 <http://www.cde.ca.gov/re/cp/uc/index.asp>

16
17 **United States Department of Education**

18 Office for Civil Rights

19 50 Beale Street, Suite 7200

20 San Francisco, CA 94105

21 Phone: (415) 486-5555

22 Fax: (415) 486-5570

23 TDD: (800) 877-8339

24 <http://www2.ed.gov/about/offices/list/ocr/index.html>

25
26 The school district encourages you to file your complaint with the school district. We will meet with you and
27 investigate your complaint in a timely manner and attempt to resolve any concerns. The school district has
28 established confidential procedures for the filing of complaints. A complaint form is available from the school district.
29 (20 U.S.C. Section 1415(b)(6); 34 C.F.R. section 300.153; Education Code section 56500.2; 5 CCR section 4600.)

1 **B. MEDIATION AND DUE PROCESS HEARING PROCEDURES**

2 The IDEA requires states to establish procedures for mediation and impartial due process hearings
3 regarding the identification, assessment, and educational placement of your child or the provision of a FAPE. You or
4 the school district may file a request for mediation-only or a due process hearing complaint.

5 Your request for mediation-only or a due process hearing must include the name and address of the child,
6 date of birth, grade level and name of the school the child is attending, parent information, parties to the mediation, a
7 description of the nature of the problem, including facts relating to such problem, and a proposed resolution of the
8 problem. The CDE has developed model forms to assist you in filing a request for mediation-only or a due process
9 hearing. You may access these model forms at:

10 <http://www.dgs.ca.gov/oah/home/forms.aspx>

11
12 You must serve the mediation-only or due process hearing complaint on the school district and file a copy
13 with the Office of Administrative Hearings at the address listed below:

14
15 **Office of Administrative Hearings**

16 Attn: Special Education Division

17 2349 Gateway Oaks Drive, Suite 200

18 Sacramento, CA 95833-4231

19 Phone: (916) 263-0880

20 Fax: (916) 376-6319

21 SEFilings@dgs.ca.gov

22
23 In California, mediation is voluntary. You may request a due process hearing or mediation-only. Mediation-
24 only means you are asking for mediation without asking for a due process hearing. Mediation is an informal
25 proceeding conducted in a nonadversarial manner. If you request mediation-only you and the school district will
26 receive a notice that mediation has been scheduled, and the notice will contain the time, date and location of the
27 mediation as well as the name, address, and phone number of a knowledgeable and impartial mediator assigned to
28 the case. The mediation must be scheduled within 15 days of the Office of Administrative Hearing's receipt of the
29 request. Attorneys cannot attend mediation-only. However, you or the school district may be accompanied and
30 advised by non-attorney representatives. Statements made by you and the school district during mediation are
31 confidential and may not be used in a due process hearing or court action. Any agreement reached during mediation
must be in writing and signed by all parties. You may also ask the school district to resolve disputes
through SOC 24

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1 alternative dispute resolution (ADR), which is also less adversarial than a due process hearing. ADR and mediation
2 are voluntary methods of resolving a dispute. If the dispute is not resolved during mediation or through ADR, you
3 may proceed to a due process hearing. Mediation or ADR are not prerequisites to requesting a due process hearing.

4 A due process hearing is a formal proceeding where you and the school district are given the opportunity to
5 present witnesses, documentary evidence, and oral and written argument in support of your respective positions on
6 disputed special education issues. You may request a mediation conference at any point during the due process
7 hearing. A request for a due process hearing must be filed within (2) years from the date you or the school district
8 knew or should have known about the alleged action that forms the basis of the due process hearing complaint.
9 Upon receiving a request for a due process hearing, you and the school district will receive a notice from the Office of
10 Administrative Hearings with the time, date and location of the due process hearing. If your primary language is other
11 than English, or other mode of communication, an interpreter will be provided for you at the hearing.

12 Prior to the opportunity for an impartial due process hearing, within fifteen (15) days of receiving your due
13 process hearing complaint, the school district is required to convene a mandatory resolution meeting with you and the
14 relevant members of the IEP Team who have specific knowledge of the facts raised in your complaint, where you can
15 discuss your complaint and the facts that form the basis of your complaint, and the school district is provided the
16 opportunity to resolve the complaint. The resolution meeting must include a representative from the school district
17 who has decision making authority on behalf of the school district, but may not include an attorney for the school
18 district unless the parent is also accompanied by an attorney. Attorneys' fees may not be awarded relating to a
19 resolution meeting. Unless the school district agrees, you may not waive the mandatory resolution meeting. If
20 resolution is reached to resolve the complaint at the mandatory resolution meeting, the parties must sign a legally
21 binding agreement. If the school district has not resolved the complaint to your satisfaction within thirty (30) days of
22 the receipt of the complaint, the due process hearing may move forward and all applicable timelines for a due
23 process hearing shall commence.

24 The due process hearing is limited to those issues raised in your due process hearing complaint. An
25 impartial hearing officer presides over the due process hearing. You have the right to be accompanied and advised
26 by an attorney and by individuals with special knowledge or training related to the problems of children with
27 exceptional needs; the right to present evidence, written and oral arguments; the right to confront, cross-examine and
28 compel attendance of witnesses; the right to a written or electronic verbatim record of the hearing; and the right to
29 written findings of fact and decision.

30 At least ten (10) days prior to the hearing you and the school district must inform each other of the issues to
31 be decided at the hearing and the proposed resolution of those issues as well as whether the parties will be
represented by an attorney at the hearing. At least five (5) business days prior to the hearing you and the school

1 district must disclose all your witnesses and evidence you intend to introduce at the hearing including evaluations
2 completed to the other party, or the witnesses, evidence or evaluations cannot be introduced as evidence at the
3 hearing.

4 In general, a hearing officer's decision should be made on substantive grounds based on a determination of
5 whether your child received FAPE. The hearing officer must reach a final decision and mail a copy of the written
6 decision to you and the school district within forty-five (45) days of the receipt of the request for a hearing by the
7 Office of Administrative Hearings or State Superintendent of Public Instruction, unless a continuance has been
8 granted for good cause. The decision made in a due process hearing is final, except that any party involved in the
9 hearing may appeal the decision by filing a civil action with respect to the findings and decision in the due process
10 complaint.

11 (20 U.S.C. sections 1415(b)(7)(a)–1415(j); 34 C.F.R. sections 300.506–300.518; Education Code sections 56500.3,
12 56502–56507; 5 CCR section 3082.)

13 14 **CIVIL ACTIONS**

15 Either you or the school district may appeal the hearing officer's decision by filing a civil action. This appeal
16 must be made within ninety (90) days after the date of the decision of the hearing officer. In a civil action, the records
17 and transcription of the administrative proceedings shall be filed with the court. The court may hear additional
18 evidence at the request of either party and must base its decision on the preponderance of the evidence. The action
19 may be filed in the United States District Court or in Orange County Superior Court.

20 (20 U.S.C. section 1415(i); 34 C.F.R. sections 300.514, 300.516; Education Code section 56505(k).)

21 22 **ATTORNEYS' FEES**

23 The United States District Court or the Orange County Superior Court has the authority to award you
24 reasonable attorneys' fees if you are the prevailing party in a due process hearing or civil action; or to award the
25 school district reasonable attorneys' fees if your attorney files a complaint or subsequent cause of action that is
26 frivolous, unreasonable, or without foundation, or the complaint or subsequent action was filed to harass, cause
27 unnecessary delay, or to needlessly increase the cost of litigation. The fees awarded are based on rates prevailing in
28 the community in which the action or proceeding arose. No attorneys' fees may be awarded to you following a
29 written offer of settlement from the school district made at least ten (10) days prior to hearing, if the court or hearing
30 officer finds that the relief you ultimately obtained is not more favorable than the written offer of settlement. However,
31 attorneys' fees will not be reduced if you were substantially justified in rejecting the settlement offer, or the school
district unreasonably prolonged the proceedings.

1 You may not be awarded attorneys' fees and related costs if you unreasonably prolonged the final resolution
2 of the controversy or the amount of the fees requested is unreasonable. In addition, attorneys' fees or related costs
3 may not be awarded for attorney time spent attending resolution meetings or IEP Team meetings, unless the IEP
4 team meeting is convened as a result of an administrative proceeding or judicial action.
5 (20 U.S.C. section 1415(i)(3); 34 C.F.R. section 300.517; Education Code section 56507(b).)

6
7 **STATE SPECIAL SCHOOLS**

8 The State Special Schools operated by CDE provide services to students who are deaf, hard of hearing,
9 blind, visually impaired, or deaf-blind at each of its three facilities: the California Schools for the Deaf in Fremont and
10 Riverside and at the California School for the Blind in Fremont. Residential and day school programs are offered to
11 students from infancy to age 21 at both State Schools for the Deaf and from ages five through 21 at the California
12 School for the Blind. The State Special Schools also offer assessment services and technical assistance. For more
13 information about the State Special Schools, please visit the California Department of Education Web site at
14 <http://www.cde.ca.gov/sp/ss/> or ask for more information from the members of your child's IEP team.
15 (Education Code section 56321.6.)